

# HOUSE BILL No. 1214

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-44.1-2-2.

**Synopsis:** Obstruction of justice. Creates an enhancement to the obstruction of justice crime for intimidation of a witness during the investigation or pendency of a domestic violence or child abuse case. Provides immunity for prosecuting attorneys and deputies, federal prosecutors and deputies, defense attorneys, judges, and investigators.

**Effective:** July 1, 2016.

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## Olthoff, Kirchhofer

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January 11, 2016, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

# HOUSE BILL No. 1214

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 35-44.1-2-2, AS AMENDED BY P.L.158-2013,  
2 SECTION 502, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A person who:  
4 (1) knowingly or intentionally induces, by threat, coercion, false  
5 statement, or offer of goods, services, or anything of value, a  
6 witness or informant in an official proceeding or investigation to:  
7 (A) withhold or unreasonably delay in producing any  
8 testimony, information, document, or thing;  
9 (B) avoid legal process summoning the person to testify or  
10 supply evidence; or  
11 (C) absent the person from a proceeding or investigation to  
12 which the person has been legally summoned;  
13 (2) knowingly or intentionally in an official criminal proceeding  
14 or investigation:  
15 (A) withholds or unreasonably delays in producing any  
16 testimony, information, document, or thing after a court orders  
17 the person to produce the testimony, information, document,



- 1 or thing;
- 2 (B) avoids legal process summoning the person to testify or
- 3 supply evidence; or
- 4 (C) absents the person from a proceeding or investigation to
- 5 which the person has been legally summoned;
- 6 (3) alters, damages, or removes any record, document, or thing,
- 7 with intent to prevent it from being produced or used as evidence
- 8 in any official proceeding or investigation;
- 9 (4) makes, presents, or uses a false record, document, or thing
- 10 with intent that the record, document, or thing, material to the
- 11 point in question, appear in evidence in an official proceeding or
- 12 investigation to mislead a public servant; or
- 13 (5) communicates, directly or indirectly, with a juror otherwise
- 14 than as authorized by law, with intent to influence the juror
- 15 regarding any matter that is or may be brought before the juror;
- 16 commits obstruction of justice, a Level 6 felony.
- 17 **(b) The offense in subsection (a) is a Level 5 felony if, during the**
- 18 **investigation or pendency of a domestic violence or child abuse**
- 19 **case under subsection (c), a person knowingly or intentionally:**
- 20 **(1) offers, gives, or promises any benefit to;**
- 21 **(2) communicates a threat as defined by IC 35-45-2-1(c); or**
- 22 **(3) intimidates, influences, or otherwise persuades any witness**
- 23 **to abstain from:**
- 24 **(A) attending or giving testimony at any hearing, trial,**
- 25 **deposition, probation, or other criminal proceeding; or**
- 26 **(B) giving testimony or other statements to a court or law**
- 27 **enforcement officer under IC 35-31.5-2-185.**
- 28 **(c) As used in this section, "domestic violence or child abuse**
- 29 **case" means any case involving allegations of:**
- 30 **(1) a crime involving domestic or family violence under**
- 31 **IC 35-31.5-2-76 involving a family or household member**
- 32 **under IC 35-31.5-2-128;**
- 33 **(2) a crime of domestic violence under IC 35-31.5-2-78**
- 34 **involving a family or household member under**
- 35 **IC 35-31.5-2-128; or**
- 36 **(3) physical abuse, sexual abuse, or child neglect, including**
- 37 **crimes listed under IC 35-31.5-2-76 involving a victim who**
- 38 **was less than eighteen (18) years of age at the time of the**
- 39 **offense, whether or not the person is a family or household**
- 40 **member under IC 35-31.5-2-128.**
- 41 ~~(b)~~ **(d) Subsection (a)(2)(A) does not apply to:**
- 42 **(1) a person who qualifies for a special privilege under IC 34-46-4**



1 with respect to the testimony, information, document, or thing; or  
2 (2) a person who, as:  
3 (A) an attorney;  
4 (B) a physician;  
5 (C) a member of the clergy; or  
6 (D) a husband or wife;  
7 is not required to testify under IC 34-46-3-1.  
8 **(e) Subsection (b) does not apply to any prosecuting attorney,**  
9 **federal prosecutor, deputy attorney, defense attorney, investigator,**  
10 **or judge engaged in plea or immunity negotiations or advisement**  
11 **of rights to a defendant, suspect, or witness in a pending case or**  
12 **case under law enforcement investigation.**

