

HOUSE BILL No. 1089

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-2-1.

Synopsis: Battery of a student. Makes battery a Level 6 felony if it is committed: (1) against a person attending a public or nonpublic school; (2) by a person who is not attending a public or nonpublic school; and (3) on school property or at a school activity, function, or event.

Effective: July 1, 2014.

Battles

January 9, 2014, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1089



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 35-42-2-1, AS AMENDED BY P.L.158-2013,
2 SECTION 420, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) As used in this section,
4 "public safety official" means:
5 (1) a law enforcement officer, including an alcoholic beverage
6 enforcement officer;
7 (2) an employee of a penal facility or a juvenile detention facility
8 (as defined in IC 31-9-2-71);
9 (3) an employee of the department of correction;
10 (4) a probation officer;
11 (5) a parole officer;
12 (6) a community corrections worker;
13 (7) a home detention officer;
14 (8) a department of child services employee;
15 (9) a firefighter; or
16 (10) an emergency medical services provider.



1 (b) Except as provided in subsections (c) through (j), a person who
2 knowingly or intentionally:

3 (1) touches another person in a rude, insolent, or angry manner;
4 or

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

7 commits battery, a Class B misdemeanor.

8 (c) The offense described in subsection (b)(1) or (b)(2) is a Class A
9 misdemeanor if it results in bodily injury to any other person.

10 (d) The offense described in subsection (b)(1) or (b)(2) is a Level 6
11 felony if one (1) or more of the following apply:

12 (1) The offense results in moderate bodily injury to any other
13 person.

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

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

19 (4) The offense is committed against a person of any age who has
20 a mental or physical disability and is committed by a person
21 having the care of the person with the mental or physical
22 disability, whether the care is assumed voluntarily or because of
23 a legal obligation.

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

26 (6) The offense is committed against a family or household
27 member (as defined in IC 35-31.5-2-128) if the person who
28 committed the offense:

29 (A) is at least eighteen (18) years of age; and

30 (B) committed the offense in the physical presence of a child
31 less than sixteen (16) years of age, knowing that the child was
32 present and might be able to see or hear the offense.

33 **(7) The offense is committed:**

34 **(A) against a person attending a public or nonpublic**
35 **school;**

36 **(B) by a person who is not attending a public or nonpublic**
37 **school; and**

38 **(C) on school property or at a school activity, function, or**
39 **event.**

40 (e) The offense described in subsection (b)(2) is a Level 6 felony if
41 the person knew or recklessly failed to know that the bodily fluid or
42 waste placed on another person was infected with hepatitis,



- 1 tuberculosis, or human immunodeficiency virus.
- 2 (f) The offense described in subsection (b)(1) or (b)(2) is a Level 5
- 3 felony if one (1) or more of the following apply:
- 4 (1) The offense results in serious bodily injury to another person.
- 5 (2) The offense is committed with a deadly weapon.
- 6 (3) The offense results in bodily injury to a pregnant woman if the
- 7 person knew of the pregnancy.
- 8 (4) The person has a previous conviction for battery against the
- 9 same victim.
- 10 (5) The offense results in bodily injury to one (1) or more of the
- 11 following:
- 12 (A) A public safety official while the official is engaged in the
- 13 official's official duties.
- 14 (B) A person less than fourteen (14) years of age if the offense
- 15 is committed by a person at least eighteen (18) years of age.
- 16 (C) A person who has a mental or physical disability if the
- 17 offense is committed by an individual having care of the
- 18 person with the disability, regardless of whether the care is
- 19 assumed voluntarily or because of a legal obligation.
- 20 (D) An endangered adult (as defined in IC 12-10-3-2).
- 21 (g) The offense described in subsection (b)(2) is a Level 5 felony if:
- 22 (1) the person knew or recklessly failed to know that the bodily
- 23 fluid or waste placed on another person was infected with
- 24 hepatitis, tuberculosis, or human immunodeficiency virus; and
- 25 (2) the person placed the bodily fluid or waste on a public safety
- 26 official.
- 27 (h) The offense described in subsection (b)(1) or (b)(2) is a Level 4
- 28 felony if it results in serious bodily injury to an endangered adult (as
- 29 defined in IC 12-10-3-2).
- 30 (i) The offense described in subsection (b)(1) or (b)(2) is a Level 3
- 31 felony if it results in serious bodily injury to a person less than fourteen
- 32 (14) years of age if the offense is committed by a person at least
- 33 eighteen (18) years of age.
- 34 (j) The offense described in subsection (b)(1) or (b)(2) is a Level 2
- 35 felony if it results in the death of one (1) or more of the following:
- 36 (1) A person less than fourteen (14) years of age if the offense is
- 37 committed by a person at least eighteen (18) years of age.
- 38 (2) An endangered adult (as defined in IC 12-10-3-2).

