

# HOUSE BILL No. 1022

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-6.1; IC 35-37-4; IC 35-42-2-1; IC 35-46-1.

**Synopsis:** Battery upon a law enforcement officer. Makes battery a Class D felony if the offense is committed against: (1) a law enforcement officer; or (2) a person summoned and directed by a law enforcement officer; while the officer is engaged in the execution of the officer's official duty, regardless of whether the battery results in bodily injury to the officer or the person summoned and directed by the officer. Makes conforming amendments.

**Effective:** July 1, 2013.

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**Neese**

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January 7, 2013, read first time and referred to Committee on Courts and Criminal Code.

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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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# HOUSE BILL No. 1022



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 5-2-6.1-8, AS AMENDED BY P.L.48-2012,  
 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2013]: Sec. 8. As used in this chapter, "violent crime" means  
 4 the following:  
 5 (1) A crime under the Indiana Code that is a felony of any kind or  
 6 a Class A misdemeanor that results in bodily injury or death to the  
 7 victim but does not include any of the following:  
 8 (A) A crime under IC 9-30-5 resulting from the operation of a  
 9 vehicle other than a motor vehicle.  
 10 (B) Involuntary manslaughter resulting from the operation of  
 11 a motor vehicle by a person who was not intoxicated  
 12 (IC 35-42-1-4).  
 13 (C) Reckless homicide resulting from the operation of a motor  
 14 vehicle by a person who was not intoxicated (IC 35-42-1-5).  
 15 (D) Criminal recklessness involving the use of a motor  
 16 vehicle, unless the offense was intentional or the person using  
 17 the motor vehicle was intoxicated (IC 35-42-2-2).



- 1 (E) A crime involving the operation of a motor vehicle if the  
 2 driver of the motor vehicle was not charged with an offense  
 3 under IC 9-30-5.
- 4 (F) Battery upon a child (~~IC 35-42-2-1(a)(2)(B)~~):  
 5 **(IC 35-42-2-1(a)(2)(A))**.
- 6 (G) Child molesting (IC 35-42-4-3).
- 7 (H) Child seduction (IC 35-42-4-7).
- 8 (2) A crime in another jurisdiction in which the elements of the  
 9 crime are substantially similar to the elements of a crime that, if  
 10 the crime results in death or bodily injury to the victim, would be  
 11 a felony or a Class A misdemeanor if committed in Indiana.  
 12 However, the term does not include any of the following:
- 13 (A) A crime in another jurisdiction resulting from operating a  
 14 vehicle, other than a motor vehicle, while intoxicated.
- 15 (B) A crime in another jurisdiction with elements substantially  
 16 similar to involuntary manslaughter resulting from the  
 17 operation of a motor vehicle if the crime was committed by a  
 18 person who was not intoxicated.
- 19 (C) A crime in another jurisdiction with elements substantially  
 20 similar to reckless homicide resulting from the operation of a  
 21 motor vehicle if the crime was committed by a person who was  
 22 not intoxicated.
- 23 (D) A crime in another jurisdiction with elements substantially  
 24 similar to criminal recklessness involving the use of a motor  
 25 vehicle unless the offense was intentional or the person using  
 26 the motor vehicle was intoxicated.
- 27 (E) A crime involving the operation of a motor vehicle if the  
 28 driver of the motor vehicle was not charged with an offense  
 29 under IC 9-30-5.
- 30 (3) A terrorist act.
- 31 SECTION 2. IC 5-2-6.1-16, AS AMENDED BY P.L.48-2012,  
 32 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2013]: Sec. 16. (a) A person eligible for assistance under  
 34 section 12 of this chapter may file an application for assistance with the  
 35 division if the violent crime was committed in Indiana.
- 36 (b) Except as provided in subsection (e), the application must be  
 37 received by the division not more than one hundred eighty (180) days  
 38 after the date the crime was committed. The division may grant an  
 39 extension of time for good cause shown by the claimant. However, and  
 40 except as provided in subsection (e), the division may not accept an  
 41 application that is received more than two (2) years after the date the  
 42 crime was committed.

