



Reprinted  
February 19, 2021

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## HOUSE BILL No. 1095

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DIGEST OF HB 1095 (Updated February 18, 2021 4:04 pm - DI 92)

**Citations Affected:** IC 5-20; IC 35-31.5; IC 35-43; IC 35-45.

**Synopsis:** Trespassing and aggressive harassment. Establishes the low barrier homeless task force. Provides that a person commits the offense of criminal trespass if: (1) the person, who does not have a contractual interest in the property, knowingly or intentionally enters or refuses to leave the property of another person after having been prohibited from entering or asked to leave the property by a law enforcement officer when the property is designated by a municipality or county enforcement authority to be an unsafe building or premises; or (2) the person knowingly or intentionally enters the property of another person after being denied entry by a court order that has been issued to the person or issued to the general public by conspicuous posting on or around the premises in areas where a person can observe the order when the property has been designated by a municipality or county enforcement authority to be an unsafe building or premises; unless the person has the written permission of the owner, the owner's agent, an enforcement authority, or a court to come onto the property for purposes of performing maintenance, repair, or demolition. Provides that an individual who harasses another person with the intent to obtain property from the other person commits aggressive harassment, a Class C misdemeanor. Defines "harasses". Repeals the chapter concerning panhandling.

**Effective:** July 1, 2021.

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**Moed, Torr, McNamara, Porter**

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January 7, 2021, read first time and referred to Committee on Courts and Criminal Code.  
February 16, 2021, amended, reported — Do Pass.  
February 18, 2021, read second time, amended, ordered engrossed.

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HB 1095—LS 6527/DI 131





Reprinted  
February 19, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## HOUSE BILL No. 1095

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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 5-20-10 IS ADDED TO THE INDIANA CODE AS  
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2021]:

4 **Chapter 10. Low Barrier Homeless Shelter Task Force**

5 **Sec. 1. As used in this chapter, "task force" refers to the low**  
6 **barrier homeless shelter task force established by section 2 of this**  
7 **chapter.**

8 **Sec. 2. The low barrier homeless shelter task force is**  
9 **established.**

10 **Sec. 3. The task force consists of the following members:**

11 **(1) One (1) individual representing the office of the governor,**  
12 **who shall serve as a cochairperson of the task force.**

13 **(2) One (1) individual representing the office of the mayor of**  
14 **a consolidated city, who shall serve as a cochairperson of the**  
15 **task force.**

16 **(3) Two (2) members of the senate, appointed as follows:**

17 **(A) One (1) member appointed by the president pro**

HB 1095—LS 6527/DI 131



- 1                   tempore.
- 2                   **(B) One (1) member appointed by the minority leader.**
- 3                   **(4) Two (2) members of the house of representatives,**
- 4                   **appointed as follows:**
- 5                   **(A) One (1) member appointed by the speaker.**
- 6                   **(B) One (1) member appointed by the minority leader.**
- 7                   **(5) The secretary of family and social services or a designee of**
- 8                   **the secretary.**
- 9                   **(6) The executive director of the Indiana housing and**
- 10                  **community development authority or the executive director's**
- 11                  **designee.**
- 12                  **(7) The commissioner of correction or the commissioner's**
- 13                  **designee.**
- 14                  **(8) One (1) individual representing the Marion County Public**
- 15                  **Health Department.**
- 16                  **(9) One (1) individual representing the Marion County**
- 17                  **Housing Trust Fund.**
- 18                  **(10) One (1) individual representing the largest business**
- 19                  **association in a consolidated city.**
- 20                  **(11) One (1) individual representing a provider of housing and**
- 21                  **services for the homeless in a consolidated city.**
- 22                  **Sec. 4. (a) A majority of the members of the task force**
- 23                  **constitutes a quorum.**
- 24                  **(b) The affirmative vote of at least a majority of the members at**
- 25                  **which a quorum is present is necessary for the task force to take**
- 26                  **official action other than to meet and take testimony.**
- 27                  **(c) The task force shall meet at the call of the cochairpersons.**
- 28                  **Sec. 5. All meetings of the task force shall be open to the public**
- 29                  **in accordance with and subject to IC 5-14-1.5. All records of the**
- 30                  **task force shall be subject to the requirements of IC 5-14-3.**
- 31                  **Sec. 6. The task force shall do the following:**
- 32                  **(1) Determine the cost to build and operate a low barrier**
- 33                  **homeless shelter in a consolidated city, as well as potential**
- 34                  **funding sources. The low barrier homeless shelter must**
- 35                  **provide both short term and long term housing options.**
- 36                  **(2) Study ways in which the state and a consolidated city can**
- 37                  **access additional federal funding for community based**
- 38                  **programs for the homeless.**
- 39                  **Sec. 7. The task force shall submit a report to the governor and**
- 40                  **the legislative council not later than December 31, 2022. The report**
- 41                  **submitted to the legislative council must be in an electronic format**
- 42                  **under IC 5-14-6.**



