

IC 35-44.1

**ARTICLE 44.1. OFFENSES AGAINST GENERAL
PUBLIC ADMINISTRATION**

IC 35-44.1-1

Chapter 1. General Public Administration

IC 35-44.1-1-1

Official misconduct

Sec. 1. A public servant who knowingly or intentionally:

- (1) commits an offense in the performance of the public servant's official duties;
- (2) solicits, accepts, or agrees to accept from an appointee or employee any property other than what the public servant is authorized by law to accept as a condition of continued employment;
- (3) acquires or divests himself or herself of a pecuniary interest in any property, transaction, or enterprise or aids another person to do so based on information obtained by virtue of the public servant's office that official action that has not been made public is contemplated; or
- (4) fails to deliver public records and property in the public servant's custody to the public servant's successor in office when that successor qualifies;

commits official misconduct, a Level 6 felony.

As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.496.

IC 35-44.1-1-2

Bribery

Sec. 2. (a) A person who:

- (1) confers, offers, or agrees to confer on a public servant, either before or after the public servant becomes appointed, elected, or qualified, any property, except property the public servant is authorized by law to accept, with intent to control the performance of an act related to the employment or function of the public servant or because of any official act performed or to be performed by the public servant, former public servant, or person selected to be a public servant;
- (2) being a public servant, solicits, accepts, or agrees to accept, either before or after the person becomes appointed, elected, or qualified, any property, except property the person is authorized by law to accept, with intent to control the performance of an act related to the person's employment or function as a public servant;
- (3) confers, offers, or agrees to confer on a person any property, except property the person is authorized by law to accept, with intent to cause that person to control the performance of an act related to the employment or function of a public servant;
- (4) solicits, accepts, or agrees to accept any property, except

property the person is authorized by law to accept, with intent to control the performance of an act related to the employment or function of a public servant;

(5) confers, offers, or agrees to confer any property on a person participating or officiating in, or connected with, an athletic contest, sporting event, or exhibition, with intent that the person will fail to use the person's best efforts in connection with that contest, event, or exhibition;

(6) being a person participating in, officiating in, or connected with an athletic contest, sporting event, or exhibition, solicits, accepts, or agrees to accept any property with intent that the person will fail to use the person's best efforts in connection with that contest, event, or exhibition;

(7) being a witness or informant in an official proceeding or investigation, solicits, accepts, or agrees to accept any property, with intent to:

(A) withhold any testimony, information, document, or thing;

(B) avoid legal process summoning the person to testify or supply evidence; or

(C) absent the person from the proceeding or investigation to which the person has been legally summoned;

(8) confers, offers, or agrees to confer any property on a witness or informant in an official proceeding or investigation, with intent that the witness or informant:

(A) withhold any testimony, information, document, or thing;

(B) avoid legal process summoning the witness or informant to testify or supply evidence; or

(C) absent himself or herself from any proceeding or investigation to which the witness or informant has been legally summoned; or

(9) confers or offers or agrees to confer any property on an individual for:

(A) casting a ballot or refraining from casting a ballot; or

(B) voting for a political party, for a candidate, or for or against a public question;

in an election described in IC 3-5-1-2 or at a convention of a political party authorized under IC 3;

commits bribery, a Level 5 felony.

(b) It is not a defense that the person whom the accused person sought to control was not qualified to act in the desired way.

As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.497.

IC 35-44.1-1-3

Ghost employment

Sec. 3. (a) A public servant who knowingly or intentionally:

(1) hires an employee for the governmental entity that the public servant serves; and

(2) fails to assign to the employee any duties, or assigns to the employee any duties not related to the operation of the governmental entity;
commits ghost employment, a Level 6 felony.

(b) A public servant who knowingly or intentionally assigns to an employee under the public servant's supervision any duties not related to the operation of the governmental entity that the public servant serves commits ghost employment, a Level 6 felony.

(c) A person employed by a governmental entity who, knowing that the person has not been assigned any duties to perform for the entity, accepts property from the entity commits ghost employment, a Level 6 felony.

(d) A person employed by a governmental entity who knowingly or intentionally accepts property from the entity for the performance of duties not related to the operation of the entity commits ghost employment, a Level 6 felony.

(e) Any person who accepts property from a governmental entity in violation of this section and any public servant who permits the payment of property in violation of this section are jointly and severally liable to the governmental entity for that property. The attorney general may bring a civil action to recover that property in the county where the governmental entity is located or the person or public servant resides.

(f) For the purposes of this section, an employee of a governmental entity who voluntarily performs services:

(1) that do not:

(A) promote religion;

(B) attempt to influence legislation or governmental policy;
or

(C) attempt to influence elections to public office;

(2) for the benefit of:

(A) another governmental entity; or

(B) an organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;

(3) with the approval of the employee's supervisor; and

(4) in compliance with a policy or regulation that:

(A) is in writing;

(B) is issued by the executive officer of the governmental entity; and

(C) contains a limitation on the total time during any calendar year that the employee may spend performing the services during normal hours of employment;

is considered to be performing duties related to the operation of the governmental entity.

