
HOUSE BILL No. 1091

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-45-17.

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

January 6, 2005, read first time and referred to Committee on Courts and Criminal Code.

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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 *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**



- 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;
- 21 (D) in the sidewalk dining area of a restaurant; or
- 22 (E) within twenty (20) feet of:
- 23 (i) an automatic teller machine; or
- 24 (ii) the entrance to a bank.
- 25 (3) Panhandling while touching the individual being solicited
- 26 without the solicited individual's consent.
- 27 (4) Panhandling while the individual being solicited is
- 28 standing in line and waiting to be admitted to a commercial
- 29 establishment.
- 30 (5) Panhandling while blocking:
- 31 (A) the path of the individual being solicited; or
- 32 (B) the entrance to a building or motor vehicle.
- 33 (6) Panhandling while using profane or abusive language:
- 34 (A) during a solicitation; or
- 35 (B) after the individual being solicited has declined to
- 36 donate money or something else of value.
- 37 (7) Panhandling while making a statement, a gesture, or
- 38 another communication to the individual being solicited that
- 39 would cause a reasonable individual to:
- 40 (A) fear for the individual's safety; or
- 41 (B) feel compelled to donate.
- 42 (8) Panhandling with at least one (1) other individual.

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1 **(9) Panhandling and then following or accompanying the**
2 **solicited individual without the solicited individual's consent**
3 **after the solicited individual has declined to donate money or**
4 **something else of value.**

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