
HOUSE BILL No. 1332

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1-9; IC 34-24-5; IC 35-38-1-7.1; IC 35-41-1-13.5.

Synopsis: Bias crimes. Requires law enforcement officers to receive training in identifying, responding to, and reporting bias crimes. Allows an individual who suffers a personal injury or property damage caused by a criminal offense to bring a civil action to recover damages, including punitive damages, if the person who committed the offense knowingly or intentionally selected the victim because: (1) of the victim's actual or perceived color, creed, disability, national origin, race, religion, sexual orientation, gender identity, or sex; (2) of the actual or perceived color, creed, disability, national origin, race, religion, sexual orientation, gender identity, or sex of an individual affiliated or associated with the victim; or (3) the victim was homeless. Makes commission of a crime because: (1) of the victim's actual or perceived color, creed, disability, national origin, race, religion, sexual orientation, gender identity, sex, or any other characteristic or belief; (2) of the actual or perceived color, creed, disability, national origin, race, religion, sexual orientation, gender identity, sex, or any other characteristic or belief of an individual affiliated or associated with the victim; or (3) the victim was homeless; an aggravating circumstance that may be considered by a judge when the judge imposes a sentence for the crime.

Effective: July 1, 2011.

Porter

January 13, 2011, read first time and referred to Committee on Courts and Criminal Code.

C
o
p
y



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.

C
O
P
Y

HOUSE BILL No. 1332



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 5-2-1-9, AS AMENDED BY P.L.1-2010,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 9. (a) The board shall adopt in accordance with
4 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
5 The rules, which shall be adopted only after necessary and proper
6 investigation and inquiry by the board, shall include the establishment
7 of the following:

8 (1) Minimum standards of physical, educational, mental, and
9 moral fitness which shall govern the acceptance of any person for
10 training by any law enforcement training school or academy
11 meeting or exceeding the minimum standards established
12 pursuant to this chapter.

13 (2) Minimum standards for law enforcement training schools
14 administered by towns, cities, counties, law enforcement training
15 centers, agencies, or departments of the state.

16 (3) Minimum standards for courses of study, attendance
17 requirements, equipment, and facilities for approved town, city,



- 1 county, and state law enforcement officer, police reserve officer,
- 2 and conservation reserve officer training schools.
- 3 (4) Minimum standards for a course of study on cultural diversity
- 4 awareness that must be required for each person accepted for
- 5 training at a law enforcement training school or academy.
- 6 (5) Minimum qualifications for instructors at approved law
- 7 enforcement training schools.
- 8 (6) Minimum basic training requirements which law enforcement
- 9 officers appointed to probationary terms shall complete before
- 10 being eligible for continued or permanent employment.
- 11 (7) Minimum basic training requirements which law enforcement
- 12 officers appointed on other than a permanent basis shall complete
- 13 in order to be eligible for continued employment or permanent
- 14 appointment.
- 15 (8) Minimum basic training requirements which law enforcement
- 16 officers appointed on a permanent basis shall complete in order
- 17 to be eligible for continued employment.
- 18 (9) Minimum basic training requirements for each person
- 19 accepted for training at a law enforcement training school or
- 20 academy that include six (6) hours of training in interacting with:
 - 21 (A) persons with autism, mental illness, addictive disorders,
 - 22 mental retardation, and developmental disabilities; and
 - 23 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
 - 24 to be provided by persons approved by the secretary of family and
 - 25 social services and the board.
- 26 (10) Minimum standards for a course of study on human and
- 27 sexual trafficking that must be required for each person accepted
- 28 for training at a law enforcement training school or academy and
- 29 for inservice training programs for law enforcement officers. The
- 30 course must cover the following topics:
 - 31 (A) Examination of the human and sexual trafficking laws
 - 32 (IC 35-42-3.5).
 - 33 (B) Identification of human and sexual trafficking.
 - 34 (C) Communicating with traumatized persons.
 - 35 (D) Therapeutically appropriate investigative techniques.
 - 36 (E) Collaboration with federal law enforcement officials.
 - 37 (F) Rights of and protections afforded to victims.
 - 38 (G) Providing documentation that satisfies the Declaration of
 - 39 Law Enforcement Officer for Victim of Trafficking in Persons
 - 40 (Form I-914, Supplement B) requirements established under
 - 41 federal law.
 - 42 (H) The availability of community resources to assist human

COPY



1 and sexual trafficking victims.

