

# SENATE BILL No. 49

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## 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, 2020.

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## Merritt

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January 6, 2020, read first time and referred to Committee on Corrections and Criminal Law.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

# SENATE BILL No. 49



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, 2020]: 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 2020]. ~~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.

