



COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 197, 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:

- 1 Page 2, between lines 8 and 9, begin a new paragraph and insert:
2 "SECTION 2. IC 6-2.5-9-7 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) Any person who:
4 (1) removes;
5 (2) alters;
6 (3) defaces; or
7 (4) covers;
8 a sign posted by the department that states that no retail transactions or
9 sales can be made at a retail merchant's location commits a ~~Class B~~
10 misdemeanor. **Class C infraction.**
11 (b) A retail merchant shall notify the department of any violation of
12 subsection (a) that occurs on the retail merchant's premises.
13 (c) A retail merchant who fails to give the notice required by
14 subsection (b) within two (2) business days after the violation of
15 subsection (a) occurs commits a ~~Class B misdemeanor~~. **Class B**
16 **infraction.**
17 SECTION 3. IC 9-30-6-6, AS AMENDED BY P.L.224-2019,
18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2021]: Sec. 6. (a) A physician, a person trained in retrieving
20 contraband or obtaining bodily substance samples and acting under the

1 direction of or under a protocol prepared by a physician, or a licensed
2 health care professional acting within the professional's scope of
3 practice and under the direction of or under a protocol prepared by a
4 physician, who:

5 (1) obtains a blood, urine, or other bodily substance sample from
6 a person, regardless of whether the sample is taken for diagnostic
7 purposes or at the request of a law enforcement officer under this
8 section;

9 (2) performs a chemical test on blood, urine, or other bodily
10 substance obtained from a person; or

11 (3) searches for or retrieves contraband from the body cavity of an
12 individual;

13 shall deliver the sample or contraband or disclose the results of the test
14 to a law enforcement officer who requests the sample, contraband, or
15 results as a part of a criminal investigation. Samples, contraband, and
16 test results shall be provided to a law enforcement officer even if the
17 person has not consented to or otherwise authorized their release.

18 (b) A physician, a licensed health care professional, a hospital, or an
19 agent of a physician or hospital is not civilly or criminally liable for any
20 of the following:

21 (1) Disclosing test results in accordance with this section.

22 (2) Delivering contraband, or a blood, urine, or other bodily
23 substance sample in accordance with this section.

24 (3) Searching for or retrieving contraband or obtaining a blood,
25 urine, or other bodily substance sample in accordance with this
26 section.

27 (4) Disclosing to the prosecuting attorney or the deputy
28 prosecuting attorney for use at or testifying at the criminal trial of
29 the person as to facts observed or opinions formed.

30 (5) Failing to treat a person from whom contraband is retrieved or
31 a blood, urine, or other bodily substance sample is obtained at the
32 request of a law enforcement officer if the person declines
33 treatment.

34 (6) Injury to a person arising from the performance of duties in
35 good faith under this section. However, immunity does not apply
36 if the physician, licensed health care professional, hospital, or
37 agent of a physician or hospital acts with gross negligence or
38 willful or wanton misconduct.

39 (c) For the purposes of a criminal proceeding:

40 (1) the privileges arising from a patient-physician relationship do
41 not apply to the contraband, samples, test results, or testimony
42 described in this section; and

1 (2) contraband, samples, test results, and testimony may be
2 admitted in a proceeding in accordance with the applicable rules
3 of evidence.

4 (d) The exceptions to the patient-physician relationship specified in
5 subsection (c) do not affect those relationships in a proceeding that is
6 not a criminal proceeding.

7 (e) The contraband, test results, and samples obtained by a law
8 enforcement officer under subsection (a) may be disclosed only to a
9 prosecuting attorney or a deputy prosecuting attorney for use as
10 evidence in a criminal proceeding.

11 (f) This section does not require a physician or a person under the
12 direction of a physician to perform a chemical test or to retrieve
13 contraband.

14 (g) If the person:

15 (1) from whom the contraband is to be retrieved or the bodily
16 substance sample is to be obtained under this section does not
17 consent; and

18 (2) resists the retrieval of the contraband or the taking of a
19 sample;

20 the law enforcement officer may use reasonable force to assist an
21 individual, who must be authorized under this section to retrieve
22 contraband or obtain a sample, in the retrieval of the contraband or the
23 taking of the sample.

24 (h) The person authorized under this section to retrieve contraband
25 or obtain a bodily substance sample shall take the sample or retrieve
26 the contraband in a medically accepted manner.

27 (i) This subsection does not apply to contraband retrieved or a
28 bodily substance sample taken at a licensed hospital (as defined in
29 IC 16-18-2-179(a) and IC 16-18-2-179(b)). A law enforcement officer
30 may transport the person to a place where the contraband may be
31 retrieved or the sample may be obtained by any of the following
32 persons who are trained in retrieving contraband or obtaining bodily
33 substance samples and who have been engaged to retrieve contraband
34 or obtain samples under this section:

35 (1) A physician holding an unlimited license to practice medicine
36 or osteopathy.

37 (2) A registered nurse.

38 (3) A licensed practical nurse.

39 (4) An advanced emergency medical technician (as defined in
40 IC 16-18-2-6.5).

41 (5) A paramedic (as defined in IC 16-18-2-266).

42 (6) Except as provided in subsections (j) through (k), any other

1 person qualified through training, experience, or education to
2 retrieve contraband or obtain a bodily substance sample.

3 (j) A law enforcement officer may not retrieve contraband or obtain
4 a bodily substance sample under this section if the contraband is to be
5 retrieved or the sample is to be obtained from another law enforcement
6 officer as a result of the other law enforcement officer's involvement in
7 an accident or alleged crime.

