

SENATE BILL No. 247

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-43.5-2.

Synopsis: Reports to governmental entities used as evidence. Provides that if: (1) a person is directly or indirectly involved in an act that involves the use or threatened use of deadly force; and (2) the person promptly reports the act to an appropriate governmental entity for the purpose of obtaining emergency medical care or law enforcement assistance; the person's report is not admissible as evidence in a criminal prosecution or a civil action against the person, except to impeach the person as a witness. Makes exceptions for criminal prosecutions concerning: (1) perjury; (2) false reporting; (3) false informing; and (4) certain offenses involving 911 services. Provides that a record made of such a report to a governmental entity that is not admissible as evidence is not a public record.

Effective: July 1, 2016.

Ford

January 7, 2016, read first time and referred to Committee on Judiciary.



Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

SENATE BILL No. 247

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

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

1 SECTION 1. IC 34-43.5-2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]:

4 **Chapter 2. Communications Concerning Emergency**
5 **Governmental Services**

6 **Sec. 1. This chapter does not apply to a criminal prosecution for**
7 **any of the following:**

- 8 (1) **Perjury (IC 35-44.1-2-1).**
- 9 (2) **False reporting (IC 35-44.1-2-3(c)).**
- 10 (3) **False informing (IC 35-44.1-2-3(d)).**
- 11 (4) **An offense under IC 36-8-16.7-45.**
- 12 (5) **An offense under IC 36-8-16.7-46.**

13 **Sec. 2. As used in this chapter, "deadly force" means force that**
14 **creates a substantial risk of serious bodily injury.**

15 **Sec. 3. (a) If:**

- 16 (1) **a person is directly or indirectly involved in an act that**
17 **involves the use or threatened use of deadly force; and**



1 **(2) the person promptly reports the act to an appropriate**
2 **governmental entity for the purpose of obtaining:**
3 **(A) emergency medical care; or**
4 **(B) law enforcement assistance;**
5 **the person's report is not admissible as evidence in a criminal**
6 **prosecution or a civil action against the person.**
7 **(b) Notwithstanding subsection (a), a report described in**
8 **subsection (a) may be used to impeach the person as a witness in a**
9 **criminal prosecution or a civil action.**
10 **Sec. 4. A record made of a report that is not admissible as**
11 **evidence under section 3 of this chapter is not a public record**
12 **under IC 5-14-3.**

