

January 30, 1998

HOUSE BILL No. 1354

DIGEST OF HB 1354 (Updated January 29, 1998 1:40 pm - DI 51)

Citations Affected: IC 8-3; IC 35-42; IC 35-43.

Synopsis: Railroad mischief and trespass. Makes: (1) damaging or defacing property of a railroad carrier; or (2) interfering or tampering with the operation of a railroad carrier a Class A misdemeanor. Enhances the penalty to a Class D felony if serious bodily injury results. Includes knowingly or intentionally: (1) entering into or remaining on railroad property without consent; or (2) traveling by train without lawful authority or consent a violation of the criminal trespass offense. Repeals the current railroad trespass statute.

Effective: July 1, 1998.

Crooks, Becker

January 13, 1998, read first time and referred to Committee on Courts and Criminal Code.
January 29, 1998, amended, reported — Do Pass.

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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 a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

HOUSE BILL No. 1354

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

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

1 SECTION 1. IC 35-42-2-5.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1998]: **Sec. 5.5. A person who recklessly, knowingly, or**
4 **intentionally:**

5 (1) **damages or defaces property owned, leased, or operated**
6 **by a railroad carrier, without the consent of the railroad**
7 **carrier; or**
8 (2) **interferes or tampers with the operation of a railroad**
9 **carrier without consent of the railroad carrier;**
10 **commits railroad mischief, a Class A misdemeanor. However, the**
11 **offense is a Class D felony if it results in serious bodily injury to**
12 **another person.**

13 SECTION 2. IC 35-43-2-2, AS AMENDED BY P.L.1-1994,
14 SECTION 168, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) A person who:

16 (1) not having a contractual interest in the property, knowingly or
17 intentionally enters the real property of another person after

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- 1 having been denied entry by the other person or that person's
2 agent;
- 3 (2) not having a contractual interest in the property, knowingly or
4 intentionally refuses to leave the real property of another person
5 after having been asked to leave by the other person or that
6 person's agent;
- 7 (3) accompanies another person in a vehicle, with knowledge that
8 the other person knowingly or intentionally is exerting
9 unauthorized control over the vehicle;
- 10 (4) knowingly or intentionally interferes with the possession or
11 use of the property of another person without the person's consent;
12 or
- 13 (5) not having a contractual interest in the property, knowingly or
14 intentionally enters the dwelling of another person without the
15 person's consent;
- 16 **(6) knowingly or intentionally enters or remains on railroad**
17 **property without lawful authority or the railroad carrier's**
18 **consent except for the purpose of crossing the property at a**
19 **public highway or other authorized crossing; or**
- 20 **(7) knowingly or intentionally travels by train without lawful**
21 **authority or the railroad carrier's consent.**
- 22 commits criminal trespass, a Class A misdemeanor. However, the
23 offense is a Class D felony if it is committed on a scientific research
24 facility, on school property, or on a school bus or the person has a prior
25 unrelated conviction for an offense under this section concerning the
26 same property.
- 27 (b) A person has been denied entry under subdivision (a)(1) of this
28 section when the person has been denied entry by means of:
- 29 (1) personal communication, oral or written; or
- 30 (2) posting or exhibiting a notice at the main entrance in a manner
31 that is either prescribed by law or likely to come to the attention
32 of the public.
- 33 SECTION 3. IC 8-3-15-3 IS REPEALED [EFFECTIVE JULY 1,
34 1998].

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1354, 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:

Page 1, delete lines 5 through 17, begin a new line block indented and insert:

"(1) damages or defaces property owned, leased, or operated by a railroad carrier, without the consent of the railroad carrier; or

(2) interferes or tampers with the operation of a railroad carrier without consent of the railroad carrier; commits railroad mischief, a Class A misdemeanor. However, the offense is a Class D felony if it results in serious bodily injury to another person."

Page 2, delete lines 1 through 15.

Page 2, line 38, delete "and is:" and insert: **"except for the purpose of crossing the property at a public highway or other authorized crossing; or"**.

Page 2, delete lines 39 through 42.

Page 3, delete lines 1 through 4.

Page 3, line 5, after "intentionally" delete ":".

Page 3, line 6, delete "(A)".

Page 3, line 7, delete "; and" and insert ".".

Page 3, run in lines 5 through 7.

Page 3, delete lines 8 through 10.

Page 3, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 3. IC 8-3-15-3 IS REPEALED [EFFECTIVE JULY 1, 1998]."

Delete page 4.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to House Bill 1354 as introduced.)

DVORAK, Chair

Committee Vote: yeas 14, nays 1.

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