

## SENATE BILL No. 3

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-31.5-2-177.7; IC 35-42-2-1; IC 35-47.

**Synopsis:** Judicial officers. Makes battery: (1) a Level 6 felony instead of a Class B misdemeanor if the offense is committed against certain judicial officers while the judicial officers are engaged in the judicial officers' official duties; and (2) a Level 5 felony instead of a Class B misdemeanor if the offense results in bodily injury to certain judicial officers while the judicial officers are engaged in the judicial officers' official duties or the person who committed the offense placed certain infected bodily fluids or wastes on certain judicial officers. Provides that certain judicial officers: (1) may possess and use a firearm in the same locations that a law enforcement officer who is authorized to carry a firearm may possess a firearm while the law enforcement officer is engaged in the execution of the law enforcement officer's official duties; and (2) may not be prohibited from possessing a firearm on land or in buildings and other structures owned or leased by the state or any agency of state government or a political subdivision. Specifies that a judicial officer who possesses and uses a firearm has the same civil and criminal immunities and defenses that a law enforcement officer has when the law enforcement officer: (1) possesses and uses a firearm; and (2) is engaged in the execution of the law enforcement officer's official duties.

**Effective:** July 1, 2014.

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January 6, 2014, read first time and referred to Committee on Corrections & Criminal Law.

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Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 3

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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 35-31.5-2-177.7 IS ADDED TO THE INDIANA  
2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2014]: **Sec. 177.7. "Judicial officer", for**  
4 **purposes of IC 35-42-2-1 and IC 35-47-16, means an individual**  
5 **who holds one (1) of the following offices or appointments:**  
6 (1) Justice of the supreme court.  
7 (2) Judge of the court of appeals.  
8 (3) Judge of the tax court.  
9 (4) Judge of a circuit court.  
10 (5) Judge of a superior court.  
11 (6) Judge of a probate court.  
12 (7) Judge of a city court.  
13 (8) Judge of a town court.  
14 (9) Judge of a small claims court.  
15 (10) A judge pro tempore, a senior judge, a temporary judge,  
16 or any other individual serving as judge in an action or a



1           **proceeding in an Indiana court.**

2           **(11) Magistrate.**

3           SECTION 2. IC 35-42-2-1, AS AMENDED BY P.L.158-2013,  
4           SECTION 420, IS AMENDED TO READ AS FOLLOWS  
5           [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) As used in this section,  
6           "public safety official" means:

- 7           (1) a law enforcement officer, including an alcoholic beverage  
8           enforcement officer;  
9           (2) an employee of a penal facility or a juvenile detention facility  
10           (as defined in IC 31-9-2-71);  
11           (3) an employee of the department of correction;  
12           (4) a probation officer;  
13           (5) a parole officer;  
14           (6) a community corrections worker;  
15           (7) a home detention officer;  
16           (8) a department of child services employee;  
17           (9) a firefighter; ~~or~~  
18           (10) an emergency medical services provider; **or**

19           **(11) a judicial officer.**

20           (b) Except as provided in subsections (c) through (j), a person who  
21           knowingly or intentionally:

- 22           (1) touches another person in a rude, insolent, or angry manner;  
23           or  
24           (2) in a rude, insolent, or angry manner places any bodily fluid or  
25           waste on another person;

26           commits battery, a Class B misdemeanor.

27           (c) The offense described in subsection (b)(1) or (b)(2) is a Class A  
28           misdemeanor if it results in bodily injury to any other person.

29           (d) The offense described in subsection (b)(1) or (b)(2) is a Level 6  
30           felony if one (1) or more of the following apply:

- 31           (1) The offense results in moderate bodily injury to any other  
32           person.  
33           (2) The offense is committed against a public safety official while  
34           the official is engaged in the official's official duty.  
35           (3) The offense is committed against a person less than fourteen  
36           (14) years of age and is committed by a person at least eighteen  
37           (18) years of age.  
38           (4) The offense is committed against a person of any age who has  
39           a mental or physical disability and is committed by a person  
40           having the care of the person with the mental or physical  
41           disability, whether the care is assumed voluntarily or because of  
42           a legal obligation.



