

## SENATE BILL No. 96

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-31.5-2; IC 35-42-2-1; IC 35-44.1-2-14; IC 35-45-1.

**Synopsis:** Rioting. Requires a person convicted of a battery against a law enforcement officer, firefighter, or emergency medical services provider to: (1) serve a mandatory minimum sentence of 30 or 90 days, depending on the severity of the injury; and (2) make restitution to the victim. Defines "tumultuous conduct" and "unlawful assembly" for purposes of the rioting statute, and requires a person convicted of rioting to: (1) serve a mandatory minimum sentence of 30 days; and (2) make restitution to the victim. Defines "camp" and "Indiana government center campus", and makes unlawful camping on the Indiana government center campus a Class A misdemeanor.

**Effective:** July 1, 2021.

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## Grooms

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January 7, 2021, read first time and referred to Committee on Corrections and Criminal Law.

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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. 96

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 35-31.5-2-33.3 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2021]: **Sec. 33.3. "Camp", for purposes of**  
4 **IC 35-44.1-2-14, has the meaning set forth in IC 35-44.1-2-14.**

5 SECTION 2. IC 35-31.5-2-169.1 IS ADDED TO THE INDIANA  
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2021]: **Sec. 169.1. "Indiana government**  
8 **center campus", for purposes of IC 35-44.1-2-14, has the meaning**  
9 **set forth in IC 35-44.1-2-14.**

10 SECTION 3. IC 35-42-2-1, AS AMENDED BY P.L.142-2020,  
11 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2021]: Sec. 1. (a) As used in this section, "public safety  
13 official" means:

- 14 (1) a law enforcement officer, including an alcoholic beverage  
15 enforcement officer;
- 16 (2) an employee of a penal facility or a juvenile detention facility  
17 (as defined in IC 31-9-2-71);



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



- 1 person.
- 2 (2) The offense is committed against a public safety official while
- 3 the official is engaged in the official's official duty.
- 4 (3) The offense is committed against a person less than fourteen
- 5 (14) years of age and is committed by a person at least eighteen
- 6 (18) years of age.
- 7 (4) The offense is committed against a person of any age who has
- 8 a mental or physical disability and is committed by a person
- 9 having the care of the person with the mental or physical
- 10 disability, whether the care is assumed voluntarily or because of
- 11 a legal obligation.
- 12 (5) The offense is committed against an endangered adult (as
- 13 defined in IC 12-10-3-2).
- 14 (6) The offense:
- 15 (A) is committed against a member of a foster family home (as
- 16 defined in IC 35-31.5-2-139.3) by a person who is not a
- 17 resident of the foster family home if the person who committed
- 18 the offense is a relative of a person who lived in the foster
- 19 family home at the time of the offense; and
- 20 (B) results in bodily injury to the member of the foster family.
- 21 (f) The offense described in subsection (c)(2) is a Level 6 felony if
- 22 the person knew or recklessly failed to know that the bodily fluid or
- 23 waste placed on another person was infected with hepatitis,
- 24 tuberculosis, or human immunodeficiency virus.
- 25 (g) The offense described in subsection (c)(1) or (c)(2) is a Level 5
- 26 felony if one (1) or more of the following apply:
- 27 (1) The offense results in serious bodily injury to another person.
- 28 (2) The offense is committed with a deadly weapon.
- 29 (3) The offense results in bodily injury to a pregnant woman if the
- 30 person knew of the pregnancy.
- 31 (4) The person has a previous conviction for a battery offense
- 32 included in this chapter against the same victim.
- 33 (5) The offense results in bodily injury to one (1) or more of the
- 34 following:
- 35 (A) A public safety official while the official is engaged in the
- 36 official's official duties.
- 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 **(l) In addition to any criminal penalty imposed for a violation of**  
 21 **this section, the court shall order that a person convicted of a**  
 22 **battery against a law enforcement officer, firefighter, or**  
 23 **emergency medical services provider, while the officer, firefighter,**  
 24 **or provider is engaged in their official duties, be imprisoned for at**  
 25 **least:**  
 26 **(1) thirty (30) days; or**  
 27 **(2) ninety (90) days, if the offense resulted in serious bodily**  
 28 **injury to the officer, firefighter, or provider.**  
 29 **In addition, the court shall order the person convicted to make**  
 30 **restitution to the victim of the crime under IC 35-50-5-3.**  
 31 **(m) Notwithstanding:**  
 32 **(1) IC 35-50-2-2.2 and IC 35-50-3-1, imprisonment imposed**  
 33 **under subsection (l) may not be suspended; and**  
 34 **(2) IC 35-50-6, a person does not earn good time credit while**  
 35 **servicing imprisonment imposed under subsection (l).**  
 36 SECTION 4. IC 35-44.1-2-14 IS ADDED TO THE INDIANA  
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2021]: **Sec. 14. (a) The following definitions**  
 39 **apply throughout this section:**  
 40 **(1) "Camp" means doing one (1) or more of the following at**  
 41 **any time between 10 p.m. and 7 a.m.:**  
 42 **(A) Erecting, placing, maintaining, leaving, allowing to**



