



February 28, 2020

ENGROSSED HOUSE BILL No. 1225

DIGEST OF HB 1225 (Updated February 25, 2020 6:31 pm - DI 106)

Citations Affected: IC 9-19; IC 9-21; IC 35-44.1; IC 35-52.

Synopsis: Public safety. Removes the requirement that school buses have black reflective tape affixed on the bumpers and sides of the bus. Provides that, in certain instances, a person who: (1) fails to yield to an emergency vehicle; and (2) causes serious bodily injury, catastrophic injury, or death to any person operating, occupying, or affiliated with the authorized emergency vehicle; commits a Level 6 felony. Provides that the offense of resisting law enforcement is a Level 6 felony if, while committing the offense of resisting law enforcement by forcibly resisting, obstructing, or interfering with a law enforcement officer, the person: (1) creates a substantial risk of bodily injury to the person or another person; and (2) has two or more prior unrelated convictions for resisting law enforcement. Provides that the offense of resisting law enforcement is a Level 6 felony if, while committing the offense of resisting law enforcement by fleeing from a law enforcement officer, the person has two or more prior unrelated convictions for resisting law enforcement. Makes conforming amendments.

Effective: July 1, 2020.

McNamara

(SENATE SPONSORS — MESSMER, BECKER)

January 13, 2020, read first time and referred to Committee on Courts and Criminal Code.

January 23, 2020, reported — Do Pass.

January 27, 2020, read second time, amended, ordered engrossed.

January 28, 2020, engrossed.

January 29, 2020, read third time, passed. Yeas 85, nays 10.

SENATE ACTION

February 11, 2020, read first time and referred to Committee on Corrections and Criminal Law.

February 27, 2020, amended, reported favorably — Do Pass.

EH 1225—LS 6489/DI 123



February 28, 2020

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1225

A BILL FOR AN ACT to amend the Indiana Code concerning public safety and public safety officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-19-13-4, AS AMENDED BY P.L.144-2019,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 4. A bus used to transport school children must be
4 equipped as follows:

5 (1) At least two (2) signal lamps mounted as high and as widely
6 spaced laterally as practicable, capable of displaying the front two
7 (2) alternately flashing red lights located at the same level, and
8 having sufficient intensity to be visible at five hundred (500) feet
9 in normal sunlight.

10 ~~(2) Black reflective tape mounted on:~~

11 ~~(A) each side of the school bus;~~

12 ~~(B) the front bumper; and~~

13 ~~(C) the rear bumper.~~

14 ~~(3) (2) As required by the state school bus committee under~~
15 ~~IC 20-27-3-4.~~

16 ~~(4) (3) As required by IC 20-27-9.~~

17 SECTION 2. IC 9-19-14-4, AS AMENDED BY P.L.188-2015,

EH 1225—LS 6489/DI 123



SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The use of signal equipment described in this chapter imposes upon a driver of another vehicle the duty to yield right-of-way and stop as prescribed in IC 9-21-8-35.

(b) A driver who fails to yield right-of-way to and stop as prescribed in IC 9-21-8-35 for an emergency vehicle operating in an official capacity commits a Class C infraction. **However, the violation is a Level 6 felony if the person's failure to comply as described in this subsection results in serious bodily injury, catastrophic injury, or death to any person operating, occupying, or affiliated with an emergency vehicle operating in an official capacity.**

SECTION 3. IC 9-21-8-35, AS AMENDED BY P.L.256-2017, SECTION 160, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 35. (a) Upon the immediate approach of an authorized emergency vehicle, when the person who drives the authorized emergency vehicle is giving audible signal by siren or displaying alternately flashing red, red and white, or red and blue lights, a person who drives another vehicle shall do the following unless otherwise directed by a law enforcement officer:

(1) Yield the right-of-way.

(2) Immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection.

(3) Stop and remain in the position until the authorized emergency vehicle has passed.

(b) Upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, red and white, or red and blue lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle to a speed at least ten (10) miles per hour less than the posted speed limit, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

A person who violates this subsection commits a Class A infraction. **However, the violation is a Level 6 felony if the person's failure to comply with this subsection results in serious bodily injury,**



1 **catastrophic injury, or death to any person operating, occupying,**
 2 **or affiliated with an authorized emergency vehicle described in this**
 3 **subsection.**

4 (c) Upon approaching a stationary recovery vehicle, a stationary
 5 utility service vehicle (as defined in IC 8-1-8.3-5), a stationary solid
 6 waste hauler, a stationary road, street, or highway maintenance vehicle,
 7 or a stationary survey or construction vehicle, when the vehicle is
 8 giving a signal by displaying alternately flashing amber lights, a person
 9 who drives an approaching vehicle shall:

10 (1) proceeding with due caution, yield the right-of-way by making
 11 a lane change into a lane not adjacent to that of the recovery
 12 vehicle, utility service vehicle, solid waste hauler, or road, street,
 13 or highway maintenance vehicle, if possible with due regard to
 14 safety and traffic conditions, if on a highway having at least four
 15 (4) lanes with not less than two (2) lanes proceeding in the same
 16 direction as the approaching vehicle; or

17 (2) proceeding with due caution, reduce the speed of the vehicle
 18 to a speed at least ten (10) miles per hour less than the posted
 19 speed limit, maintaining a safe speed for road conditions, if
 20 changing lanes would be impossible or unsafe.