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1 (c) The application must be filed in the office of the division in  
 2 person, through the division's web site, or by first class or certified  
 3 mail. If requested, the division shall assist a victim in preparing the  
 4 application.

5 (d) The division shall accept all applications filed in compliance  
 6 with this chapter. Upon receipt of a complete application, the division  
 7 shall promptly begin the investigation and processing of an application.

8 (e) An alleged victim of a child sex crime may submit an application  
 9 to the division until the victim becomes thirty-one (31) years of age.

10 (f) An alleged victim of a battery upon a child under  
 11 ~~IC 35-42-2-1(a)(2)(B)~~ **IC 35-42-2-1(a)(2)(A)** may submit an  
 12 application to the division not later than five (5) years after the  
 13 commission of the offense.

14 SECTION 3. IC 35-37-4-6, AS AMENDED BY P.L.28-2011,  
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2013]: Sec. 6. (a) This section applies to a criminal action  
 17 involving the following offenses where the victim is a protected person  
 18 under subsection (c)(1) or (c)(2):

- 19 (1) Sex crimes (IC 35-42-4).
- 20 (2) Battery upon a child ~~(IC 35-42-2-1(a)(2)(B))~~  
 21 **(IC 35-42-2-1(a)(2)(A))**.
- 22 (3) Kidnapping and confinement (IC 35-42-3).
- 23 (4) Incest (IC 35-46-1-3).
- 24 (5) Neglect of a dependent (IC 35-46-1-4).
- 25 (6) Human and sexual trafficking crimes (IC 35-42-3.5).
- 26 (7) An attempt under IC 35-41-5-1 for an offense listed in  
 27 subdivisions (1) through (6).

28 (b) This section applies to a criminal action involving the following  
 29 offenses where the victim is a protected person under subsection (c)(3):

- 30 (1) Exploitation of a dependent or endangered adult  
 31 (IC 35-46-1-12).
- 32 (2) A sex crime (IC 35-42-4).
- 33 (3) Battery (IC 35-42-2-1).
- 34 (4) Kidnapping, confinement, or interference with custody  
 35 (IC 35-42-3).
- 36 (5) Home improvement fraud (IC 35-43-6).
- 37 (6) Fraud (IC 35-43-5).
- 38 (7) Identity deception (IC 35-43-5-3.5).
- 39 (8) Synthetic identity deception (IC 35-43-5-3.8).
- 40 (9) Theft (IC 35-43-4-2).
- 41 (10) Conversion (IC 35-43-4-3).
- 42 (11) Neglect of a dependent (IC 35-46-1-4).



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- 1 (12) Human and sexual trafficking crimes (IC 35-42-3.5).  
 2 (c) As used in this section, "protected person" means:  
 3 (1) a child who is less than fourteen (14) years of age;  
 4 (2) an individual with a mental disability who has a disability  
 5 attributable to an impairment of general intellectual functioning  
 6 or adaptive behavior that:  
 7 (A) is manifested before the individual is eighteen (18) years  
 8 of age;  
 9 (B) is likely to continue indefinitely;  
 10 (C) constitutes a substantial impairment of the individual's  
 11 ability to function normally in society; and  
 12 (D) reflects the individual's need for a combination and  
 13 sequence of special, interdisciplinary, or generic care,  
 14 treatment, or other services that are of lifelong or extended  
 15 duration and are individually planned and coordinated; or  
 16 (3) an individual who is:  
 17 (A) at least eighteen (18) years of age; and  
 18 (B) incapable by reason of mental illness, mental retardation,  
 19 dementia, or other physical or mental incapacity of:  
 20 (i) managing or directing the management of the individual's  
 21 property; or  
 22 (ii) providing or directing the provision of self-care.  
 23 (d) A statement or videotape that:  
 24 (1) is made by a person who at the time of trial is a protected  
 25 person;  
 26 (2) concerns an act that is a material element of an offense listed  
 27 in subsection (a) or (b) that was allegedly committed against the  
 28 person; and  
 29 (3) is not otherwise admissible in evidence;  
 30 is admissible in evidence in a criminal action for an offense listed in  
 31 subsection (a) or (b) if the requirements of subsection (e) are met.  
 32 (e) A statement or videotape described in subsection (d) is  
 33 admissible in evidence in a criminal action listed in subsection (a) or  
 34 (b) if, after notice to the defendant of a hearing and of the defendant's  
 35 right to be present, all of the following conditions are met:  
 36 (1) The court finds, in a hearing:  
 37 (A) conducted outside the presence of the jury; and  
 38 (B) attended by the protected person in person or by using  
 39 closed circuit television testimony as described in section 8(f)  
 40 and 8(g) of this chapter;  
 41 that the time, content, and circumstances of the statement or  
 42 videotape provide sufficient indications of reliability.