As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.498.

IC 35-44.1-1-4

Conflict of interest

Sec. 4. (a) The following definitions apply throughout this section:

- (1) "Dependent" means any of the following:
 - (A) The spouse of a public servant.
 - (B) A child, stepchild, or adoptee (as defined in IC 31-9-2-2) of a public servant who is:
 - (i) unemancipated; and
 - (ii) less than eighteen (18) years of age.
 - (C) An individual more than one-half (1/2) of whose support is provided during a year by the public servant.
- (2) "Governmental entity served by the public servant" means the immediate governmental entity being served by a public servant.
- (3) "Pecuniary interest" means an interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of:
 - (A) the public servant; or
 - (B) a dependent of the public servant who:
 - (i) is under the direct or indirect administrative control of the public servant; or
 - (ii) receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the public servant.

(b) A public servant who knowingly or intentionally:

- (1) has a pecuniary interest in; or
- (2) derives a profit from;

a contract or purchase connected with an action by the governmental entity served by the public servant commits conflict of interest, a Level 6 felony.

(c) It is not an offense under this section if any of the following apply:

- (1) The public servant or the public servant's dependent receives compensation through salary or an employment contract for:
 - (A) services provided as a public servant; or
 - (B) expenses incurred by the public servant as provided by law.
- (2) The public servant's interest in the contract or purchase and all other contracts and purchases made by the governmental entity during the twelve (12) months before the date of the contract or purchase was two hundred fifty dollars (\$250) or less.
- (3) The contract or purchase involves utility services from a utility whose rate structure is regulated by the state or federal government.
- (4) The public servant:
 - (A) acts in only an advisory capacity for a state supported college or university; and
 - (B) does not have authority to act on behalf of the college or university in a matter involving a contract or purchase.
- (5) A public servant under the jurisdiction of the state ethics commission (as provided in IC 4-2-6-2.5) obtains from the state

ethics commission, following full and truthful disclosure, written approval that the public servant will not or does not have a conflict of interest in connection with the contract or purchase under IC 4-2-6 and this section. The approval required under this subdivision must be:

- (A) granted to the public servant before action is taken in connection with the contract or purchase by the governmental entity served; or
 - (B) sought by the public servant as soon as possible after the contract is executed or the purchase is made and the public servant becomes aware of the facts that give rise to a question of conflict of interest.
- (6) A public servant makes a disclosure that meets the requirements of subsection (d) or (e) and is:
- (A) not a member or on the staff of the governing body empowered to contract or purchase on behalf of the governmental entity, and functions and performs duties for the governmental entity unrelated to the contract or purchase;
 - (B) appointed by an elected public servant;
 - (C) employed by the governing body of a school corporation and the contract or purchase involves the employment of a dependent or the payment of fees to a dependent;
 - (D) elected; or
 - (E) a member of, or a person appointed by, the board of trustees of a state supported college or university.
- (7) The public servant is a member of the governing board of, or is a physician employed or contracted by, a hospital organized or operated under IC 16-22-1 through IC 16-22-5 or IC 16-23-1.
- (d) A disclosure must:
- (1) be in writing;
 - (2) describe the contract or purchase to be made by the governmental entity;
 - (3) describe the pecuniary interest that the public servant has in the contract or purchase;
 - (4) be affirmed under penalty of perjury;
 - (5) be submitted to the governmental entity and be accepted by the governmental entity in a public meeting of the governmental entity before final action on the contract or purchase;
 - (6) be filed within fifteen (15) days after final action on the contract or purchase with:
 - (A) the state board of accounts; and
 - (B) if the governmental entity is a governmental entity other than the state or a state supported college or university, the clerk of the circuit court in the county where the governmental entity takes final action on the contract or purchase; and
 - (7) contain, if the public servant is appointed, the written approval of the elected public servant (if any) or the board of trustees of a state supported college or university (if any) that

appointed the public servant.

(e) This subsection applies only to a person who is a member of, or a person appointed by, the board of trustees of a state supported college or university. A person to whom this subsection applies complies with the disclosure requirements of this chapter with respect to the person's pecuniary interest in a particular type of contract or purchase which is made on a regular basis from a particular vendor if the individual files with the state board of accounts and the board of trustees a statement of pecuniary interest in that particular type of contract or purchase made with that particular vendor. The statement required by this subsection must be made on an annual basis.

As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.499.

IC 35-44.1-1-5

Profiteering from public service

Sec. 5. (a) As used in this section, "pecuniary interest" has the meaning set forth in section 4(a)(3) of this chapter.

(b) A person who knowingly or intentionally:

(1) obtains a pecuniary interest in a contract or purchase with an agency within one (1) year after separation from employment or other service with the agency; and

(2) is not a public servant for the agency but who as a public servant approved, negotiated, or prepared on behalf of the agency the terms or specifications of:

(A) the contract; or

(B) the purchase;

commits profiteering from public service, a Level 6 felony.

(c) This section does not apply to negotiations or other activities related to an economic development grant, loan, or loan guarantee.

