

# HOUSE BILL No. 1747

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-17-14-2; IC 33-19; IC 34-26-2-12; IC 35-33-5.5; IC 35-38-1-7.1; IC 35-42-2-1; IC 35-47-3-1.

**Synopsis:** Domestic violence. Increases the marriage certificate fee from \$8 to \$30 for Indiana residents and from \$50 to \$75 for nonresidents. Requires additional amounts that are collected as a result of the fee increases to be deposited in the family violence and victim assistance fund. Provides that a person against whom a protective order has been issued is prohibited from possessing a firearm during the period that the person is under the protective order if the court finds that the person poses a credible threat to another person. Requires the court to notify the state police department of all protective orders that prohibit a person from possessing a firearm. Provides for the transfer and disposition of firearms under these circumstances. Enumerates  
(Continued next page)

**Effective:** July 1, 1999.

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**Dickinson, Crawford, Atterholt**

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January 26, 1999, read first time and referred to Committee on Courts and Criminal Code.

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Digest Continued

duties of a law enforcement officer whenever the officer responds to an allegation of domestic violence. Raises the penalty for battery from a Class A misdemeanor to a Class D felony if the offense is witnessed or heard by a: (1) minor child or stepchild; or (2) minor child residing within the household of the victim or of the person who commits the offense. Allows a court to consider it an aggravating circumstance for sentencing purposes that a person committed a violent offense that was witnessed or heard by a: (1) minor child or stepchild; or (2) minor child residing in the household of the victim or of the person who commits the offense.

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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.

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## HOUSE BILL No. 1747



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 33-17-14-2 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) For issuing a  
 3 marriage license under IC ~~31-7-3~~; **IC 31-11-4**, the clerk shall collect a  
 4 fee of ten dollars (\$10). When collected, these fees shall be paid to the  
 5 treasurer of state, who shall deposit the money in the state user fee fund  
 6 established by IC 33-19-9-2.

7 (b) For issuing a marriage certificate under IC 31-11-4, the clerk  
 8 shall collect a fee of:

9 (1) ~~eight dollars (\$8)~~; **thirty dollars (\$30)** if at least one (1) of the  
 10 individuals is a resident of Indiana; or

11 (2) ~~fifty dollars (\$50)~~; **seventy-five dollars (\$75)** if neither of the  
 12 individuals is a resident of Indiana.

13 ~~When collected these fees~~ **Eight dollars (\$8) from the fees collected**  
 14 **for issuing a marriage certificate under subdivision (1) and fifty**  
 15 **dollars (\$50) from the fees collected under subdivision (2)** shall be



1 deposited in the general fund of the county. **The remainder of the fees**  
 2 **collected under this subsection shall be deposited in the family**  
 3 **violence and victim assistance fund established under IC 12-18-5-2.**

4 SECTION 2. IC 33-19-5-4 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) For each civil  
 6 action except:

- 7 (1) proceedings to enforce a statute defining an infraction under  
 8 IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);  
 9 (2) proceedings to enforce an ordinance under IC 34-28-5-4 (or  
 10 IC 34-4-32-4 before its repeal);  
 11 (3) proceedings in juvenile court under IC 31-34 or IC 31-37;  
 12 (4) proceedings in paternity under IC 31-14;  
 13 (5) proceedings in small claims court under IC 33-11.6; **and**  
 14 (6) proceedings in actions under section 6 of this chapter; **and**  
 15 **(7) proceedings in dissolution of marriage under IC 31-15.**

16 the clerk shall collect from the party filing the action a civil costs fee  
 17 of one hundred dollars (\$100), except as provided in ~~subsection~~  
 18 **subsections (b) and (d).**

19 (b) For each proceeding for the issuance of a protective order under  
 20 IC 34-26-2:

21 (1) the clerk shall initially collect thirty-five dollars (\$35) of the  
 22 civil costs fee from the party that filed the action or the court may  
 23 waive the initial thirty-five dollars (\$35) of the civil costs fee for  
 24 the party that filed the action; and

25 (2) upon disposition of the protective order petition under  
 26 IC 34-26-2, the court may order that:

27 (A) the remainder of the civil costs fee, in the amount of  
 28 sixty-five dollars (\$65), be assessed against the respondent in  
 29 the action as provided in IC 34-26-2-4 or against the party that  
 30 filed the action; and

31 (B) the initial thirty-five dollar (\$35) civil costs fee be  
 32 reimbursed by the respondent in the action to the party that  
 33 filed the action or assessed against the respondent in the action  
 34 as provided in IC 34-26-2-4.

