
HOUSE BILL No. 1113

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-44-3-3.

Synopsis: Resisting law enforcement. Provides that a person who knowingly or intentionally disobeys a law enforcement officer's verbal command commits the offense of resisting law enforcement.

Effective: July 1, 2012.

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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. 1113



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 35-44-3-3, AS AMENDED BY P.L.42-2011,
2 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 3. (a) A person who knowingly or intentionally:
4 (1) forcibly resists, obstructs, or interferes with a law enforcement
5 officer or a person assisting the officer while the officer is
6 lawfully engaged in the execution of the officer's duties;
7 (2) forcibly resists, obstructs, or interferes with the authorized
8 service or execution of a civil or criminal process or order of a
9 court; **or**
10 (3) flees from a law enforcement officer after the officer has, by
11 visible or audible means, including operation of the law
12 enforcement officer's siren or emergency lights, identified himself
13 or herself and ordered the person to stop; **or**
14 **(4) disobeys a law enforcement officer's verbal command;**
15 commits resisting law enforcement, a Class A misdemeanor, except as
16 provided in subsection (b).
17 (b) The offense under subsection (a) is a:



- 1 (1) Class D felony if:
 2 (A) the offense is described in subsection (a)(3) and the person
 3 uses a vehicle to commit the offense; or
 4 (B) while committing any offense described in subsection (a),
 5 the person draws or uses a deadly weapon, inflicts bodily
 6 injury on or otherwise causes bodily injury to another person,
 7 or operates a vehicle in a manner that creates a substantial risk
 8 of bodily injury to another person;
 9 (2) Class C felony if, while committing any offense described in
 10 subsection (a), the person operates a vehicle in a manner that
 11 causes serious bodily injury to another person;
 12 (3) Class B felony if, while committing any offense described in
 13 subsection (a), the person operates a vehicle in a manner that
 14 causes the death of another person; and
 15 (4) Class A felony if, while committing any offense described in
 16 subsection (a), the person operates a vehicle in a manner that
 17 causes the death of a law enforcement officer while the law
 18 enforcement officer is engaged in the officer's official duties.
 19 (c) For purposes of this section, a law enforcement officer includes
 20 an enforcement officer of the alcohol and tobacco commission and a
 21 conservation officer of the department of natural resources.
 22 (d) If a person uses a vehicle to commit a felony offense under
 23 subsection (b)(1)(B), (b)(2), (b)(3), or (b)(4), as part of the criminal
 24 penalty imposed for the offense, the court shall impose a minimum
 25 executed sentence of at least:
 26 (1) thirty (30) days, if the person does not have a prior unrelated
 27 conviction under this section;
 28 (2) one hundred eighty (180) days, if the person has one (1) prior
 29 unrelated conviction under this section; or
 30 (3) one (1) year, if the person has two (2) or more prior unrelated
 31 convictions under this section.
 32 (e) Notwithstanding IC 35-50-2-2 and IC 35-50-3-1, the mandatory
 33 minimum sentence imposed under subsection (d) may not be
 34 suspended.
 35 (f) If a person is convicted of an offense involving the use of a motor
 36 vehicle under:
 37 (1) subsection (b)(1)(A), if the person exceeded the speed limit by
 38 at least twenty (20) miles per hour while committing the offense;
 39 (2) subsection (b)(2); or
 40 (3) subsection (b)(3);
 41 the court may notify the bureau of motor vehicles to suspend or revoke
 42 the person's driver's license and all certificates of registration and

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1 license plates issued or registered in the person's name in accordance
2 with IC 9-30-4-6(b)(3) for the period described in IC 9-30-4-6(d)(4) or
3 IC 9-30-4-6(d)(5). The court shall inform the bureau whether the
4 person has been sentenced to a term of incarceration. At the time of
5 conviction, the court may obtain the person's current driver's license
6 and return the license to the bureau of motor vehicles.

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