



February 18, 2005

HOUSE BILL No. 1091

DIGEST OF HB 1091 (Updated February 16, 2005 4:53 pm - DI 69)

Citations Affected: IC 35-45.

Synopsis: Panhandling. Makes it a Class C misdemeanor for a person to panhandle at certain times, in certain locations, or while engaging in certain activities.

Effective: July 1, 2005.

Frizzell, Smith J

January 6, 2005, read first time and referred to Committee on Courts and Criminal Code.
February 17, 2005, amended, reported — Do Pass.

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HB 1091—LS 6872/DI 69+



February 18, 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.

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HOUSE BILL No. 1091

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 35-45-17 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2005]:
4 **Chapter 17. Panhandling**
5 **Sec. 1. (a) As used in this chapter, "panhandling" means to**
6 **solicit an individual:**
7 **(1) on a street or in another public place; and**
8 **(2) by requesting an immediate donation of money or**
9 **something else of value.**
10 **(b) The term includes soliciting an individual:**
11 **(1) by making an oral request;**
12 **(2) in exchange for:**
13 **(A) performing music;**
14 **(B) singing; or**
15 **(C) engaging in another type of performance; or**
16 **(3) by offering the individual an item of little or no monetary**
17 **value in exchange for money or another gratuity under**

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- 1 circumstances that would cause a reasonable individual to
- 2 understand that the transaction is only a donation.
- 3 (c) The term does not include an act of passively standing,
- 4 sitting, performing music, singing, or engaging in another type of
- 5 performance:
- 6 (1) while displaying a sign or other indication that a donation
- 7 is being sought; and
- 8 (2) without making an oral request other than in response to
- 9 an inquiry by another person.
- 10 Sec. 2. A person who knowingly or intentionally does any of the
- 11 following commits panhandling, a Class C misdemeanor:
- 12 (1) Panhandling after sunset and before sunrise.
- 13 (2) Panhandling when the individual being solicited is:
- 14 (A) at a bus stop;
- 15 (B) in a:
- 16 (i) vehicle; or
- 17 (ii) facility;
- 18 used for public transportation;
- 19 (C) in a motor vehicle that is parked or stopped on a public
- 20 street or alley, unless the person soliciting the individual
- 21 has the approval to do so by a unit of local government
- 22 that has jurisdiction over the public street or alley;
- 23 (D) in the sidewalk dining area of a restaurant; or
- 24 (E) within twenty (20) feet of:
- 25 (i) an automatic teller machine; or
- 26 (ii) the entrance to a bank.
- 27 (3) Panhandling while touching the individual being solicited
- 28 without the solicited individual's consent.
- 29 (4) Panhandling while the individual being solicited is
- 30 standing in line and waiting to be admitted to a commercial
- 31 establishment.
- 32 (5) Panhandling while blocking:
- 33 (A) the path of the individual being solicited; or
- 34 (B) the entrance to a building or motor vehicle.
- 35 (6) Panhandling while using profane or abusive language:
- 36 (A) during a solicitation; or
- 37 (B) after the individual being solicited has declined to
- 38 donate money or something else of value.
- 39 (7) Panhandling while making a statement, a gesture, or
- 40 another communication to the individual being solicited that
- 41 would cause a reasonable individual to:
- 42 (A) fear for the individual's safety; or

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- 1 **(B) feel compelled to donate.**
- 2 **(8) Panhandling with at least one (1) other individual.**
- 3 **(9) Panhandling and then following or accompanying the**
- 4 **solicited individual without the solicited individual's consent**
- 5 **after the solicited individual has declined to donate money or**
- 6 **something else of value.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1091, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 20, delete ";" and insert "**, unless the person soliciting the individual has the approval to do so by a unit of local government that has jurisdiction over the public street or alley;**".

and when so amended that said bill do pass.

(Reference is to HB 1091 as introduced.)

ULMER, Chair

Committee Vote: yeas 10, nays 0.

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