

SENATE BILL No. 299

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-38-2.6-3; IC 35-44.1-3-3.

Synopsis: Public safety matters. Provides that a person who refuses to follow the lawful commands of a law enforcement officer to move a specified reasonable distance away from the scene of an active investigation commits a Class B misdemeanor. Establishes a defense if the order: (1) is unreasonable under the circumstances; or (2) would endanger the person. Permits a person to be placed in a community corrections program even if the person's sentence is suspendible.

Effective: July 1, 2023.

Rogers

January 12, 2023, read first time and referred to Committee on Corrections and Criminal Law.



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 BILL No. 299

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 35-38-2.6-3, AS AMENDED BY P.L.45-2022,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 3. (a) The court may, at the time of sentencing,
4 suspend any portion of the sentence and order a person to be placed in
5 a community corrections program as an alternative to commitment to
6 the department of correction. ~~for the part of the sentence which must~~
7 ~~be executed under IC 35-50-2-2.1 or IC 35-50-2-2.2.~~ The court may
8 impose reasonable terms on the placement or require the director of the
9 community corrections program to impose reasonable terms on the
10 placement. A court shall require a person:
11 (1) who is described in IC 10-13-6-10(a);
12 (2) who has not previously provided a DNA sample in accordance
13 with IC 10-13-6; and
14 (3) whose sentence does not involve a commitment to the
15 department of correction;
16 to provide a DNA sample as a term of placement.
17 (b) Placement in a community corrections program under this



1 chapter is subject to the availability of residential beds or electronic
 2 monitoring units in a community corrections program. However, this
 3 subsection does not prohibit placement on home detention without
 4 electronic monitoring.

5 (c) A person placed under this chapter is responsible for the person's
 6 own medical care while in the placement program.

7 (d) The community corrections program shall have access to and use
 8 an offender's written presentence report or memorandum from a county
 9 probation agency, if applicable, when determining the offender's
 10 eligibility for placement.

11 SECTION 2. IC 35-44.1-3-3, AS ADDED BY P.L.126-2012,
 12 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2023]: Sec. 3. **(a)** A person who, when ordered by a law
 14 enforcement officer to:

15 **(1)** assist the officer; **or**

16 **(2) move a specified reasonable distance away from the scene
 17 of an active investigation;**

18 **while the officer is engaged** in the execution of the officer's **official**
 19 duties, knowingly or intentionally, and without a reasonable cause,
 20 refuses to assist **or follow the order** commits refusal to aid an officer,
 21 a Class B misdemeanor.

22 **(b) It is a defense to a prosecution under subsection (a) that the
 23 order:**

24 **(1) is unreasonable under the circumstances; or**

25 **(2) would endanger the person.**

