

HOUSE BILL No. 1300

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-2-1.

Synopsis: Battery against court employees. Makes battery a Class D felony if the offense is committed against a judicial officer or court employee while the judicial officer or court employee is engaged in the officer's or employee's official duty.

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. 1300



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

- 7 (1) a Class A misdemeanor if:
 - 8 (A) it results in bodily injury to any other person;
 - 9 (B) it is committed against a law enforcement officer or
10 against a person summoned and directed by the officer while
11 the officer is engaged in the execution of the officer's official
12 duty;
 - 13 (C) it is committed against an employee of a penal facility or
14 a juvenile detention facility (as defined in IC 31-9-2-71) while
15 the employee is engaged in the execution of the employee's
16 official duty;
 - 17 (D) it is committed against a firefighter (as defined in



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

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- 1 (i) while the volunteer is performing the duties described in
 2 IC 35-31.5-2-49; or
 3 (ii) because the person is a community policing volunteer;
 4 (M) a family or household member (as defined in
 5 IC 35-31.5-2-128) if the person who committed the offense:
 6 (i) is at least eighteen (18) years of age; and
 7 (ii) committed the offense in the physical presence of a child
 8 less than sixteen (16) years of age, knowing that the child
 9 was present and might be able to see or hear the offense; ~~or~~
 10 (N) a department of child services employee while the
 11 employee is engaged in the execution of the employee's
 12 official duty; **or**
 13 **(O) a judicial officer or court employee while the judicial**
 14 **officer or court employee is engaged in the officer's or**
 15 **employee's official duty;**
 16 (3) a Class C felony if it results in serious bodily injury to any
 17 other person or if it is committed by means of a deadly weapon;
 18 (4) a Class B felony if it results in serious bodily injury to a
 19 person less than fourteen (14) years of age and is committed by a
 20 person at least eighteen (18) years of age;
 21 (5) a Class A felony if it results in the death of a person less than
 22 fourteen (14) years of age and is committed by a person at least
 23 eighteen (18) years of age;
 24 (6) a Class C felony if it results in serious bodily injury to an
 25 endangered adult (as defined in IC 12-10-3-2);
 26 (7) a Class B felony if it results in the death of an endangered
 27 adult (as defined in IC 12-10-3-2); and
 28 (8) a Class C felony if it results in bodily injury to a pregnant
 29 woman and the person knew the woman was pregnant.
 30 (b) For purposes of this section:
 31 (1) "law enforcement officer" includes an alcoholic beverage
 32 enforcement officer; and
 33 (2) "correctional professional" means a:
 34 (A) probation officer;
 35 (B) parole officer;
 36 (C) community corrections worker; or
 37 (D) home detention officer.

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