

# SENATE BILL No. 432

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-42-2-1.

**Synopsis:** Battery against a bailiff or special deputy. Adds a bailiff of any court and a special deputy to the definition of "public safety official" for purposes of the battery statute.

**Effective:** July 1, 2018.

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January 10, 2018, read first time and referred to Committee on Corrections and Criminal Law.

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Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

# SENATE BILL No. 432

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 35-42-2-1, AS AMENDED BY P.L.65-2016,  
2 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2018]: Sec. 1. (a) As used in this section, "public safety  
4 official" means:  
5 (1) a law enforcement officer, including an alcoholic beverage  
6 enforcement officer;  
7 (2) an employee of a penal facility or a juvenile detention facility  
8 (as defined in IC 31-9-2-71);  
9 (3) an employee of the department of correction;  
10 (4) a probation officer;  
11 (5) a parole officer;  
12 (6) a community corrections worker;  
13 (7) a home detention officer;  
14 (8) a department of child services employee;  
15 (9) a firefighter;  
16 (10) an emergency medical services provider; ~~or~~  
17 (11) a judicial officer;



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



- 1 disability, whether the care is assumed voluntarily or because of  
 2 a legal obligation.
- 3 (5) The offense is committed against an endangered adult (as  
 4 defined in IC 12-10-3-2).
- 5 (6) The offense:
- 6 (A) is committed against a member of a foster family home (as  
 7 defined in IC 35-31.5-2-139.3) by a person who is not a  
 8 resident of the foster family home if the person who committed  
 9 the offense is a relative of a person who lived in the foster  
 10 family home at the time of the offense; and
- 11 (B) results in bodily injury to the member of the foster family.
- 12 (f) The offense described in subsection (c)(2) is a Level 6 felony if  
 13 the person knew or recklessly failed to know that the bodily fluid or  
 14 waste placed on another person was infected with hepatitis,  
 15 tuberculosis, or human immunodeficiency virus.
- 16 (g) The offense described in subsection (c)(1) or (c)(2) is a Level 5  
 17 felony if one (1) or more of the following apply:
- 18 (1) The offense results in serious bodily injury to another person.  
 19 (2) The offense is committed with a deadly weapon.  
 20 (3) The offense results in bodily injury to a pregnant woman if the  
 21 person knew of the pregnancy.
- 22 (4) The person has a previous conviction for a battery offense:  
 23 (A) included in this chapter against the same victim; or  
 24 (B) against the same victim in any other jurisdiction, including  
 25 a military court, in which the elements of the crime for which  
 26 the conviction was entered are substantially similar to the  
 27 elements of a battery offense included in this chapter.
- 28 (5) The offense results in bodily injury to one (1) or more of the  
 29 following:
- 30 (A) A public safety official while the official is engaged in the  
 31 official's official duties.
- 32 (B) A person less than fourteen (14) years of age if the offense  
 33 is committed by a person at least eighteen (18) years of age.
- 34 (C) A person who has a mental or physical disability if the  
 35 offense is committed by an individual having care of the  
 36 person with the disability, regardless of whether the care is  
 37 assumed voluntarily or because of a legal obligation.
- 38 (D) An endangered adult (as defined in IC 12-10-3-2).
- 39 (h) The offense described in subsection (c)(2) is a Level 5 felony if:  
 40 (1) the person knew or recklessly failed to know that the bodily  
 41 fluid or waste placed on another person was infected with  
 42 hepatitis, tuberculosis, or human immunodeficiency virus; and



- 1           (2) the person placed the bodily fluid or waste on a public safety
- 2           official.
- 3           (i) The offense described in subsection (c)(1) or (c)(2) is a Level 4
- 4           felony if it results in serious bodily injury to an endangered adult (as
- 5           defined in IC 12-10-3-2).
- 6           (j) The offense described in subsection (c)(1) or (c)(2) is a Level 3
- 7           felony if it results in serious bodily injury to a person less than fourteen
- 8           (14) years of age if the offense is committed by a person at least
- 9           eighteen (18) years of age.
- 10          (k) The offense described in subsection (c)(1) or (c)(2) is a Level 2
- 11          felony if it results in the death of one (1) or more of the following:
- 12           (1) A person less than fourteen (14) years of age if the offense is
- 13           committed by a person at least eighteen (18) years of age.
- 14           (2) An endangered adult (as defined in IC 12-10-3-2).