(d) This section does not apply if the person receives less than two hundred fifty dollars (\$250) of the profits from the contract or purchase.

(e) It is a defense to a prosecution under this section that:

(1) the person was screened from any participation in the contract or purchase;

(2) the person has not received a part of the profits of the contract or purchase; and

(3) notice was promptly given to the agency of the person's interest in the contract or purchase.

As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.500.

IC 35-44.1-2

Chapter 2. Interference with General Government Operations

IC 35-44.1-2-1

Perjury

Sec. 1. (a) A person who:

- (1) makes a false, material statement under oath or affirmation, knowing the statement to be false or not believing it to be true; or
- (2) has knowingly made two (2) or more material statements, in a proceeding before a court or grand jury, which are inconsistent to the degree that one (1) of them is necessarily false;

commits perjury, a Level 6 felony.

(b) In a prosecution under subsection (a)(2):

- (1) the indictment or information need not specify which statement is actually false; and
- (2) the falsity of a statement may be established sufficiently for conviction by proof that the defendant made irreconcilably contradictory statements which are material to the point in question.

As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.501.

IC 35-44.1-2-2

Obstruction of justice

Sec. 2. (a) A person who:

- (1) knowingly or intentionally induces, by threat, coercion, false statement, or offer of goods, services, or anything of value, a witness or informant in an official proceeding or investigation to:

- (A) withhold or unreasonably delay in producing any testimony, information, document, or thing;
- (B) avoid legal process summoning the person to testify or supply evidence; or
- (C) absent the person from a proceeding or investigation to which the person has been legally summoned;

- (2) knowingly or intentionally in an official criminal proceeding or investigation:

- (A) withholds or unreasonably delays in producing any testimony, information, document, or thing after a court orders the person to produce the testimony, information, document, or thing;
- (B) avoids legal process summoning the person to testify or supply evidence; or
- (C) absents the person from a proceeding or investigation to which the person has been legally summoned;

- (3) alters, damages, or removes any record, document, or thing, with intent to prevent it from being produced or used as evidence in any official proceeding or investigation;

- (4) makes, presents, or uses a false record, document, or thing

with intent that the record, document, or thing, material to the point in question, appear in evidence in an official proceeding or investigation to mislead a public servant; or
(5) communicates, directly or indirectly, with a juror otherwise than as authorized by law, with intent to influence the juror regarding any matter that is or may be brought before the juror; commits obstruction of justice, a Level 6 felony.

(b) Subsection (a)(2)(A) does not apply to:

(1) a person who qualifies for a special privilege under IC 34-46-4 with respect to the testimony, information, document, or thing; or

(2) a person who, as:

(A) an attorney;

(B) a physician;

(C) a member of the clergy; or

(D) a husband or wife;

is not required to testify under IC 34-46-3-1.

As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.502.

IC 35-44.1-2-3

False reporting; false informing

Sec. 3. (a) As used in this section, "consumer product" has the meaning set forth in IC 35-45-8-1.

(b) As used in this section, "misconduct" means a violation of a departmental rule or procedure of a law enforcement agency.

(c) A person who reports, by telephone, telegraph, mail, or other written or oral communication, that:

(1) the person or another person has placed or intends to place an explosive, a destructive device, or other destructive substance in a building or transportation facility;

(2) there has been or there will be tampering with a consumer product introduced into commerce; or

(3) there has been or will be placed or introduced a weapon of mass destruction in a building or a place of assembly;

knowing the report to be false, commits false reporting, a Level 6 felony.

(d) A person who:

(1) gives a false report of the commission of a crime or gives false information in the official investigation of the commission of a crime, knowing the report or information to be false;

(2) gives a false alarm of fire to the fire department of a governmental entity, knowing the alarm to be false;

(3) makes a false request for ambulance service to an ambulance service provider, knowing the request to be false;

(4) gives a false report concerning a missing child (as defined in IC 10-13-5-4) or missing endangered adult (as defined in IC 12-7-2-131.3) or gives false information in the official investigation of a missing child or missing endangered adult knowing the report or information to be false;

(5) makes a complaint against a law enforcement officer to the state or municipality (as defined in IC 8-1-13-3(b)) that employs the officer:

(A) alleging the officer engaged in misconduct while performing the officer's duties; and

(B) knowing the complaint to be false;

(6) makes a false report of a missing person, knowing the report or information is false; or

(7) gives a false report of actions, behavior, or conditions concerning a septic tank soil absorption system under IC 8-1-2-125 or IC 13-26-5-2.5 knowing the report or information to be false;

commits false informing, a Class B misdemeanor. However, the offense is a Class A misdemeanor if it substantially hinders any law enforcement process or if it results in harm to another person.

As added by P.L.126-2012, SEC.54. Amended by P.L.292-2013, SEC.11; P.L.158-2013, SEC.503; P.L.168-2014, SEC.79.

IC 35-44.1-2-4

False identity statement

Sec. 4. (a) A person who:

(1) with intent to mislead public servants;

(2) in a five (5) year period; and

(3) in one (1) or more official proceedings or investigations;

has knowingly made at least two (2) material statements concerning the person's identity that are inconsistent to the degree that one (1) of them is necessarily false commits false identity statement, a Class A misdemeanor.