2 (b) A law enforcement officer appointed after July 5, 1972, and
 3 before July 1, 1993, may not enforce the laws or ordinances of the state
 4 or any political subdivision unless the officer has, within one (1) year
 5 from the date of appointment, successfully completed the minimum
 6 basic training requirements established under this chapter by the board.
 7 If a person fails to successfully complete the basic training
 8 requirements within one (1) year from the date of employment, the
 9 officer may not perform any of the duties of a law enforcement officer
 10 involving control or direction of members of the public or exercising
 11 the power of arrest until the officer has successfully completed the
 12 training requirements. This subsection does not apply to any law
 13 enforcement officer appointed before July 6, 1972, or after June 30,
 14 1993.

15 (c) Military leave or other authorized leave of absence from law
 16 enforcement duty during the first year of employment after July 6,
 17 1972, shall toll the running of the first year, which shall be calculated
 18 by the aggregate of the time before and after the leave, for the purposes
 19 of this chapter.

20 (d) Except as provided in subsections (e), (l), (r), and (s), a law
 21 enforcement officer appointed to a law enforcement department or
 22 agency after June 30, 1993, may not:

- 23 (1) make an arrest;
- 24 (2) conduct a search or a seizure of a person or property; or
- 25 (3) carry a firearm;

26 unless the law enforcement officer successfully completes, at a board
 27 certified law enforcement academy or at a law enforcement training
 28 center under section 10.5 or 15.2 of this chapter, the basic training
 29 requirements established by the board under this chapter.

30 (e) This subsection does not apply to:

- 31 (1) a gaming agent employed as a law enforcement officer by the
 32 Indiana gaming commission; or
 - 33 (2) an:
 - 34 (A) attorney; or
 - 35 (B) investigator;
- 36 designated by the securities commissioner as a police officer of
 37 the state under IC 23-19-6-1(i).

38 Before a law enforcement officer appointed after June 30, 1993,
 39 completes the basic training requirements, the law enforcement officer
 40 may exercise the police powers described in subsection (d) if the
 41 officer successfully completes the pre-basic course established in
 42 subsection (f). Successful completion of the pre-basic course authorizes

C
O
P
Y



1 a law enforcement officer to exercise the police powers described in
 2 subsection (d) for one (1) year after the date the law enforcement
 3 officer is appointed.

4 (f) The board shall adopt rules under IC 4-22-2 to establish a
 5 pre-basic course for the purpose of training:

6 (1) law enforcement officers;

7 (2) police reserve officers (as described in IC 36-8-3-20); and

8 (3) conservation reserve officers (as described in IC 14-9-8-27);

9 regarding the subjects of arrest, search and seizure, the lawful use of
 10 force, interacting with individuals with autism, and the operation of an
 11 emergency vehicle. The pre-basic course must be offered on a periodic
 12 basis throughout the year at regional sites statewide. The pre-basic
 13 course must consist of at least forty (40) hours of course work. The
 14 board may prepare the classroom part of the pre-basic course using
 15 available technology in conjunction with live instruction. The board
 16 shall provide the course material, the instructors, and the facilities at
 17 the regional sites throughout the state that are used for the pre-basic
 18 course. In addition, the board may certify pre-basic courses that may be
 19 conducted by other public or private training entities, including
 20 postsecondary educational institutions.

