

January 30, 1998

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## HOUSE BILL No. 1126

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DIGEST OF HB 1126 (Updated January 29, 1998 1:44 pm - DI 51)

**Citations Affected:** IC 16-41; IC 35-42.

**Synopsis:** Duty to notify of communicable disease. Makes it a Class D felony instead of a Class B misdemeanor for a person who knows of the person's status as a carrier of a dangerous communicable disease to fail to warn another person who is at risk of contracting the disease from the carrier of the following: (1) The carrier's disease status. (2) The need to seek health care such as counseling and testing. Provides that a prosecution for failing to comply with the statutes relating to the duty or authority to warn or notify regarding a person's status as a carrier of a dangerous communicable disease is recommended under certain statutorily enumerated circumstances. Recommends counseling for a carrier of a dangerous communicable disease who is confined to the department of correction as the result of being sentenced for an offense relating to the failure to warn of the carrier's communicable disease.

**Effective:** July 1, 1998.

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**Avery, Dvorak, Becker, Ayres**

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January 8, 1998, read first time and referred to Committee on Courts and Criminal Code.  
January 29, 1998, amended, reported — Do Pass.

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HB 1126—LS 7004/DI 76



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January 30, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## HOUSE BILL No. 1126

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A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 16-41-7-4.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 1998]: **Sec. 4.5. (a) A prosecuting attorney may pursue a  
4 prosecution for a violation of this chapter if any of the following  
5 apply:**  
6 **(1) A carrier has been ordered by a health directive or court  
7 order to seek certain mental health interventions and the  
8 carrier refuses to comply with any part of the health directive  
9 or court order.**  
10 **(2) A carrier continues to engage in noncompliant behavior  
11 and a mental health professional determines that the carrier  
12 does not have a treatable mental health diagnosis that will  
13 allow for the carrier's detainment in the mental health system.**  
14 **(3) A mental health professional determines that a carrier:**  
15 **(A) will not respond to mental health treatment; and**  
16 **(B) is likely to continue engaging in noncompliant  
17 behavior.**

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1           **(b) It is recommended that a carrier described in subsection (a)**  
2 **who is sentenced for a violation of this chapter receive counseling**  
3 **while confined by the department of correction.**  
4           SECTION 2. IC 16-41-7-5 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. ~~(a) Except as~~  
6 ~~otherwise provided, a person who recklessly violates or fails to comply~~  
7 ~~with this chapter commits a Class B misdemeanor.~~  
8           **(b) Each day a violation continues constitutes a separate offense. A**  
9 **person who violates this chapter is subject to IC 35-42-1-9 and any**  
10 **other criminal penalty in which the elements of the offense include**  
11 **an action or omission prohibited by this chapter.**  
12           SECTION 3. IC 35-42-1-9 IS ADDED TO THE INDIANA CODE  
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
14 1, 1998]: Sec. 9. **(a) Except as provided in this section, a person who**  
15 **recklessly violates or fails to comply with IC 16-41-7 commits a**  
16 **Class B misdemeanor.**  
17           **(b) A person who knowingly or intentionally violates or fails to**  
18 **comply with IC 16-41-7-1 commits a Class D felony.**  
19           **(c) Each day a violation described in this section continues**  
20 **constitutes a separate offense.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1126, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to House Bill 1126 as introduced.)

DVORAK, Chair

Committee Vote: yeas 14, nays 0.

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