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- 1 (2) The protected person:  
 2 (A) testifies at the trial; or  
 3 (B) is found by the court to be unavailable as a witness for one  
 4 (1) of the following reasons:  
 5 (i) From the testimony of a psychiatrist, physician, or  
 6 psychologist, and other evidence, if any, the court finds that  
 7 the protected person's testifying in the physical presence of  
 8 the defendant will cause the protected person to suffer  
 9 serious emotional distress such that the protected person  
 10 cannot reasonably communicate.  
 11 (ii) The protected person cannot participate in the trial for  
 12 medical reasons.  
 13 (iii) The court has determined that the protected person is  
 14 incapable of understanding the nature and obligation of an  
 15 oath.  
 16 (f) If a protected person is unavailable to testify at the trial for a  
 17 reason listed in subsection (e)(2)(B), a statement or videotape may be  
 18 admitted in evidence under this section only if the protected person was  
 19 available for cross-examination:  
 20 (1) at the hearing described in subsection (e)(1); or  
 21 (2) when the statement or videotape was made.  
 22 (g) A statement or videotape may not be admitted in evidence under  
 23 this section unless the prosecuting attorney informs the defendant and  
 24 the defendant's attorney at least ten (10) days before the trial of:  
 25 (1) the prosecuting attorney's intention to introduce the statement  
 26 or videotape in evidence; and  
 27 (2) the content of the statement or videotape.  
 28 (h) If a statement or videotape is admitted in evidence under this  
 29 section, the court shall instruct the jury that it is for the jury to  
 30 determine the weight and credit to be given the statement or videotape  
 31 and that, in making that determination, the jury shall consider the  
 32 following:  
 33 (1) The mental and physical age of the person making the  
 34 statement or videotape.  
 35 (2) The nature of the statement or videotape.  
 36 (3) The circumstances under which the statement or videotape  
 37 was made.  
 38 (4) Other relevant factors.  
 39 (i) If a statement or videotape described in subsection (d) is  
 40 admitted into evidence under this section, a defendant may introduce  
 41 a:  
 42 (1) transcript; or

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- 1 (2) videotape;  
 2 of the hearing held under subsection (e)(1) into evidence at trial.  
 3 SECTION 4. IC 35-37-4-8, AS AMENDED BY P.L.173-2006,  
 4 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2013]: Sec. 8. (a) This section applies to a criminal action  
 6 under the following:  
 7 (1) Sex crimes (IC 35-42-4).  
 8 (2) Battery upon a child (~~IC 35-42-2-1(a)(2)(B)~~):  
 9 **(IC 35-42-2-1(a)(2)(A))**.  
 10 (3) Kidnapping and confinement (IC 35-42-3).  
 11 (4) Incest (IC 35-46-1-3).  
 12 (5) Neglect of a dependent (IC 35-46-1-4).  
 13 (6) Human and sexual trafficking crimes (IC 35-42-3.5).  
 14 (7) An attempt under IC 35-41-5-1 for an offense listed in  
 15 subdivisions (1) through (6).  
 16 (b) As used in this section, "protected person" has the meaning set  
 17 forth in section 6 of this chapter.  
 18 (c) On the motion of the prosecuting attorney, the court may order  
 19 that the testimony of a protected person be taken in a room other than  
 20 the courtroom, and that the questioning of the protected person by the  
 21 prosecution and the defense be transmitted using a two-way closed  
 22 circuit television arrangement that:  
 23 (1) allows the protected person to see the accused and the trier of  
 24 fact; and  
 25 (2) allows the accused and the trier of fact to see and hear the  
 26 protected person.  
 27 (d) On the motion of the prosecuting attorney or the defendant, the  
 28 court may order that the testimony of a protected person be videotaped  
 29 for use at trial. The videotaping of the testimony of a protected person  
 30 under this subsection must meet the requirements of subsection (c).  
 31 (e) The court may not make an order under subsection (c) or (d)  
 32 unless:  
 33 (1) the testimony to be taken is the testimony of a protected  
 34 person who:  
 35 (A) is the alleged victim of an offense listed in subsection (a)  
 36 for which the defendant is being tried or is a witness in a trial  
 37 for an offense listed in subsection (a); and  
 38 (B) is found by the court to be a protected person who should  
 39 be permitted to testify outside the courtroom because:  
 40 (i) the court finds from the testimony of a psychiatrist,  
 41 physician, or psychologist and any other evidence that the  
 42 protected person's testifying in the physical presence of the