21 (g) The board shall adopt rules under IC 4-22-2 to establish a
 22 mandatory inservice training program for police officers. After June 30,
 23 1993, a law enforcement officer who has satisfactorily completed basic
 24 training and has been appointed to a law enforcement department or
 25 agency on either a full-time or part-time basis is not eligible for
 26 continued employment unless the officer satisfactorily completes the
 27 mandatory inservice training requirements established by rules adopted
 28 by the board. Inservice training must include training in interacting
 29 with persons with mental illness, addictive disorders, mental
 30 retardation, autism, and developmental disabilities, to be provided by
 31 persons approved by the secretary of family and social services and the
 32 board, and training concerning human and sexual trafficking. The
 33 board may approve courses offered by other public or private training
 34 entities, including postsecondary educational institutions, as necessary
 35 in order to ensure the availability of an adequate number of inservice
 36 training programs. The board may waive an officer's inservice training
 37 requirements if the board determines that the officer's reason for
 38 lacking the required amount of inservice training hours is due to either
 39 of the following:

40 (1) An emergency situation.

41 (2) The unavailability of courses.

42 (h) The board shall also adopt rules establishing a town marshal

C
O
P
Y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

basic training program, subject to the following:

(1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.

(2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.

(3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having not more than one (1) marshal and two (2) deputies.

(4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.

(5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.

(6) The program must require training in interacting with individuals with autism.

(i) The board shall adopt rules under IC 4-22-2 to establish an executive training program. The executive training program must include training in the following areas:

- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- (6) Lawful use of force.
- (7) Department programs.
- (8) Emergency vehicle operation.
- (9) Cultural diversity.

(j) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not

C
O
P
Y



1 continue to serve as the police chief until completion of the executive
2 training program. For the purposes of this subsection and subsection
3 (j), "police chief" refers to:

- 4 (1) the police chief of any city;
- 5 (2) the police chief of any town having a metropolitan police
6 department; and
- 7 (3) the chief of a consolidated law enforcement department
8 established under IC 36-3-1-5.1.

9 A town marshal is not considered to be a police chief for these
10 purposes, but a town marshal may enroll in the executive training
11 program.

12 (l) A fire investigator in the division of fire and building safety
13 appointed after December 31, 1993, is required to comply with the
14 basic training standards established under this chapter.

15 (m) The board shall adopt rules under IC 4-22-2 to establish a
16 program to certify handgun safety courses, including courses offered
17 in the private sector, that meet standards approved by the board for
18 training probation officers in handgun safety as required by
19 IC 11-13-1-3.5(3).

20 (n) The board shall adopt rules under IC 4-22-2 to establish a
21 refresher course for an officer who:

- 22 (1) is hired by an Indiana law enforcement department or agency
23 as a law enforcement officer;
- 24 (2) has not been employed as a law enforcement officer for at
25 least two (2) years and less than six (6) years before the officer is
26 hired under subdivision (1) due to the officer's resignation or
27 retirement; and
- 28 (3) completed at any time a basic training course certified by the
29 board before the officer is hired under subdivision (1).

30 (o) The board shall adopt rules under IC 4-22-2 to establish a
31 refresher course for an officer who:

- 32 (1) is hired by an Indiana law enforcement department or agency
33 as a law enforcement officer;
- 34 (2) has not been employed as a law enforcement officer for at
35 least six (6) years and less than ten (10) years before the officer
36 is hired under subdivision (1) due to the officer's resignation or
37 retirement;
- 38 (3) is hired under subdivision (1) in an upper level policymaking
39 position; and
- 40 (4) completed at any time a basic training course certified by the
41 board before the officer is hired under subdivision (1).

42 A refresher course established under this subsection may not exceed

C
o
p
y



1 one hundred twenty (120) hours of course work. All credit hours
 2 received for successfully completing the police chief executive training
 3 program under subsection (i) shall be applied toward the refresher
 4 course credit hour requirements.

5 (p) Subject to subsection (q), an officer to whom subsection (n) or
 6 (o) applies must successfully complete the refresher course described
 7 in subsection (n) or (o) not later than six (6) months after the officer's
 8 date of hire, or the officer loses the officer's powers of:

- 9 (1) arrest;
 10 (2) search; and
 11 (3) seizure.

