

# Battery IC 35-42-2-1

<i>Old subsection IC-35-42-2-1</i>	<i>New subsection IC 35-42-2-1</i>	<i>Old Penalty</i>	<i>New Penalty</i>	<i>Old subsection IC 35-42-2-6</i>	<i>New subsection IC 35-42-2-1</i>	<i>Old Penalty</i>	<i>New Penalty</i>
<b>Basic Crime</b> <i>(a) k/l touch</i>	<i>(b)(1)</i>	<i>B Misdemeanor</i>	<i>B Misdemeanor</i>	<b>Basic Crime</b> <i>(f) place fluid on anyone</i>	<i>(b)(2)</i>	<i>A Misdemeanor</i>	<i>B Misdemeanor</i>
<i>(a) (1) (A) Bodily Injury to anyone</i>	<i>(c)</i>	<i>A Misdemeanor</i>	<i>A Misdemeanor</i>	****	<i>(c)</i>	****	<i>A Misdemeanor</i>
****	<i>(d)(1) Moderate Bodily Injury</i>	****	<i>Level 6 Felony</i>	****	<i>(d)(1)</i>	****	<i>Level 6 Felony</i>
<i>(a)(1)(B) Law Enforcement</i>	<i>(d)(2)</i>	<i>A Misdemeanor</i>	<i>Level 6 Felony</i>	<i>(e) place fluid on law enforcement</i>	<i>(d)(2)</i>	<i>D Felony</i>	<i>Level 6 Felony</i>
<i>(a)(1)(C) Employee penal or juvenile facility</i>	<i>(d)(2)</i>	<i>A Misdemeanor</i>	<i>Level 6 Felony</i>	<i>(e) Place fluid on a county jail employee</i>	<i>(d)(2)</i>	<i>D Felony</i>	<i>Level 6 Felony</i>
<i>(a)(1)(D) Firefighter</i>	<i>(d)(2)</i>	<i>A Misdemeanor</i>	<i>Level 6 Felony</i>	<i>(e) place fluid on firefighter</i>	<i>(d)(2)</i>	<i>D Felony</i>	<i>Level 6 Felony</i>
****	<i>(d)(2) (judicial officer)</i>	*****	<i>Level 6</i>	<i>(e) Place fluid on a court employee</i>	<i>(d)(2) (judicial officer)</i>	<i>D Felony</i>	****
<i>(a)(1)(E) Community policing volunteer</i>	****	<i>A Misdemeanor</i>	****				
<i>(a)(1)(F) State Chemist</i>	****	<i>A Misdemeanor</i>	****				
*****	<i>(d)(2) DOC employee (No BI required)</i>	****	<i>Level 6 Felony</i>	<i>(e) Place fluid on DOC employee</i>	<i>(d)(2)</i>	<i>D Felony</i>	<i>Level 6 Felony</i>
****	<i>(d)(2) Probation Officer (No BI required)</i>	****	<i>Level 6 Felony</i>	<i>(e) Place fluid on Probation Department employee</i>	<i>(d)(2)</i>	<i>D Felony</i>	<i>Level 6 Felony</i>

****	(d)(2) Parole Officer (No BI required)	****	Level 6 Felony	****	(d)(2) Place fluid on Parole Officer	****	Level 6 Felony
****	(d)(2) Community Corrections Officer (No BI required)	****	Level 6 Felony	****	(d)(2) Place fluid on Community Corrections Officer	****	Level 6 Felony
****	(d)(2) Home Detention (No BI required)	****	Level 6 Felony	****	(d)(2) Place fluid Home Detention	****	Level 6 Felony
****	(d)(2) DCS employee (No BI required)	****	Level 6 Felony	(e) place fluid on DCS employee	(d)(2)	D Felony	Level 6 Felony
****	(d)(2) Emergency Medical Provider (No BI required)	****	Level 6 Felony	(e) place fluid on Emergency medical responder	(d)(2)	D Felony	Level 6 Felony
****	(d)(3) Child under 14 (No BI required)	****	Level 6 Felony	****	(d)(3)	****	Level 6 Felony
****	(d)(4) Disabled committed by caregiver (No BI required)	****	Level 6 Felony	****	(d)(4)	****	Level 6 Felony
****	(d)(5) Endangered Adult (No BI required)	****	Level 6 Felony	****	(d)(5)	****	Level 6 Felony

****	(d)(6) Household member with child present (No BI required)	****	Level 6 Felony	****	(d)(6)	****	Level 6 Felony
				(f)(1) place fluid on anyone k/r fluid infected	(e)	D Felony	Level 6 Felony
				(e)(1)place fluid on LEA/ DCS/ firefighter/ Emerg.Med/ DOC k/r fluid infected	(g) (public safety official)	C Felony	Level 5 Felony
(a)(2)(A) Bodily Injury Law Enforcement	(f)(5)(A)	Class D Felony	Level 5 Felony	****	(f)(5)(A)	****	Level 5 Felony
(a)(2)(B) Bodily Injury Child under 14	(f)(5)(B)	Class D Felony	Level 5 Felony	****	(f)(5)(B)	****	Level 5 Felony
(a)(2)(C) Bodily Injury Disabled committed by caretaker	(f)(5)(C)	Class D Felony	Level 5 Felony	****	(f)(5)(C)	****	Level 5 Felony
(a)(2)(D) Bodily Injury Prior conviction same victim	****	Class D Felony	*****	****	****	****	****
****	(f)(4) Prior conviction same victim (No BI required)	****	Level 5 Felony	****	(f)(4)	****	Level 5 Felony

