

# HOUSE BILL No. 1069

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## 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 against a current or former public safety official: (1) while the official is engaged in the official's official duty; or (2) in retaliation for the official having engaged in the official's official duty. (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, 2020.

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January 6, 2020, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

# HOUSE BILL No. 1069

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.207-2019,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2020]: 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) Work with the United States Department of Veterans Affairs  
 9 to identify and address the needs of veterans in the court system.
- 10 **(15) Issue the retired judicial officer identification card under**  
 11 **IC 35-47-16-3.**
- 12 (b) All forms to be used in gathering data must be approved by the  
 13 supreme court and shall be distributed to all judges and clerks before  
 14 the start of each period for which reports are required.
- 15 (c) The office of judicial administration may adopt rules to  
 16 implement this section.
- 17 SECTION 2. IC 35-42-2-1, AS AMENDED BY P.L.80-2018,  
 18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2020]: Sec. 1. (a) As used in this section, "public safety  
 20 official" means:
- 21 (1) a law enforcement officer, including an alcoholic beverage  
 22 enforcement officer;  
 23 (2) an employee of a penal facility or a juvenile detention facility  
 24 (as defined in IC 31-9-2-71);  
 25 (3) an employee of the department of correction;  
 26 (4) a probation officer;  
 27 (5) a parole officer;  
 28 (6) a community corrections worker;  
 29 (7) a home detention officer;  
 30 (8) a department of child services employee;  
 31 (9) a firefighter;  
 32 (10) an emergency medical services provider;  
 33 (11) a judicial officer;  
 34 (12) a bailiff of any court; or  
 35 (13) a special deputy (as described in IC 36-8-10-10.6).
- 36 (b) As used in this section, "relative" means an individual related by  
 37 blood, half-blood, adoption, marriage, or remarriage, including:
- 38 (1) a spouse;  
 39 (2) a parent or stepparent;  
 40 (3) a child or stepchild;  
 41 (4) a grandchild or stepgrandchild;  
 42 (5) a grandparent or stepgrandparent;



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



- 1 (A) is committed against a member of a foster family home (as  
 2 defined in IC 35-31.5-2-139.3) by a person who is not a  
 3 resident of the foster family home if the person who committed  
 4 the offense is a relative of a person who lived in the foster  
 5 family home at the time of the offense; and  
 6 (B) results in bodily injury to the member of the foster family.  
 7 (f) The offense described in subsection (c)(2) is a Level 6 felony if  
 8 the person knew or recklessly failed to know that the bodily fluid or  
 9 waste placed on another person was infected with hepatitis,  
 10 tuberculosis, or human immunodeficiency virus.  
 11 (g) The offense described in subsection (c)(1) or (c)(2) is a Level 5  
 12 felony if one (1) or more of the following apply:  
 13 (1) The offense results in serious bodily injury to another person.  
 14 (2) The offense is committed with a deadly weapon.  
 15 (3) The offense results in bodily injury to a pregnant woman if the  
 16 person knew of the pregnancy.  
 17 (4) The person has a previous conviction for a battery offense:  
 18 (A) included in this chapter against the same victim; or  
 19 (B) against the same victim in any other jurisdiction, including  
 20 a military court, in which the elements of the crime for which  
 21 the conviction was entered are substantially similar to the  
 22 elements of a battery offense included in this chapter.  
 23 (5) The offense results in bodily injury to one (1) or more of the  
 24 following:  
 25 (A) A public safety official:  
 26 (i) while the official is engaged in the official's official  
 27 duties; **or**  
 28 (ii) **in retaliation for lawful actions taken by the current**  
 29 **or former public safety official while engaged in the**  
 30 **official's official duties.**  
 31 (B) A person less than fourteen (14) years of age if the offense  
 32 is committed by a person at least eighteen (18) years of age.  
 33 (C) A person who has a mental or physical disability if the  
 34 offense is committed by an individual having care of the  
 35 person with the disability, regardless of whether the care is  
 36 assumed voluntarily or because of a legal obligation.  
 37 (D) An endangered adult (as defined in IC 12-10-3-2).  
 38 (h) The offense described in subsection (c)(2) is a Level 5 felony if:  
 39 (1) the person knew or recklessly failed to know that the bodily  
 40 fluid or waste placed on another person was infected with  
 41 hepatitis, tuberculosis, or human immunodeficiency virus; and  
 42 (2) the person placed the bodily fluid or waste on a public safety



1 official.

2 (i) The offense described in subsection (c)(1) or (c)(2) is a Level 4  
3 felony if it results in serious bodily injury to an endangered adult (as  
4 defined in IC 12-10-3-2).

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

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

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

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

14 SECTION 3. IC 35-47-2-4, AS AMENDED BY P.L.107-2019,  
15 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2020]: Sec. 4. (a) Licenses to carry handguns shall be either  
17 qualified or unlimited, and are valid for:

18 (1) five (5) years from the date of issue in the case of a five (5)  
19 year license; or

20 (2) the life of the individual receiving the license in the case of a  
21 lifetime license.

