

Members

Sen. Brent Steele, Chairperson
Sen. Timothy Lanane
Rep. Eric Turner
Rep. Linda Lawson



LEGISLATIVE COUNCIL BARNES V. STATE SUBCOMMITTEE

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

Andrew Hedges, Attorney for the Subcommittee
Mark Goodpaster, Fiscal Analyst for the
Subcommittee

Authority: Established by LCR01-2011

MEETING MINUTES¹

Meeting Date: August 24, 2011
Meeting Time: 1:00 P.M.
Meeting Place: State House, 200 W. Washington
St., Room 431
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Sen. Brent Steele, Chairperson; Sen. Timothy Lanane; Rep. Eric Turner; Rep. Linda Lawson.

Members Absent: None.

Senator Steele called the meeting to order at 1:14 p.m.

Senator Steele announced that the purpose of the meeting was to allow citizens to give their opinion on the *Barnes* case.

Mark Meadows testified that police entry into a home should only be conducted in a legal manner, and that Indiana should respect this by maintaining the legal right to keep people out of one's home.

Paul Wheeler testified that it was unconstitutional to rewrite the Fourth Amendment, and that he did not like the "against public policy" language in the opinion.

¹ These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at <http://www.in.gov/legislative> Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies.

Leo Blackwell, on behalf of the Fraternal Order of Police, testified that domestic violence cases are inherently dangerous, and that the *Barnes* court recognizes the danger they present to law enforcement officers and everyone else involved in the case. Legal disputes about the right to entry should be decided by the courts, not on the doorstep.

In response to a question from Senator Steele, Mr. Blackwell stated that "no-knock" entries are sometimes necessary when serving a warrant. Mr. Blackwell also testified that, in the case of police mistakenly entering the wrong home, a homeowner can take whatever steps are necessary until they know that the intruders are law enforcement officers; at that point they should cease and desist.

In response to a question from Senator Lanane concerning whether police would be endangered if the self-defense statute were amended to specifically include law enforcement officers, Mr. Blackwell responded that it might be more dangerous to citizens who did not stand down in certain chaotic and evolving situations.

Janet Brown testified that police should not violate the Constitution and should receive remedial training on citizen's rights.

Lisa Deaton described the history of the Fourth Amendment and highlighted the importance of the warrant requirement. She also noted that the legislature, not the courts, should make the laws.

Dwight Lyle of the Constitutional Patriots testified concerning the history of the Fourth Amendment and stated that police should not be permitted to illegally break into people's houses.

Paul Ogden testified that the legislature give additional protections beyond what the constitution affords, and also noted that the *Barnes* court failed to mention the self-defense statute.

Andrew Kirch testified that it was a problem that police are often aggressive, heavily armed, and commonly used automatic weapons, and that the *Barnes* court was recognizing that it is not safe to resist when police have so much firepower.

Molly Hainey testified that it was unconstitutional for police to break in, and stated that Newton County Sheriff Don Hartman would use *Barnes* to conduct random searches.

Jay Martin testified that the Fourth Amendment was granted by the Creator and no one else can change or amend it. In response to a question from Senator Lanane, Mr. Martin testified that it was up to the homeowner to decide whether an entry was illegal.

Senator Steele adjourned the meeting at 3:50 p.m.