

HOUSE BILL No. 1036

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-45-2-1.

Synopsis: Intimidation. Makes intimidation a Class C felony instead of a Class D felony if the person to whom a threat is communicated is a judge or bailiff of any court. Makes intimidation a Class C felony instead of a Class A misdemeanor if the person to whom a threat is communicated is a prosecuting attorney or deputy prosecuting attorney.

Effective: July 1, 2012.

Leonard, Steuerwald

January 9, 2012, read first time and referred to Committee on Courts and Criminal Code.

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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.

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HOUSE BILL No. 1036



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 35-45-2-1, AS AMENDED BY P.L.3-2006,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 1. (a) A person who communicates a threat to
4 another person, with the intent:
5 (1) that the other person engage in conduct against the other
6 person's will;
7 (2) that the other person be placed in fear of retaliation for a prior
8 lawful act; or
9 (3) of causing:
10 (A) a dwelling, a building, or another structure; or
11 (B) a vehicle;
12 to be evacuated;
13 commits intimidation, a Class A misdemeanor.
14 (b) However, the offense is a:
15 (1) Class D felony if:
16 (A) the threat is to commit a forcible felony;
17 (B) the person to whom the threat is communicated:



- 1 (i) is a law enforcement officer;
 2 ~~(ii) is a judge or bailiff of any court;~~
 3 ~~(iii) (ii)~~ is a witness (or the spouse or child of a witness) in
 4 any pending criminal proceeding against the person making
 5 the threat;
 6 ~~(iv) (iii)~~ is an employee of a school corporation;
 7 ~~(v) (iv)~~ is a community policing volunteer;
 8 ~~(vi) (v)~~ is an employee of a court;
 9 ~~(vii) (vi)~~ is an employee of a probation department; or
 10 ~~(viii) (vii)~~ is an employee of a community corrections
 11 program;
 12 (C) the person has a prior unrelated conviction for an offense
 13 under this section concerning the same victim; or
 14 (D) the threat is communicated using property, including
 15 electronic equipment or systems, of a school corporation or
 16 other governmental entity; and
 17 (2) Class C felony if:
 18 (A) while committing it, the person draws or uses a deadly
 19 weapon; or
 20 (B) **the person to whom the threat is communicated:**
 21 (i) **is a judge or bailiff of any court; or**
 22 (ii) **is a prosecuting attorney or deputy prosecuting**
 23 **attorney.**
 24 (c) "Threat" means an expression, by words or action, of an
 25 intention to:
 26 (1) unlawfully injure the person threatened or another person, or
 27 damage property;
 28 (2) unlawfully subject a person to physical confinement or
 29 restraint;
 30 (3) commit a crime;
 31 (4) unlawfully withhold official action, or cause such withholding;
 32 (5) unlawfully withhold testimony or information with respect to
 33 another person's legal claim or defense, except for a reasonable
 34 claim for witness fees or expenses;
 35 (6) expose the person threatened to hatred, contempt, disgrace, or
 36 ridicule;
 37 (7) falsely harm the credit or business reputation of the person
 38 threatened; or
 39 (8) cause the evacuation of a dwelling, a building, another
 40 structure, or a vehicle.

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