21 A person who violates this section commits a Class B infraction.

22 (d) This section does not operate to relieve the person who drives an
 23 authorized emergency vehicle, a recovery vehicle, a utility service
 24 vehicle, solid waste hauler, a road, street, or highway maintenance
 25 vehicle, or a stationary survey or construction vehicle from the duty to
 26 operate the vehicle with due regard for the safety of all persons using
 27 the highway.

28 SECTION 4. IC 35-44.1-3-1, AS AMENDED BY P.L.184-2019,
 29 SECTION 12, AND AS AMENDED BY P.L.201-2019, SECTION 3,
 30 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person who knowingly or
 32 intentionally:

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

36 (2) forcibly resists, obstructs, or interferes with the authorized
 37 service or execution of a civil or criminal process or order of a
 38 court; or

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



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

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

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

(1) Level 6 felony if:

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

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

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

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

(4) Level 2 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death *or catastrophic injury* of a law enforcement officer while the law enforcement officer is engaged in the officer's official duties.

(d) The offense under subsection (a) is a Level 6 felony if, while committing an offense under:

(1) subsection (a)(1) or (a)(2), the person:

(A) creates a substantial risk of bodily injury to the person or another person; and

(B) has two (2) or more prior unrelated convictions under subsection (a); or

(2) subsection (a)(3), the person has two (2) or more prior unrelated convictions under subsection (a).

~~(c)~~ ~~(d)~~ (e) If a person uses a vehicle to commit a felony offense under subsection ~~(b)(1)(B)~~, ~~(b)(2)~~, ~~(b)(3)~~, *or (b)(4)* ~~(c)(1)(B)~~, ~~(c)(2)~~, ~~(c)(3)~~, *or (c)(4)*, as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;



(2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or

(3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

~~(d)~~ ~~(e)~~ **(f)** Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection ~~(e)~~ ~~(d)~~ **(e)** may not be suspended.

~~(e)~~ ~~(f)~~ **(g)** If a person is convicted of an offense involving the use of a motor vehicle under:

(1) ~~subsection (b)(1)(A); subsection (c)(1)(A)~~, if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;

(2) ~~subsection (b)(2); subsection (c)(2)~~; or

(3) ~~subsection (b)(3); subsection (c)(3)~~;

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license and all certificates of registration and license plates issued or registered in the person's name in accordance with IC 9-30-4-6.1(b)(3) for the period described in IC 9-30-4-6.1(d)(1) or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

~~(f)~~ ~~(g)~~ **(h)** A person may not be charged or convicted of a crime under subsection (a)(3) if the law enforcement officer is a school resource officer acting in the officer's capacity as a school resource officer.

~~(g)~~ **(i)** *A person who commits an offense described in subsection ~~(b)~~ **(c)** commits a separate offense for each person whose bodily injury, serious bodily injury, catastrophic injury, or death is caused by a violation of subsection ~~(b)~~ **(c)**.*

~~(h)~~ **(j)** *A court may order terms of imprisonment imposed on a person convicted of more than one (1) offense described in subsection ~~(b)~~ **(c)** to run consecutively. Consecutive terms of imprisonment imposed under this subsection are not subject to the sentencing restrictions set forth in IC 35-50-1-2(c) through IC 35-50-1-2(d).*

~~(h)~~ **(k)** *As used in this subsection, "family member" means a child, grandchild, parent, grandparent, or spouse of the person. It is a defense to a prosecution under subsection (b) that the person reasonably believed that the person's family member:*

(1) *was in the marked off area; and*

(2) *had suffered bodily injury or was at risk of suffering bodily injury;*



1 *if the person is not charged as a defendant in connection with the*
2 *offense, if applicable, that caused the area to be secured by barrier*
3 *tape or other physical barriers.*
4 SECTION 5. IC 35-52-9-11.3 IS ADDED TO THE INDIANA
5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2020]: **Sec. 11.3. IC 9-19-14-4 defines a crime**
7 **concerning traffic regulation.**
8 SECTION 6. IC 35-52-9-14.6 IS ADDED TO THE INDIANA
9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2020]: **Sec. 14.6. IC 9-21-8-35 defines a crime**
11 **concerning traffic regulation.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1225, 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 1225 as introduced.)

