

# HOUSE BILL No. 1595

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-44-2-3; IC 35-45-13-2.

**Synopsis:** Impersonation of a public servant. Makes it a Class D felony for a person who is not a law enforcement officer or law enforcement agency to publish, through a telecommunications service, a communication that is reasonably likely to be mistaken or confused for a communication by a law enforcement officer or law enforcement agency. Expands the definition of "publish" to include publication by a computer system or computer network.

**Effective:** July 1, 2001.

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**Smith V, Alderman, Tincher**

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January 17, 2001, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

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# HOUSE BILL No. 1595



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 35-44-2-3 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. **(a)** A person who  
 3 falsely represents that the person is a public servant, with intent to  
 4 mislead and induce another person to submit to false official authority  
 5 or otherwise to act to the other person's detriment in reliance on the  
 6 false representation commits impersonation of a public servant, a Class  
 7 A misdemeanor. However, a person who falsely represents that the  
 8 person is:  
 9 (1) a law enforcement officer; or  
 10 (2) an agent or employee of the department of state revenue, and  
 11 collects any property from another person;  
 12 commits a Class D felony.  
 13 **(b) A person who:**  
 14 **(1) is not a law enforcement officer or law enforcement**  
 15 **agency; and**  
 16 **(2) knowingly or intentionally publishes (as defined in**  
 17 **IC 35-45-13-2) through a telecommunications service (as**



1           **defined in IC 35-45-13-4) a communication or dissemination**  
 2           **of information that is reasonably likely to be mistaken or**  
 3           **confused for a communication or dissemination of**  
 4           **information by a law enforcement officer or law enforcement**  
 5           **agency;**  
 6           **commits impersonation of a public servant by telecommunications,**  
 7           **a Class D felony. It is a defense to this subsection that the person**  
 8           **had the consent of a law enforcement officer or law enforcement**  
 9           **agency to represent that the communication or dissemination of**  
 10           **information was the communication or dissemination of a law**  
 11           **enforcement officer or law enforcement agency.**

12           SECTION 2. IC 35-45-13-2 IS AMENDED TO READ AS  
 13           FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. As used in this  
 14           chapter, "publish" means the communication or dissemination of  
 15           information to at least one (1) person by any of the following methods:

- 16           (1) Orally.
- 17           (2) In person.
- 18           (3) By telephone, radio, or television.
- 19           (4) In a writing of any kind, including a letter, memorandum,  
 20           circular handbill, newspaper, magazine article, or book.
- 21           **(5) By a computer system (as defined in IC 35-43-2-3) or**  
 22           **computer network (as defined in IC 35-43-2-3).**

23           SECTION 3. [EFFECTIVE JULY 1, 2001] **IC 35-44-2-3 and**  
 24           **IC 35-45-13-2, both as amended by this act, apply only to offenses**  
 25           **committed after June 30, 2001.**

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