



POLICE / PROSECUTOR UPDATE

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New Legislation of Interest to Law Enforcement

P.L. 81-2008 created the offense of **Inmate Fraud**, a Class C felony at IC 35-43-5-20. Inmate means a person who is confined in a secure juvenile facility, the county jail, in the department of correction, or. An inmate commits the offense by knowingly or intentionally: (1) making a misrepresentation to the person and obtains or attempts to obtain money or other property from the person; or (2) obtains or attempts to obtain money or other property from the person through a misrepresentation made by another person.

P.L. 44-2008 added IC 35-33-1-1.7 requiring a facility having custody of a person arrested for a crime of **domestic violence** to keep the person in custody for at least 8 hours from the time of the arrest before any release on **bail**.

P.L. 64-2008 added the new crime of **Disarming a Law Enforcement Officer**, a Class C felony, at IC 35-44-3-3.5. A person commits this crime who knows that another person is a law enforcement officer and knowingly or intentionally takes or attempts to take a firearm or weapon from the officer without the consent of the officer and while the officer is engaged in the performance of his or her official duties. It is a Class B felony if it results in serious bodily injury to the officer, and a Class A felony if the officer dies as a result.

P.L. 68-2008 added the new crime of **Failure to Report a Dead Body**, a Class A Misdemeanor at IC 35-45-19-3. A person commits this offense who discovers a deceased person and who knowingly or intentionally fails to report the dead body to a

public safety officer, coroner, physician, or to 9-1-1 within 3 hours of finding the body, when it appears the deceased person died by violence, suicide, accident, or under certain other suspicious or unusual circumstances.

P.L. 126-2008 created IC 9-26-1-1.5, providing that the law requiring a driver involved in an accident to stop at the accident scene, notify the appropriate law enforcement agency, and render reasonable assistance applies if the accident results in the entrapment of a person in a vehicle (under current law, the law applies only if the accident results in the injury or death of a person). If the driver is incapable of rendering assistance, then certain categories of passengers must do so. This public law also amended the OWI statutes, making OWI committed by a person with a previous conviction for OWI causing death, serious bodily injury, or with a minor in the vehicle a Class C felony. **Leaving the Scene of an Accident** after committing operating while intoxicated causing serious bodily injury is a Class B felony.

P.L. 104-2008 amended the **Invasion of Privacy** statute, IC 35-46-1-15.1, to include (1) violation of a condition of bail requiring the defendant to refrain from any direct or indirect contact with an individual, including if the defendant has not been released from lawful detention, and (2) violation of a condition of a person's executed sentence that the person refrain from any direct or indirect contact with an individual.

P.L. 41-2008 amended IC 16-37-1-12 to make **Birth Certificate Fraud** a Class D felony (it is currently a Class A misdemeanor).

All new legislation will be effective July 1, 2008.

This is a publication of the Clark County Prosecuting Attorney, covering various topics of interest to law enforcement officers. It is directed solely toward issues of evidence, criminal law and procedure. Please consult your city, town, or county attorney for legal advice relating to civil liability. Please direct any suggestions you may have for future issues to Steve Stewart at 285-6264.