



April 9, 2021

ENGROSSED HOUSE BILL No. 1115

DIGEST OF HB 1115 (Updated April 6, 2021 12:09 pm - DI 106)

Citations Affected: IC 35-31.5; IC 35-44.1.

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.) Increases the penalty for obstruction of traffic under certain circumstances.

Effective: July 1, 2021.

Miller D, Frye R, Bartels, Andrade

(SENATE SPONSORS — ROGERS, YOUNG M, BALDWIN)

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

February 16, 2021, reported — Do Pass.

February 18, 2021, read second time, ordered engrossed. Engrossed.

February 22, 2021, read third time, passed. Yeas 93, nays 0.

SENATE ACTION

February 24, 2021, read first time and referred to Committee on Corrections and Criminal Law.

April 8, 2021, amended, reported favorably — Do Pass.

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April 9, 2021

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.

ENGROSSED 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 35-44.1-2-13, AS AMENDED BY P.L.188-2015,
7 SECTION 130, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) Except as provided in
9 subsection (b), a person who, with the intent to obstruct vehicular or
10 pedestrian traffic, obstructs vehicular or pedestrian traffic commits
11 obstruction of traffic, a Class B misdemeanor.
- 12 (b) The offense described in subsection (a) is:
13 (1) a Class A misdemeanor if the offense includes the use of a
14 motor vehicle; ~~and~~
15 (2) a Level 6 felony if:
16 (A) the offense results in serious bodily injury;
17 (B) **the person blocks an authorized emergency vehicle (as**

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1 defined in IC 9-13-2-6) while the vehicle is:

2 (i) responding to an emergency call;

3 (ii) in the pursuit of an actual or suspected violator of the
4 law; or

5 (iii) responding to, but not returning from, a fire alarm;
6 if the vehicle is using visible or audible signals as required
7 by law; or

8 (C) the person obstructs the entryway to a facility that
9 provides emergency medical services; and

10 (3) a Level 5 felony if the offense results in catastrophic bodily
11 injury or death.

12 (c) A person who unreasonably obstructs vehicular or pedestrian
13 traffic commits a Class C infraction.

14 (d) It is a defense to an action under subsection (c) that the
15 obstruction was caused by a vehicle malfunction.

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

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

23 (2) forcibly resists, obstructs, or interferes with the authorized
24 service or execution of a civil or criminal process or order of a
25 court; or

26 (3) flees from a law enforcement officer after the officer has, by
27 visible or audible means, including operation of the law
28 enforcement officer's siren or emergency lights, identified himself
29 or herself and ordered the person to stop;

30 commits resisting law enforcement, a Class A misdemeanor, except as
31 provided in subsection (c).

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

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

38 (1) Level 6 felony if:

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

40 (B) while committing the offense, the person draws or uses a
41 deadly weapon, inflicts bodily injury on or otherwise causes
42 bodily injury to another person, or operates a vehicle in a



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



1 (2) subsection (c)(2); or
 2 (3) subsection (c)(3);
 3 the court may notify the bureau of motor vehicles to suspend or revoke
 4 the person's driver's license and all certificates of registration and
 5 license plates issued or registered in the person's name in accordance
 6 with ~~IC 9-30-4-6.1(b)(3)~~ **IC 9-30-4-6.1(b)** for the period described in
 7 IC 9-30-4-6.1(d)(1) or IC 9-30-4-6.1(d)(2). The court shall inform the
 8 bureau whether the person has been sentenced to a term of
 9 incarceration. At the time of conviction, the court may obtain the
 10 person's current driver's license and return the license to the bureau of
 11 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.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1115, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1115 as introduced.)

FRYE R

Committee Vote: Yeas 12, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1115, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 2. IC 35-44.1-2-13, AS AMENDED BY P.L.188-2015, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) Except as provided in subsection (b), a person who, with the intent to obstruct vehicular or pedestrian traffic, obstructs vehicular or pedestrian traffic commits obstruction of traffic, a Class B misdemeanor.

(b) The offense described in subsection (a) is:

(1) a Class A misdemeanor if the offense includes the use of a motor vehicle; ~~and~~

(2) a Level 6 felony if:

(A) the offense results in serious bodily injury;

(B) the person blocks an authorized emergency vehicle (as defined in IC 9-13-2-6) while the vehicle is:

(i) responding to an emergency call;

(ii) in the pursuit of an actual or suspected violator of the law; or

(iii) responding to, but not returning from, a fire alarm; if the vehicle is using visible or audible signals as required by law; or

(C) the person obstructs the entryway to a facility that provides emergency medical services; and

(3) a Level 5 felony if the offense results in catastrophic bodily injury or death.

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(c) A person who unreasonably obstructs vehicular or pedestrian traffic commits a Class C infraction.

(d) It is a defense to an action under subsection (c) that the obstruction was caused by a vehicle malfunction."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1115 as printed February 16, 2021.)

YOUNG M, Chairperson

Committee Vote: Yeas 7, Nays 1.