(b) It is a defense to a prosecution under this section that the material statements that are the basis of a prosecution under subsection (a) concerning the person's identity are accurate or were accurate in the past.

(c) In a prosecution under subsection (a):

(1) the indictment or information need not specify which statement is actually false; and

(2) the falsity of a statement may be established sufficiently for conviction by proof that the defendant made irreconcilably contradictory statements concerning the person's identity.

As added by P.L.126-2012, SEC.54.

IC 35-44.1-2-5

Assisting a criminal

Sec. 5. (a) A person not standing in the relation of parent, child, or spouse to another person who has committed a crime or is a fugitive from justice who, with intent to hinder the apprehension or punishment of the other person, harbors, conceals, or otherwise assists the person commits assisting a criminal, a Class A misdemeanor. However, the offense is:

(1) a Level 6 felony, if the person assisted has committed a Class B, Class C, or Class D felony before July 1, 2014, or a

Level 3, Level 4, Level 5, or Level 6 felony after June 30, 2014;
and

(2) a Level 5 felony, if the person assisted has committed murder or has committed a Class A felony before July 1, 2014, or a Level 1 or Level 2 felony after June 30, 2014, or if the assistance was providing a deadly weapon.

(b) It is not a defense to a prosecution under this section that the person assisted:

(1) has not been prosecuted for the offense;

(2) has not been convicted of the offense; or

(3) has been acquitted of the offense by reason of insanity.

However, the acquittal of the person assisted for other reasons may be a defense.

As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.504.

IC 35-44.1-2-6

Impersonation of a public servant

Sec. 6. A person who falsely represents that the person is a public servant, with intent to mislead and induce another person to submit to false official authority or otherwise to act to the other person's detriment in reliance on the false representation, commits impersonation of a public servant, a Class A misdemeanor. However, a person who falsely represents that the person is:

(1) a law enforcement officer; or

(2) an agent or employee of the department of state revenue, and collects any property from another person;

commits a Level 6 felony.

As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.505.

IC 35-44.1-2-7

Unlawful use of a police radio

Sec. 7. (a) A person who knowingly or intentionally:

(1) possesses a police radio;

(2) transmits over a frequency assigned for police emergency purposes; or

(3) possesses or uses a police radio:

(A) while committing a crime;

(B) to further the commission of a crime; or

(C) to avoid detection by a law enforcement agency;

commits unlawful use of a police radio, a Class B misdemeanor.

(b) Subsection (a)(1) and (a)(2) do not apply to:

(1) a governmental entity;

(2) a regularly employed law enforcement officer;

(3) a common carrier of persons for hire whose vehicles are used in emergency service;

(4) a public service or utility company whose vehicles are used in emergency service;

(5) a person who has written permission from the chief

executive officer of a law enforcement agency to possess a police radio;

(6) a person who holds an amateur radio license issued by the Federal Communications Commission if the person is not transmitting over a frequency assigned for police emergency purposes;

(7) a person who uses a police radio only in the person's dwelling or place of business;

(8) a person:

(A) who is regularly engaged in newsgathering activities;

(B) who is employed by a newspaper qualified to receive legal advertisements under IC 5-3-1, a wire service, or a licensed commercial or public radio or television station; and
(C) whose name is furnished by the person's employer to the chief executive officer of a law enforcement agency in the county in which the employer's principal office is located;

(9) a person engaged in the business of manufacturing or selling police radios; or

(10) a person who possesses or uses a police radio during the normal course of the person's lawful business.

(c) As used in this section, "police radio" means a radio that is capable of sending or receiving signals transmitted on frequencies assigned by the Federal Communications Commission for police emergency purposes and that:

(1) can be installed, maintained, or operated in a vehicle; or

(2) can be operated while it is being carried by an individual.

The term does not include a radio designed for use only in a dwelling.
As added by P.L.126-2012, SEC.54.

IC 35-44.1-2-8

Unlawful manufacture or sale of police or fire insignia

Sec. 8. (a) A person who knowingly or intentionally manufactures and sells or manufactures and offers for sale:

(1) an official badge or a replica of an official badge that is currently used by a law enforcement agency or fire department of the state or of a political subdivision of the state; or

(2) a document that purports to be an official employment identification that is used by a law enforcement agency or fire department of the state or of a political subdivision of the state; without the written permission of the chief executive officer of the law enforcement agency commits unlawful manufacture or sale of a police or fire insignia, a Class A misdemeanor.

(b) However, the offense described in subsection (a) is:

(1) a Level 6 felony if the person commits the offense with the knowledge or intent that the badge or employment identification will be used to further the commission of an offense under section 6 of this chapter; and

(2) a Level 4 felony if the person commits the offense with the knowledge or intent that the badge or employment identification will be used to further the commission of an offense under

IC 35-47-12.

