

HOUSE BILL No. 1534

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-2-1.3.

Synopsis: Domestic battery enhancement. Raises the enhancement for domestic battery from a Level 6 felony to a Level 5 felony.

Effective: July 1, 2015.

Hale

January 20, 2015, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1534

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 35-42-2-1.3, AS AMENDED BY P.L.158-2013,
2 SECTION 421, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2015]: Sec. 1.3. (a) A person who knowingly or
4 intentionally touches an individual who:
5 (1) is or was a spouse of the other person;
6 (2) is or was living as if a spouse of the other person as provided
7 in subsection (c); or
8 (3) has a child in common with the other person;
9 in a rude, insolent, or angry manner that results in bodily injury to the
10 person described in subdivision (1), (2), or (3) commits domestic
11 battery, a Class A misdemeanor.
12 (b) However, the offense under subsection (a) is a ~~Level 6~~ **Level 5**
13 felony if the person who committed the offense:
14 (1) has a previous, unrelated conviction:
15 (A) under this section (or IC 35-42-2-1(a)(2)(E) before that



- 1 provision was removed by P.L.188-1999, SECTION 5); or
2 (B) in any other jurisdiction, including a military court, in
3 which the elements of the crime for which the conviction was
4 entered are substantially similar to the elements described in
5 this section; or
6 (2) committed the offense in the physical presence of a child less
7 than sixteen (16) years of age, knowing that the child was present
8 and might be able to see or hear the offense.
9 (c) In considering whether a person is or was living as a spouse of
10 another individual for purposes of subsection (a)(2), the court shall
11 review:
12 (1) the duration of the relationship;
13 (2) the frequency of contact;
14 (3) the financial interdependence;
15 (4) whether the two (2) individuals are raising children together;
16 (5) whether the two (2) individuals have engaged in tasks directed
17 toward maintaining a common household; and
18 (6) other factors the court considers relevant.

