



February 22, 2005

HOUSE BILL No. 1454

DIGEST OF HB 1454 (Updated February 16, 2005 5:36 pm - DI 69)

Citations Affected: IC 34-26; IC 35-42.

Synopsis: Protection orders and domestic battery. Provides that certain fees will not be charged concerning foreign protection orders. Provides that a person who has a conviction for a crime that has similar elements to domestic battery in another jurisdiction and is convicted of domestic battery commits a Class D felony.

Effective: July 1, 2005.

Lawson L, Becker, Hoy

January 18, 2005, read first time and referred to Committee on Courts and Criminal Code.
February 17, 2005, amended, reported — Do Pass; referred to Committee on Ways and Means pursuant to House Rule 127.
February 21, 2005, referral withdrawn.

C
o
p
y

HB 1454—LS 7569/DI 107+



February 22, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

C
O
P
Y

HOUSE BILL No. 1454

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 34-26-5-16 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. Fees for:
3 (1) filing;
4 (2) service of process;
5 (3) witnesses; or
6 (4) subpoenas;
7 may not be charged for a proceeding seeking relief or enforcement as
8 provided in this chapter, **including a foreign protection order as**
9 **described in section 17 of this chapter.** This section may not be
10 construed to prevent the collecting of costs from a party against whom
11 an order for protection is sought if the court finds a claim to be
12 meritorious and issues an order for protection under this chapter.
13 SECTION 2. IC 35-42-2-1.3 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.3. (a) A person who
15 knowingly or intentionally touches an individual who:
16 (1) is or was a spouse of the other person;
17 (2) is or was living as if a spouse of the other person as provided

HB 1454—LS 7569/DI 107+



1 in subsection (b); or
2 (3) has a child in common with the other person;
3 in a rude, insolent, or angry manner that results in bodily injury to the
4 person described in subdivision (1), (2), or (3) commits domestic
5 battery, a Class A misdemeanor. However, the offense is a Class D
6 felony if the person **who commits the offense** has a previous, unrelated
7 conviction under this section (or IC 35-42-2-1(a)(2)(E) before its
8 repeal), **or a conviction in any other jurisdiction in which the**
9 **elements of the crime for which the conviction was entered are**
10 **substantially similar to the elements described in this section.**
11 (b) In considering whether a person is or was living as a spouse of
12 another individual in subsection (a)(2), the court shall review the
13 following:
14 (1) the duration of the relationship;
15 (2) the frequency of contact;
16 (3) the financial interdependence;
17 (4) whether the two (2) individuals are raising children together;
18 (5) whether the two (2) individuals have engaged in tasks directed
19 toward maintaining a common household; and
20 (6) other factors the court considers relevant.

C
O
P
Y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1454, 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 1, delete lines 1 through 17.

Delete pages 2 through 4.

Page 5, delete lines 1 through 22.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1454 as introduced.)

ULMER, Chair

Committee Vote: yeas 10, nays 0.

C
O
P
Y

