

# HOUSE BILL No. 1032

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-31.5-2-135; IC 35-44.1-3-1.

**Synopsis:** Interfering with public safety. Renames the offense of "interfering with law enforcement" to "interfering with public safety", and provides that a person who enters a marked off area after having been denied entry by a firefighter commits interfering with public safety. (Under current law, the offense is only committed if the person is denied entry by a law enforcement officer.)

**Effective:** July 1, 2020.

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**Miller D, Frye R, Bartels**

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January 6, 2020, read first time and referred to Committee on Veterans Affairs and Public Safety.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

# HOUSE BILL No. 1032

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 35-31.5-2-135, AS AMENDED BY P.L.158-2013,  
2 SECTION 371, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2020]: Sec. 135. "Firefighter", for purposes of  
4 **IC 35-44.1-3 and IC 35-44.1-4**, has the meaning set forth in  
5 IC 35-44.1-4-3.

6 SECTION 2. IC 35-44.1-3-1, AS AMENDED BY P.L.184-2019,  
7 SECTION 12, AND AS AMENDED BY P.L.201-2019, SECTION 3,  
8 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person who knowingly or  
10 intentionally:

- 11 (1) forcibly resists, obstructs, or interferes with a law enforcement  
12 officer or a person assisting the officer while the officer is  
13 lawfully engaged in the execution of the officer's duties;
- 14 (2) forcibly resists, obstructs, or interferes with the authorized  
15 service or execution of a civil or criminal process or order of a  
16 court; or
- 17 (3) flees from a law enforcement officer after the officer has, by



1 visible or audible means, including operation of the law  
 2 enforcement officer's siren or emergency lights, identified himself  
 3 or herself and ordered the person to stop;  
 4 commits resisting law enforcement, a Class A misdemeanor, except as  
 5 provided in ~~subsection (b)~~. subsection (c).

6 (b) A person who, having been denied entry by a **firefighter or a**  
 7 **law enforcement officer, knowingly or intentionally enters an area that**  
 8 **is marked off with barrier tape or other physical barriers, commits**  
 9 **interfering with law enforcement, public safety, a Class B**  
 10 **misdemeanor, except as provided in subsection (c) or (h).**

11 ~~(b)~~ (c) The offense under subsection (a) or (b) is a:

12 (1) Level 6 felony if:

13 (A) ~~the offense is described in subsection (a)(3) and~~ the  
 14 person uses a vehicle to commit the offense; or

15 (B) while committing ~~any~~ the offense, ~~described in subsection~~  
 16 ~~(a)~~, the person draws or uses a deadly weapon, inflicts bodily  
 17 injury on or otherwise causes bodily injury to another person,  
 18 or operates a vehicle in a manner that creates a substantial risk  
 19 of bodily injury to another person;

20 (2) Level 5 felony if, while committing ~~any~~ the offense, ~~described~~  
 21 ~~in subsection (a)~~, the person operates a vehicle in a manner that  
 22 causes serious bodily injury to another person;

23 (3) Level 3 felony if, while committing ~~any~~ the offense, ~~described~~  
 24 ~~in subsection (a)~~, the person operates a vehicle in a manner that  
 25 causes the death ~~or catastrophic injury~~ of another person; and

26 (4) Level 2 felony if, while committing any offense described in  
 27 subsection (a), the person operates a vehicle in a manner that  
 28 causes the death ~~or catastrophic injury~~ of a **firefighter or a** law  
 29 enforcement officer while the **firefighter or** law enforcement  
 30 officer is engaged in the ~~officer's~~ **firefighter's or officer's**  
 31 official duties.

32 ~~(c)~~ (d) If a person uses a vehicle to commit a felony offense under  
 33 subsection ~~(b)(1)(B), (b)(2), (b)(3), or (b)(4), (c)(1)(B), (c)(2), (c)(3), or~~  
 34 ~~(c)(4)~~, as part of the criminal penalty imposed for the offense, the court  
 35 shall impose a minimum executed sentence of at least:

36 (1) thirty (30) days, if the person does not have a prior unrelated  
 37 conviction under this section;

38 (2) one hundred eighty (180) days, if the person has one (1) prior  
 39 unrelated conviction under this section; or

40 (3) one (1) year, if the person has two (2) or more prior unrelated  
 41 convictions under this section.

42 ~~(d)~~ (e) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the



1 mandatory minimum sentence imposed under subsection ~~(c)~~ (d) may  
2 not be suspended.

3 ~~(e)~~ (f) If a person is convicted of an offense involving the use of a  
4 motor vehicle under:

5 (1) ~~subsection (b)(1)(A)~~, subsection (c)(1)(A), if the person  
6 exceeded the speed limit by at least twenty (20) miles per hour  
7 while committing the offense;

8 (2) ~~subsection (b)(2)~~; subsection (c)(2); or

9 (3) ~~subsection (b)(3)~~; subsection (c)(3);

10 the court may notify the bureau of motor vehicles to suspend or revoke  
11 the person's driver's license and all certificates of registration and  
12 license plates issued or registered in the person's name in accordance  
13 with IC 9-30-4-6.1(b)(3) for the period described in IC 9-30-4-6.1(d)(1)  
14 or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the  
15 person has been sentenced to a term of incarceration. At the time of  
16 conviction, the court may obtain the person's current driver's license  
17 and return the license to the bureau of motor vehicles.

18 ~~(f)~~ (g) A person may not be charged or convicted of a crime under  
19 subsection (a)(3) if the law enforcement officer is a school resource  
20 officer acting in the officer's capacity as a school resource officer.

21 ~~(g)~~ (h) A person who commits an offense described in subsection (b)  
22 commits a separate offense for each person whose bodily injury,  
23 serious bodily injury, catastrophic injury, or death is caused by a  
24 violation of subsection (b).

25 ~~(h)~~ (i) A court may order terms of imprisonment imposed on a  
26 person convicted of more than one (1) offense described in subsection  
27 (b) to run consecutively. Consecutive terms of imprisonment imposed  
28 under this subsection are not subject to the sentencing restrictions set  
29 forth in IC 35-50-1-2(c) through IC 35-50-1-2(d).

30 ~~(i)~~ (j) As used in this subsection, "family member" means a child,  
31 grandchild, parent, grandparent, or spouse of the person. It is a  
32 defense to a prosecution under subsection (b) that the person  
33 reasonably believed that the person's family member:

34 (1) was in the marked off area; and

35 (2) had suffered bodily injury or was at risk of suffering bodily  
36 injury;

37 if the person is not charged as a defendant in connection with the  
38 offense, if applicable, that caused the area to be secured by barrier  
39 tape or other physical barriers.

