February 8, 2013

SENATE BILL No. 361

DIGEST OF SB 361 (Updated February 5, 2013 12:28 pm - DI 106)

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

Synopsis: Intimidation. Provides that for the crime of intimidation, "communicates" includes posting a message electronically, including on a social networking web site. Provides that it is a Class D felony if the person to whom the threat is communicated is an employee, representative, student, patient, or invitee of a hospital, school, church, or religious organization. Specifies that communicating a threat with the intent to inhibit occupancy of certain buildings may constitute intimidation.

Effective: July 1, 2013.

Crider, Randolph

January 8, 2013, read first time and referred to Committee on Corrections & Criminal Law.
February 7, 2013, amended, reported favorably — Do Pass.

C o p y

February 8, 2013

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.

C o p y

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:

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

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

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

(1) that the other person engage in conduct against the other person's will;

(2) that the other person be placed in fear of retaliation for a prior lawful act; or

(3) of:
(A) causing:
~~(A)~~ **(i)** a dwelling, a building, or another structure; or
~~(B)~~ **(ii)** a vehicle;
to be evacuated; **or**
(B) inhibiting occupancy of:
(i) a dwelling, building, or other structure; or
(ii) a vehicle;
commits intimidation, a Class A misdemeanor.

(b) However, the offense is a:
(1) Class D felony if:
(A) the threat is to commit a forcible felony;
(B) the person **or persons** to whom the threat is communicated:
(i) is a law enforcement officer;
(ii) is a judge or bailiff of any court;
(iii) is a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat;
(iv) is an employee of a school corporation;
(v) is a community policing volunteer;
(vi) is an employee of a court;
(vii) is an employee of a probation department; ~~or~~
(viii) is an employee of a community corrections program; **or**
(ix) is an employee, representative, student, patient, or invitee of a hospital, school, church, or religious organization.
(C) the person has a prior unrelated conviction for an offense under this section concerning the same victim; or
(D) the threat is communicated using property, including electronic equipment or systems, of a school corporation or other governmental entity; and
(2) Class C felony if, while committing it, the person draws or uses a deadly weapon.

(c) "Communicates" includes posting a message electronically, including on a social networking web site (as defined in IC 35-42-4-12(d)).

~~(c)~~ **(d)** "Threat" means an expression, by words or action, of an intention to:
(1) unlawfully injure the person threatened or another person, or damage property;

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(2) unlawfully subject a person to physical confinement or restraint;
(3) commit a crime;
(4) unlawfully withhold official action, or cause such withholding;
(5) unlawfully withhold testimony or information with respect to another person's legal claim or defense, except for a reasonable claim for witness fees or expenses;
(6) expose the person threatened to hatred, contempt, disgrace, or ridicule;
(7) falsely harm the credit or business reputation of the person threatened; or
(8) cause the evacuation of a dwelling, a building, another structure, or a vehicle.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 361, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 1 through 5, begin a new line double block indented and insert:

"(3) of:

(A) causing:

~~(A)~~ **(i)** a dwelling, a building, or another structure; or

~~(B)~~ **(ii)** a vehicle;

to be evacuated; **or**

(B) inhibiting occupancy of:

(i) a dwelling, building, or other structure; or

(ii) a vehicle;

commits intimidation, a Class A misdemeanor.".

Page 2, line 9, after "person" insert "**or persons**".

Page 2, line 21, after "is" insert "**an employee, representative, student, patient, or invitee of**".

Page 2, line 30, after "message" insert "**electronically, including**".

Page 2, line 31, delete "with the intent" and insert "**.**".

Page 2, delete line 32.

and when so amended that said bill do pass.

(Reference is to SB 361 as introduced.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 9, Nays 0.

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