

HOUSE BILL No. 1115

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2-135; IC 35-44.1-3-1.

Synopsis: Interfering with public safety. Provides that a person who enters a marked off area after having been denied entry by a firefighter commits interfering with public safety. (Under current law, the offense is committed only if the person is denied entry by an emergency medical services provider or a law enforcement officer.)

Effective: July 1, 2021.

Miller D, Frye R

January 7, 2021, read first time and referred to Committee on Veterans Affairs and Public Safety.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1115

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 35-31.5-2-135, AS AMENDED BY P.L.158-2013,
2 SECTION 371, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2021]: Sec. 135. "Firefighter", for purposes of
4 **IC 35-44.1-3 and IC 35-44.1-4**, has the meaning set forth in
5 IC 35-44.1-4-3.

6 SECTION 2. IC 35-44.1-3-1, AS AMENDED BY THE
7 TECHNICAL CORRECTIONS BILL OF THE 2021 GENERAL
8 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2021]: Sec. 1. (a) A person who knowingly or intentionally:

10 (1) forcibly resists, obstructs, or interferes with a law enforcement
11 officer or a person assisting the officer while the officer is
12 lawfully engaged in the execution of the officer's duties;

13 (2) forcibly resists, obstructs, or interferes with the authorized
14 service or execution of a civil or criminal process or order of a
15 court; or

16 (3) flees from a law enforcement officer after the officer has, by
17 visible or audible means, including operation of the law



1 enforcement officer's siren or emergency lights, identified himself
 2 or herself and ordered the person to stop;
 3 commits resisting law enforcement, a Class A misdemeanor, except as
 4 provided in subsection (c).

5 (b) A person who, having been denied entry by a **firefighter**, an
 6 emergency medical services provider, or a law enforcement officer,
 7 knowingly or intentionally enters an area that is marked off with barrier
 8 tape or other physical barriers, commits interfering with public safety,
 9 a Class B misdemeanor, except as provided in subsection (c) or (k).

10 (c) The offense under subsection (a) or (b) is a:

11 (1) Level 6 felony if:

12 (A) the person uses a vehicle to commit the offense; or

13 (B) while committing the offense, the person draws or uses a
 14 deadly weapon, inflicts bodily injury on or otherwise causes
 15 bodily injury to another person, or operates a vehicle in a
 16 manner that creates a substantial risk of bodily injury to
 17 another person;

18 (2) Level 5 felony if, while committing the offense, the person
 19 operates a vehicle in a manner that causes serious bodily injury to
 20 another person;

21 (3) Level 3 felony if, while committing the offense, the person
 22 operates a vehicle in a manner that causes the death or
 23 catastrophic injury of another person; and

24 (4) Level 2 felony if, while committing any offense described in
 25 subsection (a), the person operates a vehicle in a manner that
 26 causes the death or catastrophic injury of a **firefighter**, an
 27 emergency medical services provider, or a law enforcement
 28 officer while the **firefighter**, emergency medical services
 29 provider, or law enforcement officer is engaged in the
 30 **firefighter's**, emergency medical services provider's, or officer's
 31 official duties.

32 (d) The offense under subsection (a) is a Level 6 felony if, while
 33 committing an offense under:

34 (1) subsection (a)(1) or (a)(2), the person:

35 (A) creates a substantial risk of bodily injury to the person or
 36 another person; and

37 (B) has two (2) or more prior unrelated convictions under
 38 subsection (a); or

39 (2) subsection (a)(3), the person has two (2) or more prior
 40 unrelated convictions under subsection (a).

41 (e) If a person uses a vehicle to commit a felony offense under
 42 subsection (c)(1)(B), (c)(2), (c)(3), or (c)(4), as part of the criminal



1 penalty imposed for the offense, the court shall impose a minimum
2 executed sentence of at least:

3 (1) thirty (30) days, if the person does not have a prior unrelated
4 conviction under this section;

5 (2) one hundred eighty (180) days, if the person has one (1) prior
6 unrelated conviction under this section; or

7 (3) one (1) year, if the person has two (2) or more prior unrelated
8 convictions under this section.

9 (f) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory
10 minimum sentence imposed under subsection (e) may not be
11 suspended.

12 (g) If a person is convicted of an offense involving the use of a
13 motor vehicle under:

14 (1) subsection (c)(1)(A), if the person exceeded the speed limit by
15 at least twenty (20) miles per hour while committing the offense;

16 (2) subsection (c)(2); or

17 (3) subsection (c)(3);

18 the court may notify the bureau of motor vehicles to suspend or revoke
19 the person's driver's license and all certificates of registration and
20 license plates issued or registered in the person's name in accordance
21 with ~~IC 9-30-4-6.1(b)(3)~~ **IC 9-30-4-6.1(b)** for the period described in
22 IC 9-30-4-6.1(d)(1) or IC 9-30-4-6.1(d)(2). The court shall inform the
23 bureau whether the person has been sentenced to a term of
24 incarceration. At the time of conviction, the court may obtain the
25 person's current driver's license and return the license to the bureau of
26 motor vehicles.

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

30 (i) A person who commits an offense described in subsection (c)
31 commits a separate offense for each person whose bodily injury,
32 serious bodily injury, catastrophic injury, or death is caused by a
33 violation of subsection (c).

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

39 (k) As used in this subsection, "family member" means a child,
40 grandchild, parent, grandparent, or spouse of the person. It is a defense
41 to a prosecution under subsection (b) that the person reasonably
42 believed that the person's family member:



1 (1) was in the marked off area; and
2 (2) had suffered bodily injury or was at risk of suffering bodily
3 injury;
4 if the person is not charged as a defendant in connection with the
5 offense, if applicable, that caused the area to be secured by barrier tape
6 or other physical barriers.