(c) It is a defense to a prosecution under subsection (a)(1) if the area of the badge or replica that is manufactured and sold or manufactured and offered for sale as measured by multiplying the greatest length of the badge by the greatest width of the badge is:

(1) less than fifty percent (50%); or

(2) more than one hundred fifty percent (150%);

of the area of an official badge that is used by a law enforcement agency or fire department of the state or a political subdivision of the state as measured by multiplying the greatest length of the official badge by the greatest width of the official badge.

As added by P.L.126-2012, SEC.54. Amended by P.L.13-2013, SEC.140; P.L.158-2013, SEC.506.

IC 35-44.1-2-9

Failure to appear

Sec. 9. (a) A person who, having been released from lawful detention on condition that the person appear at a specified time and place in connection with a charge of a crime, intentionally fails to appear at that time and place commits failure to appear, a Class A misdemeanor. However, the offense is a Level 6 felony if the charge was a felony charge.

(b) It is no defense that the accused person was not convicted of the crime with which the person was originally charged.

(c) This section does not apply to obligations to appear incident to release under suspended sentence or on probation or parole.

As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.507.

IC 35-44.1-2-10

Failure to respond to a summons

Sec. 10. (a) A person who, having been issued:

(1) a complaint and summons in connection with an infraction or ordinance violation; or

(2) a summons, or summons and promise to appear, in connection with a misdemeanor violation;

notifying the person to appear at a specific time and place, intentionally fails to appear at the specified time and place commits failure to respond to a summons, a Class C misdemeanor.

(b) It is no defense that judgment was entered in favor of the person in the infraction or ordinance proceeding or that the person was acquitted of the misdemeanor for which the person was summoned to appear.

As added by P.L.126-2012, SEC.54.

IC 35-44.1-2-11

Interference with jury service

Sec. 11. A person who knowingly or intentionally:

(1) dismisses an employee;

(2) deprives an employee of employment benefits; or

(3) threatens such a dismissal or deprivation;
because the employee has received or responded to a summons,
served as a juror, or attended court for prospective jury service
commits interference with jury service, a Class B misdemeanor.
As added by P.L.126-2012, SEC.54.

IC 35-44.1-2-12

Interference with witness service

Sec. 12. A person who knowingly or intentionally:

- (1) dismisses an employee;
- (2) deprives an employee of employment benefits; or
- (3) threatens such a dismissal or deprivation;

because the employee has received or responded to a subpoena in a
criminal proceeding commits interference with witness service, a
Class B misdemeanor.

As added by P.L.126-2012, SEC.54.

IC 35-44.1-2-13

Obstruction of traffic

Sec. 13. (a) Except as provided in subsection (b), a person who
recklessly, knowingly, or intentionally 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 the offense results in serious bodily
injury.

As added by P.L.158-2013, SEC.508.

IC 35-44.1-3

Chapter 3. Detention

IC 35-44.1-3-1

Resisting law enforcement

Sec. 1. (a) A person who knowingly or intentionally:

- (1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;
- (2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or
- (3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

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

(b) The offense under subsection (a) is a:

(1) Level 6 felony if:

- (A) the offense is described in subsection (a)(3) and the person uses a vehicle to commit the offense; or
- (B) while committing any offense described in subsection (a), the person draws or uses a deadly weapon, inflicts bodily injury on or otherwise causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

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

(3) Level 3 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of another person; and

(4) Level 2 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of a law enforcement officer while the law enforcement officer is engaged in the officer's official duties.

(c) If a person uses a vehicle to commit a felony offense under subsection (b)(1)(B), (b)(2), (b)(3), or (b)(4), as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

- (1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;
- (2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or
- (3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

(d) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection (c) may not

be suspended.

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

- (1) subsection (b)(1)(A), if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;
- (2) subsection (b)(2); or
- (3) subsection (b)(3);

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

(f) A person may not be charged or convicted of a crime under subsection (a)(3) if the law enforcement officer is a school resource officer acting in the officer's capacity as a school resource officer.
As added by P.L.126-2012, SEC.54. Amended by P.L.172-2013, SEC.11; P.L.158-2013, SEC.509; P.L.168-2014, SEC.80.

IC 35-44.1-3-2

Disarming a law enforcement officer

Sec. 2. (a) As used in this section, "officer" includes the following:

- (1) A person employed by:
 - (A) the department of correction;
 - (B) a law enforcement agency;
 - (C) a probation department;
 - (D) a county jail; or
 - (E) a circuit, superior, county, probate, city, or town court;who is required to carry a firearm in performance of the person's official duties.
- (2) A law enforcement officer.

(b) A person who:

- (1) knows that another person is an officer; and
- (2) knowingly or intentionally takes or attempts to take a firearm (as defined in IC 35-47-1-5) or weapon that the officer is authorized to carry from the officer or from the immediate proximity of the officer:
 - (A) without the consent of the officer; and
 - (B) while the officer is engaged in the performance of the officer's official duties;

commits disarming a law enforcement officer, a Level 5 felony. However, the offense is a Level 3 felony if it results in serious bodily injury to a law enforcement officer, and the offense is a Level 1 felony if it results in death to a law enforcement officer.

As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.510.