35 (c) In addition to the civil costs fee collected under this section, the  
 36 clerk shall collect the following fees if they are required under  
 37 IC 33-19-6:

- 38 (1) A document fee.  
 39 (2) A support and maintenance fee.

40 **(d) For proceedings in dissolution of marriage under IC 31-15,**  
 41 **the clerk shall collect a civil costs fee of one hundred twenty dollars**  
 42 **(\$120) and shall distribute the fee as follows:**



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1           **(1) One hundred dollars (\$100) of the fee shall be distributed**  
 2           **in accordance with IC 31-19-7-1, IC 33-19-7-2, and**  
 3           **IC 33-19-7-3.**

4           **(2) Twenty dollars (\$20) of the fee shall be deposited in the**  
 5           **family violence and victim assistance fund established by**  
 6           **IC 12-18-5-2.**

7           SECTION 3. IC 33-19-7-1 IS AMENDED TO READ AS  
 8           FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The clerk of a  
 9           circuit court shall semiannually distribute to the auditor of state as the  
 10          state share for deposit in the state general fund seventy percent (70%)  
 11          of the amount of fees collected under the following:

- 12           (1) IC 33-19-5-1(a) (criminal costs fees).  
 13           (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).  
 14           (3) IC 33-19-5-3(a) (juvenile costs fees).  
 15           (4) IC 33-19-5-4(a) (civil costs fees).  
 16           **(5) IC 33-19-5-4(d)(1) (dissolution of marriage civil costs fees).**  
 17           ~~(6)~~ (6) IC 33-19-5-5(a) (small claims costs fees).  
 18           ~~(7)~~ (7) IC 33-19-5-6(a) (probate costs fees).  
 19           ~~(8)~~ **(8) IC 33-19-6-16.2 (deferred prosecution fees).**

20          (b) The clerk of a circuit court shall semiannually distribute to the  
 21          auditor of state for deposit in the state user fee fund established under  
 22          IC 33-19-9-2 the following:

- 23           (1) Twenty-five percent (25%) of the drug abuse, prosecution,  
 24           interdiction, and correction fees collected under  
 25           IC 33-19-5-1(b)(5).  
 26           (2) Twenty-five percent (25%) of the alcohol and drug  
 27           countermeasures fees collected under IC 33-19-5-1(b)(6),  
 28           IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).  
 29           (3) Fifty percent (50%) of the child abuse prevention fees  
 30           collected under IC 33-19-5-1(b)(7).  
 31           (4) One hundred percent (100%) of the domestic violence  
 32           prevention and treatment fees collected under IC 33-19-5-1(b)(8).  
 33           (5) One hundred percent (100%) of the highway work zone fees  
 34           collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).  
 35           (6) One hundred percent (100%) of the safe schools fee collected  
 36           under IC 33-19-6-16.3.

37          (c) The clerk of a circuit court shall monthly distribute to the county  
 38          auditor the following:

- 39           (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
 40           interdiction, and correction fees collected under  
 41           IC 33-19-5-1(b)(5).  
 42           (2) Seventy-five percent (75%) of the alcohol and drug

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1 countermeasures fees collected under IC 33-19-5-1(b)(6),  
2 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

3 The county auditor shall deposit fees distributed by a clerk under this  
4 subsection into the county drug free community fund established under  
5 IC 5-2-11.

6 (d) The clerk of a circuit court shall monthly distribute to the county  
7 auditor fifty percent (50%) of the child abuse prevention fees collected  
8 under ~~IC 33-19-5-1(b)(8)~~ **IC 33-19-5-1(b)(7)**. The county auditor shall  
9 deposit fees distributed by a clerk under this subsection into the county  
10 child advocacy fund established under IC 12-17-17.

