

Adopted Rejected

COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred Senate Bill 233, 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:*

- 1 Page 2, between lines 21 and 22, begin a new paragraph and insert:
- 2 "SECTION 2. IC 35-45-2-1 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A person who
- 4 communicates a threat to another person, with the intent:
- 5 (1) that the other person engage in conduct against the other
- 6 person's will;
- 7 (2) that the other person be placed in fear of retaliation for a prior
- 8 lawful act; or
- 9 (3) of causing:
- 10 (A) a dwelling, a building, or another structure; or
- 11 (B) a vehicle;
- 12 to be evacuated;
- 13 commits intimidation, a Class A misdemeanor.
- 14 (b) However, the offense is a:
- 15 (1) Class D felony if:
- 16 (A) the threat is to commit a forcible felony;

- 1 (B) the person to whom the threat is communicated:
- 2 (i) is a law enforcement officer;
- 3 (ii) is a judge or bailiff of any court;
- 4 (iii) is a witness (or the spouse or child of a witness) in any
- 5 pending criminal proceeding against the person making the
- 6 threat;
- 7 (iv) is an employee of a school corporation; ~~or~~
- 8 (v) is a community policing volunteer;
- 9 **(vi) is an employee of a court; or**
- 10 **(vii) is an employee of a probation department;**
- 11 (C) the person has a prior unrelated conviction for an offense
- 12 under this section concerning the same victim; or
- 13 (D) the threat is communicated using property, including
- 14 electronic equipment or systems, of a school corporation or
- 15 other governmental entity; and
- 16 (2) Class C felony if, while committing it, the person draws or
- 17 uses a deadly weapon.
- 18 (c) "Threat" means an expression, by words or action, of an intention
- 19 to:
- 20 (1) unlawfully injure the person threatened or another person, or
- 21 damage property;
- 22 (2) unlawfully subject a person to physical confinement or
- 23 restraint;
- 24 (3) commit a crime;
- 25 (4) unlawfully withhold official action, or cause such withholding;
- 26 (5) unlawfully withhold testimony or information with respect to
- 27 another person's legal claim or defense, except for a reasonable
- 28 claim for witness fees or expenses;
- 29 (6) expose the person threatened to hatred, contempt, disgrace, or
- 30 ridicule;
- 31 (7) falsely harm the credit or business reputation of the person
- 32 threatened; or
- 33 (8) cause the evacuation of a dwelling, a building, another
- 34 structure, or a vehicle.

35 SECTION 3. IC 35-45-17 IS ADDED TO THE INDIANA CODE
 36 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2005]:

38 **Chapter 17. Panhandling**

1 **Sec. 1. (a) As used in this chapter, "panhandling" means to**
 2 **solicit an individual:**

3 **(1) on a street or in another public place; and**

4 **(2) by requesting an immediate donation of money or**
 5 **something else of value.**

6 **(b) The term includes soliciting an individual:**

7 **(1) by making an oral request;**

8 **(2) in exchange for:**

9 **(A) performing music;**

10 **(B) singing; or**

11 **(C) engaging in another type of performance; or**

12 **(3) by offering the individual an item of little or no monetary**
 13 **value in exchange for money or another gratuity under**
 14 **circumstances that would cause a reasonable individual to**
 15 **understand that the transaction is only a donation.**

16 **(c) The term does not include an act of passively standing,**
 17 **sitting, performing music, singing, or engaging in another type of**
 18 **performance:**

19 **(1) while displaying a sign or other indication that a donation**
 20 **is being sought; and**

21 **(2) without making an oral request other than in response to**
 22 **an inquiry by another person.**

23 **Sec. 2. A person who knowingly or intentionally does any of the**
 24 **following commits panhandling, a Class C misdemeanor:**

25 **(1) Panhandling after sunset and before sunrise.**

26 **(2) Panhandling when the individual being solicited is:**

27 **(A) at a bus stop;**

28 **(B) in a:**

29 **(i) vehicle; or**

30 **(ii) facility;**

31 **used for public transportation;**

32 **(C) in a motor vehicle that is parked or stopped on a public**
 33 **street or alley, unless the person soliciting the individual**
 34 **has the approval to do so by a unit of local government that**
 35 **has jurisdiction over the public street or alley;**

36 **(D) in the sidewalk dining area of a restaurant; or**

37 **(E) within twenty (20) feet of:**

38 **(i) an automatic teller machine; or**

- 1 (ii) the entrance to a bank.
- 2 **(3) Panhandling while touching the individual being solicited**
- 3 **without the solicited individual's consent.**
- 4 **(4) Panhandling while the individual being solicited is**
- 5 **standing in line and waiting to be admitted to a commercial**
- 6 **establishment.**
- 7 **(5) Panhandling while blocking:**
 - 8 **(A) the path of the individual being solicited; or**
 - 9 **(B) the entrance to a building or motor vehicle.**
- 10 **(6) Panhandling while using profane or abusive language:**
 - 11 **(A) during a solicitation; or**
 - 12 **(B) after the individual being solicited has declined to**
 - 13 **donate money or something else of value.**
- 14 **(7) Panhandling while making a statement, a gesture, or**
- 15 **another communication to the individual being solicited that**
- 16 **would cause a reasonable individual to:**
 - 17 **(A) fear for the individual's safety; or**
 - 18 **(B) feel compelled to donate.**
- 19 **(8) Panhandling with at least one (1) other individual.**
- 20 **(9) Panhandling and then following or accompanying the**
- 21 **solicited individual without the solicited individual's consent**
- 22 **after the solicited individual has declined to donate money or**
- 23 **something else of value."**
- 24 Page 2, line 22, delete "," and insert "**and IC 35-45-2-1, both**".
- 25 Page 2, line 23, delete "applies" and insert "**and IC 35-45-17-2, as**
- 26 **added by this act, apply only**".
- 27 Re-number all SECTIONS consecutively.
- (Reference is to SB 233 as printed February 11, 2005.)

and when so amended that said bill do pass.

Representative Ulmer