

HOUSE BILL No. 1070

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-19-3-10; IC 23-17-13-5; IC 35-31.5-2-78; IC 35-50-2-11.5.

Synopsis: Domestic violence matters. Requires a director of a nonprofit organization that works to prevent domestic violence or assists victims of domestic violence who is convicted of a crime of domestic violence to report the conviction to: (1) the executive director or the president of the nonprofit organization; and (2) every member of the board of directors of the nonprofit organization. Provides a sentencing enhancement if a person commits an act that resulted in the death of a police officer while the police officer was investigating a crime of domestic violence or responding to a domestic violence complaint. Requires each school to provide a curriculum for males and females starting in grade 5 regarding domestic violence, controlling behaviors, abuse, and dating etiquette.

Effective: July 1, 2023.

Shackleford

January 9, 2023, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1070

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 20-19-3-10, AS ADDED BY P.L.83-2010,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 10. (a) The department, in collaboration with
4 organizations that have expertise in dating violence, domestic violence,
5 and sexual abuse, shall identify or develop:
6 (1) model dating violence educational materials; and
7 (2) a model for dating violence response policies and reporting.
8 Not later than July 1, 2011, the department shall make the models
9 developed or identified under this section available to assist schools
10 with the implementation of dating violence education programs in
11 grades 6 through 12 and dating violence response policies.
12 (b) The model dating violence policy identified or developed under
13 subsection (a) may include the following topics:
14 (1) Warning signs of dating violence.
15 (2) The basic principles of dating violence prevention.
16 (3) Methods of parental education and outreach.
17 (c) **Each school shall provide a curriculum for males and**



1 **females starting in grade 5 regarding domestic violence, controlling**
 2 **behaviors, abuse, and dating etiquette.**

3 SECTION 2. IC 23-17-13-5 IS ADDED TO THE INDIANA CODE
 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 5 1, 2023]: **Sec. 5. If a director of a nonprofit organization that works**
 6 **to prevent domestic violence or assists victims of domestic violence**
 7 **is convicted of a crime of domestic violence, as defined in**
 8 **IC 35-31.5-2-78, the director must report the conviction to:**

9 (1) **the executive director or president of the nonprofit**
 10 **organization; and**

11 (2) **every member of the board of directors of the nonprofit**
 12 **organization.**

13 SECTION 3. IC 35-31.5-2-78, AS AMENDED BY P.L.175-2022,
 14 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2023]: **Sec. 78. "Crime of domestic violence", for purposes of**
 16 **IC 5-2-6.1, IC 35-38-9, IC 35-47-2-1.5, and IC 35-47-4-7, and**
 17 **IC 35-50-2-11.5, means an offense or the attempt to commit an offense**
 18 **that:**

19 (1) **has as an element the:**

20 (A) **use of physical force; or**

21 (B) **threatened use of a deadly weapon; and**

22 (2) **is committed against a family or household member, as**
 23 **defined in section 128 of this chapter.**

24 SECTION 4. IC 35-50-2-11.5 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2023]: **Sec. 11.5. (a) As used in this section,**
 27 **"crime of domestic violence" has the meaning set forth in**
 28 **IC 35-31.5-2-78.**

29 (b) **As used in this section, "police officer" means any of the**
 30 **following:**

31 (1) **A state police officer.**

32 (2) **A county sheriff.**

33 (3) **A county police officer.**

34 (4) **A city police officer.**

35 (5) **A state educational institution police officer appointed**
 36 **under IC 21-39-4.**

37 (6) **A school corporation police officer appointed under**
 38 **IC 20-26-16.**

39 (7) **A police officer of a public or private postsecondary**
 40 **educational institution whose board of trustees has established**
 41 **a police department under IC 21-17-5-2 or IC 21-39-4-2.**

42 (8) **An enforcement officer of the alcohol and tobacco**



- 1 **commission.**
2 **(9) A conservation officer.**
3 **(10) A gaming agent employed under IC 4-33-4.5 or a gaming**
4 **control officer employed by the gaming control division under**
5 **IC 4-33-20.**
6 **(11) An investigator for the inspector general appointed under**
7 **IC 4-2-7-2.**
8 **(c) The state may seek, on a page separate from the rest of a**
9 **charging instrument, to have a person who allegedly committed an**
10 **offense sentenced to an additional fixed term of imprisonment if**
11 **the state can show beyond a reasonable doubt that the person**
12 **knowingly or intentionally committed an act that resulted in the**
13 **death of a police officer while the police officer was investigating**
14 **a crime of domestic violence or responding to a domestic violence**
15 **complaint.**
16 **(d) If the person was convicted of the offense under subsection**
17 **(c) in a jury trial, the jury shall reconvene to hear evidence in the**
18 **enhancement hearing. If the trial was to the court, or the judgment**
19 **was entered on a guilty plea, the court alone shall hear evidence in**
20 **the enhancement hearing.**
21 **(e) If the jury (if the hearing is by jury) or the court (if the**
22 **hearing is to the court alone) finds that the state has proved beyond**
23 **a reasonable doubt that the person knowingly or intentionally**
24 **committed an act that resulted in the death of a police officer while**
25 **the police officer was investigating a crime of domestic violence,**
26 **the court may sentence the person to an additional fixed term of**
27 **imprisonment of between five (5) years and twenty (20) years.**
28 **(f) A person may not be sentenced under subsection (e) for**
29 **offenses, felonies, and misdemeanors comprising a single episode**
30 **of criminal conduct.**

