



March 2, 1999

HOUSE BILL No. 1419

DIGEST OF HB 1419 (Updated March 1, 1999 9:25 am - DI 98)

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 on, in, or within 1,000 feet of school property.

Effective: July 1, 1999.

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

January 12, 1999, read first time and referred to Committee on Courts and Criminal Code.
March 1, 1999, amended, reported — Do Pass.

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March 2, 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.

HOUSE BILL No. 1419

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
17 directed by a law enforcement officer while the officer is

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

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- 1 (1) "law enforcement officer" includes an alcoholic beverage
- 2 enforcement officer; and
- 3 (2) "correctional professional" means a:
- 4 (A) probation officer;
- 5 (B) parole officer;
- 6 (C) community corrections worker; or
- 7 (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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