

HOUSE BILL No. 1235

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-24-6-3; IC 35-42-2-1; IC 35-47.

Synopsis: Judicial officers and public safety officials. Provides that a person commits battery on a public safety official if the offense is committed due to the person's status or former status as a public safety official. (Under current law, a person commits the offense only if the official is acting in the person's official duty.) Exempts a person who retires from judicial office after at least 20 years of service or because of a disability from the payment of the fee for a license to carry a handgun. Permits a former judicial officer to possess and use a handgun in the same locations as a judicial officer, and requires the supreme court to annually issue an identification card to a former judicial officer.

Effective: July 1, 2019.

Cook, Torr

January 10, 2019, read first time and referred to Committee on Courts and Criminal Code.



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.

HOUSE BILL No. 1235

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 33-24-6-3, AS AMENDED BY P.L.161-2018,
2 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 3. (a) The office of judicial administration shall
4 do the following:
5 (1) Examine the administrative and business methods and systems
6 employed in the offices of the clerks of court and other offices
7 related to and serving the courts and make recommendations for
8 necessary improvement.
9 (2) Collect and compile statistical data and other information on
10 the judicial work of the courts in Indiana. All justices of the
11 supreme court, judges of the court of appeals, judges of all trial
12 courts, and any city or town courts, whether having general or
13 special jurisdiction, court clerks, court reporters, and other
14 officers and employees of the courts shall, upon notice by the
15 chief administrative officer and in compliance with procedures
16 prescribed by the chief administrative officer, furnish the chief
17 administrative officer the information as is requested concerning



1 the nature and volume of judicial business. The information must
2 include the following:

3 (A) The volume, condition, and type of business conducted by
4 the courts.

5 (B) The methods of procedure in the courts.

6 (C) The work accomplished by the courts.

7 (D) The receipt and expenditure of public money by and for
8 the operation of the courts.

9 (E) The methods of disposition or termination of cases.

10 (3) Prepare and publish reports, not less than one (1) or more than
11 two (2) times per year, on the nature and volume of judicial work
12 performed by the courts as determined by the information
13 required in subdivision (2).

14 (4) Serve the judicial nominating commission and the judicial
15 qualifications commission in the performance by the commissions
16 of their statutory and constitutional functions.

17 (5) Administer the civil legal aid fund as required by IC 33-24-12.

18 (6) Administer the court technology fund established by section
19 12 of this chapter.

20 (7) By December 31, 2013, develop and implement a standard
21 protocol for sending and receiving court data:

22 (A) between the protective order registry, established by
23 IC 5-2-9-5.5, and county court case management systems;

24 (B) at the option of the county prosecuting attorney, for:

25 (i) a prosecuting attorney's case management system;

26 (ii) a county court case management system; and

27 (iii) a county court case management system developed and
28 operated by the office of judicial administration;

29 to interface with the electronic traffic tickets, as defined by
30 IC 9-30-3-2.5; and

31 (C) between county court case management systems and the
32 case management system developed and operated by the office
33 of judicial administration.

34 The standard protocol developed and implemented under this
35 subdivision shall permit private sector vendors, including vendors
36 providing service to a local system and vendors accessing the
37 system for information, to send and receive court information on
38 an equitable basis and at an equitable cost.

39 (8) Establish and administer an electronic system for receiving
40 information that relates to certain individuals who may be
41 prohibited from possessing a firearm and transmitting this
42 information to the Federal Bureau of Investigation for inclusion