- 1 remain, or using a piece of furniture, tent, raised tarp, or  
 2 other temporary shelter, structure, or furniture.  
 3 **(B) Sleeping or making preparation to sleep, including**  
 4 **laying down a sleeping bag, blanket, or other material used**  
 5 **for bedding.**  
 6 **(C) Carrying on cooking activities, whether by fire or use**  
 7 **of artificial means, such as a propane stove or other heat**  
 8 **producing portable cooking equipment.**  
 9 **(D) Making a fire or preparing to make a fire.**  
 10 **(E) Doing any digging or earth breaking.**  
 11 **(2) "Indiana government center campus" means the**  
 12 **following:**  
 13 **(A) The state capitol building.**  
 14 **(B) The Indiana government center-north.**  
 15 **(C) The Indiana government center-south.**  
 16 **(D) The state library.**  
 17 **(E) The Washington Street garage.**  
 18 **(F) The Senate Avenue garage.**  
 19 **(G) The land adjacent to these buildings that is owned and**  
 20 **controlled by the state.**  
 21 **(b) A person who:**  
 22 **(1) without authorization; and**  
 23 **(2) having been informed, in person, by signage, by**  
 24 **announcement, or otherwise, that camping is prohibited;**  
 25 **knowingly or intentionally camps on the Indiana government**  
 26 **center campus commits unlawful occupation, a Class A**  
 27 **misdemeanor.**  
 28 SECTION 5. IC 35-45-1-1 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. As used in this  
 30 chapter:  
 31 "Tumultuous conduct" means conduct that results in, or is likely to  
 32 result in, serious bodily injury to a person, ~~or~~ substantial damage to  
 33 property, ~~or the obstruction of law enforcement or other~~  
 34 ~~governmental function.~~  
 35 "Unlawful assembly" means an assembly of ~~five (5)~~ **three (3)** or  
 36 more persons ~~whose common object is to commit an unlawful act, or~~  
 37 ~~a lawful act by unlawful means. Prior concert is not necessary to form~~  
 38 ~~an unlawful assembly.~~ **who engage in tumultuous conduct.**  
 39 SECTION 6. IC 35-45-1-2, AS AMENDED BY P.L.158-2013,  
 40 SECTION 521, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2021]: Sec. 2. **(a)** A person who, being a  
 42 member of an unlawful assembly, recklessly, knowingly, or



1 intentionally engages in tumultuous conduct commits rioting, a Class  
2 A misdemeanor. However, the offense is a Level 6 felony if it is  
3 committed while armed with a deadly weapon.

4 **(b) In addition to any criminal penalty imposed for a violation**  
5 **of this section, the court shall order that the convicted person:**

6 (1) be imprisoned for at least thirty (30) days; and

7 (2) make restitution to the victim of the crime under  
8 IC 35-50-5-3.

9 **(c) Notwithstanding:**

10 (1) IC 35-50-2-2.2 and IC 35-50-3-1, imprisonment imposed  
11 under subsection (b) may not be suspended; and

12 (2) IC 35-50-6, a person does not earn good time credit while  
13 serving imprisonment imposed under subsection (b).

