

SENATE BILL No. 79

DIGEST OF INTRODUCED BILL

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

Synopsis: Domestic battery enhancement. Enhances the penalty for domestic battery when the offender has a prior conviction for strangulation against the same family or household member.

Effective: July 1, 2021.

Crider

January 5, 2021, read first time and referred to Committee on Corrections and Criminal Law.



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.

SENATE BILL No. 79

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.142-2020,
2 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 1.3. (a) Except as provided in subsections (b)
4 through (f), a person who knowingly or intentionally:
5 (1) touches a family or household member in a rude, insolent, or
6 angry manner; or
7 (2) in a rude, insolent, or angry manner places any bodily fluid or
8 waste on a family or household member;
9 commits domestic battery, a Class A misdemeanor.
10 (b) The offense under subsection (a)(1) or (a)(2) is a Level 6 felony
11 if one (1) or more of the following apply:
12 (1) The person who committed the offense has a previous,
13 unrelated conviction:
14 (A) for a battery offense included in this chapter; or
15 (B) for a strangulation offense under IC 35-42-2-9.
16 (2) The person who committed the offense is at least eighteen (18)
17 years of age and committed the offense against a family or



- 1 household member in the physical presence of a child less than
 2 sixteen (16) years of age, knowing that the child was present and
 3 might be able to see or hear the offense.
- 4 (3) The offense results in moderate bodily injury to a family or
 5 household member.
- 6 (4) The offense is committed against a family or household
 7 member who is less than fourteen (14) years of age and is
 8 committed by a person at least eighteen (18) years of age.
- 9 (5) The offense is committed against a family or household
 10 member of any age who has a mental or physical disability and is
 11 committed by a person having the care of the family or household
 12 member with the mental or physical disability, whether the care
 13 is assumed voluntarily or because of a legal obligation.
- 14 (6) The offense is committed against a family or household
 15 member who is an endangered adult (as defined in IC 12-10-3-2).
- 16 (c) The offense described in subsection (a)(1) or (a)(2) is a Level 5
 17 felony if one (1) or more of the following apply:
- 18 (1) The offense results in serious bodily injury to a family or
 19 household member.
- 20 (2) The offense is committed with a deadly weapon against a
 21 family or household member.
- 22 (3) The offense results in bodily injury to a pregnant family or
 23 household member if the person knew of the pregnancy.
- 24 (4) The person has a previous conviction for a battery offense **or**
 25 **strangulation (as defined in section 9 of this chapter)** included
 26 in this chapter against the same family or household member.
- 27 (5) The offense results in bodily injury to one (1) or more of the
 28 following:
- 29 (A) A family or household member who is less than fourteen
 30 (14) years of age if the offense is committed by a person at
 31 least eighteen (18) years of age.
- 32 (B) A family or household member who has a mental or
 33 physical disability if the offense is committed by an individual
 34 having care of the family or household member with the
 35 disability, regardless of whether the care is assumed
 36 voluntarily or because of a legal obligation.
- 37 (C) A family or household member who is an endangered
 38 adult (as defined in IC 12-10-3-2).
- 39 (d) The offense described in subsection (a)(1) or (a)(2) is a Level 4
 40 felony if it results in serious bodily injury to a family or household
 41 member who is an endangered adult (as defined in IC 12-10-3-2).
- 42 (e) The offense described in subsection (a)(1) or (a)(2) is a Level 3



1 felony if it results in serious bodily injury to a family or household
2 member who is less than fourteen (14) years of age if the offense is
3 committed by a person at least eighteen (18) years of age.
4 (f) The offense described in subsection (a)(1) or (a)(2) is a Level 2
5 felony if it results in the death of one (1) or more of the following:
6 (1) A family or household member who is less than fourteen (14)
7 years of age if the offense is committed by a person at least
8 eighteen (18) years of age.
9 (2) A family or household member who is an endangered adult (as
10 defined in IC 12-10-3-2).

