

HOUSE BILL No. 1197

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-46-1-15.1.

Synopsis: Invasion of privacy. Increases the offense level for a person who commits the crime of invasion of privacy from a Level 6 felony to: (1) a Level 5 felony, if the person has one prior unrelated conviction for that offense; or (2) a Level 4 felony, if the person has two or more unrelated convictions for that offense. Allows a conviction from another jurisdiction for a substantially equivalent offense to be considered when determining the offense level.

Effective: July 1, 2017.

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January 10, 2017, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1197

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 35-46-1-15.1, AS AMENDED BY P.L.65-2016,
2 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 15.1. **(a) Except as provided in subsections (b)**
4 **and (c),** a person who knowingly or intentionally violates:
5 (1) a protective order to prevent domestic or family violence
6 issued under IC 34-26-5 (or, if the order involved a family or
7 household member, under IC 34-26-2 or IC 34-4-5.1-5 before
8 their repeal);
9 (2) an ex parte protective order issued under IC 34-26-5 (or, if the
10 order involved a family or household member, an emergency
11 order issued under IC 34-26-2 or IC 34-4-5.1 before their repeal);
12 (3) a workplace violence restraining order issued under
13 IC 34-26-6;
14 (4) a no contact order in a dispositional decree issued under
15 IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or IC 31-6-4-15.4
16 or IC 31-6-4-15.9 before their repeal) or an order issued under
17 IC 31-32-13 (or IC 31-6-7-14 before its repeal) that orders the



1 person to refrain from direct or indirect contact with a child in
2 need of services or a delinquent child;

3 (5) a no contact order issued as a condition of pretrial release,
4 including release on bail or personal recognizance, or pretrial
5 diversion, and including a no contact order issued under
6 IC 35-33-8-3.6;

7 (6) a no contact order issued as a condition of probation;

8 (7) a protective order to prevent domestic or family violence
9 issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2 before
10 their repeal);

11 (8) a protective order to prevent domestic or family violence
12 issued under IC 31-14-16-1 in a paternity action;

13 (9) an order issued in another state that is substantially similar to
14 an order described in subdivisions (1) through (8);

15 (10) an order that is substantially similar to an order described in
16 subdivisions (1) through (8) and is issued by an Indian:

17 (A) tribe;

18 (B) band;

19 (C) pueblo;

20 (D) nation; or

21 (E) organized group or community, including an Alaska
22 Native village or regional or village corporation as defined in
23 or established under the Alaska Native Claims Settlement Act
24 (43 U.S.C. 1601 et seq.);

25 that is recognized as eligible for the special programs and services
26 provided by the United States to Indians because of their special
27 status as Indians;

28 (11) an order issued under IC 35-33-8-3.2; or

29 (12) an order issued under IC 35-38-1-30;

30 commits invasion of privacy, a Class A misdemeanor. ~~However,~~

31 **(b) The offense described in subsection (a) is a Level 6 5 felony if**
32 **the person has a prior unrelated conviction for an offense under this**
33 **section or a conviction for an offense under the laws of another**
34 **jurisdiction that is substantially equivalent to an offense under this**
35 **section.**

36 **(c) The offense described in subsection (a) is a Level 4 felony if**
37 **the person has at least two (2) prior unrelated convictions for an**
38 **offense under this section, including convictions for an offense**
39 **under the laws of another jurisdiction that are substantially**
40 **equivalent to an offense under this section.**