8 (k) A law enforcement officer who is otherwise qualified to obtain
9 a bodily substance sample under this section may obtain a bodily
10 substance sample from a person involved in an accident or alleged
11 crime who is not a law enforcement officer only if:

12 (1) ~~before January 1, 2013~~, the officer obtained a bodily substance
13 sample from an individual as part of the officer's official duties as
14 a law enforcement officer; and

15 (2) the:

16 (A) person consents to the officer obtaining a bodily substance
17 sample; or

18 (B) obtaining of the bodily substance sample is authorized by
19 a search warrant."

20 Page 3, between lines 17 and 18, begin a new paragraph and insert:

21 "SECTION 5. IC 11-8-8-5, AS AMENDED BY P.L.142-2020,
22 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2021]: Sec. 5. (a) Except as provided in section 22 of this
24 chapter, as used in this chapter, "sex or violent offender" means a
25 person convicted of any of the following offenses:

26 (1) Rape (IC 35-42-4-1).

27 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

28 (3) Child molesting (IC 35-42-4-3).

29 (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

30 (5) Vicarious sexual gratification (including performing sexual
31 conduct in the presence of a minor) (IC 35-42-4-5).

32 (6) Child solicitation (IC 35-42-4-6).

33 (7) Child seduction (IC 35-42-4-7).

34 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,
35 Class B, or Class C felony (for a crime committed before July 1,
36 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a
37 crime committed after June 30, 2014), unless:

38 (A) the person is convicted of sexual misconduct with a minor
39 as a Class C felony (for a crime committed before July 1,
40 2014) or a Level 5 felony (for a crime committed after June
41 30, 2014);

42 (B) the person is not more than:

- 1 (i) four (4) years older than the victim if the offense was
 2 committed after June 30, 2007; or
 3 (ii) five (5) years older than the victim if the offense was
 4 committed before July 1, 2007; and
 5 (C) the sentencing court finds that the person should not be
 6 required to register as a sex offender.
- 7 (9) Incest (IC 35-46-1-3).
 8 (10) Sexual battery (IC 35-42-4-8).
 9 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
 10 (18) years of age, and the person who kidnapped the victim is not
 11 the victim's parent or guardian.
 12 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
 13 than eighteen (18) years of age, and the person who confined or
 14 removed the victim is not the victim's parent or guardian.
 15 (13) Possession of child pornography (IC 35-42-4-4(d) or
 16 IC 35-42-4-4(e)).
 17 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony
 18 (for a crime committed before July 1, 2014) or a Level 4 felony
 19 (for a crime committed after June 30, 2014).
 20 (15) Promotion of human sexual trafficking under
 21 IC 35-42-3.5-1.1.
 22 (16) Promotion of child sexual trafficking under
 23 IC 35-42-3.5-1.2(a).
 24 (17) Promotion of sexual trafficking of a younger child (IC
 25 35-42-3.5-1.2(c)).
 26 (18) Child sexual trafficking (IC 35-42-3.5-1.3).
 27 (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is
 28 less than eighteen (18) years of age.
 29 (20) Murder (IC 35-42-1-1).
 30 **(21) Attempted murder (IC 35-42-1-1 and IC 35-41-5-1).**
 31 ~~(21)~~ **(22)** Voluntary manslaughter (IC 35-42-1-3).
 32 ~~(22)~~ **(23)** Sexual misconduct by a service provider with a detained
 33 or supervised child (IC 35-44.1-3-10(c)).
- 34 (b) The term includes:
 35 (1) a person who is required to register as a sex or violent
 36 offender in any jurisdiction; and
 37 (2) a child who has committed a delinquent act and who:
 38 (A) is at least fourteen (14) years of age;
 39 (B) is on probation, is on parole, is discharged from a facility
 40 by the department of correction, is discharged from a secure
 41 private facility (as defined in IC 31-9-2-115), or is discharged
 42 from a juvenile detention facility as a result of an adjudication

1 as a delinquent child for an act that would be an offense
 2 described in subsection (a) if committed by an adult; and
 3 (C) is found by a court by clear and convincing evidence to be
 4 likely to repeat an act that would be an offense described in
 5 subsection (a) if committed by an adult.

6 (c) In making a determination under subsection (b)(2)(C), the court
 7 shall consider expert testimony concerning whether a child is likely to
 8 repeat an act that would be an offense described in subsection (a) if
 9 committed by an adult."

10 Page 9, between lines 40 and 41, begin a new paragraph and insert:

11 "SECTION 15. IC 16-20-1-25, AS AMENDED BY P.L.292-2013,
 12 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2021]: Sec. 25. (a) A person shall not institute, permit, or
 14 maintain any conditions that may transmit, generate, or promote
 15 disease.

16 (b) A health officer, upon receiving a complaint asserting the
 17 existence of unlawful conditions described in subsection (a) within the
 18 officer's jurisdiction, shall document the complaint as provided in
 19 subsection (d). Upon verifying the information contained in the
 20 complaint, the health officer shall order the abatement of those
 21 conditions. The order must:

- 22 (1) be in writing;
- 23 (2) specify the conditions that may transmit disease; and
- 24 (3) name the shortest reasonable time for abatement.

25 (c) If a person refuses or neglects to obey an order issued under this
 26 section, the attorney representing the county of the health jurisdiction
 27 where the offense occurs shall, upon receiving the information from the
 28 health officer, institute proceedings in the courts for enforcement. An
 29 order may be enforced by injunction. If the action concerning public
 30 health is a criminal offense, a law enforcement authority with
 31 jurisdiction over the place where the offense occurred shall be notified.

32 (d) A complaint made under subsection (b) must include adequate
 33 details to allow the health officer to verify the existence of the unlawful
 34 conditions that are the subject of the complaint. A health officer shall
 35 provide a copy of a complaint upon request to the person who is the
 36 subject of the complaint.

