



February 18, 2000

ENGROSSED
HOUSE BILL No. 1137

DIGEST OF HB 1137 (Updated February 16, 2000 6:10 PM - DI 76)

Citations Affected: IC 35-42.

Synopsis: Battery on a firefighter. Creates the offense of battery on a firefighter. Makes the offense a Class A misdemeanor if it is committed against a firefighter while the firefighter is engaged in the execution of the firefighter's official duty. Makes the offense a class D felony if it results in the bodily injury of a firefighter.

Effective: July 1, 2000.

Villalpando, Ayres, Steele

(SENATE SPONSORS — ZAKAS, CRAYCRAFT, LUTZ L)

January 10, 2000, read first time and referred to Committee on Courts and Criminal Code.
January 26, 2000, reported — Do Pass.
January 31, 2000, read second time, ordered engrossed. Engrossed.
February 7, 2000, read third time, passed. Yeas 93, nays 1.

SENATE ACTION

February 8, 2000, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.
February 17, 2000, reported favorably — Do Pass.

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EH 1137—LS 6552/DI 100+



February 18, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

ENGROSSED HOUSE BILL No. 1137

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, AS AMENDED BY P.L.188-1999,
2 SECTION 5, AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2000]: Sec. 1. (a) A person who knowingly or intentionally
4 touches another person in a rude, insolent, or angry manner commits
5 battery, a Class B misdemeanor. However, 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; **or**
15 **(D) it is committed against a firefighter (as defined in**
16 **IC 9-18-34-1) while the firefighter is engaged in the**
17 **execution of the firefighter's official duty;**

EH 1137—LS 6552/DI 100+



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

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- 1 (B) parole officer;
- 2 (C) community corrections worker; or
- 3 (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 1137, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DVORAK, Chair

Committee Vote: yeas 9, nays 1.

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SENATE MOTION

Mr. President: I move that Senator Lutz be added as cosponsor of Engrossed House Bill 1137.

ZAKAS

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COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred House Bill No. 1137, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1137 as printed January 27, 2000.)

MEEKS R, Chairperson

Committee Vote: Yeas 6, Nays 1.

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