IC 35-44.1-3-3

Refusal to aid an officer

Sec. 3. A person who, when ordered by a law enforcement officer to assist the officer in the execution of the officer's duties, knowingly or intentionally, and without a reasonable cause, refuses to assist commits refusal to aid an officer, a Class B misdemeanor.

As added by P.L.126-2012, SEC.54.

IC 35-44.1-3-4

Escape

Sec. 4. (a) A person, except as provided in subsection (b), who intentionally flees from lawful detention commits escape, a Level 5 felony. However, the offense is a Level 4 felony if, while committing it, the person draws or uses a deadly weapon or inflicts bodily injury on another person.

(b) A person who knowingly or intentionally violates a home detention order or intentionally removes an electronic monitoring device or GPS tracking device commits escape, a Level 6 felony.

(c) A person who knowingly or intentionally fails to return to lawful detention following temporary leave granted for a specified purpose or limited period commits failure to return to lawful detention, a Level 6 felony. However, the offense is a Level 5 felony if, while committing it, the person draws or uses a deadly weapon or inflicts bodily injury on another person.

As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.511.

IC 35-44.1-3-5

Trafficking with an inmate; carrying a deadly weapon into a correctional facility

Sec. 5. (a) As used in this section, "juvenile facility" means the following:

(1) A secure facility (as defined in IC 31-9-2-114) in which a child is detained under IC 31 or used for a child awaiting adjudication or adjudicated under IC 31 as a child in need of services or a delinquent child.

(2) A shelter care facility (as defined in IC 31-9-2-117) in which a child is detained under IC 31 or used for a child awaiting adjudication or adjudicated under IC 31 as a child in need of services or a delinquent child.

(b) A person who, without the prior authorization of the person in charge of a penal facility or juvenile facility, knowingly or intentionally:

(1) delivers, or carries into the penal facility or juvenile facility with intent to deliver, an article to an inmate or child of the facility;

(2) carries, or receives with intent to carry out of the penal facility or juvenile facility, an article from an inmate or child of the facility; or

(3) delivers, or carries to a worksite with the intent to deliver,

alcoholic beverages to an inmate or child of a jail work crew or community work crew;
commits trafficking with an inmate, a Class A misdemeanor. However, the offense is a Level 5 felony under subdivision (1) or (2) if the article is a controlled substance, a deadly weapon, or a cellular telephone or other wireless or cellular communications device.

(c) If:

(1) the person who committed the offense under subsection (b) is an employee of:

(A) the department of correction; or

(B) a penal facility;

and the article is a cigarette or tobacco product (as defined in IC 6-7-2-5), the court shall order the person to pay a fine of at least five hundred dollars (\$500) and not more than five thousand dollars (\$5,000) under IC 35-50-3-2, in addition to any term of imprisonment imposed under IC 35-50-3-2; or

(2) a person is convicted of committing a Level 5 felony under subsection (b)(1) or (b)(2) because the article was a cellular telephone or other wireless or cellular communication device, the court shall order the person to pay a fine of at least five hundred dollars (\$500) and not more than ten thousand dollars (\$10,000) under IC 35-50-2-6(a) in addition to any term of imprisonment imposed on the person under IC 35-50-2-6(a).

(d) A person who:

(1) is not an inmate of a penal facility or a child of a juvenile facility; and

(2) knowingly or intentionally possesses in, or carries or causes to be brought into, the penal facility or juvenile facility a deadly weapon without the prior authorization of the person in charge of the penal facility or juvenile facility;

commits carrying a deadly weapon into a correctional facility, a Level 5 felony.

As added by P.L.126-2012, SEC.54. Amended by P.L.5-2013, SEC.1; P.L.158-2013, SEC.512; P.L.168-2014, SEC.81.

IC 35-44.1-3-6

Trafficking with an inmate outside a facility

Sec. 6. (a) As used in this section, "contraband" means the following:

(1) Alcohol.

(2) A cigarette or tobacco product.

(3) A controlled substance.

(4) An item that may be used as a weapon.

(b) As used in this section, "inmate outside a facility" means a person who is incarcerated in a penal facility or detained in a juvenile facility on a full-time basis as the result of a conviction or a juvenile adjudication but who has been or is being transported to another location to participate in or prepare for a judicial proceeding. The term does not include the following:

(1) An adult or juvenile pretrial detainee.

- (2) A person serving an intermittent term of imprisonment or detention.
 - (3) A person serving a term of imprisonment or detention as:
 - (A) a condition of probation;
 - (B) a condition of a community corrections program;
 - (C) part of a community transition program;
 - (D) part of a reentry court program;
 - (E) part of a work release program; or
 - (F) part of a community based program that is similar to a program described in clauses (A) through (E).
 - (4) A person who has escaped from incarceration or walked away from secure detention.
 - (5) A person on temporary leave (as described in IC 11-10-9) or temporary release (as described in IC 11-10-10).
- (c) A person who, with the intent of providing contraband to an inmate outside a facility:
- (1) delivers contraband to an inmate outside a facility; or
 - (2) places contraband in a location where an inmate outside a facility could obtain the contraband;
- commits trafficking with an inmate outside a facility, a Class A misdemeanor. However, the offense is a Level 6 felony if the contraband is an item described in subsection (a)(3), and a Level 5 felony if the contraband is an item described in subsection (a)(4).
As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.513.