37 ~~(e) A person who provides false information upon which a health~~
 38 ~~officer relies in issuing an order under this section commits a Class C~~
 39 ~~misdemeanor.~~

40 SECTION 16. IC 16-37-3-16 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. (a) **This section**

1 **does not apply to section 3 of this chapter.**

2 (b) Except as provided, a person who recklessly violates or fails to
3 comply with this chapter commits a Class B misdemeanor.

4 ~~(b)~~ (c) Each day a violation continues constitutes a separate
5 offense."

6 Page 11, between line 12 and 13, begin a new paragraph and insert:

7 "SECTION 18. IC 20-27-7-19, AS AMENDED BY P.L.231-2005,
8 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2021]: Sec. 19. A person who knowingly, intentionally, or
10 recklessly violates this chapter commits a Class C ~~misdemeanor~~
11 **infraction**."

12 Page 13, between lines 38 and 39, begin a new paragraph and insert:

13 "SECTION 20. IC 20-33-2-44, AS AMENDED BY P.L.32-2019,
14 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2021]: Sec. 44. (a) This section does not apply to section **18**
16 **or section 47** of this chapter.

17 (b) Except as otherwise provided, a person who knowingly violates
18 this chapter commits a Class B misdemeanor.

19 SECTION 21. IC 24-5-14.5-11 IS REPEALED [EFFECTIVE JULY
20 1, 2021]. ~~Sec. 44. A person who knowingly violates this chapter~~
21 ~~commits a Class B misdemeanor. However, the offense is a Class A~~
22 ~~misdemeanor if the person has a previous unrelated conviction under~~
23 ~~this chapter."~~

24 Page 21, between lines 36 and 37, begin a new paragraph and insert:

25 "SECTION 34. IC 35-31.5-2-176.8 IS ADDED TO THE INDIANA
26 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2021]: **Sec. 176.8. "Item of sentimental**
28 **value" means:**

- 29 (1) **an heirloom;**
30 (2) **family papers and photographs;**
31 (3) **a gift from a family member; or**
32 (4) **a trophy;**

33 **that the owner values beyond the fair market value of the item due**
34 **to the owner's reasonable personal or emotional attachment to the**
35 **item."**

36 Page 26, between lines 17 and 18, begin a new paragraph and insert:

37 "SECTION 43. IC 35-38-1-17, AS AMENDED BY P.L.45-2018,
38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2021]: Sec. 17. (a) Notwithstanding IC 1-1-5.5-21, this section
40 applies to a person who:

- 41 (1) commits an offense; or
42 (2) is sentenced;

1 before July 1, 2014.

2 (b) This section does not apply to a credit restricted felon.

3 (c) Except as provided in subsections (k) and (m), this section does
4 not apply to a violent criminal.

5 (d) As used in this section, "violent criminal" means a person
6 convicted of any of the following offenses:

7 (1) Murder (IC 35-42-1-1).

8 (2) Attempted murder (IC 35-41-5-1).

9 (3) Voluntary manslaughter (IC 35-42-1-3).

10 (4) Involuntary manslaughter (IC 35-42-1-4).

11 (5) Reckless homicide (IC 35-42-1-5).

12 (6) Aggravated battery (IC 35-42-2-1.5).

13 **(7) Battery (IC 35-42-2-1) as a Class A or Class B felony (for**
14 **a crime committed before July 1, 2014) or battery as a Level**
15 **2 or Level 3 felony (for a crime committed after June 30,**
16 **2014).**

17 **(8) Domestic battery (IC 35-42-2-1.3) as a Level 2 or Level 3**
18 **felony.**

19 ~~(7)~~ **(9)** Kidnapping (IC 35-42-3-2).

20 ~~(8)~~ **(10)** Rape (IC 35-42-4-1).

21 ~~(9)~~ **(11)** Criminal deviate conduct (IC 35-42-4-2) (before its
22 repeal).

23 ~~(10)~~ **(12)** Child molesting (IC 35-42-4-3).

24 ~~(11)~~ **(13)** Sexual misconduct with a minor as a Class A felony
25 under IC 35-42-4-9(a)(2) or a Class B felony under
26 IC 35-42-4-9(b)(2) (for a crime committed before July 1, 2014) or
27 sexual misconduct with a minor as a Level 1 felony under
28 IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2)
29 (for a crime committed after June 30, 2014).

30 ~~(12)~~ **(14)** Robbery as a Class A felony or a Class B felony (IC
31 35-42-5-1) (for a crime committed before July 1, 2014) or robbery
32 as a Level 2 felony or a Level 3 felony (IC 35-42-5-1) (for a crime
33 committed after June 30, 2014).

34 ~~(13)~~ **(15)** Burglary as Class A felony or a Class B felony (IC
35 35-43-2-1) (for a crime committed before July 1, 2014) or
36 burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or
37 Level 4 felony (IC 35-43-2-1) (for a crime committed after June
38 30, 2014).

39 ~~(14)~~ **(16)** Unlawful possession of a firearm by a serious violent
40 felon (IC 35-47-4-5).

41 (e) At any time after:

42 (1) a convicted person begins serving the person's sentence; and

1 (2) the court obtains a report from the department of correction
2 concerning the convicted person's conduct while imprisoned;
3 the court may reduce or suspend the sentence and impose a sentence
4 that the court was authorized to impose at the time of sentencing.
5 However, if the convicted person was sentenced under the terms of a
6 plea agreement, the court may not, without the consent of the
7 prosecuting attorney, reduce or suspend the sentence and impose a
8 sentence not authorized by the plea agreement. The court must
9 incorporate its reasons in the record.