- 1 in the NICS.
 2 (9) Establish and administer an electronic system for receiving
 3 drug related felony conviction information from courts. The office
 4 of judicial administration shall notify NPLEx of each drug related
 5 felony entered after June 30, 2012, and do the following:
 6 (A) Provide NPLEx with the following information:
 7 (i) The convicted individual's full name.
 8 (ii) The convicted individual's date of birth.
 9 (iii) The convicted individual's driver's license number, state
 10 personal identification number, or other unique number, if
 11 available.
 12 (iv) The date the individual was convicted of the felony.
 13 Upon receipt of the information from the office of judicial
 14 administration, a stop sale alert must be generated through
 15 NPLEx for each individual reported under this clause.
 16 (B) Notify NPLEx if the felony of an individual reported under
 17 clause (A) has been:
 18 (i) set aside;
 19 (ii) reversed;
 20 (iii) expunged; or
 21 (iv) vacated.
 22 Upon receipt of information under this clause, NPLEx shall
 23 remove the stop sale alert issued under clause (A) for the
 24 individual.
 25 (10) Staff the judicial technology oversight committee established
 26 by IC 33-23-17-2.
 27 (11) After July 1, 2018, establish and administer an electronic
 28 system for receiving from courts felony conviction information for
 29 each felony described in IC 20-28-5-8(c). The office of judicial
 30 administration shall notify the department of education at least
 31 one (1) time each week of each felony described in
 32 IC 20-28-5-8(c) entered after July 1, 2018, and do the following:
 33 (A) Provide the department of education with the following
 34 information:
 35 (i) The convicted individual's full name.
 36 (ii) The convicted individual's date of birth.
 37 (iii) The convicted individual's driver's license number, state
 38 personal identification number, or other unique number, if
 39 available.
 40 (iv) The date the individual was convicted of the felony.
 41 (B) Notify the department of education if the felony of an
 42 individual reported under clause (A) has been:



- 1 (i) set aside;
 2 (ii) reversed; or
 3 (iii) vacated.
- 4 (12) Perform legal and administrative duties for the justices as
 5 determined by the justices.
- 6 (13) Provide staff support for the judicial conference of Indiana
 7 established in IC 33-38-9.
- 8 **(14) Issue the retired judicial officer identification card under**
 9 **IC 35-47-16-3.**
- 10 (b) All forms to be used in gathering data must be approved by the
 11 supreme court and shall be distributed to all judges and clerks before
 12 the start of each period for which reports are required.
- 13 (c) The office of judicial administration may adopt rules to
 14 implement this section.
- 15 SECTION 2. IC 35-42-2-1, AS AMENDED BY P.L.80-2018,
 16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2019]: Sec. 1. (a) As used in this section, "public safety
 18 official" means:
- 19 (1) a law enforcement officer, including an alcoholic beverage
 20 enforcement officer;
 21 (2) an employee of a penal facility or a juvenile detention facility
 22 (as defined in IC 31-9-2-71);
 23 (3) an employee of the department of correction;
 24 (4) a probation officer;
 25 (5) a parole officer;
 26 (6) a community corrections worker;
 27 (7) a home detention officer;
 28 (8) a department of child services employee;
 29 (9) a firefighter;
 30 (10) an emergency medical services provider;
 31 (11) a judicial officer;
 32 (12) a bailiff of any court; or
 33 (13) a special deputy (as described in IC 36-8-10-10.6).
- 34 (b) As used in this section, "relative" means an individual related by
 35 blood, half-blood, adoption, marriage, or remarriage, including:
- 36 (1) a spouse;
 37 (2) a parent or stepparent;
 38 (3) a child or stepchild;
 39 (4) a grandchild or stepgrandchild;
 40 (5) a grandparent or stepgrandparent;
 41 (6) a brother, sister, stepbrother, or stepsister;
 42 (7) a niece or nephew;



- 1 (8) an aunt or uncle;
 2 (9) a daughter-in-law or son-in-law;
 3 (10) a mother-in-law or father-in-law; or
 4 (11) a first cousin.
- 5 (c) Except as provided in subsections (d) through (k), a person who
 6 knowingly or intentionally:
 7 (1) touches another person in a rude, insolent, or angry manner;
 8 or
 9 (2) in a rude, insolent, or angry manner places any bodily fluid or
 10 waste on another person;
 11 commits battery, a Class B misdemeanor.
- 12 (d) The offense described in subsection (c)(1) or (c)(2) is a Class A
 13 misdemeanor if it:
 14 (1) results in bodily injury to any other person; or
 15 (2) is committed against a member of a foster family home (as
 16 defined in IC 35-31.5-2-139.3) by a person who is not a resident
 17 of the foster family home if the person who committed the offense
 18 is a relative of a person who lived in the foster family home at the
 19 time of the offense.
- 20 (e) The offense described in subsection (c)(1) or (c)(2) is a Level 6
 21 felony if one (1) or more of the following apply:
 22 (1) The offense results in moderate bodily injury to any other
 23 person.
 24 (2) The offense is committed against a public safety official **due**
 25 **to the person's status or former status as a public safety**
 26 **official, or** while the official is engaged in the official's official
 27 duty.
 28 (3) The offense is committed against a person less than fourteen
 29 (14) years of age and is committed by a person at least eighteen
 30 (18) years of age.
 31 (4) The offense is committed against a person of any age who has
 32 a mental or physical disability and is committed by a person
 33 having the care of the person with the mental or physical
 34 disability, whether the care is assumed voluntarily or because of
 35 a legal obligation.
 36 (5) The offense is committed against an endangered adult (as
 37 defined in IC 12-10-3-2).
 38 (6) The offense:
 39 (A) is committed against a member of a foster family home (as
 40 defined in IC 35-31.5-2-139.3) by a person who is not a
 41 resident of the foster family home if the person who committed
 42 the offense is a relative of a person who lived in the foster



