
SENATE BILL No. 361

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2; IC 35-45-2-1.

Synopsis: Intimidation. Provides that for the crime of intimidation, "communicates" includes posting a message on a social networking web site with the intent that the person threatened receive the message. Provides that it is a Class D felony if the person to whom the threat is communicated is a hospital, school, church, or religious organization.

Effective: July 1, 2013.

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January 8, 2013, read first time and referred to Committee on Corrections & Criminal Law.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 361



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 35-31.5-2-47.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2013]: **Sec. 47.5. "Communicates", for**
4 **purposes of IC 35-45-2-1, has the meaning set forth in**
5 **IC 35-45-2-1(c).**

6 SECTION 2. IC 35-31.5-2-330, AS ADDED BY P.L.114-2012,
7 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2013]: Sec. 330. "Threat", for purposes of IC 35-45-2-1, has
9 the meaning set forth in ~~IC 35-45-2-1(c)~~. **IC 35-45-2-1(d).**

10 SECTION 3. IC 35-45-2-1, AS AMENDED BY P.L.3-2006,
11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2013]: Sec. 1. (a) A person who communicates a threat to
13 another person, with the intent:

- 14 (1) that the other person engage in conduct against the other
15 person's will;
- 16 (2) that the other person be placed in fear of retaliation for a prior
17 lawful act; or



- 1 (3) of causing:
 2 (A) a dwelling, a building, or another structure; or
 3 (B) a vehicle;
 4 to be evacuated;
 5 commits intimidation, a Class A misdemeanor.
 6 (b) However, the offense is a:
 7 (1) Class D felony if:
 8 (A) the threat is to commit a forcible felony;
 9 (B) the person to whom the threat is communicated:
 10 (i) is a law enforcement officer;
 11 (ii) is a judge or bailiff of any court;
 12 (iii) is a witness (or the spouse or child of a witness) in any
 13 pending criminal proceeding against the person making the
 14 threat;
 15 (iv) is an employee of a school corporation;
 16 (v) is a community policing volunteer;
 17 (vi) is an employee of a court;
 18 (vii) is an employee of a probation department; ~~or~~
 19 (viii) is an employee of a community corrections program;
 20 **or**
 21 **(ix) is a hospital, school, church, or religious**
 22 **organization.**
 23 (C) the person has a prior unrelated conviction for an offense
 24 under this section concerning the same victim; or
 25 (D) the threat is communicated using property, including
 26 electronic equipment or systems, of a school corporation or
 27 other governmental entity; and
 28 (2) Class C felony if, while committing it, the person draws or
 29 uses a deadly weapon.
 30 **(c) "Communicates" includes posting a message on a social**
 31 **networking web site (as defined in IC 35-42-4-12(d)) with the intent**
 32 **that the person threatened receive the message.**
 33 ~~(c)~~ **(d) "Threat"** means an expression, by words or action, of an
 34 intention to:
 35 (1) unlawfully injure the person threatened or another person, or
 36 damage property;
 37 (2) unlawfully subject a person to physical confinement or
 38 restraint;
 39 (3) commit a crime;
 40 (4) unlawfully withhold official action, or cause such withholding;
 41 (5) unlawfully withhold testimony or information with respect to
 42 another person's legal claim or defense, except for a reasonable

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- 1 claim for witness fees or expenses;
- 2 (6) expose the person threatened to hatred, contempt, disgrace, or
- 3 ridicule;
- 4 (7) falsely harm the credit or business reputation of the person
- 5 threatened; or
- 6 (8) cause the evacuation of a dwelling, a building, another
- 7 structure, or a vehicle.

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