(a)(2)(E) Bodily Injury  Endangered Adult	(f)(5)(D)	Class D Felony	Level 5 Felony	****	(f)(5)(D)	****	Level 5 Felony
(a)(2)(F) Bodily Injury  DOC employee	(f)(5)(A)	Class D Felony	Level 5 Felony	****	(f)(5)(A)	****	Level 5 Felony
(a)(2)(G) Bodily Injury  School employee	****	Class D Felony	****				
(a)(2)(H) Bodily Injury  Correction employee	(f)(5)(A)	Class D Felony	Level 5 Felony	****	(f)(5)(A)	****	Level 5 Felony
(a)(2)(I) Bodily Injury  Health Care Provider	****	Class D Felony	****				
(a)(2)(J) Bodily Injury  Penal/juvenil e facility employee	(f)(5)(A)	Class D Felony	Level 5 Felony	****	(f)(5)(A)	****	Level 5 Felony
(a)(2)(K) Bodily Injury  Firefighter	(f)(5)(A)	Class D Felony	Level 5 Felony	****	(f)(5)(A)	****	Level 5 Felony
(a)(2)(L) Bodily Injury  Community policing volunteer	****	Class D Felony	****				

(a)(2)(M) Bodily Injury  Household member w/ child present	****	Class D Felony	****				
(a)(2)(N) Bodily Injury  DCS employee	(f)(5)(A)	Class D Felony	Level 5 Felony	****	(f)(5)(A)	****	Level 5 Felony
****	(f)(5)(A) Bodily injury Emergency Medical	****	Level 5 Felony				
(a)(3)  SBI or D/W	(f)(1) or (f)(2)	C Felony	Level 5 Felony	(e)(2) place fluid on LEA/ DCS/ firefighter/ Emerg.Med/ DOC k/r fluid infected and transmission Hep or TB	(f)(1) (general SBI)	B Felony	Level 5 Felony
				(f)(2) place fluid on anyone k/r infected and transmission Hep or TB	(f)(1) (general SBI)	C Felony	Level 5 Felony
				(e)(3) place fluid on LEA/ DCS/ firefighter/ Emerg.Med/ DOC k/r fluid infected and transmission HIV	(f)(1) (general SBI)	A Felony	Level 5 Felony
				(f)(3) place fluid on anyone k/r infected and transmission HIV	(f)(1) (general SBI)	B Felony	Level 5 Felony

<i>(a)(4)</i> <i>SBI to child</i>	<i>(i)</i>	<i>Class B Felony</i>	<i>Level 3 Felony</i>	<i>****</i>	<i>(i)</i>	<i>****</i>	<i>Level 3 Felony</i>
<i>(a)(5)</i> <i>Death Child</i>	<i>(j)(1)</i>	<i>Class A Felony</i>	<i>Level 2 Felony</i>	<i>****</i>	<i>(j)(1)</i>	<i>****</i>	<i>Level 2 Felony</i>
<i>(a)(6)</i> <i>SBI to endangered adult</i>	<i>(h)</i>	<i>Class C Felony</i>	<i>Level 4 Felony</i>	<i>****</i>	<i>(h)</i>	<i>****</i>	<i>Level 4 Felony</i>
<i>(a)(7)</i> <i>Death of Endangered Adult</i>	<i>(j)(2)</i>	<i>Class B Felony</i>	<i>Level 2 Felony</i>	<i>****</i>	<i>(j)(2)</i>	<i>****</i>	<i>Level 2 Felony</i>
<i>(a)(8)</i> <i>BI to pregnant Woman</i>	<i>(f)(3)</i>	<i>Class C Felony</i>	<i>Level 5 Felony</i>	<i>****</i>	<i>(f)(3)</i>	<i>****</i>	<i>Level 5 Felony</i>

Prepared by IPAC 6/5/14

### Key

K/I = knowingly or intentionally

k/r= knew or recklessly failed to know

BI= Bodily Injury

SBI= Serious bodily injury

D/W= Deadly Weapon

Touch= rude, insolent or angry touch

Place = in a rude, insolent or angry manner places fluid

Fluid= blood, another bodily fluid or waste OR bodily fluid or fecal matter

\*\*\*\* = Not specifically included in the statute

### **35-42-2-1. Battery** “public safety official” means:

- (1) a law enforcement officer, including an alcoholic beverage enforcement officer;
- (2) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71);
- (3) an employee of the department of correction;
- (4) a probation officer;
- (5) a parole officer;
- (6) a community corrections worker;
- (7) a home detention officer;
- (8) a department of child services employee;
- (9) a firefighter;
- (10) an emergency medical services provider; or
- (11) a judicial officer.