- 1 family home at the time of the offense; and
- 2 (B) results in bodily injury to the member of the foster family.
- 3 (f) The offense described in subsection (c)(2) is a Level 6 felony if
- 4 the person knew or recklessly failed to know that the bodily fluid or
- 5 waste placed on another person was infected with hepatitis,
- 6 tuberculosis, or human immunodeficiency virus.
- 7 (g) The offense described in subsection (c)(1) or (c)(2) is a Level 5
- 8 felony if one (1) or more of the following apply:
- 9 (1) The offense results in serious bodily injury to another person.
- 10 (2) The offense is committed with a deadly weapon.
- 11 (3) The offense results in bodily injury to a pregnant woman if the
- 12 person knew of the pregnancy.
- 13 (4) The person has a previous conviction for a battery offense:
- 14 (A) included in this chapter against the same victim; or
- 15 (B) against the same victim in any other jurisdiction, including
- 16 a military court, in which the elements of the crime for which
- 17 the conviction was entered are substantially similar to the
- 18 elements of a battery offense included in this chapter.
- 19 (5) The offense results in bodily injury to one (1) or more of the
- 20 following:
- 21 (A) A public safety official:
- 22 (i) while the official is engaged in the official's official
- 23 duties; or
- 24 (ii) **if the offense is committed against the public safety**
- 25 **official due to the person's status or former status as a**
- 26 **public safety official.**
- 27 (B) A person less than fourteen (14) years of age if the offense
- 28 is committed by a person at least eighteen (18) years of age.
- 29 (C) A person who has a mental or physical disability if the
- 30 offense is committed by an individual having care of the
- 31 person with the disability, regardless of whether the care is
- 32 assumed voluntarily or because of a legal obligation.
- 33 (D) An endangered adult (as defined in IC 12-10-3-2).
- 34 (h) The offense described in subsection (c)(2) is a Level 5 felony if:
- 35 (1) the person knew or recklessly failed to know that the bodily
- 36 fluid or waste placed on another person was infected with
- 37 hepatitis, tuberculosis, or human immunodeficiency virus; and
- 38 (2) the person placed the bodily fluid or waste on a public safety
- 39 official.
- 40 (i) The offense described in subsection (c)(1) or (c)(2) is a Level 4
- 41 felony if it results in serious bodily injury to an endangered adult (as
- 42 defined in IC 12-10-3-2).



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

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

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

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

10 SECTION 3. IC 35-47-2-4, AS AMENDED BY P.L.17-2017,
 11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2019]: Sec. 4. (a) Licenses to carry handguns shall be either
 13 qualified or unlimited, and are valid for:

14 (1) four (4) years from the date of issue in the case of a four (4)
 15 year license; or

16 (2) the life of the individual receiving the license in the case of a
 17 lifetime license.

18 A qualified license shall be issued for hunting and target practice. The
 19 superintendent may adopt rules imposing limitations on the use and
 20 carrying of handguns under a license when handguns are carried by a
 21 licensee as a condition of employment. Unlimited licenses shall be
 22 issued for the purpose of the protection of life and property.

