

HOUSE BILL No. 1543

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-25; IC 35-42-2.

Synopsis: Law enforcement officers. Provides that a grant may be awarded to a law enforcement agency for a law enforcement officer in an upper level position to: (1) attend a deescalation training course; and (2) establish a deescalation training program, based on the training received during the deescalation training course that is offered to law enforcement officers employed by the law enforcement agency. Establishes the deescalation training fund. Increases the penalty for battery if it is committed against a public safety official because of the official's status or perceived status as a public safety official. Increases the penalty for aggravated battery and criminal recklessness if it is committed against: (1) a public safety official while the official is engaged in the official's official duties; or (2) a public safety official if the offense is committed because of the official's status or perceived status as a public safety official.

Effective: July 1, 2021; January 1, 2022.

Goodrich, Prescott

January 14, 2021, read first time and referred to Committee on Veterans Affairs and Public Safety.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1543

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 5-2-25 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2022]:

4 **Chapter 25. Deescalation Training Program**
5 **Sec. 1. As used in this chapter, "fund" refers to the deescalation**
6 **training fund established by section 9 of this chapter.**

7 **Sec. 2. As used in this chapter, "institute" means the Indiana**
8 **criminal justice institute established under IC 5-2-6.**

9 **Sec. 3. As used in this chapter, "law enforcement agency" has**
10 **the meaning set forth in IC 5-2-17-2.**

11 **Sec. 4. As used in this chapter, "law enforcement officer" has**
12 **the meaning set forth in IC 5-2-1-2(1).**

13 **Sec. 5. As used in this chapter, "upper level position" means:**
14 **(1) the position held by the police chief or sheriff; and**
15 **(2) each position held by the members of the law enforcement**
16 **agency in the next rank and pay grade immediately below the**
17 **police chief or sheriff.**



1 **Sec. 6. A law enforcement agency may receive a grant for a law**
 2 **enforcement officer in an upper level position to:**

- 3 **(1) attend a deescalation training course; and**
 4 **(2) establish a deescalation training program based on the**
 5 **training received under subdivision (1) that is offered to law**
 6 **enforcement officers employed by the law enforcement**
 7 **agency.**

8 **Sec. 7. The board of trustees of the institute shall adopt rules**
 9 **under IC 4-22-2 to implement this chapter.**

10 **Sec. 8. A grant awarded under this chapter may not exceed five**
 11 **hundred dollars (\$500).**

12 **Sec. 9. (a) The deescalation training fund is established for the**
 13 **purpose of funding grants described in this chapter.**

14 **(b) The institute shall administer the fund.**

15 **(c) The fund consists of:**

- 16 **(1) appropriations from the general assembly;**
 17 **(2) grants, gifts, and donations intended for deposit in the**
 18 **fund; and**
 19 **(3) interest deposited into the fund under subsection (d).**

20 **(d) The treasurer of state shall invest the money in the fund not**
 21 **currently needed to meet the obligations of the fund in the same**
 22 **manner as other public funds may be invested. Interest that**
 23 **accrues from these investments shall be deposited in the fund.**

24 **(e) The expenses of administering the fund shall be paid from**
 25 **money in the fund.**

26 **(f) Money in the fund at the end of a state fiscal year does not**
 27 **revert to the state general fund.**

28 **SECTION 2. IC 35-42-2-1, AS AMENDED BY P.L.142-2020,**
 29 **SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
 30 **JULY 1, 2021]: Sec. 1. (a) As used in this section, "public safety**
 31 **official" means:**

- 32 **(1) a law enforcement officer, including an alcoholic beverage**
 33 **enforcement officer;**
 34 **(2) an employee of a penal facility or a juvenile detention facility**
 35 **(as defined in IC 31-9-2-71);**
 36 **(3) an employee of the department of correction;**
 37 **(4) a probation officer;**
 38 **(5) a parole officer;**
 39 **(6) a community corrections worker;**
 40 **(7) a home detention officer;**
 41 **(8) a department of child services employee;**
 42 **(9) a firefighter;**



