
HOUSE BILL No. 1104

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-41-1-26.9; IC 35-42-2-1.

Synopsis: Battery on a utility worker. Makes battery on a utility worker engaged in the execution of the utility worker's official duty a Class D felony instead of a Class B misdemeanor if the battery results in bodily injury to the utility worker.

Effective: July 1, 2011.

Moseley

January 6, 2011, read first time and referred to Committee on Courts and Criminal Code.

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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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HOUSE BILL No. 1104



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 35-41-1-26.9 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2011]: **Sec. 26.9. "Utility worker" means an**
4 **individual who is employed by or an independent contractor or an**
5 **employee of an independent contractor working on behalf of one**
6 **(1) of the following:**

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

14 SECTION 2. IC 35-42-2-1, AS AMENDED BY P.L.131-2009,
15 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2011]: Sec. 1. (a) A person who knowingly or intentionally
17 touches another person in a rude, insolent, or angry manner commits



- 1 battery, a Class B misdemeanor. However, the offense is:
- 2 (1) a Class A misdemeanor if:
- 3 (A) it results in bodily injury to any other person;
- 4 (B) it is committed against a law enforcement officer or
- 5 against a person summoned and directed by the officer while
- 6 the officer is engaged in the execution of the officer's official
- 7 duty;
- 8 (C) it is committed against an employee of a penal facility or
- 9 a juvenile detention facility (as defined in IC 31-9-2-71) while
- 10 the employee is engaged in the execution of the employee's
- 11 official duty;
- 12 (D) it is committed against a firefighter (as defined in
- 13 IC 9-18-34-1) while the firefighter is engaged in the execution
- 14 of the firefighter's official duty;
- 15 (E) it is committed against a community policing volunteer:
- 16 (i) while the volunteer is performing the duties described in
- 17 IC 35-41-1-4.7; or
- 18 (ii) because the person is a community policing volunteer;
- 19 or
- 20 (F) it is committed against the state chemist or the state
- 21 chemist's agent while the state chemist or the state chemist's
- 22 agent is performing a duty under IC 15-16-5;
- 23 (2) a Class D felony if it results in bodily injury to:
- 24 (A) a law enforcement officer or a person summoned and
- 25 directed by a law enforcement officer while the officer is
- 26 engaged in the execution of the officer's official duty;
- 27 (B) a person less than fourteen (14) years of age and is
- 28 committed by a person at least eighteen (18) years of age;
- 29 (C) a person of any age who has a mental or physical disability
- 30 and is committed by a person having the care of the person
- 31 with a mental or physical disability, whether the care is
- 32 assumed voluntarily or because of a legal obligation;
- 33 (D) the other person and the person who commits the battery
- 34 was previously convicted of a battery in which the victim was
- 35 the other person;
- 36 (E) an endangered adult (as defined in IC 12-10-3-2);
- 37 (F) an employee of the department of correction while the
- 38 employee is engaged in the execution of the employee's
- 39 official duty;
- 40 (G) an employee of a school corporation while the employee
- 41 is engaged in the execution of the employee's official duty;
- 42 (H) a correctional professional while the correctional

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

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- 1 enforcement officer; and
- 2 (2) "correctional professional" means a:
- 3 (A) probation officer;
- 4 (B) parole officer;
- 5 (C) community corrections worker; or
- 6 (D) home detention officer.

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