

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.

SENATE ENROLLED ACT No. 361

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 other~~ structure; or
 - ~~(B)~~ (ii) a vehicle;
- to be evacuated; **or**

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- (B) interfering with the 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 to whom the threat is communicated:

(i) is a law enforcement officer;

~~(ii)~~ **(ii)** is a judge or bailiff of any court;

~~(iii)~~ **(ii)** is a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat;

~~(iv)~~ **(iii)** is an employee of a **school or** school corporation;

~~(v)~~ **(iv)** is a community policing volunteer;

~~(vi)~~ **(v)** is an employee of a court;

~~(vii)~~ **(vi)** is an employee of a probation department; ~~or~~

~~(viii)~~ **(vii)** is an employee of a community corrections program;

(viii) is an employee of a hospital, church, or religious organization; or

(ix) is a person that owns a building or structure that is open to the public or is an employee of the person;

and, except as provided in item (ii), the threat is communicated to the person because of the occupation, profession, employment status, or ownership status of the person as described in items (i) through (ix) or based on an act taken by the person within the scope of the occupation, profession, employment status, or ownership status of the person;

(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:

(A) while committing it, the person draws or uses a deadly weapon; or

(B) the person to whom the threat is communicated:

(i) is a judge or bailiff of any court; or

(ii) is a prosecuting attorney or a deputy prosecuting attorney.

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(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;
- (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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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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