



March 19, 1999

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## ENGROSSED HOUSE BILL No. 1419

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DIGEST OF HB 1419 (Updated March 18, 1999 10:56 am - DI 76)

**Citations Affected:** IC 35-42.

**Synopsis:** Penalty enhancements for offenses near schools. Increases the penalty for battery from a Class A misdemeanor to a Class D felony if the offense is committed against an employee of a school corporation who is engaged in the execution of the employee's official duty.

**Effective:** July 1, 1999.

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**Ayres, Dvorak, Sturtz, Ruppel,  
Becker, Smith V, Budak, Lawson L,  
Pelath, Hoffman, Klinker,  
Thompson, Cheney**

(SENATE SPONSORS — MEEKS R, BRAY, SERVER, ALEXA)

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January 12, 1999, read first time and referred to Committee on Courts and Criminal Code.  
March 1, 1999, amended, reported — Do Pass.  
March 4, 1999, read second time, ordered engrossed. Engrossed.  
March 8, 1999, read third time, passed. Yeas 93, nays 2.

SENATE ACTION

March 11, 1999, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.  
March 18, 1999, amended, reported favorably — Do Pass.

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EH 1419—LS 7513/DI 76+



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March 19, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

## ENGROSSED HOUSE BILL No. 1419

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

- 1 SECTION 1. IC 35-42-2-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) A person who  
3 knowingly or intentionally touches another person in a rude, insolent,  
4 or angry manner commits battery, a Class B misdemeanor. However,  
5 the offense is:  
6 (1) a Class A misdemeanor if:  
7 (A) it results in bodily injury to any other person;  
8 (B) it is committed against a law enforcement officer or  
9 against a person summoned and directed by the officer while  
10 the officer is engaged in the execution of his official duty; or  
11 (C) it is committed against an employee of a penal facility or  
12 a juvenile detention facility (as defined in IC 31-9-2-71) while  
13 the employee is engaged in the execution of the employee's  
14 official duty;  
15 (2) a Class D felony if it results in bodily injury to:  
16 (A) a law enforcement officer or a person summoned and

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- 1 directed by a law enforcement officer while the officer is  
 2 engaged in the execution of his official duty;
- 3 (B) a person less than fourteen (14) years of age and is  
 4 committed by a person at least eighteen (18) years of age;
- 5 (C) a person of any age who is mentally or physically disabled  
 6 and is committed by a person having the care of the mentally  
 7 or physically disabled person, whether the care is assumed  
 8 voluntarily or because of a legal obligation;
- 9 (D) the other person and the person who commits the battery  
 10 was previously convicted of a battery in which the victim was  
 11 the other person;
- 12 (E) the other person and the person who commits the battery  
 13 which was related to domestic violence (as defined in  
 14 IC 31-9-2-42) was previously convicted of a battery which was  
 15 related to domestic violence;
- 16 (F) an endangered adult (as defined by IC 35-46-1-1);
- 17 (G) an employee of the department of correction while the  
 18 employee is engaged in the execution of the employee's  
 19 official duty;
- 20 (H) an employee of a school corporation while the employee  
 21 is engaged in the execution of the employee's official duty; ~~and~~  
 22 ~~the employee is~~  
 23 ~~(i) on school property;~~  
 24 ~~(ii) within one thousand (1,000) feet of school property; or~~  
 25 ~~(iii) on a school bus;~~
- 26 (I) a correctional professional while the correctional  
 27 professional is engaged in the execution of the correctional  
 28 professional's official duty;
- 29 (J) a person who is a health care provider (as defined in  
 30 IC 16-18-2-163) while the health care provider is engaged in  
 31 the execution of the health care provider's official duty; or
- 32 (K) an employee of a penal facility or a juvenile detention  
 33 facility (as defined in IC 31-9-2-71) while the employee is  
 34 engaged in the execution of the employee's official duty;
- 35 (3) a Class C felony if it results in serious bodily injury to any  
 36 other person or if it is committed by means of a deadly weapon;  
 37 and
- 38 (4) a Class B felony if it results in serious bodily injury to a  
 39 person less than fourteen (14) years of age and is committed by a  
 40 person at least eighteen (18) years of age.
- 41 (b) For purposes of this section:
- 42 (1) "law enforcement officer" includes an alcoholic beverage

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- 1 enforcement officer; and
- 2 (2) "correctional professional" means a:
- 3 (A) probation officer;
- 4 (B) parole officer;
- 5 (C) community corrections worker; or
- 6 (D) home detention officer.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1419, 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 2, line 34, delete "a person" and insert "**an employee of a school corporation**".

Page 3, delete lines 8 through 42.

Delete page 4.

and when so amended that said bill do pass.

(Reference is to HB 1419 as introduced.)

DVORAK, Chair

Committee Vote: yeas 8, nays 3.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred House Bill No. 1419, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 20, after "duty" insert ";".

Page 2, line 20, strike "and".

Page 2, strike line 21.

Page 2, line 24, strike "on a school bus;".

Page 2, line 30, reset in roman "or".

Page 2, line 33, delete "or".

Page 2, delete lines 34 through 35.

and when so amended that said bill do pass.

(Reference is to HB 1419 as printed March 2, 1999.)

MEEKS R, Chairperson

Committee Vote: Yeas 8, Nays 1.

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