

SENATE BILL No. 35

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-5-1.

Synopsis: Immunity under the lifeline law. Extends immunity under the lifeline law to the individual on whose behalf emergency medical assistance was requested. Repeals an obsolete provision.

Effective: July 1, 2019.

Merritt

January 3, 2019, read first time and referred to Committee on Corrections and Criminal Law.



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.

SENATE BILL No. 35

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, 2019]: 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) if the law enforcement
6 officer, after making a reasonable determination and considering the
7 facts and surrounding circumstances, reasonably believes that all of the
8 following apply:
9 (1) The law enforcement officer has contact with the person
10 because the person:
11 (A) either:
12 (i) requested emergency medical assistance; or
13 (ii) acted in concert with another person who requested
14 emergency medical assistance;
15 for an individual who reasonably appeared to be in need of
16 medical assistance;
17 (B) is the victim of a reported sex offense (as defined in



- 1 IC 11-8-8-5.2); ~~or~~
 2 (C) witnessed and reported what the person reasonably
 3 believed to be a crime; ~~or~~
 4 **(D) is an individual:**
 5 **(i) who requested emergency medical assistance on the**
 6 **individual's own behalf; or**
 7 **(ii) on whose behalf another person requested emergency**
 8 **medical assistance.**
 9 (2) The person described in subdivision (1)(A), (1)(B), ~~or~~ (1)(C),
 10 **or (1)(D):**
 11 (A) provided:
 12 (i) the person's full name; and
 13 (ii) any other relevant information requested by the law
 14 enforcement officer; and
 15 (B) in the case of a person described in subdivision (1)(A):
 16 (i) remained at the scene with the individual who reasonably
 17 appeared to be in need of medical assistance until
 18 emergency medical assistance arrived; and
 19 (ii) cooperated with emergency medical assistance personnel
 20 and law enforcement officers at the scene.
 21 (b) A person who meets the criteria of subsection (a)(1) and (a)(2)
 22 is immune from criminal prosecution for an offense under:
 23 (1) section 3 of this chapter if the offense involved a state of
 24 intoxication caused by the person's use of alcohol;
 25 (2) section 6 of this chapter if the offense involved the person
 26 being, or becoming, intoxicated as a result of the person's use of
 27 alcohol; and
 28 (3) IC 7.1-5-7-7.
 29 (c) A person may not initiate or maintain an action against a law
 30 enforcement officer based on the officer's compliance or failure to
 31 comply with this section.
 32 SECTION 2. IC 7.1-5-1-6.6 IS REPEALED [EFFECTIVE JULY 1,
 33 2019]. ~~Sec. 6.6: (a) This section applies only to a person:~~
 34 ~~(1) arrested for a violation of:~~
 35 ~~(A) section 3 of this chapter if the offense involved a state of~~
 36 ~~intoxication caused by the person's use of alcohol;~~
 37 ~~(B) section 6 of this chapter if the offense involved the person~~
 38 ~~being, or becoming, intoxicated as a result of the person's use~~
 39 ~~of alcohol; or~~
 40 ~~(C) IC 7.1-5-7-7; and~~
 41 ~~(2) whose arrest was facilitated because another person reported~~
 42 ~~that the person appeared to be in need of medical assistance due~~



- 1 to the use of alcohol:
- 2 (b) If a person described in subsection (a):
- 3 (1) does not have a prior conviction for an offense described in
- 4 subsection (a);
- 5 (2) pleads guilty to an offense described in subsection (a); and
- 6 (3) agrees to be placed in the custody of the court;
- 7 the court, without entering a judgment of conviction, shall defer further
- 8 proceedings and place the person in the custody of the court under
- 9 conditions determined by the court.
- 10 (c) If the person placed in the custody of the court violates the
- 11 conditions of custody, the court may enter a judgment of conviction.
- 12 However, if the person fulfills the conditions of the custody, the court
- 13 shall dismiss the charges against the person.
- 14 (d) There may be only one (1) dismissal under this section with
- 15 respect to a person.

