
SENATE BILL No. 5

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-43-2.

Synopsis: School bus trespass. Makes it school bus trespass, a Class D felony, for a person to knowingly or intentionally: (1) enter a school bus after having been denied entry by the driver of the school bus, a teacher, or a school official; (2) disrupt or interfere with the driver of a school bus while the driver is operating the school bus; or (3) refuse to leave a school bus after having been asked to leave by the driver of the school bus, a teacher, or a school official. Makes conforming amendments to the criminal trespass statute.

Effective: July 1, 2000.

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November 16, 1999, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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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.

SENATE BILL No. 5

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 35-43-2-2, AS AMENDED BY P.L.259-1999,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2000]: Sec. 2. (a) A person who:
4 (1) not having a contractual interest in the property, knowingly or
5 intentionally enters the real property of another person after
6 having been denied entry by the other person or that person's
7 agent;
8 (2) not having a contractual interest in the property, knowingly or
9 intentionally refuses to leave the real property of another person
10 after having been asked to leave by the other person or that
11 person's agent;
12 (3) accompanies another person in a vehicle, with knowledge that
13 the other person knowingly or intentionally is exerting
14 unauthorized control over the vehicle;
15 (4) knowingly or intentionally interferes with the possession or
16 use of the property of another person without the person's consent;
17 (5) not having a contractual interest in the property, knowingly or



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1 intentionally enters the dwelling of another person without the
2 person's consent; or

3 (6) knowingly or intentionally:

4 (A) travels by train without lawful authority or the railroad
5 carrier's consent; and

6 (B) rides on the outside of a train or inside a passenger car,
7 locomotive, or freight car, including a boxcar, flatbed, or
8 container without lawful authority or the railroad carrier's
9 consent;

10 commits criminal trespass, a Class A misdemeanor. However, the
11 offense is a Class D felony if it is committed on a scientific research
12 facility **or** on school property or **on a school bus or** the person has a
13 prior unrelated conviction for an offense under this section concerning
14 the same property.

15 (b) A person has been denied entry under ~~subdivision~~ **subsection**
16 (a)(1) ~~of this section~~ when the person has been denied entry by means
17 of:

18 (1) personal communication, oral or written; or

19 (2) posting or exhibiting a notice at the main entrance in a manner
20 that is either prescribed by law or likely to come to the attention
21 of the public.

22 (c) Subsections (a) and (b) do not apply to the following:

23 (1) A passenger on a train.

24 (2) An employee of a railroad carrier while engaged in the
25 performance of official duties.

26 (3) A law enforcement officer, firefighter, or emergency response
27 personnel while engaged in the performance of official duties.

28 (4) A person going on railroad property in an emergency to rescue
29 a person or animal from harm's way or to remove an object that
30 the person reasonably believes poses an imminent threat to life or
31 limb.

32 (5) A person on the station grounds or in the depot of a railroad
33 carrier:

34 (A) as a passenger; or

35 (B) for the purpose of transacting lawful business.

36 (6) A:

37 (A) person; or

38 (B) person's:

39 (i) family member;

40 (ii) invitee;

41 (iii) employee;

42 (iv) agent; or

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(v) independent contractor;
going on a railroad's right-of-way for the purpose of crossing at a private crossing site approved by the railroad carrier to obtain access to land that the person owns, leases, or operates.
(7) A person having written permission from the railroad carrier to go on specified railroad property.
(8) A representative of the Indiana department of transportation while engaged in the performance of official duties.
(9) A representative of the federal Railroad Administration while engaged in the performance of official duties.
(10) A representative of the National Transportation Safety Board while engaged in the performance of official duties.

SECTION 2. IC 35-43-2-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 4. (a) A person who knowingly or intentionally:**

- (1) enters a school bus after having been denied entry by the driver of the school bus, a teacher, or a school official;**
- (2) disrupts or interferes with the driver of a school bus while the driver is operating the school bus; or**
- (3) refuses to leave a school bus after having been asked to leave by the driver of the school bus, a teacher, or a school official;**

commits school bus trespass, a Class D felony.

(b) A person has been denied entry under subsection (a)(1) when the person has been denied entry by means of:

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

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