

SENATE BILL No. 288

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-5.

Synopsis: Lifeline law. Provides immunity from arrest, prosecution, probation or parole revocation, and civil forfeiture for an offense involving: (1) delivering alcohol to a minor or providing a place for a minor to consume alcohol; (2) possession of paraphernalia; (3) possession of a syringe; (4) possession of a controlled substance; or (5) delivery of a controlled substance for no compensation; if the law enforcement contact with the person was due to the reporting of a medical emergency or relates to the person being the victim of a sex crime, or to the reporting of a crime, and certain other conditions are met. Specifies that the arrest and criminal immunity provisions of the lifeline law also apply to the person requiring medical attention. Specifies that a person to whom the lifeline law currently applies is also immune to: (1) civil forfeiture; and (2) probation and parole revocation. Repeals an obsolete provision.

Effective: July 1, 2019.

Stoops

January 7, 2019, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 288

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, 2019]: 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), **an offense involving a**
6 **controlled substance described in subsection (c), an offense**
7 **involving possession of paraphernalia (IC 35-48-4-8.3), or an**
8 **offense involving possession of a syringe (IC 16-42-19-18)**, if the law
9 enforcement officer, after making a reasonable determination and
10 considering the facts and surrounding circumstances, reasonably
11 believes that all of the following apply:

- 12 (1) The law enforcement officer has contact with the person
13 because the person:
14 (A) either:
15 (i) requested emergency medical assistance; or
16 (ii) acted in concert with another person who requested
17 emergency medical assistance;



- 1 for an individual who reasonably appeared to be in need of
 2 medical assistance;
 3 (B) is the victim of a reported sex offense (as defined in
 4 IC 11-8-8-5.2); ~~or~~
 5 (C) witnessed and reported what the person reasonably
 6 believed to be a crime; **or**
 7 **(D) is an individual:**
 8 **(i) who requested medical assistance on the individual's**
 9 **own behalf; or**
 10 **(ii) on whose behalf another person requested emergency**
 11 **medical assistance.**
 12 (2) The person described in subdivision (1)(A), (1)(B), ~~or~~ (1)(C),
 13 **or (1)(D):**
 14 (A) provided:
 15 (i) the person's full name; and
 16 (ii) any other relevant information requested by the law
 17 enforcement officer, **including the names of other persons**
 18 **possibly requiring medical assistance; and**
 19 (B) in the case of a person described in subdivision (1)(A):
 20 (i) remained at the scene with the individual who reasonably
 21 appeared to be in need of medical assistance until
 22 emergency medical assistance arrived; and
 23 (ii) cooperated with emergency medical assistance personnel
 24 and law enforcement officers at the scene, **including, upon**
 25 **request, providing the names of other persons possibly**
 26 **requiring medical assistance.**
 27 (b) A person who meets the criteria of subsection (a)(1) and (a)(2)
 28 is immune from criminal prosecution for an offense under:
 29 (1) section 3 of this chapter if the offense involved a state of
 30 intoxication caused by the person's use of alcohol;
 31 (2) section 6 of this chapter if the offense involved the person
 32 being, or becoming, intoxicated as a result of the person's use of
 33 alcohol; ~~and~~
 34 (3) IC 7.1-5-7-7; **and**
 35 **(4) IC 7.1-5-7-8.**
 36 (c) A person who meets the criteria of subsection (a)(1) and
 37 (a)(2) is immune from criminal prosecution for the following:
 38 (1) An offense involving the possession of a controlled
 39 substance.
 40 (2) An offense involving dealing in a controlled substance, if
 41 the offense involved the delivery of a controlled substance for
 42 no consideration.



1 **(3) An offense involving possession of paraphernalia**
 2 **(IC 35-48-4-8.3) or possession of a syringe (IC 16-42-19-18).**

3 **(d) The following applies with respect to a person who meets the**
 4 **criteria of subsection (a)(1) and (a)(2) for an offense described in**
 5 **this section:**

6 **(1) The person's property is not subject to civil forfeiture**
 7 **under IC 34-24-1.**

8 **(2) If the person is on parole or probation, the parole or**
 9 **probation may not be revoked.**

10 ~~(e)~~ **(e)** A person may not initiate or maintain an action against a law
 11 enforcement officer based on the officer's compliance or failure to
 12 comply with this section.

13 SECTION 2. IC 7.1-5-1-6.6 IS REPEALED [EFFECTIVE JULY 1,
 14 2019]. Sec. 6.6. **(a) This section applies only to a person:**

15 **(1) arrested for a violation of:**

16 **(A) section 3 of this chapter if the offense involved a state of**
 17 **intoxication caused by the person's use of alcohol;**

18 **(B) section 6 of this chapter if the offense involved the person**
 19 **being, or becoming, intoxicated as a result of the person's use**
 20 **of alcohol; or**

21 ~~(C)~~ **IC 7.1-5-7-7; and**

22 **(2) whose arrest was facilitated because another person reported**
 23 **that the person appeared to be in need of medical assistance due**
 24 **to the use of alcohol:**

25 **(b) If a person described in subsection (a):**

26 **(1) does not have a prior conviction for an offense described in**
 27 **subsection (a);**

28 **(2) pleads guilty to an offense described in subsection (a); and**

29 **(3) agrees to be placed in the custody of the court;**

30 the court, without entering a judgment of conviction, shall defer further
 31 proceedings and place the person in the custody of the court under
 32 conditions determined by the court.

33 **(c) If the person placed in the custody of the court violates the**
 34 **conditions of custody, the court may enter a judgment of conviction.**
 35 **However, if the person fulfills the conditions of the custody, the court**
 36 **shall dismiss the charges against the person.**

37 **(d) There may be only one (1) dismissal under this section with**
 38 **respect to a person.**

39 SECTION 3. IC 7.1-5-7-8, AS AMENDED BY P.L.159-2014,
 40 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2019]: Sec. 8. **(a) Subject to IC 7.1-5-1-6.5, it is a Class B**
 42 **misdemeanor for a person to:**



- 1 (1) recklessly, knowingly, or intentionally sell, barter, exchange,
2 provide, or furnish an alcoholic beverage to a minor; or
3 (2) knowingly or intentionally:
4 (A) rent property; or
5 (B) provide or arrange for the use of property;
6 for the purpose of allowing or enabling a minor to consume an
7 alcoholic beverage on the property.
8 (b) However, the offense described in subsection (a) is:
9 (1) a Class A misdemeanor if the person has a prior unrelated
10 conviction under this section; and
11 (2) a Level 6 felony if the consumption, ingestion, or use of the
12 alcoholic beverage is the proximate cause of the serious bodily
13 injury or death of any person.
14 (c) This section shall not be construed to impose civil liability upon
15 any postsecondary educational institution, including public and private
16 universities and colleges, business schools, vocational schools, and
17 schools for continuing education, or its agents for injury to any person
18 or property sustained in consequence of a violation of this section
19 unless the institution or its agent:
20 (1) sells, barter, exchanges, provides, or furnishes an alcoholic
21 beverage to a minor; or
22 (2) either:
23 (A) rents property; or
24 (B) provides or arranges for the use of property;
25 for the purpose of allowing or enabling a minor to consume an
26 alcoholic beverage on the property.