12 (q) A law enforcement officer who has worked as a law enforcement
 13 officer for less than twenty-five (25) years before being hired under
 14 subsection (n)(1) or (o)(1) is not eligible to attend the refresher course
 15 described in subsection (n) or (o) and must repeat the full basic training
 16 course to regain law enforcement powers. However, a law enforcement
 17 officer who has worked as a law enforcement officer for at least
 18 twenty-five (25) years before being hired under subsection (n)(1) or
 19 (o)(1) and who otherwise satisfies the requirements of subsection (n)
 20 or (o) is not required to repeat the full basic training course to regain
 21 law enforcement power but shall attend the refresher course described
 22 in subsection (n) or (o) and the pre-basic training course established
 23 under subsection (f).

24 (r) This subsection applies only to a gaming agent employed as a
 25 law enforcement officer by the Indiana gaming commission. A gaming
 26 agent appointed after June 30, 2005, may exercise the police powers
 27 described in subsection (d) if:

- 28 (1) the agent successfully completes the pre-basic course
 29 established in subsection (f); and
 30 (2) the agent successfully completes any other training courses
 31 established by the Indiana gaming commission in conjunction
 32 with the board.

33 (s) This subsection applies only to a securities enforcement officer
 34 designated as a law enforcement officer by the securities
 35 commissioner. A securities enforcement officer may exercise the police
 36 powers described in subsection (d) if:

- 37 (1) the securities enforcement officer successfully completes the
 38 pre-basic course established in subsection (f); and
 39 (2) the securities enforcement officer successfully completes any
 40 other training courses established by the securities commissioner
 41 in conjunction with the board.

42 (t) As used in this section, "upper level policymaking position"

C
O
P
Y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

refers to the following:

(1) If the authorized size of the department or town marshal system is not more than ten (10) members, the term refers to the position held by the police chief or town marshal.

(2) If the authorized size of the department or town marshal system is more than ten (10) members but less than fifty-one (51) members, the term refers to:

(A) the position held by the police chief or town marshal; and

(B) each position held by the members of the police department or town marshal system in the next rank and pay grade immediately below the police chief or town marshal.

(3) If the authorized size of the department or town marshal system is more than fifty (50) members, the term refers to:

(A) the position held by the police chief or town marshal; and

(B) each position held by the members of the police department or town marshal system in the next two (2) ranks and pay grades immediately below the police chief or town marshal.

(u) This subsection applies only to a correctional police officer employed by the department of correction. A correctional police officer may exercise the police powers described in subsection (d) if:

(1) the officer successfully completes the pre-basic course described in subsection (f); and

(2) the officer successfully completes any other training courses established by the department of correction in conjunction with the board.

(v) This subsection applies to the following:

(1) Minimum basic training program required under subsection (d).

(2) Mandatory inservice training program required under subsection (g).

(3) Town marshal basic training program required under subsection (h).

(4) Police chief executive training program required under subsection (j).

(5) Any other training program for which the board adopts standards.

After December 31, 2011, the standards adopted by the board for each program described in this subsection must include requirements for mandatory training in identifying, responding to, and reporting bias crimes in which the person who committed the offense selected the victim who was injured or whose property was

C
O
P
Y



1 damaged or otherwise affected because of the color, creed,
2 disability, national origin, race, religion, sexual orientation, gender
3 identity, or sex of the victim or an individual affiliated or
4 associated with the victim or because the victim was a homeless
5 individual (as defined in IC 35-41-1-13.5).

6 SECTION 2. IC 34-24-5 IS ADDED TO THE INDIANA CODE AS
7 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2011]:

9 Chapter 5. Civil Action for Victims of Bias Crime Offenders
10 Sec. 1. This chapter applies only to causes of action that accrue
11 after June 30, 2011.

