



Reprinted  
February 25, 2020

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## ENGROSSED HOUSE BILL No. 1032

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DIGEST OF HB 1032 (Updated February 24, 2020 3:27 pm - DI 106)

**Citations Affected:** IC 35-44.1.

**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 an emergency medical services provider 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, Macer

(SENATE SPONSORS — ROGERS, CRIDER, KOCH,  
RANDOLPH LONNIE M)

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

January 14, 2020, reported — Do Pass.

January 16, 2020, read second time, ordered engrossed. Engrossed.

January 21, 2020, read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 5, 2020, read first time and referred to Committee on Corrections and Criminal Law.

February 18, 2020, reported favorably — Do Pass.

February 24, 2020, read second time, amended, ordered engrossed.

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EH 1032—LS 6193/DI 106





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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.

## ENGROSSED HOUSE BILL No. 1032

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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 35-44.1-3-1, AS AMENDED BY P.L.184-2019,  
2 SECTION 12, AND AS AMENDED BY P.L.201-2019, SECTION 3,  
3 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person who knowingly or  
5 intentionally:  
6 (1) forcibly resists, obstructs, or interferes with a law enforcement  
7 officer or a person assisting the officer while the officer is  
8 lawfully engaged in the execution of the officer's duties;  
9 (2) forcibly resists, obstructs, or interferes with the authorized  
10 service or execution of a civil or criminal process or order of a  
11 court; or  
12 (3) flees from a law enforcement officer after the officer has, by  
13 visible or audible means, including operation of the law  
14 enforcement officer's siren or emergency lights, identified himself  
15 or herself and ordered the person to stop;  
16 commits resisting law enforcement, a Class A misdemeanor, except as  
17 provided in ~~subsection (b)~~. subsection (c).

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1           (b) A person who, having been denied entry by ~~a~~ **an emergency**  
 2 **medical services provider or a law enforcement officer**, knowingly or  
 3 intentionally enters an area that is marked off with barrier tape or  
 4 other physical barriers, commits interfering with ~~law enforcement~~,  
 5 **public safety**, a Class B misdemeanor, except as provided in  
 6 subsection (c) or ~~(h)~~: **(j)**.

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

8           (1) Level 6 felony if:

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

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

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

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

22           (4) Level 2 felony if, while committing any offense described in  
 23 subsection (a), the person operates a vehicle in a manner that  
 24 causes the death ~~or catastrophic injury~~ of ~~a~~ **an emergency**  
 25 **medical services provider or a law enforcement officer** while  
 26 the **emergency medical services provider or law enforcement**  
 27 **officer is engaged in the officer's emergency medical services**  
 28 **provider's or officer's official duties**.

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

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

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

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

39           ~~(d)~~ (e) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the  
 40 mandatory minimum sentence imposed under subsection ~~(c)~~ (d) may  
 41 not be suspended.

42           ~~(e)~~ (f) If a person is convicted of an offense involving the use of a



1 motor vehicle under:  
 2 (1) ~~subsection (b)(1)(A)~~; *subsection (c)(1)(A)*, if the person  
 3 exceeded the speed limit by at least twenty (20) miles per hour  
 4 while committing the offense;  
 5 (2) ~~subsection (b)(2)~~; *subsection (c)(2)*; or  
 6 (3) ~~subsection (b)(3)~~; *subsection (c)(3)*;  
 7 the court may notify the bureau of motor vehicles to suspend or revoke  
 8 the person's driver's license and all certificates of registration and  
 9 license plates issued or registered in the person's name in accordance  
 10 with IC 9-30-4-6.1(b)(3) for the period described in IC 9-30-4-6.1(d)(1)  
 11 or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the  
 12 person has been sentenced to a term of incarceration. At the time of  
 13 conviction, the court may obtain the person's current driver's license  
 14 and return the license to the bureau of motor vehicles.  
 15 ~~(f)~~ (g) A person may not be charged or convicted of a crime under  
 16 subsection (a)(3) if the law enforcement officer is a school resource  
 17 officer acting in the officer's capacity as a school resource officer.  
 18 ~~(g)~~ (h) *A person who commits an offense described in subsection (b)*  
 19 *commits a separate offense for each person whose bodily injury,*  
 20 *serious bodily injury, catastrophic injury, or death is caused by a*  
 21 *violation of subsection (b).*  
 22 ~~(h)~~ (i) *A court may order terms of imprisonment imposed on a*  
 23 *person convicted of more than one (1) offense described in subsection*  
 24 *(b) to run consecutively. Consecutive terms of imprisonment imposed*  
 25 *under this subsection are not subject to the sentencing restrictions set*  
 26 *forth in IC 35-50-1-2(c) through IC 35-50-1-2(d).*  
 27 ~~(i)~~ (j) *As used in this subsection, "family member" means a child,*  
 28 *grandchild, parent, grandparent, or spouse of the person. It is a*  
 29 *defense to a prosecution under subsection (b) that the person*  
 30 *reasonably believed that the person's family member:*  
 31 *(1) was in the marked off area; and*  
 32 *(2) had suffered bodily injury or was at risk of suffering bodily*  
 33 *injury;*  
 34 *if the person is not charged as a defendant in connection with the*  
 35 *offense, if applicable, that caused the area to be secured by barrier*  
 36 *tape or other physical barriers.*



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1032, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1032 as introduced.)

FRYE R

Committee Vote: Yeas 12, Nays 0

## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1032, 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 to HB 1032 as printed January 14, 2020.)

YOUNG M, Chairperson

Committee Vote: Yeas 9, Nays 0

## SENATE MOTION

Madam President: I move that Engrossed House Bill 1032 be amended to read as follows:

Page 1, delete lines 1 through 5.

Page 2, line 6, after "by" strike "a" and insert "**an**".

Page 2, line 6, delete "firefighter" and insert "**emergency medical services provider**".

Page 2, line 10, strike "(h)." and insert "**(j)**".

Page 2, line 28, after "of" strike "a" and insert "**an**".

Page 2, line 28, delete "firefighter" and insert "**emergency medical services provider**".

Page 2, line 29, delete "firefighter" and insert "**emergency medical services provider**".

Page 2, line 30, delete "firefighter's" and insert "**emergency medical services provider's**".

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Renumber all SECTIONS consecutively.

(Reference is to EHB 1032 as printed February 19, 2020.)

YOUNG M