23 (b) In addition to the application fee, the fee for:

24 (1) a qualified license shall be:

25 (A) five dollars (\$5) for a four (4) year qualified license;

26 (B) twenty-five dollars (\$25) for a lifetime qualified license
 27 from a person who does not currently possess a valid Indiana
 28 handgun license; or

29 (C) twenty dollars (\$20) for a lifetime qualified license from
 30 a person who currently possesses a valid Indiana handgun
 31 license; and

32 (2) an unlimited license shall be:

33 (A) thirty dollars (\$30) for a four (4) year unlimited license;

34 (B) seventy-five dollars (\$75) for a lifetime unlimited license
 35 from a person who does not currently possess a valid Indiana
 36 handgun license; or

37 (C) sixty dollars (\$60) for a lifetime unlimited license from a
 38 person who currently possesses a valid Indiana handgun
 39 license.

40 The superintendent shall charge a twenty dollar (\$20) fee for the
 41 issuance of a duplicate license to replace a lost or damaged license.
 42 These fees shall be deposited in accordance with subsection (f).



1 (c) Licensed dealers are exempt from the payment of fees specified
2 in subsection (b) for a qualified license or an unlimited license.

3 (d) The following officers, ~~of this state~~ **whether employed by the**
4 **state (including a political subdivision) or by** the United States, who
5 have been honorably retired by a lawfully created pension board or its
6 equivalent after at least twenty (20) years of service or because of a
7 disability **(in the case of an officer described in subdivisions (1)**
8 **through (4)), or who have retired from judicial office after at least**
9 **twenty (20) years of service or because of a disability (in the case**
10 **of a person described in subdivision (5))**, are exempt from the
11 payment of fees specified in subsection (b):

- 12 (1) Police officers.
- 13 (2) Sheriffs or their deputies.
- 14 (3) Law enforcement officers.
- 15 (4) Correctional officers.

16 **(5) Judicial officers.**

17 (e) The following officers described in section 3(e) of this chapter
18 who have at least twenty (20) years of service are exempt from the
19 payment of fees for a lifetime qualified license or a lifetime unlimited
20 license specified in subsection (b):

- 21 (1) Police officers.
- 22 (2) Sheriffs or their deputies.
- 23 (3) Law enforcement officers of the United States government.

24 (f) Fees collected under this section shall be deposited in the state
25 general fund.

26 (g) The superintendent may not issue a lifetime qualified license or
27 a lifetime unlimited license to a person who is a resident of another
28 state. The superintendent may issue a four (4) year qualified license or
29 a four (4) year unlimited license to a person who is a resident of
30 another state and who has a regular place of business or employment
31 in Indiana as described in section 3(a)(3) of this chapter.

32 (h) A person who knowingly or intentionally violates this section
33 commits a Class B misdemeanor.

34 SECTION 4. IC 35-47-16-1, AS ADDED BY P.L.147-2014,
35 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2019]: Sec. 1. A judicial officer **or former judicial officer:**

- 37 (1) may possess and use a firearm in the same locations that a law
38 enforcement officer who is authorized to carry a firearm under
39 IC 5-2-1 may possess a firearm while the law enforcement officer
40 is engaged in the execution of the law enforcement officer's
41 official duties; and
- 42 (2) may not be prohibited from possessing a firearm on land or in



1 buildings and other structures owned or leased by:

2 (A) the state or any agency of state government; or

3 (B) a political subdivision (as defined in IC 3-5-2-38).

4 SECTION 5. IC 35-47-16-2, AS ADDED BY P.L.147-2014,
5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2019]: Sec. 2. A judicial officer **or former judicial officer**
7 who possesses a firearm as described in section 1 of this chapter has
8 the same civil and criminal immunities and defenses concerning
9 possession and use of the firearm that a law enforcement officer has
10 when the law enforcement officer:

11 (1) possesses and uses a firearm; and

12 (2) is engaged in the execution of the law enforcement officer's
13 official duties.

14 SECTION 6. IC 35-47-16-3 IS ADDED TO THE INDIANA CODE
15 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 2019]: **Sec. 3. (a) The supreme court office of judicial
17 administration shall annually issue to each person who has retired
18 from judicial office:**

19 (1) after at least twenty (20) years of service; or

20 (2) because of a disability;

21 **a photographic identification card.**

22 (b) The identification card shall:

23 (1) state that the person is a retired judicial officer;

24 (2) include a photograph of the retired judicial officer taken
25 within the previous five (5) years; and

26 (3) include any additional information as determined by the
27 supreme court.

28 (c) The supreme court shall establish the application,
29 verification, and issuance procedure for the identification card.

30 (d) The identification card shall be issued at no cost to the
31 retired judicial officer.