- 1 (5) The offense is committed against an endangered adult (as  
2 defined in IC 12-10-3-2).
- 3 (6) The offense is committed against a family or household  
4 member (as defined in IC 35-31.5-2-128) if the person who  
5 committed the offense:
- 6 (A) is at least eighteen (18) years of age; and  
7 (B) committed the offense in the physical presence of a child  
8 less than sixteen (16) years of age, knowing that the child was  
9 present and might be able to see or hear the offense.
- 10 (e) The offense described in subsection (b)(2) is a Level 6 felony if  
11 the person knew or recklessly failed to know that the bodily fluid or  
12 waste placed on another person was infected with hepatitis,  
13 tuberculosis, or human immunodeficiency virus.
- 14 (f) The offense described in subsection (b)(1) or (b)(2) is a Level 5  
15 felony if one (1) or more of the following apply:
- 16 (1) The offense results in serious bodily injury to another person.  
17 (2) The offense is committed with a deadly weapon.  
18 (3) The offense results in bodily injury to a pregnant woman if the  
19 person knew of the pregnancy.  
20 (4) The person has a previous conviction for battery against the  
21 same victim.  
22 (5) The offense results in bodily injury to one (1) or more of the  
23 following:
- 24 (A) A public safety official while the official is engaged in the  
25 official's official duties.  
26 (B) A person less than fourteen (14) years of age if the offense  
27 is committed by a person at least eighteen (18) years of age.  
28 (C) A person who has a mental or physical disability if the  
29 offense is committed by an individual having care of the  
30 person with the disability, regardless of whether the care is  
31 assumed voluntarily or because of a legal obligation.  
32 (D) An endangered adult (as defined in IC 12-10-3-2).
- 33 (g) The offense described in subsection (b)(2) is a Level 5 felony if:  
34 (1) the person knew or recklessly failed to know that the bodily  
35 fluid or waste placed on another person was infected with  
36 hepatitis, tuberculosis, or human immunodeficiency virus; and  
37 (2) the person placed the bodily fluid or waste on a public safety  
38 official.
- 39 (h) The offense described in subsection (b)(1) or (b)(2) is a Level 4  
40 felony if it results in serious bodily injury to an endangered adult (as  
41 defined in IC 12-10-3-2).
- 42 (i) The offense described in subsection (b)(1) or (b)(2) is a Level 3



1 felony if it results in serious bodily injury to a person less than fourteen  
 2 (14) years of age if the offense is committed by a person at least  
 3 eighteen (18) years of age.

4 (j) The offense described in subsection (b)(1) or (b)(2) is a Level 2  
 5 felony if it results in the death of one (1) or more of the following:

6 (1) A person less than fourteen (14) years of age if the offense is  
 7 committed by a person at least eighteen (18) years of age.

8 (2) An endangered adult (as defined in IC 12-10-3-2).

9 SECTION 3. IC 35-47-11.1-4, AS AMENDED BY P.L.6-2012,  
 10 SECTION 232, IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2014]: Sec. 4. This chapter may not be  
 12 construed to prevent any of the following:

13 (1) A law enforcement agency of a political subdivision from  
 14 enacting and enforcing regulations pertaining to firearms,  
 15 ammunition, or firearm accessories issued to or used by law  
 16 enforcement officers in the course of their official duties.

17 (2) Subject to IC 34-28-7-2, an employer from regulating or  
 18 prohibiting the employees of the employer from carrying firearms  
 19 and ammunition in the course of the employee's official duties.

20 (3) A court or administrative law judge from hearing and  
 21 resolving any case or controversy or issuing any opinion or order  
 22 on a matter within the jurisdiction of the court or judge.

23 (4) The enactment or enforcement of generally applicable zoning  
 24 or business ordinances that apply to firearms businesses to the  
 25 same degree as other similar businesses. However, a provision of  
 26 an ordinance that is designed or enforced to effectively restrict or  
 27 prohibit the sale, purchase, transfer, manufacture, or display of  
 28 firearms, ammunition, or firearm accessories that is otherwise  
 29 lawful under the laws of this state is void. A unit (as defined in  
 30 IC 36-1-2-23) may not use the unit's planning and zoning powers  
 31 under IC 36-7-4 to prohibit the sale of firearms within a  
 32 prescribed distance of any other type of commercial property or  
 33 of school property or other educational property.

34 (5) **Subject to IC 35-47-16-1**, the enactment or enforcement of a  
 35 provision prohibiting or restricting the possession of a firearm in  
 36 any building that contains the courtroom of a circuit, superior,  
 37 city, town, or small claims court. However, if a portion of the  
 38 building is occupied by a residential tenant or private business,  
 39 any provision restricting or prohibiting the possession of a firearm  
 40 does not apply to the portion of the building that is occupied by  
 41 the residential tenant or private business, or to common areas of  
 42 the building used by a residential tenant or private business.



