



March 25, 2005

**ENGROSSED
SENATE BILL No. 117**

DIGEST OF SB 117 (Updated March 23, 2005 4:48 pm - DI 69)

Citations Affected: IC 35-33; IC 35-47; noncode.

Synopsis: Undisclosed transport of dangerous devices. Provides that a person who: (1) checks an item to be transported on a commercial passenger airline knowing the item contains a dangerous device; and (2) knowingly or intentionally fails to disclose to the airline that the item contains a dangerous device; commits undisclosed transport of a dangerous device, a Class A misdemeanor. Permits a law enforcement officer to arrest a person if the officer has probable cause to believe that a person has committed undisclosed transport of a dangerous device.

Effective: July 1, 2005.

Zakas, Broden, Young R Michael
(HOUSE SPONSOR — FOLEY)

January 4, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
January 13, 2005, amended, reported favorably — Do Pass.
January 18, 2005, read second time, ordered engrossed.
January 19, 2005, engrossed.
January 25, 2005, read third time, passed. Yeas 46, nays 0.
HOUSE ACTION
March 7, 2005, read first time and referred to Committee on Courts and Criminal Code.
March 24, 2005, reported — Do Pass.

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March 25, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 117

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 35-33-1-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A law
3 enforcement officer may arrest a person when the officer has:
4 (1) a warrant commanding that the person be arrested;
5 (2) probable cause to believe the person has committed or
6 attempted to commit, or is committing or attempting to commit,
7 a felony;
8 (3) probable cause to believe the person has violated the
9 provisions of IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1),
10 IC 9-26-1-2(2), IC 9-26-1-3, IC 9-26-1-4, or IC 9-30-5;
11 (4) probable cause to believe the person is committing or
12 attempting to commit a misdemeanor in the officer's presence;
13 (5) probable cause to believe the person has committed a:
14 (A) battery resulting in bodily injury under IC 35-42-2-1; or
15 (B) domestic battery under IC 35-42-2-1.3.
16 The officer may use an affidavit executed by an individual alleged
17 to have direct knowledge of the incident alleging the elements of

ES 117—LS 6536/DI 69+



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1 the offense of battery to establish probable cause;
 2 (6) probable cause to believe that the person violated
 3 IC 35-46-1-15.1 (invasion of privacy);
 4 (7) probable cause to believe that the person violated
 5 IC 35-47-2-1 (carrying a handgun without a license) or
 6 IC 35-47-2-22 (counterfeit handgun license);
 7 (8) probable cause to believe that the person is violating or has
 8 violated an order issued under IC 35-50-7; or
 9 **(9) probable cause to believe that the person is violating or**
 10 **has violated IC 35-47-6-1.1 (undisclosed transport of a**
 11 **dangerous device); or**
 12 ~~(9)~~ **(10) probable cause to believe that the person is:**
 13 (A) violating or has violated IC 35-45-2-5 (interference with
 14 the reporting of a crime); and
 15 (B) interfering with or preventing the reporting of a crime
 16 involving domestic or family violence (as defined in
 17 IC 34-6-2-34.5).
 18 (b) A person who:
 19 (1) is employed full time as a federal enforcement officer;
 20 (2) is empowered to effect an arrest with or without warrant for a
 21 violation of the United States Code; and
 22 (3) is authorized to carry firearms in the performance of the
 23 person's duties;
 24 may act as an officer for the arrest of offenders against the laws of this
 25 state where the person reasonably believes that a felony has been or is
 26 about to be committed or attempted in the person's presence.
 27 SECTION 2. IC 35-47-6-1.1 IS ADDED TO THE INDIANA CODE
 28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 29 1, 2005]: **Sec. 1.1. (a) As used in this section, "dangerous device"**
 30 **means:**
 31 **(1) a firearm;**
 32 **(2) a destructive device (as defined in IC 35-47.5-2-4); or**
 33 **(3) a weapon of mass destruction (IC 35-41-1-29.4).**
 34 **(b) A person who checks an item to be transported on a**
 35 **commercial passenger airline and who:**
 36 **(1) knows the item contains a dangerous device; and**
 37 **(2) knowingly or intentionally fails to disclose orally or in**
 38 **writing to the person to whom possession of the item is**
 39 **delivered for carriage that the item contains a dangerous**
 40 **device;**
 41 **commits undisclosed transport of a dangerous device, a Class A**
 42 **misdemeanor.**

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1 SECTION 3. [EFFECTIVE JULY 1, 2005] IC 35-47-6-1.1, as
2 added by this act, applies only to offenses committed after June 30,
3 2005.

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SENATE MOTION

Madam President: I move that Senator Broden be added as second author and Senator Young R Michael be added as coauthor of Senate Bill 117.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 117, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-33-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A law enforcement officer may arrest a person when the officer has:

- (1) a warrant commanding that the person be arrested;
- (2) probable cause to believe the person has committed or attempted to commit, or is committing or attempting to commit, a felony;
- (3) probable cause to believe the person has violated the provisions of IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, IC 9-26-1-4, or IC 9-30-5;
- (4) probable cause to believe the person is committing or attempting to commit a misdemeanor in the officer's presence;
- (5) probable cause to believe the person has committed a:
 - (A) battery resulting in bodily injury under IC 35-42-2-1; or
 - (B) domestic battery under IC 35-42-2-1.3.

The officer may use an affidavit executed by an individual alleged to have direct knowledge of the incident alleging the elements of the offense of battery to establish probable cause;

- (6) probable cause to believe that the person violated IC 35-46-1-15.1 (invasion of privacy);
- (7) probable cause to believe that the person violated IC 35-47-2-1 (carrying a handgun without a license) or IC 35-47-2-22 (counterfeit handgun license);
- (8) probable cause to believe that the person is violating or has violated an order issued under IC 35-50-7; or
- (9) probable cause to believe that the person is violating or has violated IC 35-47-6-1.1 (undisclosed transport of a dangerous device); or**
- ~~(9)~~ **(10) probable cause to believe that the person is:**
 - (A) violating or has violated IC 35-45-2-5 (interference with the reporting of a crime); and
 - (B) interfering with or preventing the reporting of a crime involving domestic or family violence (as defined in IC 34-6-2-34.5).

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(b) A person who:

- (1) is employed full time as a federal enforcement officer;
- (2) is empowered to effect an arrest with or without warrant for a violation of the United States Code; and
- (3) is authorized to carry firearms in the performance of the person's duties;

may act as an officer for the arrest of offenders against the laws of this state where the person reasonably believes that a felony has been or is about to be committed or attempted in the person's presence."

Page 1, delete line 6.

Page 1, line 7, delete "(3)" and insert "(2)".

Page 1, line 8, delete "(4)" and insert "(3)".

Page 1, line 16, delete "Class D" and insert "**Class A misdemeanor**".

Page 1, delete line 17.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 117 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 10, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 117, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

ULMER, Chair

Committee Vote: yeas 10, nays 0.

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