1           **Sec. 8. This chapter expires January 1, 2023.**

2           SECTION 2. IC 35-31.5-2-132.7 IS REPEALED [EFFECTIVE  
3 JULY 1, 2021]. ~~Sec. 132.7: "Financial transaction", for purposes of~~  
4 ~~IC 35-45-17, has the meaning set forth in IC 35-45-17-0.5.~~

5           SECTION 3. IC 35-31.5-2-149.5 IS ADDED TO THE INDIANA  
6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2021]: **Sec. 149.5. "Harasses" for purposes**  
8 **of IC 35-45-17.1, has the meaning set forth in IC 35-45-17.1-1.**

9           SECTION 4. IC 35-31.5-2-225 IS REPEALED [EFFECTIVE JULY  
10 1, 2021]. ~~Sec. 225: "Panhandling", for purposes of IC 35-45-17, has the~~  
11 ~~meaning set forth in IC 35-45-17-1.~~

12           SECTION 5. IC 35-31.5-2-257.5 IS REPEALED [EFFECTIVE  
13 JULY 1, 2021]. ~~Sec. 257.5: "Public monument", for purposes of~~  
14 ~~IC 35-45-17, has the meaning set forth in IC 35-45-17-1.5.~~

15           SECTION 6. IC 35-43-2-2, AS AMENDED BY P.L.276-2019,  
16 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2021]: Sec. 2. (a) As used in this section, "authorized person"  
18 means a person authorized by an agricultural operation to act on behalf  
19 of the agricultural operation.

20           (b) A person who:

21           (1) not having a contractual interest in the property, knowingly or  
22 intentionally enters the real property of another person after  
23 having been denied entry by the other person or that person's  
24 agent;

25           (2) not having a contractual interest in the property, knowingly or  
26 intentionally refuses to leave the real property of another person  
27 after having been asked to leave by the other person or that  
28 person's agent;

29           (3) accompanies another person in a vehicle, with knowledge that  
30 the other person knowingly or intentionally is exerting  
31 unauthorized control over the vehicle;

32           (4) knowingly or intentionally interferes with the possession or  
33 use of the property of another person without the person's consent;

34           (5) not having a contractual interest in the property, knowingly or  
35 intentionally enters the:

36           (A) property of an agricultural operation that is used for the  
37 production, processing, propagation, packaging, cultivation,  
38 harvesting, care, management, or storage of an animal, plant,  
39 or other agricultural product, including any pasturage or land  
40 used for timber management, without the consent of the owner  
41 of the agricultural operation or an authorized person; or

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



- 1 (6) knowingly or intentionally:  
 2 (A) travels by train without lawful authority or the railroad  
 3 carrier's consent; and  
 4 (B) rides on the outside of a train or inside a passenger car,  
 5 locomotive, or freight car, including a boxcar, flatbed, or  
 6 container without lawful authority or the railroad carrier's  
 7 consent;  
 8 (7) not having a contractual interest in the property, knowingly or  
 9 intentionally enters or refuses to leave the property of another  
 10 person after having been prohibited from entering or asked to  
 11 leave the property by a law enforcement officer when the property  
 12 is:  
 13 (A) vacant real property (as defined in IC 36-7-36-5) or a  
 14 vacant structure (as defined in IC 36-7-36-6); or  
 15 (B) designated by a municipality or county enforcement  
 16 authority to be:  
 17 (i) abandoned property or an abandoned structure (as  
 18 defined in IC 36-7-36-1); or  
 19 (ii) **an unsafe building or an unsafe premises (as**  
 20 **described in IC 36-7-9);**  
 21 (8) not having a contractual interest in the property, knowingly or  
 22 intentionally enters the real property of an agricultural operation  
 23 (as defined in IC 32-30-6-1) without the permission of the owner  
 24 of the agricultural operation or an authorized person, and  
 25 knowingly or intentionally engages in conduct that causes  
 26 property damage to:  
 27 (A) the owner of or a person having a contractual interest in  
 28 the agricultural operation;  
 29 (B) the operator of the agricultural operation; or  
 30 (C) a person having personal property located on the property  
 31 of the agricultural operation; or  
 32 (9) knowingly or intentionally enters the property of another  
 33 person after being denied entry by a court order that has been  
 34 issued to the person or issued to the general public by  
 35 conspicuous posting on or around the premises in areas where a  
 36 person can observe the order when the property has been  
 37 designated by a municipality or county enforcement authority to  
 38 be:  
 39 (A) a vacant property;  
 40 (B) an abandoned property; or  
 41 (C) an abandoned structure (as defined in IC 36-7-36-1); or  
 42 (D) **an unsafe building or an unsafe premises (as described**



