

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 158

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AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 35-33-8-6.5, AS AMENDED BY P.L.114-2012, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6.5. The court may not release a person ~~arrested for a crime of domestic violence (as described in IC 35-31.5-2-78)~~ on bail ~~until~~ for at least ~~eight (8)~~ **twenty-four (24)** hours from the time of the person's arrest ~~if the person is arrested for one (1) or more of the following offenses committed against a family or household member:~~

- (1) A crime of domestic violence (as described in IC 35-31.5-2-78).
- (2) Battery (IC 35-42-2-1).
- (3) Domestic battery (IC 35-42-2-1.3).
- (4) Aggravated battery (IC 35-42-2-1.5).
- (5) Strangulation (IC 35-42-2-9).
- (6) Rape (IC 35-42-4-1).
- (7) Sexual battery (IC 35-42-4-8).
- (8) Invasion of privacy (IC 35-46-1-15.1).
- (9) Criminal stalking (IC 35-45-10-5).
- (10) Criminal recklessness (IC 35-42-2-2).
- (11) Criminal confinement (IC 35-42-3-3).
- (12) Burglary (IC 35-43-2-1).

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**(13) Residential entry (IC 35-43-2-1.5).**

SECTION 2. IC 35-46-1-15.1, AS AMENDED BY P.L.266-2019, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 15.1. (a) A person who knowingly or intentionally violates:

- (1) a protective order to prevent domestic or family violence or harassment issued under IC 34-26-5 (or, if the order involved a family or household member, under IC 34-26-2 or IC 34-4-5.1-5 before their repeal);
- (2) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency order issued under IC 34-26-2 or IC 34-4-5.1 before their repeal);
- (3) a workplace violence restraining order issued under IC 34-26-6;
- (4) a no contact order in a dispositional decree issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal) that orders the person to refrain from direct or indirect contact with a child in need of services or a delinquent child;
- (5) a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion, and including a no contact order issued under IC 35-33-8-3.6;
- (6) a no contact order issued as a condition of probation;
- (7) a protective order to prevent domestic or family violence issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2 before their repeal);
- (8) a protective order to prevent domestic or family violence issued under IC 31-14-16-1 in a paternity action;
- (9) an order issued in another state that is substantially similar to an order described in subdivisions (1) through (8);
- (10) an order that is substantially similar to an order described in subdivisions (1) through (8) and is issued by an Indian:
  - (A) tribe;
  - (B) band;
  - (C) pueblo;
  - (D) nation; or
  - (E) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

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that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians;

(11) an order issued under IC 35-33-8-3.2; or

(12) an order issued under IC 35-38-1-30;

commits invasion of privacy, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated conviction for an offense under this subsection **or IC 35-45-10-5 (stalking)**.

(b) It is not a defense to a prosecution under subsection (a) that the accused person used or operated an unmanned aerial vehicle in committing the violation.

(c) A sex offender under IC 11-8-8-4.5 who:

(1) establishes a new residence within a one (1) mile radius of the residence of the victim of the offender's sex offense;

(2) intends to reside (as defined in IC 35-42-4-11(b)) at the residence; and

(3) at the time the sex offender established the residence, knew or reasonably should have known that the residence was located within a one (1) mile radius of the residence of the victim of the offender's sex offense;

commits invasion of privacy, a Class A misdemeanor. However, the offense is a Level 6 felony if the sex offender has a prior unrelated conviction under this subsection.

(d) The victim of the sex offender's sex offense may not be prosecuted under subsection (c) if the victim's liability is based on aiding, inducing, or causing the offender to commit the offense described in subsection (c).

(e) Subsection (c) does not apply to a sex offender who has obtained a waiver of residency under IC 35-38-2-2.5 or IC 35-38-1-33.

SECTION 3. IC 35-47-4-5, AS AMENDED BY P.L.142-2020, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of committing a serious violent felony.

(b) As used in this section, "serious violent felony" means:

(1) murder (IC 35-42-1-1);

**(2) attempted murder (IC 35-41-5-1);**

~~(2)~~ **(3) voluntary manslaughter (IC 35-42-1-3);**

~~(3)~~ **(4) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);**

~~(4)~~ **(5) battery (IC 35-42-2-1) as a:**

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- (A) Class A felony, Class B felony, or Class C felony, for a crime committed before July 1, 2014; or
- (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony, for a crime committed after June 30, 2014;
- (5) (6) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony;
- (6) (7) aggravated battery (IC 35-42-2-1.5);
- (8) **strangulation (IC 35-42-2-9);**
- (7) (9) kidnapping (IC 35-42-3-2);
- (8) (10) criminal confinement (IC 35-42-3-3);
- (11) **a human or sexual trafficking offense under IC 35-42-3.5;**
- (9) (12) rape (IC 35-42-4-1);
- (10) (13) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
- (11) (14) child molesting (IC 35-42-4-3);
- (12) (15) sexual battery (IC 35-42-4-8) as a:
  - (A) Class C felony, for a crime committed before July 1, 2014; or
  - (B) Level 5 felony, for a crime committed after June 30, 2014;
- (13) (16) robbery (IC 35-42-5-1);
- (14) (17) carjacking (IC 5-42-5-2) (before its repeal);
- (15) (18) arson (IC 35-43-1-1(a)) as a:
  - (A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
  - (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
- (16) (19) burglary (IC 35-43-2-1) as a:
  - (A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
  - (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
- (17) (20) assisting a criminal (IC 35-44.1-2-5) as a:
  - (A) Class C felony, for a crime committed before July 1, 2014; or
  - (B) Level 5 felony, for a crime committed after June 30, 2014;
- (18) (21) resisting law enforcement (IC 35-44.1-3-1) as a:
  - (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
  - (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a crime committed after June 30, 2014;
- (19) (22) escape (IC 35-44.1-3-4) as a:
  - (A) Class B felony or Class C felony, for a crime committed



before July 1, 2014; or

(B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;

(20) (23) trafficking with an inmate (IC 35-44.1-3-5) as a:

(A) Class C felony, for a crime committed before July 1, 2014; or

(B) Level 5 felony, for a crime committed after June 30, 2014;

(21) (24) criminal organization intimidation (IC 35-45-9-4);

(22) (25) stalking (IC 35-45-10-5) as a:

(A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or

(B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;

(23) (26) incest (IC 35-46-1-3);

(24) (27) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);

(25) (28) dealing in methamphetamine (IC 35-48-4-1.1) or manufacturing methamphetamine (IC 35-48-4-1.2);

(26) (29) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

(27) (30) dealing in a schedule IV controlled substance (IC 35-48-4-3);

(28) (31) dealing in a schedule V controlled substance (IC 35-48-4-4); or

(29) (32) dealing in a controlled substance resulting in death (IC 35-42-1-1.5).

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Level 4 felony.



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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