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- 1 defendant would cause the protected person to suffer serious  
 2 emotional harm and the court finds that the protected person  
 3 could not reasonably communicate in the physical presence  
 4 of the defendant to the trier of fact;
- 5 (ii) a physician has certified that the protected person cannot  
 6 be present in the courtroom for medical reasons; or  
 7 (iii) evidence has been introduced concerning the effect of  
 8 the protected person's testifying in the physical presence of  
 9 the defendant, and the court finds that it is more likely than  
 10 not that the protected person's testifying in the physical  
 11 presence of the defendant creates a substantial likelihood of  
 12 emotional or mental harm to the protected person;
- 13 (2) the prosecuting attorney has informed the defendant and the  
 14 defendant's attorney of the intention to have the protected person  
 15 testify outside the courtroom; and
- 16 (3) the prosecuting attorney informed the defendant and the  
 17 defendant's attorney under subdivision (2) at least ten (10) days  
 18 before the trial of the prosecuting attorney's intention to have the  
 19 protected person testify outside the courtroom.
- 20 (f) If the court makes an order under subsection (c), only the  
 21 following persons may be in the same room as the protected person  
 22 during the protected person's testimony:
- 23 (1) A defense attorney if:  
 24 (A) the defendant is represented by the defense attorney; and  
 25 (B) the prosecuting attorney is also in the same room.
- 26 (2) The prosecuting attorney if:  
 27 (A) the defendant is represented by a defense attorney; and  
 28 (B) the defense attorney is also in the same room.
- 29 (3) Persons necessary to operate the closed circuit television  
 30 equipment.
- 31 (4) Persons whose presence the court finds will contribute to the  
 32 protected person's well-being.
- 33 (5) A court bailiff or court representative.
- 34 (g) If the court makes an order under subsection (d), only the  
 35 following persons may be in the same room as the protected person  
 36 during the protected person's videotaped testimony:
- 37 (1) The judge.
- 38 (2) The prosecuting attorney.
- 39 (3) The defendant's attorney (or the defendant, if the defendant is  
 40 not represented by an attorney).
- 41 (4) Persons necessary to operate the electronic equipment.
- 42 (5) The court reporter.

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1 (6) Persons whose presence the court finds will contribute to the  
2 protected person's well-being.

3 (7) The defendant, who can observe and hear the testimony of the  
4 protected person with the protected person being able to observe  
5 or hear the defendant. However, if the defendant is not  
6 represented by an attorney, the defendant may question the  
7 protected person.

8 (h) If the court makes an order under subsection (c) or (d), only the  
9 following persons may question the protected person:

10 (1) The prosecuting attorney.

11 (2) The defendant's attorney (or the defendant, if the defendant is  
12 not represented by an attorney).

13 (3) The judge.