IC 35-44.1-3-7

Possession of a dangerous device while incarcerated

Sec. 7. A person who knowingly or intentionally while incarcerated in a penal facility possesses a device, equipment, a chemical substance, or other material that:

- (1) is used; or
- (2) is intended to be used;

in a manner that is readily capable of causing bodily injury commits a Level 5 felony. However, the offense is a Level 4 felony if the device, equipment, chemical substance, or other material is a deadly weapon.

As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.514.

IC 35-44.1-3-8

Possession of a cellular telephone while incarcerated

Sec. 8. A person who knowingly or intentionally possesses a cellular telephone or other wireless or cellular communications device while incarcerated in a penal facility commits a Class A misdemeanor.

As added by P.L.126-2012, SEC.54. Amended by P.L.5-2013, SEC.2.

IC 35-44.1-3-9

Violating a condition of lifetime parole with a minor

Sec. 9. (a) A person who is being supervised on lifetime parole (as described in IC 35-50-6-1) and who knowingly or intentionally violates a condition of lifetime parole that involves direct or indirect contact with a child less than sixteen (16) years of age or with the victim of a crime that was committed by the person commits a Level 6 felony if, at the time of the violation:

- (1) the person's lifetime parole has been revoked two (2) or more times; or
- (2) the person has completed the person's sentence, including any credit time the person may have earned.

(b) The offense described in subsection (a) is a Level 5 felony if the person has a prior unrelated conviction under this section.

As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.515.

IC 35-44.1-3-10

Sexual misconduct with a service provider

Sec. 10. (a) The following definitions apply throughout this section:

- (1) "Lawful supervision" means supervision by:
 - (A) the department of correction;
 - (B) a court;
 - (C) a probation department;
 - (D) a community corrections program, a community transition program, or another similar program; or
 - (E) parole.
- (2) "Service provider" means:
 - (A) with respect to a person subject to lawful detention:
 - (i) a public servant;
 - (ii) a person employed by a governmental entity; or
 - (iii) a person who provides goods or services to a person who is subject to lawful detention; and
 - (B) with respect to a person subject to lawful supervision:
 - (i) a public servant whose official duties include the supervision of the person subject to lawful supervision;
 - (ii) a person employed by a governmental entity to provide supervision for the person subject to lawful supervision; or
 - (iii) a person who is employed by or contracts with a governmental entity to provide treatment or other services to the person subject to lawful supervision as a condition of the person's lawful supervision.

(b) A service provider who knowingly or intentionally engages in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with a person who is subject to lawful detention or lawful supervision commits sexual misconduct, a Level 5 felony.

(c) A service provider at least eighteen (18) years of age who knowingly or intentionally engages in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with a person who is:

- (1) less than eighteen (18) years of age; and

(2) subject to lawful detention or lawful supervision;
commits sexual misconduct, a Level 4 felony.

(d) It is not a defense that an act described in subsection (b) or (c) was consensual.

(e) This section does not apply to sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) between spouses.
As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.516; P.L.185-2014, SEC.6.

IC 35-44.1-4

Chapter 4. Firefighting and Emergency Services

IC 35-44.1-4-1

"Dispatched firefighter"

Sec. 1. As used in this chapter, "dispatched firefighter" means a member of:

- (1) the fire company having jurisdiction over an emergency incident area; or
- (2) a fire company that has entered into a mutual aid agreement with the fire company having jurisdiction over an emergency incident area;

who has been dispatched by the local fire department having jurisdiction over the particular emergency incident area.

As added by P.L.126-2012, SEC.54.

IC 35-44.1-4-2

"Emergency incident area"

Sec. 2. As used in this chapter, "emergency incident area" means the area surrounding a structure, vehicle, property, or area that is:

- (1) defined by police or firefighters with flags, barricades, barrier tape, or other markers; or
- (2) one hundred and fifty (150) feet in all directions from the perimeter of the emergency incident;

whichever is greater.

As added by P.L.126-2012, SEC.54.

IC 35-44.1-4-3

"Firefighter"

Sec. 3. As used in this chapter, "firefighter" has the meaning set forth in IC 9-18-34-1.

As added by P.L.126-2012, SEC.54.

IC 35-44.1-4-4

"Fire protective clothing and fire protective gear"

Sec. 4. As used in this chapter, "fire protective clothing and fire protective gear" includes any of the following items generally used by firefighters:

- (1) Outer fire retardant clothing and headgear.
- (2) Fire gloves.
- (3) Self contained breathing apparatus.
- (4) Emergency medical services protective gear.
- (5) Hazardous materials protective gear.

As added by P.L.126-2012, SEC.54.

IC 35-44.1-4-5

Refusal to leave an emergency incident area

Sec. 5. A person who is not a firefighter who knowingly or intentionally refuses to leave an emergency incident area immediately after being requested to do so by a firefighter or law enforcement

officer commits a Class A misdemeanor.
As added by P.L.126-2012, SEC.54.

