



SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1028 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 7.1-5-1-6.5, AS AMENDED BY P.L.156-2014,
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2016]: Sec. 6.5. (a) A law enforcement officer may not take
6 a person into custody based solely on the commission of an offense
7 involving alcohol described in subsection (b) if the law enforcement
8 officer, after making a reasonable determination and considering the
9 facts and surrounding circumstances, reasonably believes that all of the
10 following apply:
11 (1) The law enforcement officer has contact with the person
12 because the person:
13 (A) either:
14 (i) requested emergency medical assistance; or
15 (ii) acted in concert with another person who requested
16 emergency medical assistance;
17 for an individual who reasonably appeared to be in need of
18 medical assistance;
19 (B) is the victim of a reported sex offense (as defined in
20 IC 11-8-8-5.2); **or**
21 (C) witnessed and reported what the person reasonably
22 believed to be a crime; **or**
23 **(D) is an individual:**
24 (i) who requested medical assistance on the individual's
25 own behalf; **or**
26 (ii) on whose behalf another person requested emergency
27 medical assistance.

1 (2) The person described in subdivision (1)(A), (1)(B), ~~or~~ (1)(C),
 2 **or (1)(D):**

3 (A) provided:

4 (i) the person's full name; and

5 (ii) any other relevant information requested by the law
 6 enforcement officer, **including the names of other persons**
 7 **possibly requiring medical assistance;** and

8 (B) in the case of a person described in subdivision (1)(A):

9 (i) remained at the scene with the individual who reasonably
 10 appeared to be in need of medical assistance until
 11 emergency medical assistance arrived; and

12 (ii) cooperated with emergency medical assistance personnel
 13 and law enforcement officers at the scene, **including, upon**
 14 **request, providing the names of other persons possibly**
 15 **requiring medical assistance.**

16 (b) A person who meets the criteria of subsection (a)(1) and (a)(2)
 17 is immune from criminal prosecution for an offense under:

18 (1) section 3 of this chapter if the offense involved a state of
 19 intoxication caused by the person's use of alcohol;

20 (2) section 6 of this chapter if the offense involved the person
 21 being, or becoming, intoxicated as a result of the person's use of
 22 alcohol; and

23 (3) IC 7.1-5-7-7.

24 (c) A person may not initiate or maintain an action against a law
 25 enforcement officer based on the officer's compliance or failure to
 26 comply with this section.

27 SECTION 2. IC 7.1-5-1-6.6 IS REPEALED [EFFECTIVE JULY 1,
 28 2016]. Sec. 6.6: (a) This section applies only to a person:

29 (1) arrested for a violation of:

30 (A) section 3 of this chapter if the offense involved a state of
 31 intoxication caused by the person's use of alcohol;

32 (B) section 6 of this chapter if the offense involved the person
 33 being, or becoming, intoxicated as a result of the person's use
 34 of alcohol; or

35 (C) IC 7.1-5-7-7; and

36 (2) whose arrest was facilitated because another person reported
 37 that the person appeared to be in need of medical assistance due
 38 to the use of alcohol.

39 (b) If a person described in subsection (a):

40 (1) does not have a prior conviction for an offense described in
 41 subsection (a);

42 (2) pleads guilty to an offense described in subsection (a); and

43 (3) agrees to be placed in the custody of the court;

44 the court, without entering a judgment of conviction, shall defer further
 45 proceedings and place the person in the custody of the court under
 46 conditions determined by the court.

1 (c) If the person placed in the custody of the court violates the
2 conditions of custody, the court may enter a judgment of conviction.
3 However, if the person fulfills the conditions of the custody, the court
4 shall dismiss the charges against the person.

5 (d) There may be only one (+) dismissal under this section with
6 respect to a person."

7 Renumber all SECTIONS consecutively.

(Reference is to EHB 1028 as printed February 26, 2016.)

Senator MERRITT