10 (f) If the court sets a hearing on a petition under this section, the
11 court must give notice to the prosecuting attorney and the prosecuting
12 attorney must give notice to the victim (as defined in IC 35-31.5-2-348)
13 of the crime for which the convicted person is serving the sentence.

14 (g) The court may suspend a sentence for a felony under this section
15 only if suspension is permitted under IC 35-50-2-2.2.

16 (h) The court may deny a request to suspend or reduce a sentence
17 under this section without making written findings and conclusions.

18 (i) The court is not required to conduct a hearing before reducing or
19 suspending a sentence under this section if:

20 (1) the prosecuting attorney has filed with the court an agreement
21 of the reduction or suspension of the sentence; and

22 (2) the convicted person has filed with the court a waiver of the
23 right to be present when the order to reduce or suspend the
24 sentence is considered.

25 (j) This subsection applies only to a convicted person who is not a
26 violent criminal. A convicted person who is not a violent criminal may
27 file a petition for sentence modification under this section:

28 (1) not more than one (1) time in any three hundred sixty-five
29 (365) day period; and

30 (2) a maximum of two (2) times during any consecutive period of
31 incarceration;

32 without the consent of the prosecuting attorney.

33 (k) This subsection applies to a convicted person who is a violent
34 criminal. A convicted person who is a violent criminal may, not later
35 than three hundred sixty-five (365) days from the date of sentencing,
36 file one (1) petition for sentence modification under this section
37 without the consent of the prosecuting attorney. After the elapse of the
38 three hundred sixty-five (365) day period, a violent criminal may not
39 file a petition for sentence modification without the consent of the
40 prosecuting attorney.

41 (l) A person may not waive the right to sentence modification under
42 this section as part of a plea agreement. Any purported waiver of the

1 right to sentence modification under this section in a plea agreement is
 2 invalid and unenforceable as against public policy. This subsection
 3 does not prohibit the finding of a waiver of the right to:

- 4 (1) have a court modify a sentence and impose a sentence not
 5 authorized by the plea agreement, as described under subsection
 6 (e); or
- 7 (2) sentence modification for any other reason, including failure
 8 to comply with the provisions of this section.

9 (m) Notwithstanding subsection (k), a person who commits an
 10 offense after June 30, 2014, and before May 15, 2015, may file one (1)
 11 petition for sentence modification without the consent of the
 12 prosecuting attorney, even if the person has previously filed a petition
 13 for sentence modification.

14 SECTION 44. IC 35-40-5-11.5, AS ADDED BY P.L.62-2020,
 15 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2021]: Sec. 11.5. (a) This section applies only to a criminal
 17 case involving a child less than sixteen (16) years of age who is the
 18 victim or alleged victim of a sex offense.

19 (b) The following definitions apply throughout this section:

- 20 (1) "Accused" or "the accused" means a person charged with
 21 committing a sex offense against a child victim. The term does
 22 not include an attorney who represents the accused.
- 23 (2) "Child victim" means a child less than sixteen (16) years of
 24 age who is the victim or alleged victim of a sex offense.
- 25 (3) "Defendant" means a person charged with committing a sex
 26 offense against a child victim and an attorney who represents the
 27 defendant.
- 28 (4) "Deposition" or "depose" means a deposition upon oral **or**
 29 **written** examination, or taking a deposition upon oral **or written**
 30 examination, as described in Indiana Trial Rule 30 **and 31**.
- 31 (5) "Sex offense" has the meaning set forth in IC 11-8-8-5.2.

32 (c) A defendant may depose a child victim only in accordance with
 33 this section.

34 (d) A defendant may not take the deposition of a child victim unless
 35 the defendant contacts the prosecuting attorney before contacting the
 36 child, and one (1) or more of the following apply:

- 37 (1) The prosecuting attorney agrees to the deposition. The
 38 prosecuting attorney may condition the prosecuting attorney's
 39 agreement to the deposition upon the defendant's acceptance of
 40 the manner in which the deposition shall be conducted.
- 41 (2) The court authorizes the deposition after finding, following a
 42 hearing under subsection (f), that there is a reasonable likelihood

1 that the child victim will be unavailable for trial and the
2 deposition is necessary to preserve the child victim's testimony.

3 (3) The court authorizes the deposition after finding, following a
4 hearing under subsection (g), that the deposition is necessary:

- 5 (A) due to the existence of extraordinary circumstances; and
- 6 (B) in the interest of justice.

7 (e) If the prosecuting attorney does not agree to the deposition, the
8 defendant may petition the court for authorization to depose the child
9 victim under subsection (d)(2), (d)(3), or both subsection (d)(2) and
10 (d)(3). Upon receipt of the petition, the court shall notify the
11 prosecuting attorney and set a hearing to determine whether to
12 authorize a deposition of the child victim, and, if applicable, to
13 determine the manner in which the deposition shall be conducted.

14 (f) The court shall authorize the deposition of a child victim under
15 subsection (d)(2) if the defendant proves by a preponderance of the
16 evidence that there is a reasonable likelihood that the child victim will
17 be unavailable for trial and the deposition is necessary to preserve the
18 child victim's testimony.

19 (g) The court may not authorize the deposition of a child victim
20 under subsection (d)(3) unless the defendant establishes by a
21 preponderance of the evidence that the deposition is necessary:

- 22 (1) due to the existence of extraordinary circumstances; and
- 23 (2) in the interest of justice.