14 SECTION 5. IC 35-42-2-1, AS AMENDED BY P.L.114-2012,  
15 SECTION 137, IS AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) A person who knowingly or  
17 intentionally touches another person in a rude, insolent, or angry  
18 manner commits battery, a Class B misdemeanor. However, the offense  
19 is:

20 (1) a Class A misdemeanor if:

21 (A) it results in bodily injury to any other person;

22 ~~(B)~~ it is committed against a law enforcement officer or  
23 against a person summoned and directed by the officer while  
24 the officer is engaged in the execution of the officer's official  
25 duty;

26 ~~(C)~~ **(B)** it is committed against an employee of a penal facility  
27 or a juvenile detention facility (as defined in IC 31-9-2-71)  
28 while the employee is engaged in the execution of the  
29 employee's official duty;

30 ~~(D)~~ **(C)** it is committed against a firefighter (as defined in  
31 IC 9-18-34-1) while the firefighter is engaged in the execution  
32 of the firefighter's official duty;

33 ~~(E)~~ **(D)** it is committed against a community policing  
34 volunteer:

35 (i) while the volunteer is performing the duties described in  
36 IC 35-31.5-2-49; or

37 (ii) because the person is a community policing volunteer;  
38 or

39 ~~(F)~~ **(E)** it is committed against the state chemist or the state  
40 chemist's agent while the state chemist or the state chemist's  
41 agent is performing a duty under IC 15-16-5;

42 (2) a Class D felony if it results in bodily injury to:

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- 1 (A) a law enforcement officer or a person summoned and  
 2 directed by a law enforcement officer while the officer is  
 3 engaged in the execution of the officer's official duty;  
 4 ~~(B)~~ (A) a person less than fourteen (14) years of age and is  
 5 committed by a person at least eighteen (18) years of age;  
 6 ~~(C)~~ (B) a person of any age who has a mental or physical  
 7 disability and is committed by a person having the care of the  
 8 person with a mental or physical disability, whether the care  
 9 is assumed voluntarily or because of a legal obligation;  
 10 ~~(D)~~ (C) the other person and the person who commits the  
 11 battery was previously convicted of a battery in which the  
 12 victim was the other person;  
 13 ~~(E)~~ (D) an endangered adult (as defined in IC 12-10-3-2);  
 14 ~~(F)~~ (E) an employee of the department of correction while the  
 15 employee is engaged in the execution of the employee's  
 16 official duty;  
 17 ~~(G)~~ (F) an employee of a school corporation while the  
 18 employee is engaged in the execution of the employee's  
 19 official duty;  
 20 ~~(H)~~ (G) a correctional professional while the correctional  
 21 professional is engaged in the execution of the correctional  
 22 professional's official duty;  
 23 ~~(I)~~ (H) a person who is a health care provider (as defined in  
 24 IC 16-18-2-163) while the health care provider is engaged in  
 25 the execution of the health care provider's official duty;  
 26 ~~(J)~~ (I) an employee of a penal facility or a juvenile detention  
 27 facility (as defined in IC 31-9-2-71) while the employee is  
 28 engaged in the execution of the employee's official duty;  
 29 ~~(K)~~ (J) a firefighter (as defined in IC 9-18-34-1) while the  
 30 firefighter is engaged in the execution of the firefighter's  
 31 official duty;  
 32 ~~(L)~~ (K) a community policing volunteer:  
 33 (i) while the volunteer is performing the duties described in  
 34 IC 35-31.5-2-49; or  
 35 (ii) because the person is a community policing volunteer;  
 36 ~~(M)~~ (L) a family or household member (as defined in  
 37 IC 35-31.5-2-128) if the person who committed the offense:  
 38 (i) is at least eighteen (18) years of age; and  
 39 (ii) committed the offense in the physical presence of a child  
 40 less than sixteen (16) years of age, knowing that the child  
 41 was present and might be able to see or hear the offense; or  
 42 ~~(N)~~ (M) a department of child services employee while the

