

# SENATE BILL No. 229

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-41-1-24.9; IC 35-42-2-1.

**Synopsis:** Battery on a security officer. Enhances the penalty for battery if it is committed against a security officer while the officer is performing the officer's duties.

**Effective:** July 1, 2011.

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January 5, 2011, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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**SENATE BILL No. 229**



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 35-41-1-24.9 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2011]: **Sec. 24.9. "Security officer" means a**  
4 **person who:**

- 5 (1) **is licensed to carry a handgun; and**
- 6 (2) **is employed by a security guard agency licensed under**  
7 **IC 25-30-1.3.**

8 SECTION 2. IC 35-42-2-1, AS AMENDED BY P.L.131-2009,  
9 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2011]: Sec. 1. (a) A person who knowingly or intentionally  
11 touches another person in a rude, insolent, or angry manner commits  
12 battery, a Class B misdemeanor. However, the offense is:

- 13 (1) a Class A misdemeanor if:
  - 14 (A) it results in bodily injury to any other person;
  - 15 (B) it is committed against a law enforcement officer or
  - 16 against a person summoned and directed by the officer while
  - 17 the officer is engaged in the execution of the officer's official



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- duty;
- (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;
- (D) it is committed against a firefighter (as defined in IC 9-18-34-1) while the firefighter is engaged in the execution of the firefighter's official duty;
- (E) it is committed against a community policing volunteer:
  - (i) while the volunteer is performing the duties described in IC 35-41-1-4.7; or
  - (ii) because the person is a community policing volunteer;
- or
- (F) it is committed against the state chemist or the state chemist's agent while the state chemist or the state chemist's agent is performing a duty under IC 15-16-5; or
- (G) it is committed against a security officer while the security officer is engaged in the execution of the security officer's 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 the officer's 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 has a mental or physical disability and is committed by a person having the care of the person with a mental or physical disability, 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) an endangered adult (as defined in IC 12-10-3-2);
  - (F) an employee of the department of correction while the employee is engaged in the execution of the employee's official duty;
  - (G) an employee of a school corporation while the employee is engaged in the execution of the employee's official duty;
  - (H) a correctional professional while the correctional professional is engaged in the execution of the correctional professional's official duty;
  - (I) a person who is a health care provider (as defined in

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- 1 IC 16-18-2-163) while the health care provider is engaged in
- 2 the execution of the health care provider's official duty;
- 3 (J) an employee of a penal facility or a juvenile detention
- 4 facility (as defined in IC 31-9-2-71) while the employee is
- 5 engaged in the execution of the employee's official duty;
- 6 (K) a firefighter (as defined in IC 9-18-34-1) while the
- 7 firefighter is engaged in the execution of the firefighter's
- 8 official duty;
- 9 (L) a community policing volunteer:
- 10 (i) while the volunteer is performing the duties described in
- 11 IC 35-41-1-4.7; or
- 12 (ii) because the person is a community policing volunteer;
- 13 (M) a family or household member (as defined in
- 14 IC 35-41-1-10.6) if the person who committed the offense:
- 15 (i) is at least eighteen (18) years of age; and
- 16 (ii) committed the offense in the physical presence of a child
- 17 less than sixteen (16) years of age, knowing that the child
- 18 was present and might be able to see or hear the offense; ~~or~~
- 19 (N) a department of child services employee while the
- 20 employee is engaged in the execution of the employee's
- 21 official duty; **or**
- 22 **(O) a security officer while the security officer is engaged**
- 23 **in the execution of the security officer's duty;**
- 24 (3) a Class C felony if it results in serious bodily injury to any
- 25 other person or if it is committed by means of a deadly weapon;
- 26 (4) a Class B felony if it results in serious bodily injury to a
- 27 person less than fourteen (14) years of age and is committed by a
- 28 person at least eighteen (18) years of age;
- 29 (5) a Class A felony if it results in the death of a person less than
- 30 fourteen (14) years of age and is committed by a person at least
- 31 eighteen (18) years of age;
- 32 (6) a Class C felony if it results in serious bodily injury to an
- 33 endangered adult (as defined in IC 12-10-3-2);
- 34 (7) a Class B felony if it results in the death of an endangered
- 35 adult (as defined in IC 12-10-3-2); and
- 36 (8) a Class C felony if it results in bodily injury to a pregnant
- 37 woman and the person knew the woman was pregnant.
- 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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