

HOUSE BILL No. 1419

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-2-1; IC 35-43-2-2; IC 35-45-2-1.

Synopsis: Penalty enhancements for offenses near schools. Increases the penalty for battery, criminal trespass, and intimidation from a Class A misdemeanor to a Class D felony if the offense is committed against a person who is on, in, or within 1,000 feet of school property.

Effective: July 1, 1999.

Ayres, Dvorak, Sturtz, Ruppel

January 12, 1999, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

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) a person who is in, on, or within one thousand (1,000)**
- 35 **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:



- 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.

8 SECTION 2. IC 35-43-2-2 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) A person who:

- 10 (1) not having a contractual interest in the property, knowingly or
 11 intentionally enters the real property of another person after
 12 having been denied entry by the other person or that person's
 13 agent;
 14 (2) not having a contractual interest in the property, knowingly or
 15 intentionally refuses to leave the real property of another person
 16 after having been asked to leave by the other person or that
 17 person's agent;
 18 (3) accompanies another person in a vehicle, with knowledge that
 19 the other person knowingly or intentionally is exerting
 20 unauthorized control over the vehicle;
 21 (4) knowingly or intentionally interferes with the possession or
 22 use of the property of another person without the person's consent;
 23 or
 24 (5) not having a contractual interest in the property, knowingly or
 25 intentionally enters the dwelling of another person without the
 26 person's consent;

27 commits criminal trespass, a Class A misdemeanor.

28 (b) However, the offense is a Class D felony if:

- 29 (1) it is committed:
 30 (A) on a scientific research facility; or
 31 (B) **in, on, or within one thousand (1,000) feet of** school
 32 property, or on a school bus; or
 33 (2) the person has a prior unrelated conviction for an offense
 34 under this section concerning the same property.

35 ~~(b)~~ (c) A person has been denied entry under subdivision (a)(1) of
 36 this section when the person has been denied entry by means of:

- 37 (1) personal communication, oral or written; or
 38 (2) posting or exhibiting a notice at the main entrance in a manner
 39 that is either prescribed by law or likely to come to the attention
 40 of the public.

41 SECTION 3. IC 35-45-2-1 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) A person who

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- 1 communicates a threat to another person, with the intent that:
 2 (1) the other person engage in conduct against his will; or
 3 (2) the other person be placed in fear of retaliation for a prior
 4 lawful act;
 5 commits intimidation, a Class A misdemeanor.
 6 (b) However, the offense is a:
 7 (1) Class D felony if:
 8 (A) the threat is to commit a forcible felony;
 9 (B) the person to whom the threat is communicated:
 10 (i) is a law enforcement officer;
 11 (ii) is a judge or bailiff of any court;
 12 (iii) is a witness (or the spouse or child of a witness) in any
 13 pending criminal proceeding against the person making the
 14 threat; ~~or~~
 15 (iv) is an employee of a school corporation; or
 16 **(v) is in, on, or within one thousand (1,000) feet of school**
 17 **property; or**
 18 (C) the person has a prior unrelated conviction for an offense
 19 under this section concerning the same victim; and
 20 (2) Class C felony if, while committing it, the person draws or
 21 uses a deadly weapon.
 22 (c) "Threat" means an expression, by words or action, of an
 23 intention to:
 24 (1) unlawfully injure the person threatened or another person, or
 25 damage property;
 26 (2) unlawfully subject a person to physical confinement or
 27 restraint;
 28 (3) commit a crime;
 29 (4) unlawfully withhold official action, or cause such withholding;
 30 (5) unlawfully withhold testimony or information with respect to
 31 another person's legal claim or defense, except for a reasonable
 32 claim for witness fees or expenses;
 33 (6) expose the person threatened to hatred, contempt, disgrace, or
 34 ridicule; or
 35 (7) falsely harm the credit or business reputation of the person
 36 threatened.

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