24 **The mere fact that the victim is a child or the charged crime is**
25 **serious does not constitute "extraordinary circumstances" or mean**
26 **that a deposition should be held in the interest of justice.**

27 (h) If the court authorizes the deposition of a child victim under
28 subsection (f) or (g), the court shall determine the manner in which the
29 deposition shall be conducted, after considering:

- 30 (1) the age of the child;
- 31 (2) the rights of the victim under IC 35-40-5-1; and
- 32 (3) any other relevant factors or special considerations.

33 (i) If the court denies a petition to depose a child victim, the court
34 shall issue a written order describing the reason for the denial.

35 (j) If the court grants a request to depose a child victim, the court
36 shall issue a written order describing the reason for granting the
37 petition and setting forth the manner in which the deposition shall be
38 conducted. The order shall:

- 39 (1) expressly prohibit the accused from deposing or being present
40 at the deposition of the child victim unless:
 - 41 (A) there is a reasonable likelihood that the child victim will
42 be unavailable for trial;

- 1 (B) the deposition is necessary to preserve the child victim's
 2 testimony; and
 3 (C) the presence of the accused is necessary to preserve the
 4 constitutional rights of the accused under the Sixth
 5 Amendment of the Constitution of the United States or Article
 6 1, Section 13 of the Constitution of the State of Indiana;
 7 (2) describe the manner in which the deposition shall be
 8 conducted; and
 9 (3) if applicable, issue a protective order under Indiana Trial Rule
 10 26(C)."

11 Page 31, between lines 2 and 3, begin a new paragraph and insert:
 12 "SECTION 48. IC 35-42-2-1, AS AMENDED BY P.L.142-2020,
 13 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2021]: Sec. 1. (a) As used in this section, "public safety
 15 official" means:

- 16 (1) a law enforcement officer, including an alcoholic beverage
 17 enforcement officer;
 18 (2) an employee of a penal facility or a juvenile detention facility
 19 (as defined in IC 31-9-2-71);
 20 (3) an employee of the department of correction;
 21 (4) a probation officer;
 22 (5) a parole officer;
 23 (6) a community corrections worker;
 24 (7) a home detention officer;
 25 (8) a department of child services employee;
 26 (9) a firefighter;
 27 (10) an emergency medical services provider;
 28 (11) a judicial officer;
 29 (12) a bailiff of any court; ~~or~~
 30 (13) a special deputy (as described in IC 36-8-10-10.6); **or**
 31 **(14) an adult protective services investigator.**

32 (b) As used in this section, "relative" means an individual related by
 33 blood, half-blood, adoption, marriage, or remarriage, including:

- 34 (1) a spouse;
 35 (2) a parent or stepparent;
 36 (3) a child or stepchild;
 37 (4) a grandchild or stepgrandchild;
 38 (5) a grandparent or stepgrandparent;
 39 (6) a brother, sister, stepbrother, or stepsister;
 40 (7) a niece or nephew;
 41 (8) an aunt or uncle;
 42 (9) a daughter-in-law or son-in-law;

1 (10) a mother-in-law or father-in-law; or

2 (11) a first cousin.

3 (c) Except as provided in subsections (d) through (k), a person who
4 knowingly or intentionally:

5 (1) touches another person in a rude, insolent, or angry manner;
6 or

7 (2) in a rude, insolent, or angry manner places any bodily fluid or
8 waste on another person;

9 commits battery, a Class B misdemeanor.

10 (d) The offense described in subsection (c)(1) or (c)(2) is a Class A
11 misdemeanor if it:

12 (1) results in bodily injury to any other person; or

13 (2) is committed against a member of a foster family home (as
14 defined in IC 35-31.5-2-139.3) by a person who is not a resident
15 of the foster family home if the person who committed the offense
16 is a relative of a person who lived in the foster family home at the
17 time of the offense.

18 (e) The offense described in subsection (c)(1) or (c)(2) is a Level 6
19 felony if one (1) or more of the following apply:

20 (1) The offense results in moderate bodily injury to any other
21 person.

22 (2) The offense is committed against a public safety official while
23 the official is engaged in the official's official duty.

24 (3) The offense is committed against a person less than fourteen
25 (14) years of age and is committed by a person at least eighteen
26 (18) years of age.

27 (4) The offense is committed against a person of any age who has
28 a mental or physical disability and is committed by a person
29 having the care of the person with the mental or physical
30 disability, whether the care is assumed voluntarily or because of
31 a legal obligation.

32 (5) The offense is committed against an endangered adult (as
33 defined in IC 12-10-3-2).

34 (6) The offense:

35 (A) is committed against a member of a foster family home (as
36 defined in IC 35-31.5-2-139.3) by a person who is not a
37 resident of the foster family home if the person who committed
38 the offense is a relative of a person who lived in the foster
39 family home at the time of the offense; and

40 (B) results in bodily injury to the member of the foster family.

41 (f) The offense described in subsection (c)(2) is a Level 6 felony if
42 the person knew or recklessly failed to know that the bodily fluid or

1 waste placed on another person was infected with hepatitis,
2 tuberculosis, or human immunodeficiency virus.

3 (g) The offense described in subsection (c)(1) or (c)(2) is a Level 5
4 felony if one (1) or more of the following apply:

5 (1) The offense results in serious bodily injury to another person.

6 (2) The offense is committed with a deadly weapon.

7 (3) The offense results in bodily injury to a pregnant woman if the
8 person knew of the pregnancy.

9 (4) The person has a previous conviction for a battery offense
10 included in this chapter against the same victim.

11 (5) The offense results in bodily injury to one (1) or more of the
12 following:

13 (A) A public safety official while the official is engaged in the
14 official's official duties.

15 (B) A person less than fourteen (14) years of age if the offense
16 is committed by a person at least eighteen (18) years of age.