- 1 (10) an emergency medical services provider;
 2 (11) a judicial officer;
 3 (12) a bailiff of any court; or
 4 (13) a special deputy (as described in IC 36-8-10-10.6).
 5 (b) As used in this section, "relative" means an individual related by
 6 blood, half-blood, adoption, marriage, or remarriage, including:
 7 (1) a spouse;
 8 (2) a parent or stepparent;
 9 (3) a child or stepchild;
 10 (4) a grandchild or stepgrandchild;
 11 (5) a grandparent or stepgrandparent;
 12 (6) a brother, sister, stepbrother, or stepsister;
 13 (7) a niece or nephew;
 14 (8) an aunt or uncle;
 15 (9) a daughter-in-law or son-in-law;
 16 (10) a mother-in-law or father-in-law; or
 17 (11) a first cousin.
 18 (c) Except as provided in subsections (d) through (k), a person who
 19 knowingly or intentionally:
 20 (1) touches another person in a rude, insolent, or angry manner;
 21 or
 22 (2) in a rude, insolent, or angry manner places any bodily fluid or
 23 waste on another person;
 24 commits battery, a Class B misdemeanor.
 25 (d) The offense described in subsection (c)(1) or (c)(2) is a Class A
 26 misdemeanor if it:
 27 (1) results in bodily injury to any other person; or
 28 (2) is committed against a member of a foster family home (as
 29 defined in IC 35-31.5-2-139.3) by a person who is not a resident
 30 of the foster family home if the person who committed the offense
 31 is a relative of a person who lived in the foster family home at the
 32 time of the offense.
 33 (e) The offense described in subsection (c)(1) or (c)(2) is a Level 6
 34 felony if one (1) or more of the following apply:
 35 (1) The offense results in moderate bodily injury to any other
 36 person.
 37 (2) The offense is committed against a public safety official:
 38 (A) while the official is engaged in the official's official duty;
 39 or
 40 (B) if the offense is committed because of the official's
 41 status or perceived status as a public safety official.



- 1 (3) The offense is committed against a person less than fourteen
 2 (14) years of age and is committed by a person at least eighteen
 3 (18) years of age.
 4 (4) The offense is committed against a person of any age who has
 5 a mental or physical disability and is committed by a person
 6 having the care of the person with the mental or physical
 7 disability, whether the care is assumed voluntarily or because of
 8 a legal obligation.
 9 (5) The offense is committed against an endangered adult (as
 10 defined in IC 12-10-3-2).
 11 (6) The offense:
 12 (A) is committed against a member of a foster family home (as
 13 defined in IC 35-31.5-2-139.3) by a person who is not a
 14 resident of the foster family home if the person who committed
 15 the offense is a relative of a person who lived in the foster
 16 family home at the time of the offense; and
 17 (B) results in bodily injury to the member of the foster family.
 18 (f) The offense described in subsection (c)(2) is a Level 6 felony if
 19 the person knew or recklessly failed to know that the bodily fluid or
 20 waste placed on another person was infected with hepatitis,
 21 tuberculosis, or human immunodeficiency virus.
 22 (g) The offense described in subsection (c)(1) or (c)(2) is a Level 5
 23 felony if one (1) or more of the following apply:
 24 (1) The offense results in serious bodily injury to another person.
 25 (2) The offense is committed with a deadly weapon.
 26 (3) The offense results in bodily injury to a pregnant woman if the
 27 person knew of the pregnancy.
 28 (4) The person has a previous conviction for a battery offense
 29 included in this chapter against the same victim.
 30 (5) The offense results in bodily injury to one (1) or more of the
 31 following:
 32 (A) A public safety official:
 33 (i) while the official is engaged in the official's official
 34 duties; **or**
 35 (ii) **if the offense is committed because of the official's**
 36 **status or perceived status as a public safety official.**
 37 (B) A person less than fourteen (14) years of age if the offense
 38 is committed by a person at least eighteen (18) years of age.
 39 (C) A person who has a mental or physical disability if the
 40 offense is committed by an individual having care of the
 41 person with the disability, regardless of whether the care is
 42 assumed voluntarily or because of a legal obligation.



