Reprinted
February 28, 2012

ENGROSSED
SENATE BILL No. 97

DIGEST OF SB 97 (Updated February 27, 2012 5:41 pm - DI 69)

Citations Affected: IC 7.1-5.

Synopsis: Public intoxication. Provides that a person may not be convicted of certain offenses relating to public intoxication unless the person: (1) endangers the person's life; (2) endangers the life of another person; (3) breaches the peace or is in imminent danger of breaching the peace; or (4) harasses, annoys, or alarms another person. Prohibits a person from initiating or maintaining an action against a law enforcement officer based on the officer's failure to enforce certain laws concerning public intoxication offenses.

Effective: July 1, 2012.

Young R Michael, Taylor, Randolph, Steele, Tomes, Hume
(HOUSE SPONSORS — STEUERWALD, MCMILLIN)

January 4, 2012, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
January 24, 2012, reported favorably — Do Pass.
January 26, 2012, read second time, ordered engrossed.
January 27, 2012, engrossed.
January 30, 2012, read third time, passed. Yeas 30, nays 20.

HOUSE ACTION

February 9, 2012, read first time and referred to Committee on Courts and Criminal Code.
February 23, 2012, amended, reported — Do Pass.
February 27, 2012, read second time, amended, ordered engrossed.

C o p y

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

C o p y

ENGROSSED
SENATE BILL No. 97

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:

SECTION 1. IC 7.1-5-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a)** It is a Class B misdemeanor for a person to be in a public place or a place of public resort in a state of intoxication caused by the person's use of alcohol or a controlled substance (as defined in IC 35-48-1-9), **if the person:**

(1) endangers the person's life;

(2) endangers the life of another person;

(3) breaches the peace or is in imminent danger of breaching the peace; or

(4) harasses, annoys, or alarms another person.

(b) A person may not initiate or maintain an action against a law enforcement officer based on the officer's failure to enforce this section.

SECTION 2. IC 7.1-5-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. **(a)** It is a Class B misdemeanor for a person to be, or to become, intoxicated as a result of the person's use of alcohol or a controlled substance (as defined in

IC 35-48-1-9) in or upon a vehicle commonly used for the public transportation of passengers, or in or upon a common carrier, or in or about a depot, station, airport, ticket office, waiting room or platform, **if the person:**

(1) endangers the person's life;

(2) endangers the life of another person;

(3) breaches the peace or is in imminent danger of breaching the peace; or

(4) harasses, annoys, or alarms another person.

(b) A person may not initiate or maintain an action against a law enforcement officer based on the officer's failure to enforce this section.

C o p y

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 97, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 97 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 10, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 97, 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, line 2, after "3." insert "**(a)**".

Page 1, line 7, delete "or".

Page 1, line 9, delete "." and insert "**; or**

(4) unreasonably harasses, annoys, or alarms another person.

(b) A person may not initiate or maintain an action against a law enforcement officer based on the officer's failure to enforce this section.".

Page 1, line 11, after "6." insert "**(a)**".

Page 2, line 2, delete "or".

Page 2, line 4, delete "." and insert "**; or**

(4) unreasonably harasses, annoys, or alarms another person.

(b) A person may not initiate or maintain an action against a law enforcement officer based on the officer's failure to enforce this section.".

and when so amended that said bill do pass.

(Reference is to SB 97 as printed January 25, 2012.)

STEUERWALD, Chair

Committee Vote: yeas 11, nays 1.

C o p y

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 97 be amended to read as follows:

Page 1, line 10, delete "unreasonably".

Page 2, line 9, delete "unreasonably".

(Reference is to ESB 97 as printed February 24, 2012.)

DVORAK

C o p y