11 SECTION 4. IC 33-19-7-2 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The clerk of a circuit  
13 court shall forward the county share of fees collected to the county  
14 auditor in accordance with IC 33-19-1-3(a). The auditor shall retain as  
15 the county share twenty-seven percent (27%) of the amount of fees  
16 collected under the following:

- 17 (1) IC 33-19-5-1(a) (criminal costs fees).  
18 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).  
19 (3) IC 33-19-5-3(a) (juvenile costs fees).  
20 (4) IC 33-19-5-4(a) (civil costs fees).  
21 **(5) IC 33-19-5-4(d)(1) (dissolution of marriage civil costs fees).**  
22 ~~(6)~~ (6) IC 33-19-5-5(a) (small claims costs fees).  
23 ~~(7)~~ (7) IC 33-19-5-6(a) (probate costs fees).  
24 ~~(8)~~ (8) IC 33-19-6-16.2 (deferred prosecution fees).

25 SECTION 5. IC 33-19-7-3 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) The qualified  
27 municipality share to be distributed to each city and town maintaining  
28 a law enforcement agency that prosecutes at least fifty percent (50%)  
29 of its ordinance violations in a circuit, superior, county, or municipal  
30 court located in the county is three percent (3%) of the amount of fees  
31 collected under the following:

- 32 (1) IC 33-19-5-1(a) (criminal costs fees).  
33 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).  
34 (3) IC 33-19-5-3(a) (juvenile costs fees).  
35 (4) IC 33-19-5-4(a) (civil costs fees).  
36 **(5) IC 33-19-5-4(d)(1) (dissolution of marriage civil costs fees).**  
37 ~~(6)~~ (6) IC 33-19-5-5(a) (small claims costs fees).  
38 ~~(7)~~ (7) IC 33-19-5-6(a) (probate costs fees).  
39 ~~(8)~~ (8) IC 33-19-6-16.2 (deferred prosecution fees).

40 (b) The county auditor shall determine the amount to be distributed  
41 to each city and town qualified under subsection (a) as follows:

42 STEP ONE: Determine the population of the qualified city or

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1 town.  
 2 STEP TWO: Add the populations of all qualified cities and towns  
 3 determined under STEP ONE.  
 4 STEP THREE: Divide the population of each qualified city and  
 5 town by the sum determined under STEP TWO.  
 6 STEP FOUR: Multiply the result determined under STEP THREE  
 7 for each qualified city and town by the amount of the qualified  
 8 municipality share.

9 (c) The county auditor shall semiannually distribute to each city and  
 10 town described in subsection (a) the amount computed for that city or  
 11 town under STEP FOUR of subsection (b).

12 SECTION 6. IC 34-26-2-12 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. A court shall set a  
 14 date for a hearing concerning a petition described in section 2 of this  
 15 chapter not more than thirty (30) days after the date the petition is filed  
 16 with the court. At the hearing, if at least one (1) of the allegations  
 17 described in the petition is proved by a preponderance of the evidence,  
 18 the court:

- 19 (1) shall order the respondent:
- 20 (A) to refrain from abusing, harassing, or disturbing the peace
  - 21 of the petitioner, by either direct or indirect contact;
  - 22 (B) to refrain from abusing, harassing, or disturbing the peace
  - 23 of a member of the petitioner's household, by either direct or
  - 24 indirect contact;
  - 25 (C) to refrain from entering the property of the petitioner,
  - 26 jointly owned or leased property of the petitioner and the
  - 27 respondent if the respondent is not the sole owner or lessee, or
  - 28 any other property as specifically described in the petition;
  - 29 (D) to refrain from damaging any property of the petitioner;
  - 30 (E) if the petitioner and respondent are married and if a
  - 31 proceeding for dissolution of marriage or legal separation is
  - 32 not pending:
    - 33 (i) to be evicted from the dwelling of the petitioner if the
    - 34 respondent is not the sole owner or lessee of the petitioner's
    - 35 dwelling;
    - 36 (ii) to not transfer, encumber, damage, conceal, or otherwise
    - 37 dispose of property jointly owned with the petitioner or that
    - 38 is an asset of the marriage;
    - 39 (iii) to pay child support to the custodian of any minor
    - 40 children of the parties alone or with the other party;
    - 41 (iv) to pay maintenance to the other party; or
    - 42 (v) to perform a combination of the acts described in items