- 1 (6) The enactment or enforcement of a provision prohibiting or  
 2 restricting the intentional display of a firearm at a public meeting.  
 3 (7) The enactment or enforcement of a provision prohibiting or  
 4 restricting the possession of a firearm in a public hospital  
 5 corporation that contains a secure correctional health unit that is  
 6 staffed by a law enforcement officer twenty-four (24) hours a day.  
 7 (8) The imposition of any restriction or condition placed on a  
 8 person participating in:  
 9 (A) a community corrections program (IC 11-12-1);  
 10 (B) a forensic diversion program (IC 11-12-3.7); or  
 11 (C) a pretrial diversion program (IC 33-39-1).  
 12 (9) The enforcement or prosecution of the offense of criminal  
 13 recklessness (IC 35-42-2-2) involving the use of a firearm.  
 14 (10) For an event occurring on property leased from a political  
 15 subdivision or municipal corporation by the promoter or organizer  
 16 of the event:  
 17 (A) the establishment, by the promoter or organizer, at the  
 18 promoter's or organizer's own discretion, of rules of conduct or  
 19 admission upon which attendance at or participation in the  
 20 event is conditioned; or  
 21 (B) the implementation or enforcement of the rules of conduct  
 22 or admission described in clause (A) by a political subdivision  
 23 or municipal corporation in connection with the event.  
 24 (11) The enactment or enforcement of a provision prohibiting or  
 25 restricting the possession of a firearm in a hospital established  
 26 and operated under IC 16-22-2 or IC 16-23.  
 27 (12) A unit from using the unit's planning and zoning powers  
 28 under IC 36-7-4 to prohibit the sale of firearms within two  
 29 hundred (200) feet of a school by a person having a business that  
 30 did not sell firearms within two hundred (200) feet of a school  
 31 before April 1, 1994.  
 32 (13) **Subject to IC 35-47-16-1**, a unit (as defined in  
 33 IC 36-1-2-23) from enacting or enforcing a provision prohibiting  
 34 or restricting the possession of a firearm in a building owned or  
 35 administered by the unit if:  
 36 (A) metal detection devices are located at each public entrance  
 37 to the building;  
 38 (B) each public entrance to the building is staffed by at least  
 39 one (1) law enforcement officer:  
 40 (i) who has been adequately trained to conduct inspections  
 41 of persons entering the building by use of metal detection  
 42 devices and proper physical pat down searches; and



- 1 (ii) when the building is open to the public; and  
 2 (C) each:  
 3 (i) individual who enters the building through the public  
 4 entrance when the building is open to the public; and  
 5 (ii) bag, package, and other container carried by the  
 6 individual;  
 7 is inspected by a law enforcement officer described in clause  
 8 (B).  
 9 However, except as provided in subdivision (5) concerning a  
 10 building that contains a courtroom, a unit may not prohibit or  
 11 restrict the possession of a handgun under this subdivision in a  
 12 building owned or administered by the unit if the person who  
 13 possesses the handgun has been issued a valid license to carry the  
 14 handgun under IC 35-47-2.
- 15 SECTION 4. IC 35-47-16 IS ADDED TO THE INDIANA CODE  
 16 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2014]:
- 18 **Chapter 16. Possession of Firearms by Judicial Officers**  
 19 **Sec. 1. A judicial officer:**  
 20 (1) may possess and use a firearm in the same locations that  
 21 a law enforcement officer who is authorized to carry a  
 22 firearm under IC 5-2-1 may possess a firearm while the law  
 23 enforcement officer is engaged in the execution of the law  
 24 enforcement officer's official duties; and  
 25 (2) may not be prohibited from possessing a firearm on land  
 26 or in buildings and other structures owned or leased by:  
 27 (A) the state or any agency of state government; or  
 28 (B) a political subdivision (as defined in IC 3-5-2-38).
- 29 **Sec. 2. A judicial officer who possesses a firearm as described in**  
 30 **section 1 of this chapter has the same civil and criminal immunities**  
 31 **and defenses concerning possession and use of the firearm that a**  
 32 **law enforcement officer has when the law enforcement officer:**  
 33 (1) possesses and uses a firearm; and  
 34 (2) is engaged in the execution of the law enforcement officer's  
 35 official duties.

