
HOUSE BILL No. 1609

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-41-1; IC 35-42-2-1.

Synopsis: Battery on a sports official or utility worker. Makes battery on a: (1) sports official at a sports contest; or (2) utility worker engaged in the execution of the utility worker's official duty; a Class D felony instead of a Class B misdemeanor if it results in bodily injury to the sports official or utility worker.

Effective: July 1, 2009.

Soliday, Lawson L

January 16, 2009, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1609



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 35-41-1-26.2 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2009]: **Sec. 26.2. "Sports contest" means a**
4 **professional or an amateur athletic contest, sport, match,**
5 **tournament, meet, game, or other similar event viewed by the**
6 **public.**

7 SECTION 2. IC 35-41-1-26.3 IS ADDED TO THE INDIANA
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2009]: **Sec. 26.3. (a) "Sports official" means**
10 **an individual who acts or who is authorized to act in a sports**
11 **contest as an umpire, a referee, a judge, or another official acting**
12 **in a similar capacity.**

13 **(b) The term does not include an individual who is attending a**
14 **sports contest as a spectator.**

15 SECTION 3. IC 35-41-1-26.9 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2009]: **Sec. 26.9. "Utility worker" means an**



1 individual who is employed by or an independent contractor or an
2 employee of an independent contractor working on behalf of one
3 (1) of the following:

- 4 (1) A public utility (as defined in IC 8-1-2-1(a)).
- 5 (2) A municipally owned utility (as defined in IC 8-1-2-1(h)).
- 6 (3) A cable or satellite television company.
- 7 (4) A telecommunications carrier.
- 8 (5) An electric cooperative.
- 9 (6) A telephone cooperative.
- 10 (7) A nonprofit utility.

11 SECTION 4. IC 35-42-2-1, AS AMENDED BY P.L.120-2008,
12 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2009]: Sec. 1. (a) A person who knowingly or intentionally
14 touches another person in a rude, insolent, or angry manner commits
15 battery, a Class B misdemeanor. However, the offense is:

- 16 (1) a Class A misdemeanor if:
 - 17 (A) it results in bodily injury to any other person;
 - 18 (B) it is committed against a law enforcement officer or
19 against a person summoned and directed by the officer while
20 the officer is engaged in the execution of the officer's official
21 duty;
 - 22 (C) it is committed against an employee of a penal facility or
23 a juvenile detention facility (as defined in IC 31-9-2-71) while
24 the employee is engaged in the execution of the employee's
25 official duty;
 - 26 (D) it is committed against a firefighter (as defined in
27 IC 9-18-34-1) while the firefighter is engaged in the execution
28 of the firefighter's official duty;
 - 29 (E) it is committed against a community policing volunteer:
 - 30 (i) while the volunteer is performing the duties described in
31 IC 35-41-1-4.7; or
 - 32 (ii) because the person is a community policing volunteer;
 - 33 or
 - 34 (F) it is committed against the state chemist or the state
35 chemist's agent while the state chemist or the state chemist's
36 agent is performing a duty under IC 15-16-5;
- 37 (2) a Class D felony if it results in bodily injury to:
 - 38 (A) a law enforcement officer or a person summoned and
39 directed by a law enforcement officer while the officer is
40 engaged in the execution of the officer's official duty;
 - 41 (B) a person less than fourteen (14) years of age and is
42 committed by a person at least eighteen (18) years of age;

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- 1 (C) a person of any age who has a mental or physical disability
- 2 and is committed by a person having the care of the person
- 3 with a mental or physical disability, whether the care is
- 4 assumed voluntarily or because of a legal obligation;
- 5 (D) the other person and the person who commits the battery
- 6 was previously convicted of a battery in which the victim was
- 7 the other person;
- 8 (E) an endangered adult (as defined in IC 12-10-3-2);
- 9 (F) an employee of the department of correction while the
- 10 employee is engaged in the execution of the employee's
- 11 official duty;
- 12 (G) an employee of a school corporation while the employee
- 13 is engaged in the execution of the employee's official duty;
- 14 (H) a correctional professional while the correctional
- 15 professional is engaged in the execution of the correctional
- 16 professional's official duty;
- 17 (I) a person who is a health care provider (as defined in
- 18 IC 16-18-2-163) while the health care provider is engaged in
- 19 the execution of the health care provider's official duty;
- 20 (J) an employee of a penal facility or a juvenile detention
- 21 facility (as defined in IC 31-9-2-71) while the employee is
- 22 engaged in the execution of the employee's official duty;
- 23 (K) a firefighter (as defined in IC 9-18-34-1) while the
- 24 firefighter is engaged in the execution of the firefighter's
- 25 official duty;
- 26 (L) a community policing volunteer:
- 27 (i) while the volunteer is performing the duties described in
- 28 IC 35-41-1-4.7; or
- 29 (ii) because the person is a community policing volunteer;
- 30 or
- 31 (M) a family or household member (as defined in
- 32 IC 35-41-1-10.6) if the person who committed the offense:
- 33 (i) is at least eighteen (18) years of age; and
- 34 (ii) committed the offense in the physical presence of a child
- 35 less than sixteen (16) years of age, knowing that the child
- 36 was present and might be able to see or hear the offense;
- 37 **(N) a sports official at the location or in the immediate**
- 38 **vicinity of the location at which a sports contest takes**
- 39 **place, has taken place, or is scheduled to take place; or**
- 40 **(O) a utility worker while the utility worker is engaged in**
- 41 **the execution of the utility worker's official duty;**
- 42 (3) a Class C felony if it results in serious bodily injury to any

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1 other person or if it is committed by means of a deadly weapon;
 2 (4) a Class B felony if it results in serious bodily injury to a
 3 person less than fourteen (14) years of age and is committed by a
 4 person at least eighteen (18) years of age;
 5 (5) a Class A felony if it results in the death of a person less than
 6 fourteen (14) years of age and is committed by a person at least
 7 eighteen (18) years of age;
 8 (6) a Class C felony if it results in serious bodily injury to an
 9 endangered adult (as defined in IC 12-10-3-2);
 10 (7) a Class B felony if it results in the death of an endangered
 11 adult (as defined in IC 12-10-3-2); and
 12 (8) a Class C felony if it results in bodily injury to a pregnant
 13 woman and the person knew the woman was pregnant.
 14 (b) For purposes of this section:
 15 (1) "law enforcement officer" includes an alcoholic beverage
 16 enforcement officer; and
 17 (2) "correctional professional" means a:
 18 (A) probation officer;
 19 (B) parole officer;
 20 (C) community corrections worker; or
 21 (D) home detention officer.
 22 SECTION 5. [EFFECTIVE JULY 1, 2009] **IC 35-42-2-1(a)(2)(N)**
 23 **and IC 35-42-2-1(a)(2)(O), both as added by this act, apply only to**
 24 **crimes committed after June 30, 2009.**

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