12 Sec. 2. As used in this chapter, "bias crime offender" means a
13 person:

- 14 (1) who:
 - 15 (A) was convicted of committing a crime that injured a
 - 16 individual; and
 - 17 (B) knowingly or intentionally selected the individual as
 - 18 the victim of the crime because:
 - 19 (i) of the actual or perceived color, creed, disability,
 - 20 national origin, race, religion, sexual orientation, gender
 - 21 identity, or sex of the victim;
 - 22 (ii) of the actual or perceived color, creed, disability,
 - 23 national origin, race, religion, sexual orientation, gender
 - 24 identity, or sex of an individual affiliated or associated
 - 25 with the victim; or
 - 26 (iii) the victim was a homeless individual; or

- 27 (2) who:
 - 28 (A) was convicted of committing a crime that damaged or
 - 29 otherwise affected property; and
 - 30 (B) knowingly or intentionally damaged or otherwise
 - 31 affected the property because:
 - 32 (i) of the actual or perceived color, creed, disability,
 - 33 national origin, race, religion, sexual orientation, gender
 - 34 identity, or sex of the individual who owned or occupied
 - 35 the property;
 - 36 (ii) of the actual or perceived color, creed, disability,
 - 37 national origin, race, religion, sexual orientation, gender
 - 38 identity, or sex of an individual affiliated or associated
 - 39 with the individual who owned or occupied the property;
 - 40 or
 - 41 (iii) the individual who owned or occupied the property
 - 42 was a homeless individual.

C
O
P
Y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

Sec. 3. (a) As used in this chapter, "homeless individual" means an individual who:

- (1) lacks a fixed, regular, and adequate nighttime residence;**
- or**
- (2) uses one (1) of the following as a primary nighttime residence:**

(A) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including a motel, a hotel, a congregate shelter, or transitional housing.

(B) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(b) The term does not include an individual imprisoned or otherwise detained under state or federal law.

Sec. 4. If an individual suffers a pecuniary loss because of the commission of a crime by a bias crime offender, the individual may bring a civil action against the person who caused the loss.

Sec. 5. An individual bringing an action under section 4 of this chapter may seek to recover the following:

- (1) Actual, compensatory, and consequential damages.**
- (2) Punitive damages in an amount not more than three (3) times the person's actual damages.**
- (3) The costs of the action.**
- (4) Reasonable attorney's fees.**

Sec. 6. (a) Except as provided in subsection (b), this chapter does not limit a person's rights or remedies under any other state or federal law.

(b) A person may not recover damages under IC 34-24-3 and this chapter for the same crime.

SECTION 3. IC 35-38-1-7.1, AS AMENDED BY P.L.119-2008, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7.1. (a) In determining what sentence to impose for a crime, the court may consider the following aggravating circumstances:

- (1) The harm, injury, loss, or damage suffered by the victim of an offense was:**
 - (A) significant; and**
 - (B) greater than the elements necessary to prove the commission of the offense.**
- (2) The person has a history of criminal or delinquent behavior.**
- (3) The victim of the offense was less than twelve (12) years of**

**C
O
P
Y**



- 1 age or at least sixty-five (65) years of age at the time the person
- 2 committed the offense.
- 3 (4) The person:
- 4 (A) committed a crime of violence (IC 35-50-1-2); and
- 5 (B) knowingly committed the offense in the presence or within
- 6 hearing of an individual who:
- 7 (i) was less than eighteen (18) years of age at the time the
- 8 person committed the offense; and
- 9 (ii) is not the victim of the offense.
- 10 (5) The person violated a protective order issued against the
- 11 person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or
- 12 IC 34-4-5.1 before their repeal), a workplace violence restraining
- 13 order issued against the person under IC 34-26-6, or a no contact
- 14 order issued against the person.
- 15 (6) The person has recently violated the conditions of any
- 16 probation, parole, pardon, community corrections placement, or
- 17 pretrial release granted to the person.
- 18 (7) The victim of the offense was:
- 19 (A) a person with a disability (as defined in IC 27-7-6-12), and
- 20 the defendant knew or should have known that the victim was
- 21 a person with a disability; or
- 22 (B) mentally or physically infirm.
- 23 (8) The person was in a position having care, custody, or control
- 24 of the victim of the offense.
- 25 (9) The injury to or death of the victim of the offense was the
- 26 result of shaken baby syndrome (as defined in IC 16-41-40-2).
- 27 (10) The person threatened to harm the victim of the offense or a
- 28 witness if the victim or witness told anyone about the offense.
- 29 (11) The person:
- 30 (A) committed trafficking with an inmate under IC 35-44-3-9;
- 31 and
- 32 (B) is an employee of the penal facility.
- 33 **(12) The person who committed the offense knowingly or**
- 34 **intentionally selected the victim who was injured by the**
- 35 **offense or whose property was damaged or otherwise affected**
- 36 **by the offense because:**
- 37 **(A) of the actual or perceived color, creed, disability,**
- 38 **national origin, race, religion, sexual orientation, gender**
- 39 **identity, sex, or any other characteristic or belief of the**
- 40 **injured individual or of the owner or occupant of the**
- 41 **property;**
- 42 **(B) of the actual or perceived color, creed, disability,**