17 (C) A person who has a mental or physical disability if the
18 offense is committed by an individual having care of the
19 person with the disability, regardless of whether the care is
20 assumed voluntarily or because of a legal obligation.

21 (D) An endangered adult (as defined in IC 12-10-3-2).

22 (h) The offense described in subsection (c)(2) is a Level 5 felony if:

23 (1) the person knew or recklessly failed to know that the bodily
24 fluid or waste placed on another person was infected with
25 hepatitis, tuberculosis, or human immunodeficiency virus; and

26 (2) the person placed the bodily fluid or waste on a public safety
27 official.

28 (i) The offense described in subsection (c)(1) or (c)(2) is a Level 4
29 felony if it results in serious bodily injury to an endangered adult (as
30 defined in IC 12-10-3-2).

31 (j) The offense described in subsection (c)(1) or (c)(2) is a Level 3
32 felony if it results in serious bodily injury to a person less than fourteen
33 (14) years of age if the offense is committed by a person at least
34 eighteen (18) years of age.

35 (k) The offense described in subsection (c)(1) or (c)(2) is a Level 2
36 felony if it results in the death of one (1) or more of the following:

37 (1) A person less than fourteen (14) years of age if the offense is
38 committed by a person at least eighteen (18) years of age.

39 (2) An endangered adult (as defined in IC 12-10-3-2).

40 SECTION 49. IC 35-43-2-2, AS AMENDED BY P.L.276-2019,
41 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2021]: Sec. 2. (a) As used in this section, "authorized person"

1 means a person authorized by an agricultural operation to act on behalf
2 of the agricultural operation.

3 (b) 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
18 intentionally enters the:

19 (A) property of an agricultural operation that is used for the
20 production, processing, propagation, packaging, cultivation,
21 harvesting, care, management, or storage of an animal, plant,
22 or other agricultural product, including any pasturage or land
23 used for timber management, without the consent of the owner
24 of the agricultural operation or an authorized person; or

25 (B) dwelling of another person without the person's consent;

26 (6) knowingly or intentionally:

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

29 (B) rides on the outside of a train or inside a passenger car,
30 locomotive, or freight car, including a boxcar, flatbed, or
31 container without lawful authority or the railroad carrier's
32 consent;

33 (7) not having a contractual interest in the property, knowingly or
34 intentionally enters or refuses to leave the property of another
35 person after having been prohibited from entering or asked to
36 leave the property by a law enforcement officer when the property
37 is:

38 (A) vacant real property (as defined in IC 36-7-36-5) or a
39 vacant structure (as defined in IC 36-7-36-6); or

40 (B) designated by a municipality or county enforcement
41 authority to be abandoned property or an abandoned structure
42 (as defined in IC 36-7-36-1);

1 (8) not having a contractual interest in the property, knowingly or
 2 intentionally enters the real property of an agricultural operation
 3 (as defined in IC 32-30-6-1) without the permission of the owner
 4 of the agricultural operation or an authorized person, and
 5 knowingly or intentionally engages in conduct that causes
 6 property damage to:

7 (A) the owner of or a person having a contractual interest in
 8 the agricultural operation;

9 (B) the operator of the agricultural operation; or

10 (C) a person having personal property located on the property
 11 of the agricultural operation; or

12 (9) knowingly or intentionally enters the property of another
 13 person after being denied entry by a court order that has been
 14 issued to the person or issued to the general public by
 15 conspicuous posting on or around the premises in areas where a
 16 person can observe the order when the property has been
 17 designated by a municipality or county enforcement authority to
 18 be a vacant property, an abandoned property, or an abandoned
 19 structure (as defined in IC 36-7-36-1);

20 commits criminal trespass, a Class A misdemeanor. However, the
 21 offense is a Level 6 felony if it is committed on a scientific research
 22 facility, on a facility belonging to a public utility (as defined in
 23 IC 32-24-1-5.9(a)), on school property, or on a school bus or the person
 24 has a prior unrelated conviction for an offense under this section
 25 concerning the same property. The offense is a Level 6 felony, for
 26 purposes of subdivision (8), if the property damage is more than seven
 27 hundred fifty dollars (\$750) and less than fifty thousand dollars
 28 (\$50,000). The offense is a Level 5 felony, for purposes of subdivision
 29 (8), if the property damage is at least fifty thousand dollars (\$50,000).

30 (c) A person has been denied entry under subsection (b)(1) when the
 31 person has been denied entry by means of:

32 (1) personal communication, oral or written;

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

36 (3) a hearing authority or court order under IC 32-30-6,
 37 IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36; ~~or~~

38 (4) posting the property by placing identifying purple marks on
 39 trees or posts around the area where entry is denied; ~~or~~

40 **(5) locking the door to a building, structure, or part of a**
 41 **building or structure.**

42 (d) For the purposes of subsection (c)(4):