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(i) through (iv); and  
**(F) to refrain from possessing a firearm during the period that the person is under the protective order if the court finds that the respondent poses a credible threat to the petitioner or another person; and**

(2) may order counseling or other social services, including domestic violence education, for the petitioner, the respondent, or both, and may order the respondent to pay the costs of obtaining counseling or other social services for the petitioner, the respondent, or both.

**If the court prohibits the respondent from possessing a firearm under subdivision (1)(F), the court shall order the firearm to be confiscated in accordance with IC 35-47-3 and shall also notify the state police department of the court's restriction on the respondent from possessing a firearm during the period that the protective order is in effect.**

SECTION 7. IC 35-33-5.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

**Chapter 5.5. Duties of Law Enforcement Officer to Domestic Violence Victim**

**Sec. 1. (a) A law enforcement officer who responds to an allegation of domestic violence shall use all reasonable means to protect the victim and prevent further violence, including the following:**

- (1) Taking action necessary to provide for the safety of the victim and any child of the victim.**
- (2) Transporting or obtaining transportation for the victim and any child of the victim to a shelter, if appropriate.**
- (3) Assisting the victim in removing essential personal effects, if appropriate.**
- (4) Assisting the victim and any child of the victim in obtaining medical treatment, including obtaining transportation to a medical facility, if appropriate.**
- (5) Giving the victim immediate and adequate notice of the rights of victims and of the remedies and services available to victims of domestic violence.**

SECTION 8. IC 35-38-1-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7.1. (a) In determining what sentence to impose for a crime, the court shall consider:

- (1) the risk that the person will commit another crime;
- (2) the nature and circumstances of the crime committed;

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- 1 (3) the person's:  
 2 (A) prior criminal record;  
 3 (B) character; and  
 4 (C) condition;  
 5 (4) whether the victim of the crime was less than twelve (12)  
 6 years of age or at least sixty-five (65) years of age;  
 7 (5) whether the person violated a protective order issued against  
 8 the person under IC 31-15 or IC 31-16 (or IC 31-1-11.5 before its  
 9 repeal) or IC 34-26-2 (or IC 34-4-5.1 before its repeal); and  
 10 (6) any oral or written statement made by a victim of the crime.  
 11 (b) The court may consider the following factors as aggravating  
 12 circumstances or as favoring imposing consecutive terms of  
 13 imprisonment:  
 14 (1) The person has recently violated the conditions of any  
 15 probation, parole, or pardon granted to the person.  
 16 (2) The person has a history of criminal or delinquent activity.  
 17 (3) The person is in need of correctional or rehabilitative  
 18 treatment that can best be provided by commitment of the person  
 19 to a penal facility.  
 20 (4) Imposition of a reduced sentence or suspension of the  
 21 sentence and imposition of probation would depreciate the  
 22 seriousness of the crime.  
 23 (5) The victim of the crime was less than twelve (12) years of age  
 24 or at least sixty-five (65) years of age.  
 25 (6) The victim of the crime was mentally or physically infirm.  
 26 (7) The person committed a forcible felony while wearing a  
 27 garment designed to resist the penetration of a bullet.  
 28 (8) The person committed a sex crime listed in subsection (e) and:  
 29 (A) the crime created an epidemiologically demonstrated risk  
 30 of transmission of the human immunodeficiency virus (HIV)  
 31 and involved the sex organ of one (1) person and the mouth,  
 32 anus, or sex organ of another person;  
 33 (B) the person had knowledge that the person was a carrier of  
 34 HIV; and  
 35 (C) the person had received risk counseling as described in  
 36 subsection (g).  
 37 (9) The person committed an offense related to controlled  
 38 substances listed in subsection (f) if:  
 39 (A) the offense involved:  
 40 (i) the delivery by any person to another person; or  
 41 (ii) the use by any person on another person;  
 42 of a contaminated sharp (as defined in IC 16-41-16-2) or other