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- 1 employee is engaged in the execution of the employee's
- 2 official duty;
- 3 (3) a Class C felony if it results in serious bodily injury to any
- 4 other person or if it is committed by means of a deadly weapon;
- 5 (4) a Class B felony if it results in serious bodily injury to a
- 6 person less than fourteen (14) years of age and is committed by a
- 7 person at least eighteen (18) years of age;
- 8 (5) a Class A felony if it results in the death of a person less than
- 9 fourteen (14) years of age and is committed by a person at least
- 10 eighteen (18) years of age;
- 11 (6) a Class C felony if it results in serious bodily injury to an
- 12 endangered adult (as defined in IC 12-10-3-2);
- 13 (7) a Class B felony if it results in the death of an endangered
- 14 adult (as defined in IC 12-10-3-2); **and**
- 15 (8) a Class C felony if it results in bodily injury to a pregnant
- 16 woman and the person knew the woman was pregnant; **and**
- 17 **(9) a Class D felony if it is committed against:**
- 18 **(A) a law enforcement officer; or**
- 19 **(B) a person summoned and directed by a law enforcement**
- 20 **officer;**
- 21 **while the officer is engaged in the execution of the officer's**
- 22 **official duty.**
- 23 (b) For purposes of this section:
- 24 (1) "law enforcement officer" includes an alcoholic beverage
- 25 enforcement officer; and
- 26 (2) "correctional professional" means a:
- 27 (A) probation officer;
- 28 (B) parole officer;
- 29 (C) community corrections worker; or
- 30 (D) home detention officer.
- 31 SECTION 6. IC 35-46-1-13, AS AMENDED BY P.L.153-2011,
- 32 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 33 JULY 1, 2013]: Sec. 13. (a) A person who:
- 34 (1) believes or has reason to believe that an endangered adult is
- 35 the victim of battery, neglect, or exploitation as prohibited by this
- 36 chapter, ~~IC 35-42-2-1(a)(2)(C); IC 35-42-2-1(a)(2)(B), or~~
- 37 ~~IC 35-42-2-1(a)(2)(E); IC 35-42-2-1(a)(2)(D);~~ and
- 38 (2) knowingly fails to report the facts supporting that belief to the
- 39 division of disability and rehabilitative services, the division of
- 40 aging, the adult protective services unit designated under
- 41 IC 12-10-3, or a law enforcement agency having jurisdiction over
- 42 battery, neglect, or exploitation of an endangered adult;

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commits a Class B misdemeanor.

(b) An officer or employee of the division or adult protective services unit who unlawfully discloses information contained in the records of the division of aging under IC 12-10-3-12 through IC 12-10-3-15 commits a Class C infraction.

(c) A law enforcement agency that receives a report that an endangered adult is or may be a victim of battery, neglect, or exploitation as prohibited by this chapter, ~~IC 35-42-2-1(a)(2)(C)~~, **IC 35-42-2-1(a)(2)(B)**, or ~~IC 35-42-2-1(a)(2)(E)~~ **IC 35-42-2-1(a)(2)(D)** shall immediately communicate the report to the adult protective services unit designated under IC 12-10-3.

(d) An individual who discharges, demotes, transfers, prepares a negative work performance evaluation, reduces benefits, pay, or work privileges, or takes other action to retaliate against an individual who in good faith makes a report under IC 12-10-3-9 concerning an endangered individual commits a Class A infraction.

SECTION 7. IC 35-46-1-14, AS AMENDED BY P.L.2-2005, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. Any person acting in good faith who:

- (1) makes or causes to be made a report of neglect, battery, or exploitation under this chapter, ~~IC 35-42-2-1(a)(2)(C)~~, **IC 35-42-2-1(a)(2)(B)**, or ~~IC 35-42-2-1(a)(2)(E)~~; **IC 35-42-2-1(a)(2)(D)**;
- (2) makes or causes to be made photographs or x-rays of a victim of suspected neglect or battery of an endangered adult or a dependent eighteen (18) years of age or older; or
- (3) participates in any official proceeding or a proceeding resulting from a report of neglect, battery, or exploitation of an endangered adult or a dependent eighteen (18) years of age or older relating to the subject matter of that report;

is immune from any civil or criminal liability that might otherwise be imposed because of these actions. However, this section does not apply to a person accused of neglect, battery, or exploitation of an endangered adult or a dependent eighteen (18) years of age or older.

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