



February 1, 2013

SENATE BILL No. 362

DIGEST OF SB 362 (Updated January 29, 2013 1:02 pm - DI 106)

Citations Affected: IC 35-42.

Synopsis: Battery by body waste. Makes it battery by body waste, a Class D felony, for a person to knowingly or intentionally: (1) in a rude, insolent, or angry manner place blood or another body fluid or waste on an employee, an agent, or a volunteer of a health care provider identified as such and while engaged in the performance of official duties; or (2) coerce another person to place blood or another body fluid or waste on the employee, agent, or volunteer of a health care provider. Enhances the penalties for committing the offense if the blood, bodily fluid, or waste is infected with hepatitis B or hepatitis C, HIV, or tuberculosis.

Effective: July 1, 2013.

**Crider, Steele, Miller Patricia,
Randolph**

January 8, 2013, read first time and referred to Committee on Corrections & Criminal Law.
January 31, 2013, reported favorably — Do Pass.

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SB 362—LS 6874/DI 69+



February 1, 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.

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SENATE BILL No. 362

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 35-42-2-6, AS AMENDED BY P.L.77-2012,
2 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 6. (a) As used in this section, "corrections officer"
4 includes a person employed by:
5 (1) the department of correction;
6 (2) a law enforcement agency;
7 (3) a probation department;
8 (4) a county jail; or
9 (5) a circuit, superior, county, probate, city, or town court.
10 (b) As used in this section, "firefighter" means a person who is a:
11 (1) full-time, salaried firefighter;
12 (2) part-time, paid firefighter; or
13 (3) volunteer firefighter (as defined in IC 36-8-12-2).
14 (c) As used in this section, "emergency medical responder" means
15 a person who:
16 (1) is certified under IC 16-31 and who meets the Indiana
17 emergency medical services commission's standards for

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1 emergency medical responder certification; and

2 (2) responds to an incident requiring emergency medical services.

3 **(d) As used in this section, "health care provider" has the**
 4 **meaning set forth in IC 35-46-7-1.**

5 ~~(d)~~ **(e)** As used in this section, "human immunodeficiency virus
 6 (HIV)" includes acquired immune deficiency syndrome (AIDS) and
 7 AIDS related complex.

8 ~~(e)~~ **(f)** A person who knowingly or intentionally in a rude, insolent,
 9 or angry manner places blood or another body fluid or waste on a law
 10 enforcement officer, a firefighter, an emergency medical responder, a
 11 corrections officer, ~~or a~~ department of child services employee, **or an**
 12 **employee, an agent, or a volunteer of a health care provider**
 13 identified as such and while engaged in the performance of official
 14 duties, or coerces another person to place blood or another body fluid
 15 or waste on the law enforcement officer, firefighter, emergency medical
 16 responder, corrections officer, ~~or~~ department of child services
 17 employee, **or employee, agent, or volunteer of a health care**
 18 **provider** commits battery by body waste, a Class D felony. However,
 19 the offense is:

20 (1) a Class C felony if the person knew or recklessly failed to
 21 know that the blood, bodily fluid, or waste was infected with:

22 (A) hepatitis B or hepatitis C;

23 (B) HIV; or

24 (C) tuberculosis;

25 (2) a Class B felony if:

26 (A) the person knew or recklessly failed to know that the
 27 blood, bodily fluid, or waste was infected with hepatitis B or
 28 hepatitis C and the offense results in the transmission of
 29 hepatitis B or hepatitis C to the other person; or

30 (B) the person knew or recklessly failed to know that the
 31 blood, bodily fluid, or waste was infected with tuberculosis
 32 and the offense results in the transmission of tuberculosis to
 33 the other person; and

34 (3) a Class A felony if:

35 (A) the person knew or recklessly failed to know that the
 36 blood, bodily fluid, or waste was infected with HIV; and

37 (B) the offense results in the transmission of HIV to the other
 38 person.

39 ~~(f)~~ **(g)** A person who knowingly or intentionally in a rude, an
 40 insolent, or an angry manner places human blood, semen, urine, or
 41 fecal waste on another person commits battery by body waste, a Class
 42 A misdemeanor. However, the offense is:

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- 1 (1) a Class D felony if the person knew or recklessly failed to
- 2 know that the blood, semen, urine, or fecal waste was infected
- 3 with:
- 4 (A) hepatitis B or hepatitis C;
- 5 (B) HIV; or
- 6 (C) tuberculosis;
- 7 (2) a Class C felony if:
- 8 (A) the person knew or recklessly failed to know that the
- 9 blood, semen, urine, or fecal waste was infected with hepatitis
- 10 B or hepatitis C and the offense results in the transmission of
- 11 hepatitis B or hepatitis C to the other person; or
- 12 (B) the person knew or recklessly failed to know that the
- 13 blood, semen, urine, or fecal waste was infected with
- 14 tuberculosis and the offense results in the transmission of
- 15 tuberculosis to the other person; and
- 16 (3) a Class B felony if:
- 17 (A) the person knew or recklessly failed to know that the
- 18 blood, semen, urine, or fecal waste was infected with HIV; and
- 19 (B) the offense results in the transmission of HIV to the other
- 20 person.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 362, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 362 as introduced.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 10, Nays 0.

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