- 1 (1) each purple mark must be readily visible to any person
2 approaching the property and must be placed:
- 3 (A) on a tree:
- 4 (i) as a vertical line of at least eight (8) inches in length and
5 with the bottom of the mark at least three (3) feet and not
6 more than five (5) feet from the ground; and
7 (ii) not more than one hundred (100) feet from the nearest
8 other marked tree; or
- 9 (B) on a post:
- 10 (i) with the mark covering at least the top two (2) inches of
11 the post, and with the bottom of the mark at least three (3)
12 feet and not more than five (5) feet six (6) inches from the
13 ground; and
14 (ii) not more than thirty-six (36) feet from the nearest other
15 marked post; and
- 16 (2) before a purple mark that would be visible from both sides of
17 a fence shared by different property owners or lessees may be
18 applied, all of the owners or lessees of the properties must agree
19 to post the properties with purple marks under subsection (c)(4).
- 20 (e) A law enforcement officer may not deny entry to property or ask
21 a person to leave a property under subsection (b)(7) unless there is
22 reasonable suspicion that criminal activity has occurred or is occurring.
- 23 (f) A person described in subsection (b)(7) violates subsection
24 (b)(7) unless the person has the written permission of the owner, the
25 owner's agent, an enforcement authority, or a court to come onto the
26 property for purposes of performing maintenance, repair, or demolition.
- 27 (g) A person described in subsection (b)(9) violates subsection
28 (b)(9) unless the court that issued the order denying the person entry
29 grants permission for the person to come onto the property.
- 30 (h) Subsections (b), (c), and (g) do not apply to the following:
- 31 (1) A passenger on a train.
- 32 (2) An employee of a railroad carrier while engaged in the
33 performance of official duties.
- 34 (3) A law enforcement officer, firefighter, or emergency response
35 personnel while engaged in the performance of official duties.
- 36 (4) A person going on railroad property in an emergency to rescue
37 a person or animal from harm's way or to remove an object that
38 the person reasonably believes poses an imminent threat to life or
39 limb.
- 40 (5) A person on the station grounds or in the depot of a railroad
41 carrier:
- 42 (A) as a passenger; or

- 1 (B) for the purpose of transacting lawful business.
- 2 (6) A:
- 3 (A) person; or
- 4 (B) person's:
- 5 (i) family member;
- 6 (ii) invitee;
- 7 (iii) employee;
- 8 (iv) agent; or
- 9 (v) independent contractor;
- 10 going on a railroad's right-of-way for the purpose of crossing at a
- 11 private crossing site approved by the railroad carrier to obtain
- 12 access to land that the person owns, leases, or operates.
- 13 (7) A person having written permission from the railroad carrier
- 14 to go on specified railroad property.
- 15 (8) A representative of the Indiana department of transportation
- 16 while engaged in the performance of official duties.
- 17 (9) A representative of the federal Railroad Administration while
- 18 engaged in the performance of official duties.
- 19 (10) A representative of the National Transportation Safety Board
- 20 while engaged in the performance of official duties."
- 21 Page 42, line 25, delete "subsection (d)," and insert "**subsection**
- 22 **(e),**".
- 23 Page 42, delete line 32 and insert "**(\$50,000) and less than one**
- 24 **hundred thousand dollars (\$100,000).**".
- 25 Page 42, between lines 37 and 38, begin a new paragraph and insert:
- 26 "**(d) The offense described in subsection (a) is a Level 4 felony if**
- 27 **the pecuniary loss is at least one hundred thousand dollars**
- 28 **(\$100,000).**".
- 29 Page 42, line 38, delete "(d)" and insert "(e)".
- 30 Page 69, between lines 23 and 24, begin a new paragraph and insert:
- 31 "SECTION 87. IC 35-45-14-2 IS REPEALED [EFFECTIVE JULY
- 32 1, 2021]. ~~Sec. 2: A person who is not an attorney and who:~~
- 33 ~~(1) knowingly or intentionally solicits; advises; requests; or~~
- 34 ~~induces another person to bring an action in a court; and~~
- 35 ~~(2) in making a solicitation under subdivision (1); directly or~~
- 36 ~~indirectly receives any compensation; fee; or commission from~~
- 37 ~~the attorney for the solicitation;~~
- 38 ~~commits unlawful solicitation; a Class A misdemeanor.~~
- 39 SECTION 88. IC 35-45-21-2, AS ADDED BY P.L.158-2013,
- 40 SECTION 547, IS AMENDED TO READ AS FOLLOWS
- 41 [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The sale or distribution of:
- 42 (1) diagnostic testing equipment or apparatus; or

1 (2) a blood collection kit;
 2 intended for home use to diagnose or confirm human
 3 immunodeficiency virus (HIV) infection or disease is prohibited unless
 4 the testing equipment, apparatus, or kit has been approved for such use
 5 by the federal Food and Drug Administration.

6 (b) A person who recklessly, knowingly, or intentionally violates
 7 this section commits a ~~Class A misdemeanor~~. **Class C infraction.**

8 SECTION 89. IC 35-47-4-5, AS AMENDED BY P.L.142-2020,
 9 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2021]: Sec. 5. (a) As used in this section, "serious violent
 11 felon" means a person who has been convicted of committing a serious
 12 violent felony.

13 (b) As used in this section, "serious violent felony" means:

14 (1) murder (IC 35-42-1-1);

15 **(2) attempted murder (IC 35-42-1-1 and IC 35-41-5-1);**

16 ~~(2)~~ **(3)** voluntary manslaughter (IC 35-42-1-3);

17 ~~(3)~~ **(4)** reckless homicide not committed by means of a vehicle (IC
 18 35-42-1-5);

19 ~~(4)~~ **(5)** battery (IC 35-42-2-1) as a:

20 (A) Class A felony, Class B felony, or Class C felony, for a
 21 crime committed before July 1, 2014; or

22 (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5
 23 felony, for a crime committed after June 30, 2014;

24 ~~(5)~~ **(6)** domestic battery (IC 35-42-2-1.3) as a Level 2 felony,
 25 Level 3 felony, Level 4 felony, or Level 5 felony;

26 ~~(6)~~ **(7)** aggravated battery (IC 35-42-2-1.5);

27 ~~(7)~~ **(8)** kidnapping (IC 35-42-3-2);

28 ~~(8)~~ **(9)** criminal confinement (IC 35-42-3-3);

29 ~~(9)~~ **(10)** rape (IC 35-42-4-1);