COPY



1 **national origin, race, religion, sexual orientation, gender**
 2 **identity, sex, or any other characteristic or belief of an**
 3 **individual affiliated or associated with the injured**
 4 **individual or of the owner or occupant of the property; or**
 5 **(C) the injured individual or the owner or occupant of the**
 6 **property was a homeless individual.**

7 (b) The court may consider the following factors as mitigating
 8 circumstances or as favoring suspending the sentence and imposing
 9 probation:

- 10 (1) The crime neither caused nor threatened serious harm to
- 11 persons or property, or the person did not contemplate that it
- 12 would do so.
- 13 (2) The crime was the result of circumstances unlikely to recur.
- 14 (3) The victim of the crime induced or facilitated the offense.
- 15 (4) There are substantial grounds tending to excuse or justify the
- 16 crime, though failing to establish a defense.
- 17 (5) The person acted under strong provocation.
- 18 (6) The person has no history of delinquency or criminal activity,
- 19 or the person has led a law-abiding life for a substantial period
- 20 before commission of the crime.
- 21 (7) The person is likely to respond affirmatively to probation or
- 22 short term imprisonment.
- 23 (8) The character and attitudes of the person indicate that the
- 24 person is unlikely to commit another crime.
- 25 (9) The person has made or will make restitution to the victim of
- 26 the crime for the injury, damage, or loss sustained.
- 27 (10) Imprisonment of the person will result in undue hardship to
- 28 the person or the dependents of the person.
- 29 (11) The person was convicted of a crime involving the use of
- 30 force against a person who had repeatedly inflicted physical or
- 31 sexual abuse upon the convicted person and evidence shows that
- 32 the convicted person suffered from the effects of battery as a
- 33 result of the past course of conduct of the individual who is the
- 34 victim of the crime for which the person was convicted.

35 (c) The criteria listed in subsections (a) and (b) do not limit the
 36 matters that the court may consider in determining the sentence.

- 37 (d) A court may impose any sentence that is:
- 38 (1) authorized by statute; and
- 39 (2) permissible under the Constitution of the State of Indiana;
- 40 regardless of the presence or absence of aggravating circumstances or
- 41 mitigating circumstances.

42 SECTION 4. IC 35-41-1-13.5 IS ADDED TO THE INDIANA

C
o
p
y



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2011]: **Sec. 13.5. (a) "Homeless individual"**
 3 **means an individual who:**
 4 **(1) lacks a fixed, regular, and adequate nighttime residence;**
 5 **or**
 6 **(2) uses one (1) of the following as a primary nighttime**
 7 **residence:**
 8 **(A) A supervised publicly or privately operated shelter**
 9 **designed to provide temporary living accommodations,**
 10 **including a motel, a hotel, a congregate shelter, or**
 11 **transitional housing.**
 12 **(B) A public or private place not designed for, or**
 13 **ordinarily used as, a regular sleeping accommodation for**
 14 **human beings.**
 15 **(b) The term does not include an individual imprisoned or**
 16 **otherwise detained under state or federal law.**

C
O
P
Y

