

PROPOSED AMENDMENT

HB 1186 # 12

DIGEST

Reckless operation of a vehicle. Removes increased penalties for reckless operation of a vehicle. Specifies that the immunities and limitations on liability that apply to a law enforcement officer (and the officer's employing agency) acting within the officer's jurisdictional area also apply to an officer (and employing agency) acting outside the jurisdictional area under certain circumstances. Removes certain increased penalties for criminal recklessness and makes pointing a firearm by a passenger in a vehicle whose driver is committing criminal recklessness a Level 6 felony under certain circumstances.

- 1 Page 13, delete lines 32 through 42.
- 2 Page 14, delete lines 1 through 34.
- 3 Page 15, line 39, delete "or", begin a new line block indented, and
- 4 insert:
- 5 **"(3) the law enforcement officer:**
- 6 **(A) has been dispatched outside the jurisdiction of the**
- 7 **appointing law enforcement agency;**
- 8 **(B) is responding to a call for assistance or otherwise**
- 9 **providing assistance to a law enforcement officer outside**
- 10 **the jurisdiction of the appointing law enforcement agency;**
- 11 **or**
- 12 **(C) is providing backup or determining whether backup**
- 13 **may be necessary, including proactively, to another law**
- 14 **enforcement officer who is outside the jurisdiction of the**
- 15 **appointing law enforcement agency; or".**
- 16 Page 15, line 40, delete "(3)" and insert "(4)".
- 17 Page 16, between lines 5 and 6, begin a new paragraph and insert:
- 18 **"Sec. 6. (a) A law enforcement officer who exercises jurisdiction**
- 19 **outside of the geographic jurisdiction of the appointing law**
- 20 **enforcement agency in accordance with section 5(a)(1) through**
- 21 **5(a)(4) of this chapter is entitled to the immunities and limitations**
- 22 **on liability that apply under Indiana law (including under**
- 23 **IC 34-13) to an officer exercising jurisdiction within the geographic**
- 24 **jurisdiction of the appointing law enforcement agency.**

(b) The appointing law enforcement agency of an officer who exercises jurisdiction outside of the geographic jurisdiction of the appointing law enforcement agency in accordance with section 5(a)(1) through 5(a)(4) of this chapter is entitled to the immunities and limitations on liability under Indiana law (including under IC 34-13) that apply to an appointing law enforcement agency of an officer exercising jurisdiction within the geographic jurisdiction of the appointing law enforcement agency."

Page 18, delete lines 35 through 42, begin a new paragraph, and insert:

"SECTION 11. IC 35-42-2-2, AS AMENDED BY P.L.184-2019, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. (a) A person who recklessly, knowingly, or intentionally performs an act that creates a substantial risk of bodily injury to another person commits criminal recklessness. Except as provided in subsection (b), criminal recklessness is a ~~Class B misdemeanor~~ **Class A misdemeanor**.

(b) The offense of criminal recklessness as defined in subsection (a) is:

(1) a Level 6 felony if:

(A) it is committed while armed with a deadly weapon; or

(B) the person committed aggressive driving (as defined in IC 9-21-8-55) that results in serious bodily injury to another person; or

(2) a Level 5 felony if:

(A) it is committed by shooting a firearm into an **occupied motor vehicle, an** inhabited dwelling, or ~~other another~~ building or place where people are likely to ~~gather~~ **be present**;
or

(B) the person committed aggressive driving (as defined in IC 9-21-8-55) that results in the death or catastrophic injury of another person.

(c) A person who:

(1) is a passenger in a vehicle whose operator has committed an offense under subsection (a) or (b); and

(2) points a firearm at another person, a motor vehicle, a dwelling, or another building or place where people are likely to be present;

commits criminal recklessness, a Level 6 felony. It is not a defense to a prosecution under this section that the operator of the motor

1 **vehicle has not been charged with or convicted of an offense under**
2 **this section."**

3 Delete pages 19 through 20.

4 Page 21, delete lines 1 through 24.

5 Renumber all SECTIONS consecutively.

(Reference is to HB 1186 as printed January 30, 2025.)