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- 1 paraphernalia that creates an epidemiologically demonstrated  
 2 risk of transmission of HIV by involving percutaneous contact;  
 3 (B) the person had knowledge that the person was a carrier of  
 4 the human immunodeficiency virus (HIV); and  
 5 (C) the person had received risk counseling as described in  
 6 subsection (g).
- 7 (10) The person committed the offense in an area of a  
 8 consolidated or second class city that is designated as a public  
 9 safety improvement area by the Indiana criminal justice institute  
 10 under IC 36-8-19.5.
- 11 (11) The injury to or death of the victim of the crime was the  
 12 result of shaken baby syndrome (as defined in IC 16-41-40-2).
- 13 (12) Before the commission of the crime, the person administered  
 14 to the victim of the crime, without the victim's knowledge, a  
 15 sedating drug or a drug that had a hypnotic effect on the victim,  
 16 or the person had knowledge that such a drug had been  
 17 administered to the victim without the victim's knowledge.
- 18 **(13) The person committed a violent offense that was**  
 19 **witnessed or heard by a:**
- 20 **(A) minor child or stepchild; or**  
 21 **(B) minor child residing within the household;**  
 22 **of the victim or of the person who commits the offense.**
- 23 (c) The court may consider the following factors as mitigating  
 24 circumstances or as favoring suspending the sentence and imposing  
 25 probation:
- 26 (1) The crime neither caused nor threatened serious harm to  
 27 persons or property, or the person did not contemplate that it  
 28 would do so.
- 29 (2) The crime was the result of circumstances unlikely to recur.
- 30 (3) The victim of the crime induced or facilitated the offense.
- 31 (4) There are substantial grounds tending to excuse or justify the  
 32 crime, though failing to establish a defense.
- 33 (5) The person acted under strong provocation.
- 34 (6) The person has no history of delinquency or criminal activity,  
 35 or the person has led a law-abiding life for a substantial period  
 36 before commission of the crime.
- 37 (7) The person is likely to respond affirmatively to probation or  
 38 short term imprisonment.
- 39 (8) The character and attitudes of the person indicate that the  
 40 person is unlikely to commit another crime.
- 41 (9) The person has made or will make restitution to the victim of  
 42 the crime for the injury, damage, or loss sustained.

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- 1 (10) Imprisonment of the person will result in undue hardship to  
 2 the person or the dependents of the person.
- 3 (11) The person was convicted of a crime involving the use of  
 4 force against a person who had repeatedly inflicted physical or  
 5 sexual abuse upon the convicted person and evidence shows that  
 6 the convicted person suffered from the effects of battery as a  
 7 result of the past course of conduct of the individual who is the  
 8 victim of the crime for which the person was convicted.
- 9 (d) The criteria listed in subsections (b) and (c) do not limit the  
 10 matters that the court may consider in determining the sentence.
- 11 (e) For the purposes of this article, the following crimes are  
 12 considered sex crimes:
- 13 (1) Rape (IC 35-42-4-1).  
 14 (2) Criminal deviate conduct (IC 35-42-4-2).  
 15 (3) Child molesting (IC 35-42-4-3).  
 16 (4) Child seduction (IC 35-42-4-7).  
 17 (5) Prostitution (IC 35-45-4-2).  
 18 (6) Patronizing a prostitute (IC 35-45-4-3).  
 19 (7) Incest (IC 35-46-1-3).  
 20 (8) Sexual misconduct with a minor under IC 35-42-4-9(a).
- 21 (f) For the purposes of this article, the following crimes are  
 22 considered offenses related to controlled substances:
- 23 (1) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).  
 24 (2) Dealing in a schedule I, II, or III controlled substance (IC  
 25 35-48-4-2).  
 26 (3) Dealing in a schedule IV controlled substance (IC 35-48-4-3).  
 27 (4) Dealing in a schedule V controlled substance (IC 35-48-4-4).  
 28 (5) Possession of cocaine or a narcotic drug (IC 35-48-4-6).  
 29 (6) Possession of a controlled substance (IC 35-48-4-7).  
 30 (7) Dealing in paraphernalia (IC 35-48-4-8.5).  
 31 (8) Possession of paraphernalia (IC 35-48-4-8.3).  
 32 (9) Offenses relating to registration (IC 35-48-4-14).
- 33 (g) For the purposes of this section, a person received risk  
 34 counseling if the person had been:
- 35 (1) notified in person or in writing that tests have confirmed the  
 36 presence of antibodies to the human immunodeficiency virus  
 37 (HIV) in the person's blood; and  
 38 (2) warned of the behavior that can transmit HIV.
- 39 SECTION 9. IC 35-42-2-1 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) A person who  
 41 knowingly or intentionally touches another person in a rude, insolent,  
 42 or angry manner commits battery, a Class B misdemeanor. However,

