



Reprinted
April 2, 2019

ENGROSSED HOUSE BILL No. 1114

DIGEST OF HB 1114 (Updated April 1, 2019 3:18 pm - DI 106)

Citations Affected: IC 9-30; IC 31-30; IC 35-44.1.

Synopsis: Criminal matters. Provides that a person commits interfering with law enforcement, a Class B misdemeanor, if, after being denied entry by a law enforcement officer, the person enters an area that is marked off with barrier tape or other physical barriers. Provides a defense if the person enters the prohibited area out of concern for the wellbeing of certain family members. Increases the penalty if the person uses a vehicle, draws or uses a deadly weapon, or causes injury or death to another person. Provides that resisting or interfering with law enforcement is enhanced to a Level 6 felony if the person uses a vehicle to commit the offense. (Under current law, the felony enhancement to resisting law enforcement applies only if the person flees from law enforcement using a vehicle.) Permits, under certain circumstances, a juvenile court to waive to adult court a child at least 12 years of age who is charged with attempted murder.

Effective: July 1, 2019.

Miller D, McNamara, Bartels, Wesco

(SENATE SPONSORS — HEAD, DORIOT, ROGERS)

January 7, 2019, read first time and referred to Committee on Courts and Criminal Code.
January 31, 2019, reported — Do Pass.
February 12, 2019, read second time, amended, ordered engrossed.
February 13, 2019, engrossed.
February 14, 2019, read third time, passed. Yeas 92, nays 2.

SENATE ACTION

March 4, 2019, read first time and referred to Committee on Corrections and Criminal Law.
March 26, 2019, amended, reported favorably — Do Pass.
April 1, 2019, read second time, amended, ordered engrossed.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1114

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 9-30-10-4, AS AMENDED BY P.L.188-2015,
2 SECTION 113, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) A person who has
4 accumulated at least two (2) judgments within a ten (10) year period
5 for any of the following violations, singularly or in combination, and
6 not arising out of the same incident, is a habitual violator:
7 (1) Reckless homicide resulting from the operation of a motor
8 vehicle.
9 (2) Voluntary or involuntary manslaughter resulting from the
10 operation of a motor vehicle.
11 (3) Failure of the operator of a motor vehicle involved in an
12 accident resulting in death or injury to any person to stop at the
13 scene of the accident and give the required information and
14 assistance.
15 (4) Operation of a vehicle while intoxicated resulting in death.
16 (5) Before July 1, 1997, operation of a vehicle with at least
17 ten-hundredths percent (0.10%) alcohol in the blood resulting in

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- 1 death.
- 2 (6) After June 30, 1997, and before July 1, 2001, operation of a
- 3 vehicle with an alcohol concentration equivalent to at least
- 4 ten-hundredths (0.10) gram of alcohol per:
- 5 (A) one hundred (100) milliliters of the blood; or
- 6 (B) two hundred ten (210) liters of the breath;
- 7 resulting in death.
- 8 (7) After June 30, 2001, operation of a vehicle with an alcohol
- 9 concentration equivalent to at least eight-hundredths (0.08) gram
- 10 of alcohol per:
- 11 (A) one hundred (100) milliliters of the blood; or
- 12 (B) two hundred ten (210) liters of the breath;
- 13 resulting in death.
- 14 (b) A person who has accumulated at least three (3) judgments
- 15 within a ten (10) year period for any of the following violations,
- 16 singularly or in combination, and not arising out of the same incident,
- 17 is a habitual violator:
- 18 (1) Operation of a vehicle while intoxicated.
- 19 (2) Before July 1, 1997, operation of a vehicle with at least
- 20 ten-hundredths percent (0.10%) alcohol in the blood.
- 21 (3) After June 30, 1997, and before July 1, 2001, operation of a
- 22 vehicle with an alcohol concentration equivalent to at least
- 23 ten-hundredths (0.10) gram of alcohol per:
- 24 (A) one hundred (100) milliliters of the blood; or
- 25 (B) two hundred ten (210) liters of the breath.
- 26 (4) After June 30, 2001, operation of a vehicle with an alcohol
- 27 concentration equivalent to at least eight-hundredths (0.08) gram
- 28 of alcohol per:
- 29 (A) one hundred (100) milliliters of the blood; or
- 30 (B) two hundred ten (210) liters of the breath.
- 31 (5) Reckless driving.
- 32 (6) Criminal recklessness as a felony involving the operation of
- 33 a motor vehicle.
- 34 (7) Drag racing or engaging in a speed contest in violation of law.
- 35 (8) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46
- 36 (repealed July 1, 1991), IC 9-26-1-1(1) (repealed January 1,
- 37 2015), IC 9-26-1-1(2) (repealed January 1, 2015), IC 9-26-1-2(1)
- 38 (repealed January 1, 2015), IC 9-26-1-2(2) (repealed January 1,
- 39 2015), IC 9-26-1-3 (repealed January 1, 2015), IC 9-26-1-4
- 40 (repealed January 1, 2015), or IC 9-26-1-1.1.
- 41 (9) Resisting law enforcement under ~~IC 35-44-1-3-1(b)(1)(A)~~;
- 42 ~~IC 35-44-1-3-1(b)(2)~~; ~~IC 35-44-1-3-1(b)(3)~~; or