- 1 (D) An endangered adult (as defined in IC 12-10-3-2).
- 2 (h) The offense described in subsection (c)(2) is a Level 5 felony if:
- 3 (1) the person knew or recklessly failed to know that the bodily
- 4 fluid or waste placed on another person was infected with
- 5 hepatitis, tuberculosis, or human immunodeficiency virus; and
- 6 (2) the person placed the bodily fluid or waste on a public safety
- 7 official.
- 8 (i) The offense described in subsection (c)(1) or (c)(2) is a Level 4
- 9 felony if it results in serious bodily injury to an endangered adult (as
- 10 defined in IC 12-10-3-2).
- 11 (j) The offense described in subsection (c)(1) or (c)(2) is a Level 3
- 12 felony if it results in serious bodily injury to a person less than fourteen
- 13 (14) years of age if the offense is committed by a person at least
- 14 eighteen (18) years of age.
- 15 (k) The offense described in subsection (c)(1) or (c)(2) is a Level 2
- 16 felony if it results in the death of one (1) or more of the following:
- 17 (1) A person less than fourteen (14) years of age if the offense is
- 18 committed by a person at least eighteen (18) years of age.
- 19 (2) An endangered adult (as defined in IC 12-10-3-2).
- 20 SECTION 3. IC 35-42-2-1.5, AS AMENDED BY P.L.158-2013,
- 21 SECTION 422, IS AMENDED TO READ AS FOLLOWS
- 22 [EFFECTIVE JULY 1, 2021]: Sec. 1.5. **(a)** A person who knowingly
- 23 or intentionally inflicts injury on a person that creates a substantial risk
- 24 of death or causes:
- 25 (1) serious permanent disfigurement;
- 26 (2) protracted loss or impairment of the function of a bodily
- 27 member or organ; or
- 28 (3) the loss of a fetus;
- 29 commits aggravated battery, a Level 3 felony.
- 30 **(b) The offense described in subsection (a) is a Level 2 felony if**
- 31 **the offense is committed against a public safety official (as defined**
- 32 **in section 1 of this chapter):**
- 33 **(1) while the official is engaged in the official's official duty;**
- 34 **or**
- 35 **(2) if the offense is committed because of the official's status**
- 36 **or perceived status as a public safety official.**
- 37 **(c) However,** The offense **described in subsection (a)** is a Level 1
- 38 felony if it results in the death of a child less than fourteen (14) years
- 39 of age and is committed by a person at least eighteen (18) years of age.
- 40 SECTION 4. IC 35-42-2-2, AS AMENDED BY P.L.184-2019,
- 41 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 42 JULY 1, 2021]: Sec. 2. (a) A person who recklessly, knowingly, or



1 intentionally performs an act that creates a substantial risk of bodily
 2 injury to another person commits criminal recklessness. Except as
 3 provided in subsection (b), criminal recklessness is a Class B
 4 misdemeanor.

5 (b) The offense of criminal recklessness as defined in subsection (a)
 6 is:

7 (1) a Level 6 felony if:

8 (A) it is committed while armed with a deadly weapon; or

9 (B) the person committed aggressive driving (as defined in
 10 IC 9-21-8-55) that results in serious bodily injury to another
 11 person; or

12 **(C) it is committed against a public safety official (as**
 13 **defined in section 1 of this chapter):**

14 **(i) while the official is engaged in the public safety**
 15 **official's official duties; or**

16 **(ii) if the offense is committed because of the official's**
 17 **status or perceived status as a public safety official; or**

18 (2) a Level 5 felony if:

19 (A) it is committed by shooting a firearm into an inhabited
 20 dwelling or other building or place where people are likely to
 21 gather; or

22 (B) the person committed aggressive driving (as defined in
 23 IC 9-21-8-55) that results in the death or catastrophic injury of
 24 another person.