MCNAMARA

Committee Vote: Yeas 10, Nays 1

HOUSE MOTION

Mr. Speaker: I move that House Bill 1225 be amended to read as follows:

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

"SECTION 1. IC 9-19-13-4, AS AMENDED BY P.L.144-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. A bus used to transport school children must be equipped as follows:

(1) At least two (2) signal lamps mounted as high and as widely spaced laterally as practicable, capable of displaying the front two (2) alternately flashing red lights located at the same level, and having sufficient intensity to be visible at five hundred (500) feet in normal sunlight.

~~(2) Black reflective tape mounted on:~~

~~(A) each side of the school bus;~~

~~(B) the front bumper; and~~

~~(C) the rear bumper.~~

~~(3) (2)~~ As required by the state school bus committee under IC 20-27-3-4.

~~(4) (3)~~ As required by IC 20-27-9."

Renumber all SECTIONS consecutively.

(Reference is to HB 1225 as printed January 24, 2020.)

DELANEY



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1225, 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:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety and public safety officers.

Page 2, line 7, delete "offense" and insert "**violation**".

Page 2, line 9, delete "injury" and insert "**injury, catastrophic injury,**".

Page 2, line 41, delete "offense" and insert "**violation**".

Page 2, line 42, delete "injury" and insert "**injury, catastrophic injury,**".

Page 3, between lines 26 and 27, begin a new paragraph and insert:
"SECTION 4. IC 35-44.1-3-1, AS AMENDED BY P.L.184-2019, SECTION 12, AND AS AMENDED BY P.L.201-2019, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person who knowingly or intentionally:

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

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

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

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

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

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

(1) Level 6 felony if:

(A) *the offense is described in subsection (a)(3) and the*



person uses a vehicle to commit the offense; or

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

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

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

(4) Level 2 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death *or catastrophic injury* of a law enforcement officer while the law enforcement officer is engaged in the officer's official duties.

(d) The offense under subsection (a) is a Level 6 felony if, while committing an offense under:

(1) subsection (a)(1) or (a)(2), the person:

(A) creates a substantial risk of bodily injury to the person or another person; and

(B) has two (2) or more prior unrelated convictions under subsection (a); or

(2) subsection (a)(3), the person has two (2) or more prior unrelated convictions under subsection (a).

~~(c)~~ ~~(d)~~ **(e)** If a person uses a vehicle to commit a felony offense under subsection ~~(b)(1)(B)~~, ~~(b)(2)~~, ~~(b)(3)~~, ~~or (b)(4)~~ ~~(c)(1)(B)~~, ~~(c)(2)~~, ~~(c)(3)~~, ~~or (c)(4)~~, as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;

(2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or

(3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

~~(c)~~ ~~(d)~~ **(f)** Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection ~~(c)~~ ~~(d)~~ **(e)** may not be suspended.

~~(c)~~ ~~(d)~~ **(g)** If a person is convicted of an offense involving the use of a motor vehicle under:

(1) ~~subsection (b)(1)(A)~~, ~~subsection (c)(1)(A)~~, if the person



exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;

(2) ~~subsection (b)(2)~~; subsection (c)(2); or

(3) ~~subsection (b)(3)~~; subsection (c)(3);

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license and all certificates of registration and license plates issued or registered in the person's name in accordance with IC 9-30-4-6.1(b)(3) for the period described in IC 9-30-4-6.1(d)(1) or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

~~(f)~~ ~~(g)~~ **(h)** A person may not be charged or convicted of a crime under subsection (a)(3) if the law enforcement officer is a school resource officer acting in the officer's capacity as a school resource officer.

~~(g)~~ **(i)** *A person who commits an offense described in subsection (b) (c) commits a separate offense for each person whose bodily injury, serious bodily injury, catastrophic injury, or death is caused by a violation of subsection (b).* **(c).**

~~(h)~~ **(j)** *A court may order terms of imprisonment imposed on a person convicted of more than one (1) offense described in subsection (b) (c) to run consecutively. Consecutive terms of imprisonment imposed under this subsection are not subject to the sentencing restrictions set forth in IC 35-50-1-2(c) through IC 35-50-1-2(d).*

~~(i)~~ **(k)** *As used in this subsection, "family member" means a child, grandchild, parent, grandparent, or spouse of the person. It is a defense to a prosecution under subsection (b) that the person reasonably believed that the person's family member:*

(1) was in the marked off area; and

(2) had suffered bodily injury or was at risk of suffering bodily injury;

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."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1225 as reprinted January 28, 2020.)

YOUNG M, Chairperson

EH 1225—LS 6489/DI 123



Committee Vote: Yeas 9, Nays 0.