1 ~~IC 35-44.1-3-1(b)(4).~~ IC 35-44.1-3-1(c)(1)(A),
 2 IC 35-44.1-3-1(c)(2), IC 35-44.1-3-1(c)(3), or
 3 IC 35-44.1-3-1(c)(4).

4 (10) Any felony under this title or any felony in which the
 5 operation of a motor vehicle is an element of the offense.

6 A judgment for a violation enumerated in subsection (a) shall be added
 7 to the violations described in this subsection for the purposes of this
 8 subsection.

9 (c) A person who has accumulated at least ten (10) judgments
 10 within a ten (10) year period for any traffic violation, except a parking
 11 or an equipment violation, of the type required to be reported to the
 12 bureau, singularly or in combination, and not arising out of the same
 13 incident, is a habitual violator. However, at least one (1) of the
 14 judgments must be for:

- 15 (1) a violation enumerated in subsection (a);
 16 (2) a violation enumerated in subsection (b);
 17 (3) operating a motor vehicle while the person's license to do so
 18 has been suspended or revoked as a result of the person's
 19 conviction of an offense under IC 9-1-4-52 (repealed July 1,
 20 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, or
 21 IC 9-24-19-3; or
 22 (4) operating a motor vehicle without ever having obtained a
 23 license to do so.

24 A judgment for a violation enumerated in subsection (a) or (b) shall be
 25 added to the judgments described in this subsection for the purposes of
 26 this subsection.

27 (d) For purposes of this section, a judgment includes a judgment in
 28 any other jurisdiction in which the elements of the offense for which
 29 the conviction was entered are substantially similar to the elements of
 30 the offenses described in subsections (a), (b), and (c).

31 (e) For purposes of this section, the offense date is used when
 32 determining the number of judgments accumulated within a ten (10)
 33 year period.

34 SECTION 2. IC 31-30-3-4, AS AMENDED BY P.L.187-2015,
 35 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2019]: Sec. 4. Upon motion of the prosecuting attorney and
 37 after full investigation and hearing, the juvenile court shall waive
 38 jurisdiction if it finds that:

- 39 (1) the child is charged with an act that would be murder **or**
 40 **attempted murder** if committed by an adult;
 41 (2) there is probable cause to believe that the child has committed
 42 the act; and



1 (3) the child was at least twelve (12) years of age when the act
 2 charged was allegedly committed;
 3 unless it would be in the best interests of the child and of the safety and
 4 welfare of the community for the child to remain within the juvenile
 5 justice system.