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the offense is:

(1) a Class A misdemeanor if:

(A) it results in bodily injury to any other person;

(B) it is committed against a law enforcement officer or against a person summoned and directed by the officer while the officer is engaged in the execution of his official duty; or

(C) it is committed against an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71) while the employee is engaged in the execution of the employee's official duty;

(2) a Class D felony if it results in bodily injury to:

(A) a law enforcement officer or a person summoned and directed by a law enforcement officer while the officer is engaged in the execution of his official duty;

(B) a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;

(C) a person of any age who is mentally or physically disabled and is committed by a person having the care of the mentally or physically disabled person, whether the care is assumed voluntarily or because of a legal obligation;

(D) the other person and the person who commits the battery was previously convicted of a battery in which the victim was the other person;

(E) the other person and the person who commits the battery which was related to domestic violence (as defined in IC 31-9-2-42) was previously convicted of a battery which was related to domestic violence;

(F) an endangered adult (as defined by IC 35-46-1-1);

(G) an employee of the department of correction while the employee is engaged in the execution of the employee's official duty;

(H) an employee of a school corporation while the employee is engaged in the execution of the employee's official duty and the employee is:

(i) on school property;

(ii) within one thousand (1,000) feet of school property; or

(iii) on a school bus;

(I) a correctional professional while the correctional professional is engaged in the execution of the correctional professional's official duty;

(J) a person who is a health care provider (as defined in IC 16-18-2-163) while the health care provider is engaged in

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- 1 the execution of the health care provider's official duty; or  
 2 (K) an employee of a penal facility or a juvenile detention  
 3 facility (as defined in IC 31-9-2-71) while the employee is  
 4 engaged in the execution of the employee's official duty;  
 5 **(L) the other person and is witnessed or heard by a:**  
 6 **(i) minor child or stepchild; or**  
 7 **(ii) minor child residing within the household;**  
 8 **of the other person or of the person who commits the**  
 9 **offense;**  
 10 (3) a Class C felony if it results in serious bodily injury to any  
 11 other person or if it is committed by means of a deadly weapon;  
 12 and  
 13 (4) a Class B felony if it results in serious bodily injury to a  
 14 person less than fourteen (14) years of age and is committed by a  
 15 person at least eighteen (18) years of age.  
 16 (b) For purposes of this section:  
 17 (1) "law enforcement officer" includes an alcoholic beverage  
 18 enforcement officer; and  
 19 (2) "correctional professional" means a:  
 20 (A) probation officer;  
 21 (B) parole officer;  
 22 (C) community corrections worker; or  
 23 (D) home detention officer.  
 24 SECTION 10. IC 35-47-3-1 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. All firearms  
 26 confiscated pursuant to statute shall upon:  
 27 **(1) conviction of the person for the offense for which the**  
 28 **confiscation was made; or**  
 29 **(2) court order for confiscation of the firearm as a result of a**  
 30 **protective order involving a credible threat against another**  
 31 **person as described in IC 34-26-2-12(1)(F);**  
 32 be disposed of in accordance with this chapter.

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