

HOUSE BILL No. 1536

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-45-2-1.

Synopsis: Threats against public buildings. Provides that a person who makes a threat with the intent that another person be placed in fear that the threat will be carried out commits intimidation.

Effective: July 1, 2019.

Hatcher

January 17, 2019, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1536

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 35-45-2-1, AS AMENDED BY P.L.85-2017,
2 SECTION 114, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) A person who communicates
4 a threat to another person, with the intent **that another person be**
5 **placed in fear that the threat will be carried out**
6 (1) ~~that the other person engage in conduct against the other~~
7 ~~person's will;~~
8 (2) ~~that the other person be placed in fear of retaliation for a prior~~
9 ~~lawful act; or~~
10 (3) ~~of:~~
11 (A) ~~causing:~~
12 (i) ~~a dwelling, a building, or other structure; or~~
13 (ii) ~~a vehicle;~~
14 ~~to be evacuated; or~~
15 (B) ~~interfering with the occupancy of:~~
16 (i) ~~a dwelling, building, or other structure; or~~
17 (ii) ~~a vehicle;~~



1 commits intimidation, a Class A misdemeanor.

2 (b) However, the offense is a:

3 (1) Level 6 felony if:

4 (A) the threat is to commit a forcible felony;

5 (B) the person to whom the threat is communicated:

6 (i) is a law enforcement officer;

7 (ii) is a witness (or the spouse or child of a witness) in any
8 pending criminal proceeding against the person making the
9 threat;

10 (iii) is an employee of a school or school corporation;

11 (iv) is a community policing volunteer;

12 (v) is an employee of a court;

13 (vi) is an employee of a probation department;

14 (vii) is an employee of a community corrections program;

15 (viii) is an employee of a hospital, church, or religious
16 organization; or

17 (ix) is a person that owns a building or structure that is open
18 to the public or is an employee of the person;

19 and, except as provided in item (ii), the threat is
20 communicated to the person because of the occupation,
21 profession, employment status, or ownership status of the
22 person as described in items (i) through (ix) or based on an act
23 taken by the person within the scope of the occupation,
24 profession, employment status, or ownership status of the
25 person;

26 (C) the person has a prior unrelated conviction for an offense
27 under this section concerning the same victim; or

28 (D) the threat is communicated using property, including
29 electronic equipment or systems, of a school corporation or
30 other governmental entity; and

31 (2) Level 5 felony if:

32 (A) while committing it, the person draws or uses a deadly
33 weapon; or

34 (B) the person to whom the threat is communicated:

35 (i) is a judge or bailiff of any court; or

36 (ii) is a prosecuting attorney or a deputy prosecuting
37 attorney.

38 (c) "Communicates" includes posting a message electronically,
39 including on a social networking web site (as defined in
40 IC 35-31.5-2-307).

41 (d) "Threat" means an expression, by words or action, of an
42 intention to:



- 1 (1) unlawfully injure the person threatened or another person, or
- 2 damage property;
- 3 (2) unlawfully subject a person to physical confinement or
- 4 restraint;
- 5 (3) commit a crime;
- 6 (4) unlawfully withhold official action, or cause such withholding;
- 7 (5) unlawfully withhold testimony or information with respect to
- 8 another person's legal claim or defense, except for a reasonable
- 9 claim for witness fees or expenses;
- 10 (6) expose the person threatened to hatred, contempt, disgrace, or
- 11 ridicule;
- 12 (7) falsely harm the credit or business reputation of the person
- 13 threatened; or
- 14 (8) cause the evacuation of a dwelling, a building, another
- 15 structure, or a vehicle.