IC 35-44.1-4-6

Refusal to leave an emergency incident area by a nondispatched firefighter

Sec. 6. A firefighter who:

- (1) has not been dispatched to an emergency incident area;
- (2) enters an emergency incident area; and
- (3) refuses to leave an emergency incident area immediately after being requested to do so by a dispatched firefighter or law enforcement officer;

commits a Class C infraction.

As added by P.L.126-2012, SEC.54.

IC 35-44.1-4-7

Impersonating a firefighter at an emergency incident area

Sec. 7. A person other than a firefighter who, with intent to mislead a firefighter or law enforcement officer as to the person's status as a dispatched firefighter, knowingly or intentionally enters an emergency incident area while wearing, transporting, or otherwise possessing a uniform, fire protective clothing, or fire protective gear commits a Class A misdemeanor. However, the offense is a Level 6 felony if, as a proximate result of the person entering the emergency incident area, a person or firefighter suffers bodily injury.

As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.517.

IC 35-44.1-4-8

Obstructing a firefighter

Sec. 8. A person who knowingly or intentionally obstructs or interferes with a firefighter performing or attempting to perform the firefighter's emergency functions or duties as a firefighter commits obstructing a firefighter, a Class A misdemeanor.

As added by P.L.126-2012, SEC.54.

IC 35-44.1-4-9

Obstructing an emergency medical person

Sec. 9. (a) As used in this section, "emergency medical person" means a person who holds a certificate issued by the Indiana emergency medical services commission to provide emergency medical services.

(b) A person who knowingly or intentionally obstructs or interferes with an emergency medical person performing or attempting to perform the emergency medical person's emergency functions or duties commits obstructing an emergency medical person, a Class B misdemeanor.

As added by P.L.126-2012, SEC.54. Amended by P.L.13-2013, SEC.141.

IC 35-44.1-5
Chapter 5. Illegal Alien Offenses

IC 35-44.1-5-1

Application

Sec. 1. This chapter does not apply to the following:

- (1) A church or religious organization conducting an activity that is protected by the First Amendment to the United States Constitution.
- (2) The provision of assistance for health care items and services that are necessary for the treatment of an emergency medical condition of an individual.
- (3) A health care provider (as defined in IC 16-18-2-163(a)) that is providing health care services.
- (4) An attorney or other person that is providing legal services.
- (5) A person who:
 - (A) is a spouse of an alien or who stands in relation of parent or child to an alien; and
 - (B) would otherwise commit an offense under this chapter with respect to the alien.
- (6) A provider that:
 - (A) receives federal or state funding to provide services to victims of domestic violence, sexual assault, human trafficking, or stalking; and
 - (B) is providing the services described in clause (A).
- (7) An employee of Indiana or a political subdivision (as defined in IC 36-1-2-13) if the employee is acting within the scope of the employee's employment.
- (8) An employee of a school acting within the scope of the employee's employment.

As added by P.L.126-2012, SEC.54.

IC 35-44.1-5-2

"Alien"

Sec. 2. As used in this chapter, "alien" has the meaning set forth in 8 U.S.C. 1101(a).

As added by P.L.126-2012, SEC.54.

IC 35-44.1-5-3

Transporting an illegal alien

Sec. 3. (a) A person who knowingly or intentionally:

- (1) transports; or
- (2) moves;

an alien, for the purpose of commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of the law commits transporting an illegal alien, a Class A misdemeanor.

(b) If a violation under this section involves more than nine (9) aliens, the violation is a Level 6 felony.

As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013,

SEC.518.

IC 35-44.1-5-4

Harboring an illegal alien

Sec. 4. (a) A person who knowingly or intentionally:

- (1) conceals;
- (2) harbors; or
- (3) shields from detection;

an alien in any place, including a building or means of transportation, for the purpose of commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of law, commits harboring an illegal alien, a Class A misdemeanor.

(b) If a violation under this section involves more than nine (9) aliens, the violation is a Level 6 felony.

(c) A landlord that rents real property to a person who is an alien does not violate this section as a result of renting the property to the person.

As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.519.

IC 35-44.1-5-5

Exceptions involving the care of a child

Sec. 5. A person who transports, moves, or cares for a child (as defined in IC 35-47-10-3) who is an alien does not violate this chapter as a result of transporting, moving, or caring for the child.

As added by P.L.126-2012, SEC.54.

IC 35-44.1-5-6

Effect of a determination by the United States Department of Homeland Security

Sec. 6. A determination by the United States Department of Homeland Security that an alien has come to, entered, or remained in the United States in violation of law is evidence that the alien is in the United States in violation of law.

As added by P.L.126-2012, SEC.54.

IC 35-44.1-5-7

Authority to impound certain vehicles

Sec. 7. A law enforcement officer shall impound a motor vehicle, other than a motor vehicle used in public transportation and owned or operated by the state or a political subdivision, that is used to commit a violation of section 3 or 4 of this chapter.

As added by P.L.126-2012, SEC.54.