6 SECTION 3. IC 35-44.1-3-1, AS AMENDED BY P.L.198-2016,
 7 SECTION 673, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) A person who knowingly or
 9 intentionally:

10 (1) forcibly resists, obstructs, or interferes with a law enforcement
 11 officer or a person assisting the officer while the officer is
 12 lawfully engaged in the execution of the officer's duties;

13 (2) forcibly resists, obstructs, or interferes with the authorized
 14 service or execution of a civil or criminal process or order of a
 15 court; or

16 (3) flees from a law enforcement officer after the officer has, by
 17 visible or audible means, including operation of the law
 18 enforcement officer's siren or emergency lights, identified himself
 19 or herself and ordered the person to stop;

20 commits resisting law enforcement, a Class A misdemeanor, except as
 21 provided in ~~subsection (b)~~: **subsection (c)**.

22 **(b) A person who, having been denied entry by a law**
 23 **enforcement officer, knowingly or intentionally enters an area that**
 24 **is marked off with barrier tape or other physical barriers, commits**
 25 **interfering with law enforcement, a Class B misdemeanor, except**
 26 **as provided in subsection (c) or (h).**

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

28 (1) Level 6 felony if:

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

31 (B) while committing ~~any the~~ offense, ~~described in subsection~~
 32 ~~(a)~~, the person draws or uses a deadly weapon, inflicts bodily
 33 injury on or otherwise causes bodily injury to another person,
 34 or operates a vehicle in a manner that creates a substantial risk
 35 of bodily injury to another person;

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

39 (3) Level 3 felony if, while committing ~~any the~~ offense, ~~described~~
 40 ~~in subsection (a)~~; the person operates a vehicle in a manner that
 41 causes the death of another person; and

42 (4) Level 2 felony if, while committing any offense described in



- 1 subsection (a), the person operates a vehicle in a manner that
 2 causes the death of a law enforcement officer while the law
 3 enforcement officer is engaged in the officer's official duties.
- 4 ~~(c)~~ **(d)** If a person uses a vehicle to commit a felony offense under
 5 subsection ~~(b)(1)(B); (b)(2); (b)(3); or (b)(4)~~ **(c)(1)(B), (c)(2), (c)(3),**
 6 **or (c)(4)**, as part of the criminal penalty imposed for the offense, the
 7 court shall impose a minimum executed sentence of at least:
- 8 (1) thirty (30) days, if the person does not have a prior unrelated
 9 conviction under this section;
- 10 (2) one hundred eighty (180) days, if the person has one (1) prior
 11 unrelated conviction under this section; or
- 12 (3) one (1) year, if the person has two (2) or more prior unrelated
 13 convictions under this section.
- 14 ~~(d)~~ **(e)** Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the
 15 mandatory minimum sentence imposed under subsection ~~(c)~~ **(d)** may
 16 not be suspended.
- 17 ~~(e)~~ **(f)** If a person is convicted of an offense involving the use of a
 18 motor vehicle under:
- 19 (1) ~~subsection (b)(1)(A);~~ **subsection (c)(1)(A)**, if the person
 20 exceeded the speed limit by at least twenty (20) miles per hour
 21 while committing the offense;
- 22 (2) ~~subsection (b)(2);~~ **subsection (c)(2);** or
- 23 (3) ~~subsection (b)(3);~~ **subsection (c)(3);**
- 24 the court may notify the bureau of motor vehicles to suspend or revoke
 25 the person's driver's license and all certificates of registration and
 26 license plates issued or registered in the person's name in accordance
 27 with IC 9-30-4-6.1(b)(3) for the period described in IC 9-30-4-6.1(d)(1)
 28 or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the
 29 person has been sentenced to a term of incarceration. At the time of
 30 conviction, the court may obtain the person's current driver's license
 31 and return the license to the bureau of motor vehicles.
- 32 ~~(f)~~ **(g)** A person may not be charged or convicted of a crime under
 33 subsection (a)(3) if the law enforcement officer is a school resource
 34 officer acting in the officer's capacity as a school resource officer.
- 35 **(h) It is a defense to a prosecution under subsection (b) that:**
- 36 **(1) the person reasonably believed that the person's:**
- 37 **(A) child;**
- 38 **(B) grandchild;**
- 39 **(C) parent;**
- 40 **(D) grandparent; or**
- 41 **(E) spouse;**
- 42 **was in the marked off area; and**



1 **(2) the person entered the area out of concern for the**
2 **well-being of the person's:**
3 **(A) child;**
4 **(B) grandchild;**
5 **(C) parent;**
6 **(D) grandparent; or**
7 **(E) spouse;**
8 **if the person is not charged as a defendant in connection with the**
9 **offense, if applicable, that caused the area to be secured by barrier**
10 **tape or other physical barriers.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1114, 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 1114 as introduced.)