- 1                   **in IC 36-7-9);**  
 2                   commits criminal trespass, a Class A misdemeanor. However, the  
 3                   offense is a Level 6 felony if it is committed on a scientific research  
 4                   facility, on a facility belonging to a public utility (as defined in  
 5                   IC 32-24-1-5.9(a)), on school property, or on a school bus or the person  
 6                   has a prior unrelated conviction for an offense under this section  
 7                   concerning the same property. The offense is a Level 6 felony, for  
 8                   purposes of subdivision (8), if the property damage is more than seven  
 9                   hundred fifty dollars (\$750) and less than fifty thousand dollars  
 10                  (\$50,000). The offense is a Level 5 felony, for purposes of subdivision  
 11                  (8), if the property damage is at least fifty thousand dollars (\$50,000).  
 12                  (c) A person has been denied entry under subsection (b)(1) when the  
 13                  person has been denied entry by means of:  
 14                    (1) personal communication, oral or written;  
 15                    (2) posting or exhibiting a notice at the main entrance in a manner  
 16                    that is either prescribed by law or likely to come to the attention  
 17                    of the public;  
 18                    (3) a hearing authority or court order under IC 32-30-6,  
 19                    IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36; or  
 20                    (4) posting the property by placing identifying purple marks on  
 21                    trees or posts around the area where entry is denied.  
 22                  (d) For the purposes of subsection (c)(4):  
 23                    (1) each purple mark must be readily visible to any person  
 24                    approaching the property and must be placed:  
 25                    (A) on a tree:  
 26                    (i) as a vertical line of at least eight (8) inches in length and  
 27                    with the bottom of the mark at least three (3) feet and not  
 28                    more than five (5) feet from the ground; and  
 29                    (ii) not more than one hundred (100) feet from the nearest  
 30                    other marked tree; or  
 31                    (B) on a post:  
 32                    (i) with the mark covering at least the top two (2) inches of  
 33                    the post, and with the bottom of the mark at least three (3)  
 34                    feet and not more than five (5) feet six (6) inches from the  
 35                    ground; and  
 36                    (ii) not more than thirty-six (36) feet from the nearest other  
 37                    marked post; and  
 38                    (2) before a purple mark that would be visible from both sides of  
 39                    a fence shared by different property owners or lessees may be  
 40                    applied, all of the owners or lessees of the properties must agree  
 41                    to post the properties with purple marks under subsection (c)(4).  
 42                  (e) A law enforcement officer may not deny entry to property or ask



1 a person to leave a property under subsection (b)(7) unless there is  
2 reasonable suspicion that criminal activity has occurred or is occurring.

3 (f) A person described in subsection (b)(7) **and (b)(9)** violates  
4 subsection (b)(7) **and (b)(9)** unless the person has the written  
5 permission of the owner, the owner's agent, an enforcement authority,  
6 or a court to come onto the property for purposes of performing  
7 maintenance, repair, or demolition.

8 (g) A person described in subsection (b)(9) violates subsection  
9 (b)(9) unless the court that issued the order denying the person entry  
10 grants permission for the person to come onto the property.

11 (h) Subsections (b), (c), and (g) do not apply to the following:

12 (1) A passenger on a train.

13 (2) An employee of a railroad carrier while engaged in the  
14 performance of official duties.

15 (3) A law enforcement officer, firefighter, or emergency response  
16 personnel while engaged in the performance of official duties.

17 (4) A person going on railroad property in an emergency to rescue  
18 a person or animal from harm's way or to remove an object that  
19 the person reasonably believes poses an imminent threat to life or  
20 limb.

21 (5) A person on the station grounds or in the depot of a railroad  
22 carrier:

23 (A) as a passenger; or

24 (B) for the purpose of transacting lawful business.

25 (6) A:

26 (A) person; or

27 (B) person's:

28 (i) family member;

29 (ii) invitee;

30 (iii) employee;

31 (iv) agent; or

32 (v) independent contractor;

33 going on a railroad's right-of-way for the purpose of crossing at a  
34 private crossing site approved by the railroad carrier to obtain  
35 access to land that the person owns, leases, or operates.

36 (7) A person having written permission from the railroad carrier  
37 to go on specified railroad property.

38 (8) A representative of the Indiana department of transportation  
39 while engaged in the performance of official duties.

40 (9) A representative of the federal Railroad Administration while  
41 engaged in the performance of official duties.