22 A qualified license shall be issued for hunting and target practice. An  
23 individual may separately apply for and simultaneously hold both a five  
24 (5) year license and a lifetime license. The superintendent may adopt  
25 rules imposing limitations on the use and carrying of handguns under  
26 a license when handguns are carried by a licensee as a condition of  
27 employment. Unlimited licenses shall be issued for the purpose of the  
28 protection of life and property.

29 (b) This subsection applies before July 1, 2020. In addition to the  
30 application fee, the fee for:

31 (1) a qualified license shall be:

32 (A) five dollars (\$5) for a five (5) year qualified license;

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

36 (C) twenty dollars (\$20) for a lifetime qualified license from  
37 a person who currently possesses a valid Indiana handgun  
38 license; and

39 (2) an unlimited license shall be:

40 (A) thirty dollars (\$30) for a five (5) year unlimited license;

41 (B) seventy-five dollars (\$75) for a lifetime unlimited license  
42 from a person who does not currently possess a valid Indiana



1 handgun license; or  
 2 (C) sixty dollars (\$60) for a lifetime unlimited license from a  
 3 person who currently possesses a valid Indiana handgun  
 4 license.

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

8 (c) This subsection applies after June 30, 2020. In addition to the  
 9 application fee, the fee for:

10 (1) a qualified license is:

11 (A) zero dollars (\$0) for a five (5) year qualified license;  
 12 (B) twenty-five dollars (\$25) for a lifetime qualified license  
 13 from a person who does not currently possess a valid Indiana  
 14 handgun license; and  
 15 (C) twenty dollars (\$20) for a lifetime qualified license from  
 16 a person who currently possesses a valid Indiana handgun  
 17 license; and

18 (2) an unlimited license is:

19 (A) zero dollars (\$0) for a five (5) year unlimited license;  
 20 (B) seventy-five dollars (\$75) for a lifetime unlimited license  
 21 from a person who does not currently possess a valid Indiana  
 22 handgun license; and  
 23 (C) sixty dollars (\$60) for a lifetime unlimited license from a  
 24 person who currently possesses a valid Indiana handgun  
 25 license.

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

29 (d) Licensed dealers are exempt from the payment of fees specified  
 30 in subsections (b) and (c) for a qualified license or an unlimited  
 31 license.

32 (e) The following officers, ~~of this state~~ **whether employed by the**  
 33 **state (including a political subdivision) or by the United States,** who  
 34 have been honorably retired by a lawfully created pension board or its  
 35 equivalent after at least twenty (20) years of service or because of a  
 36 disability **(in the case of an officer described in subdivisions (1)**  
 37 **through (4)), or who have retired from judicial office after at least**  
 38 **twenty (20) years of service or because of a disability (in the case**  
 39 **of a person described in subdivision (5)),** are exempt from the  
 40 payment of fees specified in subsections (b) and (c):

41 (1) Police officers.

42 (2) Sheriffs or their deputies.



1 (3) Law enforcement officers.

2 (4) Correctional officers.

3 **(5) Judicial officers.**

4 (f) The following officers described in section 3(f) of this chapter  
5 who have at least twenty (20) years of service are exempt from the  
6 payment of fees for a lifetime qualified license or a lifetime unlimited  
7 license specified in subsections (b) and (c):

8 (1) Police officers.

9 (2) Sheriffs or their deputies.

10 (3) Law enforcement officers of the United States government.

11 (g) Fees collected under this section shall be deposited in the state  
12 general fund.

13 (h) The superintendent may not issue a lifetime qualified license or  
14 a lifetime unlimited license to a person who is a resident of another  
15 state. The superintendent may issue a five (5) year qualified license or  
16 a five (5) year unlimited license to a person who is a resident of another  
17 state and who has a regular place of business or employment in Indiana  
18 as described in section 3(a)(3) of this chapter.

19 (i) A person who knowingly or intentionally violates this section  
20 commits a Class B misdemeanor.

21 SECTION 4. IC 35-47-16-1, AS ADDED BY P.L.147-2014,  
22 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2020]: Sec. 1. A judicial officer **or former judicial officer**:

24 (1) may possess and use a firearm in the same locations that a law  
25 enforcement officer who is authorized to carry a firearm under  
26 IC 5-2-1 may possess a firearm while the law enforcement officer  
27 is engaged in the execution of the law enforcement officer's  
28 official duties; and

29 (2) may not be prohibited from possessing a firearm on land or in  
30 buildings and other structures owned or leased by:

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

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

33 SECTION 5. IC 35-47-16-2, AS ADDED BY P.L.147-2014,  
34 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2020]: Sec. 2. A judicial officer **or former judicial officer**  
36 who possesses a firearm as described in section 1 of this chapter has  
37 the same civil and criminal immunities and defenses concerning  
38 possession and use of the firearm that a law enforcement officer has  
39 when the law enforcement officer:

40 (1) possesses and uses a firearm; and

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



1 SECTION 6. IC 35-47-16-3 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2020]: **Sec. 3. (a) The supreme court office of judicial  
4 administration shall annually issue to each person who has retired  
5 from judicial office:**

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

7 (2) because of a disability;

8 **a photographic identification card.**

9 **(b) The identification card shall:**

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

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

13 (3) include any additional information as determined by the  
14 supreme court.

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

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

