

# HOUSE BILL No. 1555

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-43-2-2.

**Synopsis:** Abandoned property. Provides that a person who enters or refuses to leave vacant or abandoned property after having been barred from the property by a court order or a law enforcement officer commits criminal trespass.

**Effective:** July 1, 2013.

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**Moed, Forestal**

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January 22, 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. 1555



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 35-43-2-2, AS AMENDED BY P.L.88-2009,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]: Sec. 2. (a) A person who:  
4 (1) not having a contractual interest in the property, knowingly or  
5 intentionally enters the real property of another person after  
6 having been denied entry by the other person or that person's  
7 agent;  
8 (2) not having a contractual interest in the property, knowingly or  
9 intentionally refuses to leave the real property of another person  
10 after having been asked to leave by the other person or that  
11 person's agent;  
12 (3) accompanies another person in a vehicle, with knowledge that  
13 the other person knowingly or intentionally is exerting  
14 unauthorized control over the vehicle;  
15 (4) knowingly or intentionally interferes with the possession or  
16 use of the property of another person without the person's consent;  
17 (5) not having a contractual interest in the property, knowingly or



1 intentionally enters the dwelling of another person without the  
2 person's consent;

3 (6) knowingly or intentionally:

4 (A) travels by train without lawful authority or the railroad  
5 carrier's consent; and

6 (B) rides on the outside of a train or inside a passenger car,  
7 locomotive, or freight car, including a boxcar, flatbed, or  
8 container without lawful authority or the railroad carrier's  
9 consent;

10 (7) not having a contractual interest in the property, knowingly or  
11 intentionally enters or refuses to leave the property of another  
12 person after having been prohibited from entering or asked to  
13 leave the property by a law enforcement officer when the property  
14 is

15 (A) vacant or designated by a municipality or county  
16 enforcement authority to be abandoned property **or an**  
17 **abandoned structure (as defined in IC 36-7-36-1); and**

18 ~~(B) subject to abatement under IC 32-30-6, IC 32-30-7,~~  
19 ~~IC 32-30-8, IC 36-7-9, or IC 36-7-36; or~~

20 (8) knowingly or intentionally enters the property of another  
21 person after being denied entry by a court order that has been  
22 issued to the person or issued to the general public by  
23 conspicuous posting on or around the premises in areas where a  
24 person can observe the order when the property

25 ~~(A) has been designated by a municipality or county~~  
26 ~~enforcement authority to be a vacant property, or an~~  
27 ~~abandoned property, **or an abandoned structure (as defined**~~  
28 ~~**in IC 36-7-36-1); and**~~

29 ~~(B) is subject to an abatement order under IC 32-30-6,~~  
30 ~~IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36;~~

31 commits criminal trespass, a Class A misdemeanor. However, the  
32 offense is a Class D felony if it is committed on a scientific research  
33 facility, on a key facility, on a facility belonging to a public utility (as  
34 defined in IC 32-24-1-5.9(a)), on school property, or on a school bus or  
35 the person has a prior unrelated conviction for an offense under this  
36 section concerning the same property.

37 (b) A person has been denied entry under subdivision (a)(1) of this  
38 section when the person has been denied entry by means of:

39 (1) personal communication, oral or written;

40 (2) posting or exhibiting a notice at the main entrance in a manner  
41 that is either prescribed by law or likely to come to the attention  
42 of the public; or

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- 1 (3) a hearing authority or court order under IC 32-30-6,  
 2 IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36.
- 3 (c) A law enforcement officer may not deny entry to property or ask  
 4 a person to leave a property under subsection (a)(7) unless there is  
 5 reasonable suspicion that criminal activity has occurred or is occurring.
- 6 (d) A person described in subsection (a)(7) violates subsection  
 7 (a)(7) unless the person has the written permission of the owner,  
 8 owner's agent, enforcement authority, or court to come onto the  
 9 property for purposes of performing maintenance, repair, or demolition.
- 10 (e) A person described in subsection (a)(8) violates subsection  
 11 (a)(8) unless the court that issued the order denying the person entry  
 12 grants permission for the person to come onto the property.
- 13 (f) Subsections (a), (b), and (e) do not apply to the following:
- 14 (1) A passenger on a train.
- 15 (2) An employee of a railroad carrier while engaged in the  
 16 performance of official duties.
- 17 (3) A law enforcement officer, firefighter, or emergency response  
 18 personnel while engaged in the performance of official duties.
- 19 (4) A person going on railroad property in an emergency to rescue  
 20 a person or animal from harm's way or to remove an object that  
 21 the person reasonably believes poses an imminent threat to life or  
 22 limb.
- 23 (5) A person on the station grounds or in the depot of a railroad  
 24 carrier:
- 25 (A) as a passenger; or  
 26 (B) for the purpose of transacting lawful business.
- 27 (6) A:
- 28 (A) person; or  
 29 (B) person's:
- 30 (i) family member;  
 31 (ii) invitee;  
 32 (iii) employee;  
 33 (iv) agent; or  
 34 (v) independent contractor;
- 35 going on a railroad's right-of-way for the purpose of crossing at a  
 36 private crossing site approved by the railroad carrier to obtain  
 37 access to land that the person owns, leases, or operates.
- 38 (7) A person having written permission from the railroad carrier  
 39 to go on specified railroad property.
- 40 (8) A representative of the Indiana department of transportation  
 41 while engaged in the performance of official duties.
- 42 (9) A representative of the federal Railroad Administration while

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- 1 engaged in the performance of official duties.
- 2 (10) A representative of the National Transportation Safety Board
- 3 while engaged in the performance of official duties.

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