

HOUSE BILL No. 1356

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-5-1.

Synopsis: Immunity if seeking aid for drug overdose victim. Specifies that the arrest and criminal immunity provisions of the lifeline law also apply to a person less than 21 years of age who commits an offense involving the possession of a controlled substance, paraphernalia, or a syringe.

Effective: July 1, 2024.

Garcia Wilburn, Gore

January 10, 2024, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1356

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 7.1-5-1-6.5, AS AMENDED BY P.L.156-2014,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 6.5. (a) A law enforcement officer may not take
4 a person into custody based solely on the commission of an offense
5 involving alcohol described in subsection (b) **or an offense described**
6 **in subsection (b) involving possession of a controlled substance,**
7 **paraphernalia, or a syringe by a person less than twenty-one (21)**
8 **years of age** if the law enforcement officer, after making a reasonable
9 determination and considering the facts and surrounding
10 circumstances, reasonably believes that all of the following apply:
11 (1) The law enforcement officer has contact with the person
12 because the person:
13 (A) either:
14 (i) requested emergency medical assistance; or
15 (ii) acted in concert with another person who requested
16 emergency medical assistance;
17 for an individual who reasonably appeared to be in need of



- 1 medical assistance;
- 2 (B) is the victim of a reported sex offense (as defined in
- 3 IC 11-8-8-5.2); or
- 4 (C) witnessed and reported what the person reasonably
- 5 believed to be a crime.
- 6 (2) The person described in subdivision (1)(A), (1)(B), or (1)(C):
- 7 (A) provided:
- 8 (i) the person's full name; and
- 9 (ii) any other relevant information requested by the law
- 10 enforcement officer; and
- 11 (B) in the case of a person described in subdivision (1)(A):
- 12 (i) remained at the scene with the individual who reasonably
- 13 appeared to be in need of medical assistance until
- 14 emergency medical assistance arrived; and
- 15 (ii) cooperated with emergency medical assistance personnel
- 16 and law enforcement officers at the scene.
- 17 (b) A person who meets the criteria of subsection (a)(1) and (a)(2)
- 18 is immune from criminal prosecution for an offense: ~~under:~~
- 19 (1) **under** section 3 of this chapter if the offense involved a state
- 20 of intoxication caused by the person's use of alcohol;
- 21 (2) **under** section 6 of this chapter if the offense involved the
- 22 person being, or becoming, intoxicated as a result of the person's
- 23 use of alcohol; ~~and~~
- 24 (3) **under** IC 7.1-5-7-7;
- 25 (4) **involving the possession of a controlled substance, if the**
- 26 **person is less than twenty-one (21) years of age and if the**
- 27 **offense does not involve:**
- 28 (A) **manufacturing;**
- 29 (B) **financing the manufacture of;**
- 30 (C) **delivering; or**
- 31 (D) **financing the delivery of;**
- 32 **a controlled substance, including possession of a controlled**
- 33 **substance with the intent to manufacture, finance the**
- 34 **manufacture of, deliver, or finance the delivery of a controlled**
- 35 **substance;**
- 36 (5) **involving possession of paraphernalia (IC 35-48-4-8.3), if**
- 37 **the person is less than twenty-one (21) years of age; and**
- 38 (6) **involving possession of a syringe (IC 16-42-19-18), if the**
- 39 **person is less than twenty-one (21) years of age.**
- 40 (c) A person may not initiate or maintain an action against a law
- 41 enforcement officer based on the officer's compliance or failure to
- 42 comply with this section.



1 SECTION 2. IC 7.1-5-1-6.6, AS ADDED BY P.L.156-2014,
 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2024]: Sec. 6.6. (a) This section applies only to a person:

4 (1) arrested for a violation of:

5 (A) section 3 of this chapter if the offense involved a state of
 6 intoxication caused by the person's use of alcohol;

7 (B) section 6 of this chapter if the offense involved the person
 8 being, or becoming, intoxicated as a result of the person's use
 9 of alcohol; ~~or~~

10 (C) IC 7.1-5-7-7;

11 **(D) an offense involving the possession of a controlled**
 12 **substance, if the person is less than twenty-one (21) years**
 13 **of age and if the offense does not involve:**

14 **(i) manufacturing;**

15 **(ii) financing the manufacture of;**

16 **(iii) delivering; or**

17 **(iv) financing the delivery of;**

18 **a controlled substance, including possession of a controlled**
 19 **substance with the intent to manufacture, finance the**
 20 **manufacture of, deliver, or finance the delivery of a**
 21 **controlled substance;**

22 **(E) an offense involving possession of paraphernalia (IC**
 23 **35-48-4-8.3), if the person is less than twenty-one (21) years**
 24 **of age; or**

25 **(F) an offense involving possession of a syringe (IC**
 26 **16-42-19-18), if the person is less than twenty-one (21)**
 27 **years of age; and**

28 (2) whose arrest was facilitated because another person reported
 29 that the person appeared to be in need of medical assistance due
 30 to the use of alcohol **or a controlled substance.**

31 (b) If a person described in subsection (a):

32 (1) does not have a prior conviction for an offense described in
 33 subsection (a);

34 (2) pleads guilty to an offense described in subsection (a); and

35 (3) agrees to be placed in the custody of the court;

36 the court, without entering a judgment of conviction, shall defer further
 37 proceedings and place the person in the custody of the court under
 38 conditions determined by the court.

39 (c) If the person placed in the custody of the court violates the
 40 conditions of custody, the court may enter a judgment of conviction.
 41 However, if the person fulfills the conditions of the custody, the court
 42 shall dismiss the charges against the person.



1 (d) There may be only one (1) dismissal under this section with
2 respect to a person.

