

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1076 be amended to read as follows:

- 1 Page 8, line 11, delete "victim;" and insert "**victim, or because the**
- 2 **victim was a viable fetus;**".
- 3 Page 8, line 25, delete "property;" and insert "**property, or because**
- 4 **a viable fetus was present on the property;**".
- 5 Page 10, line 27, delete "property;" and insert "**property, including**
- 6 **that the injured individual, owner, or occupant of the property was**
- 7 **a viable fetus;**".
- 8 Page 12, between lines 2 and 3, begin a new paragraph and insert:
- 9 "SECTION 5. IC 35-42-2-1, AS AMENDED BY P.L.164-2007,
- 10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 11 JULY 1, 2008]: Sec. 1. (a) A person who knowingly or intentionally
- 12 touches another person in a rude, insolent, or angry manner commits
- 13 battery, a Class B misdemeanor. However, the offense is:
- 14 (1) a Class A misdemeanor if:
- 15 (A) it results in bodily injury to any other person;
- 16 (B) it is committed against a law enforcement officer or
- 17 against a person summoned and directed by the officer while
- 18 the officer is engaged in the execution of the officer's official
- 19 duty;
- 20 (C) it is committed against an employee of a penal facility or
- 21 a juvenile detention facility (as defined in IC 31-9-2-71) while
- 22 the employee is engaged in the execution of the employee's
- 23 official duty;
- 24 (D) it is committed against a firefighter (as defined in

- 1 IC 9-18-34-1) while the firefighter is engaged in the execution  
 2 of the firefighter's official duty; or  
 3 (E) it is committed against a community policing volunteer:  
 4 (i) while the volunteer is performing the duties described in  
 5 IC 35-41-1-4.7; or  
 6 (ii) because the person is a community policing volunteer;  
 7 (2) a Class D felony if it results in bodily injury to:  
 8 (A) a law enforcement officer or a person summoned and  
 9 directed by a law enforcement officer while the officer is  
 10 engaged in the execution of ~~his~~ **the officer's** official duty;  
 11 (B) a person less than fourteen (14) years of age and is  
 12 committed by a person at least eighteen (18) years of age;  
 13 (C) a person of any age who has a mental or physical disability  
 14 and is committed by a person having the care of the person  
 15 with a mental or physical disability, whether the care is  
 16 assumed voluntarily or because of a legal obligation;  
 17 (D) the other person and the person who commits the battery  
 18 was previously convicted of a battery in which the victim was  
 19 the other person;  
 20 (E) an endangered adult (as defined in IC 12-10-3-2);  
 21 (F) an employee of the department of correction while the  
 22 employee is engaged in the execution of the employee's  
 23 official duty;  
 24 (G) an employee of a school corporation while the employee  
 25 is engaged in the execution of the employee's official duty;  
 26 (H) a correctional professional while the correctional  
 27 professional is engaged in the execution of the correctional  
 28 professional's official duty;  
 29 (I) a person who is a health care provider (as defined in  
 30 IC 16-18-2-163) while the health care provider is engaged in  
 31 the execution of the health care provider's official duty;  
 32 (J) an employee of a penal facility or a juvenile detention  
 33 facility (as defined in IC 31-9-2-71) while the employee is  
 34 engaged in the execution of the employee's official duty;  
 35 (K) a firefighter (as defined in IC 9-18-34-1) while the  
 36 firefighter is engaged in the execution of the firefighter's  
 37 official duty;  
 38 (L) a community policing volunteer:  
 39 (i) while the volunteer is performing the duties described in  
 40 IC 35-41-1-4.7; or  
 41 (ii) because the person is a community policing volunteer;  
 42 or  
 43 (M) a family or household member (as defined in  
 44 IC 35-41-1-10.6) if the person who committed the offense:  
 45 (i) is at least eighteen (18) years of age; and  
 46 (ii) committed the offense in the physical presence of a child

- 1 less than sixteen (16) years of age, knowing that the child  
 2 was present and might be able to see or hear the offense;
- 3 (3) a Class C felony if:
- 4 (A) it results in serious bodily injury to any other person or if  
 5 it is committed by means of a deadly weapon; or
- 6 (B) it:
- 7 (i) is committed against an individual who was  
 8 knowingly or intentionally selected as the victim of the  
 9 offense because of the color, creed, disability, national  
 10 origin, race, religion, sexual orientation, gender identity,  
 11 or sex of the individual, or because the individual was a  
 12 viable fetus; and
- 13 (ii) results in bodily injury to a viable fetus;
- 14 (4) a Class B felony if it results in serious bodily injury to a  
 15 person less than fourteen (14) years of age and is committed by a  
 16 person at least eighteen (18) years of age;
- 17 (5) a Class A felony if it results in the death of a person less than  
 18 fourteen (14) years of age and is committed by a person at least  
 19 eighteen (18) years of age;
- 20 (6) a Class C felony if it results in serious bodily injury to an  
 21 endangered adult (as defined in IC 12-10-3-2);
- 22 (7) a Class B felony if it results in the death of an endangered  
 23 adult (as defined in IC 12-10-3-2); and
- 24 (8) a Class C felony if it results in bodily injury to a pregnant  
 25 woman and the person knew the woman was pregnant.
- 26 (b) For purposes of this section:
- 27 (1) "law enforcement officer" includes an alcoholic beverage  
 28 enforcement officer; and
- 29 (2) "correctional professional" means a:
- 30 (A) probation officer;
- 31 (B) parole officer;
- 32 (C) community corrections worker; or
- 33 (D) home detention officer."
- 34 Renumber all SECTIONS consecutively.  
 (Reference is to HB 1076 as printed January 22, 2008.)

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Representative Thompson