

HOUSE BILL No. 1146

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-2-1.3.

Synopsis: Reporting of domestic violence convictions to NICS. Requires a court to provide certain information to the office of judicial administration for transmission to the National Instant Criminal Background Check System (NICS) data base upon entering a judgment of conviction for domestic battery.

Effective: July 1, 2019.

DeLaney

January 7, 2019, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1146

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 35-42-2-1.3, AS AMENDED BY P.L.65-2016,
2 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 1.3. (a) Except as provided in subsections (b)
4 through (f), a person who knowingly or intentionally:
5 (1) touches a family or household member in a rude, insolent, or
6 angry manner; or
7 (2) in a rude, insolent, or angry manner places any bodily fluid or
8 waste on a family or household member;
9 commits domestic battery, a Class A misdemeanor.
10 (b) The offense under subsection (a)(1) or (a)(2) is a Level 6 felony
11 if one (1) or more of the following apply:
12 (1) The person who committed the offense has a previous,
13 unrelated conviction:
14 (A) for a battery offense included in this chapter; or
15 (B) in any other jurisdiction, including a military court, in
16 which the elements of the crime for which the conviction was
17 entered are substantially similar to the elements of a battery



- 1 offense included in this chapter.
- 2 (2) The person who committed the offense is at least eighteen (18)
- 3 years of age and committed the offense against a family or
- 4 household member in the physical presence of a child less than
- 5 sixteen (16) years of age, knowing that the child was present and
- 6 might be able to see or hear the offense.
- 7 (3) The offense results in moderate bodily injury to a family or
- 8 household member.
- 9 (4) The offense is committed against a family or household
- 10 member who is less than fourteen (14) years of age and is
- 11 committed by a person at least eighteen (18) years of age.
- 12 (5) The offense is committed against a family or household
- 13 member of any age who has a mental or physical disability and is
- 14 committed by a person having the care of the family or household
- 15 member with the mental or physical disability, whether the care
- 16 is assumed voluntarily or because of a legal obligation.
- 17 (6) The offense is committed against a family or household
- 18 member who is an endangered adult (as defined in IC 12-10-3-2).
- 19 (c) The offense described in subsection (a)(1) or (a)(2) is a Level 5
- 20 felony if one (1) or more of the following apply:
- 21 (1) The offense results in serious bodily injury to a family or
- 22 household member.
- 23 (2) The offense is committed with a deadly weapon against a
- 24 family or household member.
- 25 (3) The offense results in bodily injury to a pregnant family or
- 26 household member if the person knew of the pregnancy.
- 27 (4) The person has a previous conviction for a battery offense:
- 28 (A) included in this chapter against the same family or
- 29 household member; or
- 30 (B) against the same family or household member in any other
- 31 jurisdiction, including a military court, in which the elements
- 32 of the crime for which the conviction was entered are
- 33 substantially similar to the elements of a battery offense
- 34 included in this chapter.
- 35 (5) The offense results in bodily injury to one (1) or more of the
- 36 following:
- 37 (A) A family or household member who is less than fourteen
- 38 (14) years of age if the offense is committed by a person at
- 39 least eighteen (18) years of age.
- 40 (B) A family or household member who has a mental or
- 41 physical disability if the offense is committed by an individual
- 42 having care of the family or household member with the



- 1 disability, regardless of whether the care is assumed
2 voluntarily or because of a legal obligation.
- 3 (C) A family or household member who is an endangered
4 adult (as defined in IC 12-10-3-2).
- 5 (d) The offense described in subsection (a)(1) or (a)(2) is a Level 4
6 felony if it results in serious bodily injury to a family or household
7 member who is an endangered adult (as defined in IC 12-10-3-2).
- 8 (e) The offense described in subsection (a)(1) or (a)(2) is a Level 3
9 felony if it results in serious bodily injury to a family or household
10 member who is less than fourteen (14) years of age if the offense is
11 committed by a person at least eighteen (18) years of age.
- 12 (f) The offense described in subsection (a)(1) or (a)(2) is a Level 2
13 felony if it results in the death of one (1) or more of the following:
- 14 (1) A family or household member who is less than fourteen (14)
15 years of age if the offense is committed by a person at least
16 eighteen (18) years of age.
- 17 (2) A family or household member who is an endangered adult (as
18 defined in IC 12-10-3-2).
- 19 **(g) The court, upon entering a judgment of conviction for an**
20 **offense described in this section, shall transmit any information**
21 **required by the office of judicial administration (as described in**
22 **IC 33-24-6-1) to the office of judicial administration for**
23 **transmission to the NICS (as defined in IC 35-47-2.5-2.5) in**
24 **accordance with IC 33-24-6-3.**