42 (10) A representative of the National Transportation Safety Board





1 while engaged in the performance of official duties.  
2 SECTION 7. IC 35-45-17 IS REPEALED [EFFECTIVE JULY 1,  
3 2021]. (Panhandling).  
4 SECTION 8. IC 35-45-17.1 IS ADDED TO THE INDIANA CODE  
5 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2021]:  
7 **Chapter 17.1. Aggressive Harassment**  
8 **Sec. 1. As used in this chapter, "harasses" means unwanted**  
9 **contact with a person that would cause a reasonable person to**  
10 **suffer emotional distress or fear.**  
11 **Sec. 2. An individual who harasses another person with the**  
12 **intent to obtain property from the other person commits aggressive**  
13 **harassment, a Class C misdemeanor.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1095, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-31.5-2-132.7 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 132.7. "Financial transaction"; for purposes of IC 35-45-17, has the meaning set forth in IC 35-45-17-0.5.~~

SECTION 2. IC 35-31.5-2-149.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 149.5. "Harasses" for purposes of IC 35-45-17.1, has the meaning set forth in IC 35-45-17.1-1.**

SECTION 3. IC 35-31.5-2-225 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 225. "Panhandling"; for purposes of IC 35-45-17, has the meaning set forth in IC 35-45-17-1.~~

SECTION 4. IC 35-31.5-2-257.5 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 257.5. "Public monument"; for purposes of IC 35-45-17, has the meaning set forth in IC 35-45-17-1.5."~~

Page 5, after line 12, begin a new paragraph and insert:

"SECTION 6. IC 35-45-17 IS REPEALED [EFFECTIVE JULY 1, 2021]. (Panhandling).

SECTION 7. IC 35-45-17.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

**Chapter 17.1. Aggressive Harassment**

**Sec. 1. As used in this chapter, "harasses" means unwanted contact with a person that would cause a reasonable person to suffer emotional distress or fear.**

**Sec. 2. An individual who harasses another person with the intent to obtain property from the other person commits aggressive harassment, a Class C misdemeanor."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1095 as introduced.)

MCNAMARA

Committee Vote: yeas 11, nays 0.

**HB 1095—LS 6527/DI 131**



## HOUSE MOTION

Mr. Speaker: I move that House Bill 1095 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-20-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

**Chapter 10. Low Barrier Homeless Shelter Task Force**

**Sec. 1. As used in this chapter, "task force" refers to the low barrier homeless shelter task force established by section 2 of this chapter.**

**Sec. 2. The low barrier homeless shelter task force is established.**

**Sec. 3. The task force consists of the following members:**

- (1) One (1) individual representing the office of the governor, who shall serve as a cochairperson of the task force.**
- (2) One (1) individual representing the office of the mayor of a consolidated city, who shall serve as a cochairperson of the task force.**
- (3) Two (2) members of the senate, appointed as follows:**
  - (A) One (1) member appointed by the president pro tempore.**
  - (B) One (1) member appointed by the minority leader.**
- (4) Two (2) members of the house of representatives, appointed as follows:**
  - (A) One (1) member appointed by the speaker.**
  - (B) One (1) member appointed by the minority leader.**
- (5) The secretary of family and social services or a designee of the secretary.**
- (6) The executive director of the Indiana housing and community development authority or the executive director's designee.**
- (7) The commissioner of correction or the commissioner's designee.**
- (8) One (1) individual representing the Marion County Public Health Department.**
- (9) One (1) individual representing the Marion County Housing Trust Fund.**
- (10) One (1) individual representing the largest business association in a consolidated city.**
- (11) One (1) individual representing a provider of housing and**



services for the homeless in a consolidated city.

**Sec. 4. (a)** A majority of the members of the task force constitutes a quorum.

**(b)** The affirmative vote of at least a majority of the members at which a quorum is present is necessary for the task force to take official action other than to meet and take testimony.

**(c)** The task force shall meet at the call of the cochairpersons.

**Sec. 5.** All meetings of the task force shall be open to the public in accordance with and subject to IC 5-14-1.5. All records of the task force shall be subject to the requirements of IC 5-14-3.

**Sec. 6.** The task force shall do the following:

**(1)** Determine the cost to build and operate a low barrier homeless shelter in a consolidated city, as well as potential funding sources. The low barrier homeless shelter must provide both short term and long term housing options.

**(2)** Study ways in which the state and a consolidated city can access additional federal funding for community based programs for the homeless.

**Sec. 7.** The task force shall submit a report to the governor and the legislative council not later than December 31, 2022. The report submitted to the legislative council must be in an electronic format under IC 5-14-6.

**Sec. 8.** This chapter expires January 1, 2023."

Renumber all SECTIONS consecutively.

(Reference is to HB 1095 as printed February 16, 2021.)

MOED

