

**CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 479**

Citations Affected: IC 5-2; IC 31-9; IC 31-14; IC 31-15; IC 34-6; IC 34-26; IC 35-33; IC 35-38; IC 35-41; IC 35-42.

Synopsis: Protective orders. Conference committee report for ESB 479. Requires the clerk of a court that issues a workplace violence restraining order to provide a copy of the order and the confidential sheet to the employer. Specifies that a workplace violence restraining order may not be issued if the dispute is related to a strike or labor dispute. Requires the division of state court administration to develop and adopt forms for no contact orders and workplace violence restraining orders. Amends the definitions of employee and employer. Requires certain language to appear on a protective order, no contact order, and workplace violence restraining order. Provides that a parent in a paternity or divorce proceeding may request a protective order against the other parent from the court in which the paternity or divorce matter is pending. Provides that a court may issue certain types of relief in a protective order before a hearing. Provides that a court may consider the violation of a no contact order or a workplace violence restraining order in determining the sentence to impose for a crime. Provides that a law enforcement officer may arrest a person when the officer has probable cause that the person interfered or prevented the reporting of a crime. Provides that under the domestic battery statute, a court shall review certain factors when considering if someone is living as a spouse of another individual. Makes technical corrections. **(This conference committee report removes language that prohibits requiring sex crime victims to submit to a polygraph examination and adds language that under the domestic battery statute, a court shall review certain factors when considering if someone is living as a spouse of another individual.)**

Effective: July 1, 2003.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 479 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 11, delete lines 23 through 37.
2 Page 15, after line 29, begin a new paragraph and insert:
3 "SECTION 18. IC 35-42-2-1.3, AS AMENDED BY P.L.47-2000,
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2003]: Sec. 1.3. **(a)** A person who knowingly or intentionally
6 touches a ~~person~~ **an individual** who:
7 (1) is or was a spouse of the other person;
8 (2) is or was living as if a spouse of the other ~~person~~; **person as**
9 **provided in subsection (b);** or
10 (3) has a child in common with the other person;
11 in a rude, insolent, or angry manner that results in bodily injury to the
12 person described in subdivision (1), (2), or (3) commits domestic
13 battery, a Class A misdemeanor. However, the offense is a Class D
14 felony if the person has a previous, unrelated conviction under this
15 section (or IC 35-42-2-1(a)(2)(E) before its repeal).
16 **(b) In considering whether a person is or was living as a spouse**
17 **of another individual in subsection (a)(2), the court shall review the**
18 **following:**
19 **(1) the duration of the relationship;**
20 **(2) the frequency of contact;**
21 **(3) the financial interdependence;**
22 **(4) whether the two (2) individuals are raising children**

- 1 **together;**
- 2 **(5) whether the two (2) individuals have engaged in tasks**
- 3 **directed toward maintaining a common household; and**
- 4 **(6) other factors the court considers relevant."**

5 Renumber all SECTIONS consecutively.
(Reference is to ESB 479 as reprinted April 9, 2003.)

Conference Committee Report
on
Engrossed Senate Bill 479

Signed by:

Senator Clark
Chairperson

Representative Lawson L

Senator Simpson

Representative Becker

Senate Conferees

House Conferees