

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.

SENATE ENROLLED ACT No. 274

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 7.1-1-3-19.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 19.7. "Law enforcement officer", for purposes of IC 7.1-5-1-6.5, has the meaning set forth in IC 35-41-1-17(a).**

SECTION 2. IC 7.1-5-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. **Subject to section 6.5 of this chapter**, 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).

SECTION 3. IC 7.1-5-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. **Subject to section 6.5 of this chapter**, 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.

SECTION 4. IC 7.1-5-1-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 6.5. (a) A law enforcement officer may not take a**

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person into custody based solely on the commission of an offense involving alcohol described in subsection (b) if the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that all of the following apply:

- (1) The law enforcement officer has contact with the person because the person either:
 - (A) requested emergency medical assistance; or
 - (B) acted in concert with another person who requested emergency medical assistance;
 for an individual who reasonably appeared to be in need of medical assistance due to alcohol consumption.
- (2) The person described in subdivision (1)(A) or (1)(B):
 - (A) provided:
 - (i) the person's full name; and
 - (ii) any other relevant information requested by the law enforcement officer;
 - (B) remained at the scene with the individual who reasonably appeared to be in need of medical assistance due to alcohol consumption until emergency medical assistance arrived; and
 - (C) cooperated with emergency medical assistance personnel and law enforcement officers at the scene.
- (b) A person who meets the criteria of subsection (a)(1) and (a)(2) is immune from criminal prosecution for an offense under:
 - (1) section 3 of this chapter if the offense involved a state of intoxication caused by the person's use of alcohol;
 - (2) section 6 of this chapter if the offense involved the person being, or becoming, intoxicated as a result of the person's use of alcohol; and
 - (3) IC 7.1-5-7-7.
- (c) A person may not initiate or maintain an action against a law enforcement officer based on the officer's compliance or failure to comply with this section.

SECTION 5. IC 7.1-5-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) **Subject to IC 7.1-5-1-6.5**, it is a Class C misdemeanor for a minor to knowingly:

- (1) possess an alcoholic beverage;
 - (2) consume it; or
 - (3) transport it on a public highway when not accompanied by at least one (1) of his parents or guardians.
- (b) If a minor is found to have violated subsection (a) while

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operating a motor vehicle, the court may order the minor's driver's license suspended for up to one (1) year. However, if the minor is less than eighteen (18) years of age, the court shall order the minor's driver's license suspended for at least sixty (60) days.

(c) The court shall deliver any order suspending the minor's driver's license under this section to the bureau of motor vehicles, which shall suspend the minor's driver's license under IC 9-24-18-12 for the period ordered by the court.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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