30 ~~(10)~~ **(11)** criminal deviate conduct (IC 35-42-4-2) (before its
 31 repeal);

32 ~~(11)~~ **(12)** child molesting (IC 35-42-4-3);

33 ~~(12)~~ **(13)** sexual battery (IC 35-42-4-8) as a:

34 (A) Class C felony, for a crime committed before July 1, 2014;
 35 or

36 (B) Level 5 felony, for a crime committed after June 30, 2014;

37 ~~(13)~~ **(14)** robbery (IC 35-42-5-1);

38 ~~(14)~~ **(15)** carjacking (IC 5-42-5-2) (before its repeal);

39 ~~(15)~~ **(16)** arson (IC 35-43-1-1(a)) as a:

40 (A) Class A felony or Class B felony, for a crime committed
 41 before July 1, 2014; or

42 (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a

- 1 crime committed after June 30, 2014;
- 2 ~~(16)~~ **(17)** burglary (IC 35-43-2-1) as a:
- 3 (A) Class A felony or Class B felony, for a crime committed
- 4 before July 1, 2014; or
- 5 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4
- 6 felony, for a crime committed after June 30, 2014;
- 7 ~~(17)~~ **(18)** assisting a criminal (IC 35-44.1-2-5) as a:
- 8 (A) Class C felony, for a crime committed before July 1, 2014;
- 9 or
- 10 (B) Level 5 felony, for a crime committed after June 30, 2014;
- 11 ~~(18)~~ **(19)** resisting law enforcement (IC 35-44.1-3-1) as a:
- 12 (A) Class B felony or Class C felony, for a crime committed
- 13 before July 1, 2014; or
- 14 (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a
- 15 crime committed after June 30, 2014;
- 16 ~~(19)~~ **(20)** escape (IC 35-44.1-3-4) as a:
- 17 (A) Class B felony or Class C felony, for a crime committed
- 18 before July 1, 2014; or
- 19 (B) Level 4 felony or Level 5 felony, for a crime committed
- 20 after June 30, 2014;
- 21 ~~(20)~~ **(21)** trafficking with an inmate (IC 35-44.1-3-5) as a:
- 22 (A) Class C felony, for a crime committed before July 1, 2014;
- 23 or
- 24 (B) Level 5 felony, for a crime committed after June 30, 2014;
- 25 ~~(21)~~ **(22)** criminal organization intimidation (IC 35-45-9-4);
- 26 ~~(22)~~ **(23)** stalking (IC 35-45-10-5) as a:
- 27 (A) Class B felony or Class C felony, for a crime committed
- 28 before July 1, 2014; or
- 29 (B) Level 4 felony or Level 5 felony, for a crime committed
- 30 after June 30, 2014;
- 31 ~~(23)~~ **(24)** incest (IC 35-46-1-3);
- 32 ~~(24)~~ **(25)** dealing in or manufacturing cocaine or a narcotic drug
- 33 (IC 35-48-4-1);
- 34 ~~(25)~~ **(26)** dealing in methamphetamine (IC 35-48-4-1.1) or
- 35 manufacturing methamphetamine (IC 35-48-4-1.2);
- 36 ~~(26)~~ **(27)** dealing in a schedule I, II, or III controlled substance (IC
- 37 35-48-4-2);
- 38 ~~(27)~~ **(28)** dealing in a schedule IV controlled substance (IC
- 39 35-48-4-3);
- 40 ~~(28)~~ **(29)** dealing in a schedule V controlled substance (IC
- 41 35-48-4-4); or
- 42 ~~(29)~~ **(30)** dealing in a controlled substance resulting in death (IC

1 35-42-1-1.5).

2 (c) A serious violent felon who knowingly or intentionally possesses
3 a firearm commits unlawful possession of a firearm by a serious violent
4 felon, a Level 4 felony.

5 SECTION 90. IC 35-47-7-1 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. Every case of a
7 bullet wound, gunshot wound, powder burn, or any other injury arising
8 from or caused by the discharge of a firearm, and every case of a
9 wound which is likely to or may result in death and is actually or
10 apparently inflicted by a knife, ice pick, or other sharp or pointed
11 instrument, shall be reported at once to the law enforcement authorities
12 of the county, city, or town in which the person reporting is located by
13 either the physician attending or treating the case, or by the manager,
14 superintendent, or other person in charge if the case is treated in a
15 hospital, clinic, sanitarium, or other facility or institution. A person
16 who violates this section commits a ~~Class A misdemeanor~~. **Class C**
17 **infraction.**"

18 Page 74, after line 21, begin a new paragraph and insert:

19 "SECTION 94. IC 35-52-6-17 IS REPEALED [EFFECTIVE JULY
20 1, 2021]. ~~Sec. 17. IC 6-2.5-9-7 defines a crime concerning retail sales.~~

21 SECTION 95. IC 35-52-16-2 IS REPEALED [EFFECTIVE JULY
22 1, 2021]. ~~Sec. 2. IC 16-20-1-25 defines a crime concerning local health~~
23 ~~departments.~~

24 SECTION 96. IC 35-52-20-4, IS REPEALED [EFFECTIVE JULY
25 1, 2021]. ~~Sec. 4. IC 20-27-7-19 defines a crime concerning school~~
26 ~~transportation.~~

27 SECTION 97. IC 35-52-24-28 IS REPEALED [EFFECTIVE JULY
28 1, 2021]. ~~Sec. 28. IC 24-5-14.5-11 defines a crime concerning false or~~
29 ~~misleading caller identification."~~

30 Renumber all SECTIONS consecutively.

(Reference is to SB 197 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 8, Nays 1.

Senator Young M, Chairperson