
SENATE BILL No. 343

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-2-2.

Synopsis: Work zone safety. Provides that an act of criminal recklessness that is committed in a highway work zone is a Class D felony. Provides that an act of criminal recklessness that: (1) is committed in a highway work zone; and (2) results in the death of another person; is a Class C felony.

Effective: July 1, 2007.

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January 11, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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SENATE BILL No. 343



A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-42-2-2, AS AMENDED BY P.L.75-2006,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 2. (a) As used in this section, "hazing" means
4 forcing or requiring another person:
5 (1) with or without the consent of the other person; and
6 (2) as a condition of association with a group or organization;
7 to perform an act that creates a substantial risk of bodily injury.
8 (b) A person who recklessly, knowingly, or intentionally performs:
9 (1) an act that creates a substantial risk of bodily injury to another
10 person; or
11 (2) hazing;
12 commits criminal recklessness. Except as provided in subsection (c),
13 criminal recklessness is a Class B misdemeanor.
14 (c) The offense of criminal recklessness as defined in subsection (b)
15 is:
16 (1) a Class A misdemeanor if the conduct includes the use of a
17 vehicle;



1 (2) a Class D felony if:
 2 (A) it is committed while armed with a deadly weapon; **or**
 3 (B) the person committed aggressive driving (as defined in
 4 IC 9-21-8-55) that results in serious bodily injury to another
 5 person; or
 6 **(C) it is committed in a highway work zone (as defined in**
 7 **IC 8-23-2-15); or**
 8 (3) a Class C felony if:
 9 (A) it is committed by shooting a firearm into an inhabited
 10 dwelling or other building or place where people are likely to
 11 gather; or
 12 (B) the person committed aggressive driving (as defined in
 13 IC 9-21-8-55) that results in the death of another person; **or**
 14 **(C) it:**
 15 **(i) is committed in a highway work zone; and**
 16 **(ii) results in the death of another person.**
 17 (d) A person who recklessly, knowingly, or intentionally:
 18 (1) inflicts serious bodily injury on another person; or
 19 (2) performs hazing that results in serious bodily injury to a
 20 person;
 21 commits criminal recklessness, a Class D felony. However, the offense
 22 is a Class C felony if committed by means of a deadly weapon.
 23 (e) A person, other than a person who has committed an offense
 24 under this section or a delinquent act that would be an offense under
 25 this section if the violator was an adult, who:
 26 (1) makes a report of hazing in good faith;
 27 (2) participates in good faith in a judicial proceeding resulting
 28 from a report of hazing;
 29 (3) employs a reporting or participating person described in
 30 subdivision (1) or (2); or
 31 (4) supervises a reporting or participating person described in
 32 subdivision (1) or (2);
 33 is not liable for civil damages or criminal penalties that might
 34 otherwise be imposed because of the report or participation.
 35 (f) A person described in subsection (e)(1) or (e)(2) is presumed to
 36 act in good faith.
 37 (g) A person described in subsection (e)(1) or (e)(2) may not be
 38 treated as acting in bad faith solely because the person did not have
 39 probable cause to believe that a person committed:
 40 (1) an offense under this section; or
 41 (2) a delinquent act that would be an offense under this section if
 42 the offender was an adult.

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1 SECTION 2. [EFFECTIVE JULY 1, 2007] IC 35-42-2-2, as
2 **amended by this act, applies to offenses committed after June 30,**
3 **2007.**

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