



# SENATE MOTION

**MR. PRESIDENT:**

**I move** that Senate Bill 324 be amended to read as follows:

- 1           Page 10, between lines 21 and 22, begin a new paragraph and insert:  
2           "SECTION 7. IC 35-44.1-3-1, AS AMENDED BY P.L.141-2024,  
3           SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2025]: Sec. 1. (a) A person who knowingly or intentionally:  
5           (1) forcibly resists, obstructs, or interferes with a law enforcement  
6           officer or a person assisting the officer while the officer is  
7           lawfully engaged in the execution of the officer's duties;  
8           (2) forcibly resists, obstructs, or interferes with the authorized  
9           service or execution of a civil or criminal process or order of a  
10          court; or  
11          (3) flees from a law enforcement officer after the officer has, by  
12          visible or audible means, including operation of the law  
13          enforcement officer's siren or emergency lights, identified himself  
14          or herself and ordered the person to stop;  
15          commits resisting law enforcement, a Class A misdemeanor, except as  
16          provided in subsection (c).  
17          (b) A person who, having been denied entry by a firefighter, an  
18          emergency medical services provider, or a law enforcement officer,  
19          knowingly or intentionally enters an area that is marked off with barrier  
20          tape or other physical barriers, commits interfering with public safety,  
21          a Class B misdemeanor, except as provided in subsection (c) or (k).  
22          (c) The offense under subsection (a) or (b) is a:  
23              (1) ~~Level 6~~ **Level 5** felony if:  
24                  (A) the person uses a vehicle to commit the offense; or  
25                  (B) while committing the offense, the person:  
26                      (i) draws or uses a deadly weapon;

- 1 (ii) inflicts bodily injury on or otherwise causes bodily injury  
 2 to another person; or  
 3 (iii) operates a vehicle in a manner that creates a substantial  
 4 risk of bodily injury to another person;
- 5 (2) ~~Level 5~~ **Level 4** felony if:
- 6 (A) while committing the offense, the person operates a  
 7 vehicle in a manner that causes serious bodily injury to another  
 8 person; or  
 9 (B) the person uses a vehicle to commit the offense and the  
 10 person has a prior unrelated conviction under this section  
 11 involving the use of a vehicle in the commission of the  
 12 offense;
- 13 (3) Level 3 felony if, while committing the offense, the person  
 14 operates a vehicle in a manner that causes the death or  
 15 catastrophic injury of another person; and
- 16 (4) Level 2 felony if, while committing any offense described in  
 17 subsection (a), the person operates a vehicle in a manner that  
 18 causes the death or catastrophic injury of a firefighter, an  
 19 emergency medical services provider, or a law enforcement  
 20 officer while the firefighter, emergency medical services provider,  
 21 or law enforcement officer is engaged in the firefighter's,  
 22 emergency medical services provider's, or officer's official duties.
- 23 (d) The offense under subsection (a) is a Level 6 felony if, while  
 24 committing an offense under:
- 25 (1) subsection (a)(1) or (a)(2), the person:
- 26 (A) creates a substantial risk of bodily injury to the person or  
 27 another person; and  
 28 (B) has two (2) or more prior unrelated convictions under  
 29 subsection (a); or
- 30 (2) subsection (a)(3), the person has two (2) or more prior  
 31 unrelated convictions under subsection (a).
- 32 (e) If a person uses a vehicle to commit a felony offense under  
 33 subsection (c)(1)(B), (c)(2), (c)(3), or (c)(4), as part of the criminal  
 34 penalty imposed for the offense, the court shall impose a minimum  
 35 executed sentence of at least:
- 36 (1) thirty (30) days, if the person does not have a prior unrelated  
 37 conviction under this section;
- 38 (2) one hundred eighty (180) days, if the person has one (1) prior  
 39 unrelated conviction under this section; or
- 40 (3) one (1) year, if the person has two (2) or more prior unrelated  
 41 convictions under this section.
- 42 (f) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory  
 43 minimum sentence imposed under subsection (e) may not be  
 44 suspended.
- 45 (g) If a person is convicted of an offense involving the use of a  
 46 motor vehicle under:

1 (1) subsection (c)(1)(A), if the person exceeded the speed limit by  
 2 at least twenty (20) miles per hour while committing the offense;  
 3 (2) subsection (c)(2); or  
 4 (3) subsection (c)(3);  
 5 the court may notify the bureau of motor vehicles to suspend or revoke  
 6 the person's driver's license in accordance with IC 9-30-4-6.1(b) for the  
 7 period described in IC 9-30-4-6.1(d)(1) or IC 9-30-4-6.1(d)(2). The  
 8 court shall inform the bureau whether the person has been sentenced  
 9 to a term of incarceration. At the time of conviction, the court may  
 10 obtain the person's current driver's license and return the license to the  
 11 bureau of motor vehicles.

12 (h) A person may not be charged or convicted of a crime under  
 13 subsection (a)(3) if the law enforcement officer is a school resource  
 14 officer acting in the officer's capacity as a school resource officer.

15 (i) A person who commits an offense described in subsection (c)  
 16 commits a separate offense for each person whose bodily injury,  
 17 serious bodily injury, catastrophic injury, or death is caused by a  
 18 violation of subsection (c).

19 (j) A court may order terms of imprisonment imposed on a person  
 20 convicted of more than one (1) offense described in subsection (c) to  
 21 run consecutively. Consecutive terms of imprisonment imposed under  
 22 this subsection are not subject to the sentencing restrictions set forth in  
 23 IC 35-50-1-2(c) through IC 35-50-1-2(d).

24 (k) As used in this subsection, "family member" means a child,  
 25 grandchild, parent, grandparent, or spouse of the person. It is a defense  
 26 to a prosecution under subsection (b) that the person reasonably  
 27 believed that the person's family member:  
 28 (1) was in the marked off area; and  
 29 (2) had suffered bodily injury or was at risk of suffering bodily  
 30 injury;  
 31 if the person is not charged as a defendant in connection with the  
 32 offense, if applicable, that caused the area to be secured by barrier tape  
 33 or other physical barriers."

34 Page 11, line 30, after "Level 3 felony," insert "**Level 4 felony**".  
 35 Renumber all SECTIONS consecutively.  
 (Reference is to SB 324 as printed February 14, 2025.)

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Senator BALDWIN