

# HOUSE BILL No. 1220

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-31.5-2-344.1; IC 35-42-2-1.

**Synopsis:** Battery on a utility worker. Makes battery on a utility worker engaged in the execution of the utility worker's official duty a Class D felony instead of a Class B misdemeanor if the battery results in bodily injury to the utility worker.

**Effective:** July 1, 2013.

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January 14, 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. 1220



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 35-31.5-2-344.1 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2013]: **Sec. 344.1. "Utility worker", for**  
4 **purposes of IC 35-42-2-1, means an individual who is employed by,**  
5 **or who is an independent contractor or an employee of an**  
6 **independent contractor working on behalf of, one (1) of the**  
7 **following:**

- 8 (1) **A public utility (as defined in IC 8-1-2-1(a)).**
- 9 (2) **A municipally owned utility (as defined in IC 8-1-2-1(h)).**
- 10 (3) **A cable or satellite television company.**
- 11 (4) **A telecommunications carrier.**
- 12 (5) **An electric cooperative.**
- 13 (6) **A telephone cooperative.**
- 14 (7) **A nonprofit utility.**

15 SECTION 2. IC 35-42-2-1, AS AMENDED BY P.L.114-2012,  
16 SECTION 137, IS AMENDED TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) A person who knowingly or



1 intentionally touches another person in a rude, insolent, or angry  
 2 manner commits battery, a Class B misdemeanor. However, the offense  
 3 is:

4 (1) a Class A misdemeanor if:

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

6 (B) it is committed against a law enforcement officer or  
 7 against a person summoned and directed by the officer while  
 8 the officer is engaged in the execution of the officer's official  
 9 duty;

10 (C) it is committed against an employee of a penal facility or  
 11 a juvenile detention facility (as defined in IC 31-9-2-71) while  
 12 the employee is engaged in the execution of the employee's  
 13 official duty;

14 (D) it is committed against a firefighter (as defined in  
 15 IC 9-18-34-1) while the firefighter is engaged in the execution  
 16 of the firefighter's official duty;

17 (E) it is committed against a community policing volunteer:

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

20 (ii) because the person is a community policing volunteer;  
 21 or

22 (F) it is committed against the state chemist or the state  
 23 chemist's agent while the state chemist or the state chemist's  
 24 agent is performing a duty under IC 15-16-5;

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

26 (A) a law enforcement officer or a person summoned and  
 27 directed by a law enforcement officer while the officer is  
 28 engaged in the execution of the officer's official duty;

29 (B) a person less than fourteen (14) years of age and is  
 30 committed by a person at least eighteen (18) years of age;

31 (C) a person of any age who has a mental or physical disability  
 32 and is committed by a person having the care of the person  
 33 with a mental or physical disability, whether the care is  
 34 assumed voluntarily or because of a legal obligation;

35 (D) the other person and the person who commits the battery  
 36 was previously convicted of a battery in which the victim was  
 37 the other person;

38 (E) an endangered adult (as defined in IC 12-10-3-2);

39 (F) an employee of the department of correction while the  
 40 employee is engaged in the execution of the employee's  
 41 official duty;

42 (G) an employee of a school corporation while the employee

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- 1 is engaged in the execution of the employee's official duty;  
 2 (H) a correctional professional while the correctional  
 3 professional is engaged in the execution of the correctional  
 4 professional's official duty;  
 5 (I) a person who is a health care provider (as defined in  
 6 IC 16-18-2-163) while the health care provider is engaged in  
 7 the execution of the health care provider's official duty;  
 8 (J) an employee of a penal facility or a juvenile detention  
 9 facility (as defined in IC 31-9-2-71) while the employee is  
 10 engaged in the execution of the employee's official duty;  
 11 (K) a firefighter (as defined in IC 9-18-34-1) while the  
 12 firefighter is engaged in the execution of the firefighter's  
 13 official duty;  
 14 (L) a community policing volunteer:  
 15 (i) while the volunteer is performing the duties described in  
 16 IC 35-31.5-2-49; or  
 17 (ii) because the person is a community policing volunteer;  
 18 (M) a family or household member (as defined in  
 19 IC 35-31.5-2-128) if the person who committed the offense:  
 20 (i) is at least eighteen (18) years of age; and  
 21 (ii) committed the offense in the physical presence of a child  
 22 less than sixteen (16) years of age, knowing that the child  
 23 was present and might be able to see or hear the offense; **or**  
 24 (N) a department of child services employee while the  
 25 employee is engaged in the execution of the employee's  
 26 official duty; **or**  
 27 **(O) a utility worker while the utility worker is engaged in**  
 28 **the execution of the utility worker's official duty;**  
 29 (3) a Class C felony if it results in serious bodily injury to any  
 30 other person or if it is committed by means of a deadly weapon;  
 31 (4) a Class B felony if it results in serious bodily injury to a  
 32 person less than fourteen (14) years of age and is committed by a  
 33 person at least eighteen (18) years of age;  
 34 (5) a Class A felony if it results in the death of a person less than  
 35 fourteen (14) years of age and is committed by a person at least  
 36 eighteen (18) years of age;  
 37 (6) a Class C felony if it results in serious bodily injury to an  
 38 endangered adult (as defined in IC 12-10-3-2);  
 39 (7) a Class B felony if it results in the death of an endangered  
 40 adult (as defined in IC 12-10-3-2); and  
 41 (8) a Class C felony if it results in bodily injury to a pregnant  
 42 woman and the person knew the woman was pregnant.

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- 1 (b) For purposes of this section:
- 2 (1) "law enforcement officer" includes an alcoholic beverage
- 3 enforcement officer; and
- 4 (2) "correctional professional" means a:
- 5 (A) probation officer;
- 6 (B) parole officer;
- 7 (C) community corrections worker; or
- 8 (D) home detention officer.

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