MCNAMARA

Committee Vote: Yeas 10, Nays 0

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1114 be amended to read as follows:

Page 2, line 41, delete "or interfering with law".

Page 2, line 42, delete "enforcement".

Page 3, delete lines 35 through 42.

Page 4, delete lines 1 through 21.

Page 4, line 38, delete "who" and insert "**who, without authorization,**".

Page 4, line 38, delete "intentionally:" and insert "**intentionally enters an area that:**

(1) is marked off by law enforcement with barrier tape, flags, barricades, or other physical barriers; and

(2) is a:

(A) crime scene;

(B) location where an individual is being arrested; or

(C) location in which a law enforcement investigation is being conducted;

commits interfering with law enforcement, a Class B misdemeanor, except as provided in subsection (c)."

Page 4, delete lines 39 through 42.

Page 5, delete lines 1 through 12.

Page 6, delete lines 21 through 42.

Delete pages 7 through 11.

Renumber all SECTIONS consecutively.

(Reference is to HB 1114 as printed February 1, 2019.)

MILLER D



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1114, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 2. IC 31-30-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. Upon motion of the prosecuting attorney and after a full investigation and a hearing, the court may waive jurisdiction if it finds that:

- (1) the child is charged with an act that, if committed by an adult, would be a felony under IC 35-48-4 **or IC 35-44.1-3-1;**
- (2) there is probable cause to believe that the child has committed the act;
- (3) the child was at least sixteen (16) years of age when the act was allegedly committed; and
- (4) it is in the best interests of the safety and the welfare of the community for the child to stand trial as an adult."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1114 as reprinted February 13, 2019.)

YOUNG M, Chairperson

Committee Vote: Yeas 7, Nays 1.

 SENATE MOTION

Madam President: I move that Engrossed House Bill 1114 be amended to read as follows:

Page 4, line 20, delete "without authorization," and insert "**having been denied entry by a law enforcement officer,**".

Page 4, line 21, delete "that:" and insert "**that is marked off with barrier tape or other physical barriers,**".

Page 4, delete lines 22 through 28.

Page 4, line 30, delete "(c)." and insert "**(c) or (h).**".

Page 5, after line 38, begin a new paragraph and insert:

"(h) It is a defense to a prosecution under subsection (b) that:

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(1) the person reasonably believed that the person's:

- (A) child;**
- (B) grandchild;**
- (C) parent;**
- (D) grandparent; or**
- (E) spouse;**

was in the marked off area; and

(2) the person entered the area out of concern for the well-being of the person's:

- (A) child;**
- (B) grandchild;**
- (C) parent;**
- (D) grandparent; or**
- (E) spouse;**

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

(Reference is to EHB 1114 as printed March 27, 2019.)

SANDLIN

SENATE MOTION

Madam President: I move that Engrossed House Bill 1114 be amended to read as follows:

Page 3, delete lines 34 through 42.

Page 4, delete lines 1 through 3.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1114 as printed March 27, 2019.)

TALLIAN



SENATE MOTION

Madam President: I move that Engrossed House Bill 1114 be amended to read as follows:

Page 4, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 3. IC 31-30-3-4, AS AMENDED BY P.L.187-2015, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. Upon motion of the prosecuting attorney and after full investigation and hearing, the juvenile court shall waive jurisdiction if it finds that:

- (1) the child is charged with an act that would be murder or **attempted murder** if committed by an adult;
- (2) there is probable cause to believe that the child has committed the act; and
- (3) the child was at least twelve (12) years of age when the act charged was allegedly committed;

unless it would be in the best interests of the child and of the safety and welfare of the community for the child to remain within the juvenile justice system."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1114 as printed March 27, 2019.)

HOUCHIN

