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# HOUSE BILL No. 1665

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-33-1-1.3.

**Synopsis:** First responder powers to arrest. Authorizes a law enforcement officer who is responding to an incident involving a suspected weapon of mass destruction to hold an individual in isolation if the officer has reason to believe that the individual has been infected with or exposed to a dangerous communicable disease as the result of exposure to the suspected weapon of mass destruction and that the individual may cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with others. Requires a law enforcement officer to obtain approval from the chief law enforcement officer of the law enforcement agency before holding a person in isolation, and requires a law enforcement official who holds a person in isolation to notify a public health authority. Provides that an individual may be held in isolation until: (1) a public health authority or person approved by a public health department has decontaminated the individual or determined that the individual has been decontaminated; (2) a public health authority or person approved by a public health department has determined that the individual has not been infected or exposed, or does not pose a danger to others; (3) a court orders another disposition of the individual; (4) a public health authority orders another disposition of the individual; or (5) 24 hours elapse; whichever occurs first.

**Effective:** July 1, 2009.

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**Herrell, Tincher, Ruppel, Pond**

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January 16, 2009, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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# HOUSE BILL No. 1665



A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

1 SECTION 1. IC 35-33-1-1.3 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2009]: **Sec. 1.3. (a) This section applies only to a law enforcement  
4 officer who is responding to an incident involving a suspected  
5 weapon of mass destruction.**  
6 **(b) As used in this section, "isolation" has the meaning set forth  
7 in IC 16-18-2-194.5.**  
8 **(c) If a law enforcement officer has reason to believe that:**  
9 **(1) an individual:**  
10 **(A) has been infected with; or**  
11 **(B) has been exposed to;**  
12 **a dangerous communicable disease as the result of exposure  
13 to a suspected weapon of mass destruction; and**  
14 **(2) the individual may cause the infection of an uninfected  
15 individual if the individual is not restricted in the individual's  
16 ability to come into contact with an uninfected individual;**  
17 **the law enforcement officer may place the individual in isolation in**



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accordance with subsection (d).

(d) If an individual described in subsection (c) refuses to go into isolation voluntarily, a law enforcement officer may, after obtaining approval from the chief law enforcement officer of the law enforcement agency, hold the individual in isolation in a suitable location.

(e) A law enforcement officer who holds an individual in isolation must immediately contact a public health authority. A law enforcement officer may hold an individual in isolation until:

- (1) a public health authority or person approved by a public health authority has decontaminated the individual or determined that the individual has been decontaminated;
- (2) a public health authority or person approved by a public health authority has determined that subsection (c)(1) or (c)(2) does not apply;
- (3) a court orders another disposition of the individual;
- (4) a public health authority orders another disposition of the individual; or
- (5) twenty-four (24) hours elapse;

whichever occurs first.

(f) Subsection (e)(5) does not preclude an individual subject to isolation or quarantine under IC 16-41-9 from being held in isolation or quarantine for more than twenty-four (24) hours.

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