

HOUSE BILL No. 1056

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-37-4-3.5; IC 35-33-1-1.

Synopsis: Parental notice of juvenile arrest at school. Requires that a law enforcement officer who arrests a child on school property or at a school-sponsored event must make a reasonable attempt to notify the child's parent, guardian, or custodian before the child can be moved to a different location.

Effective: July 1, 2020.

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January 6, 2020, read first time and referred to Committee on Family, Children and Human Affairs.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1056

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

1 SECTION 1. IC 31-37-4-3.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2020]: **Sec. 3.5. (a) This section does not apply to an emancipated**
4 **minor.**
5 **(b) This section does not apply if:**
6 **(1) there is a medical emergency involving the child described**
7 **in subsection (c); or**
8 **(2) there is an active shooter who has been verified to be on**
9 **school property or at a school-sponsored activity.**
10 **(c) This section applies if a law enforcement officer arrests or**
11 **takes into custody a child less than eighteen (18) years of age for**
12 **allegedly committing a delinquent or criminal act on school**
13 **property or at a school-sponsored activity.**
14 **(d) A law enforcement officer who takes a child into custody as**
15 **described in subsection (c) shall make a reasonable attempt to**
16 **notify the child's parent, guardian, or custodian or the emergency**
17 **contact listed on the child's school record.**



1 **(e) The attempt to notify under subsection (d) must occur before**
 2 **the child is transported from school property or the location of the**
 3 **school-sponsored activity.**

4 **(f) A law enforcement agency shall inform its law enforcement**
 5 **officers concerning the notification requirements under this**
 6 **section.**

7 SECTION 2. IC 35-33-1-1, AS AMENDED BY P.L.65-2016,
 8 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2020]: Sec. 1. (a) A law enforcement officer may arrest a
 10 person when the officer has:

- 11 (1) a warrant commanding that the person be arrested;
 12 (2) probable cause to believe the person has committed or
 13 attempted to commit, or is committing or attempting to commit,
 14 a felony;
 15 (3) probable cause to believe the person has violated the
 16 provisions of IC 9-26-1-1.1 or IC 9-30-5;
 17 (4) probable cause to believe the person is committing or
 18 attempting to commit a misdemeanor in the officer's presence;
 19 (5) probable cause to believe the person has committed a:
 20 (A) battery resulting in bodily injury under IC 35-42-2-1; or
 21 (B) domestic battery under IC 35-42-2-1.3.
 22 The officer may use an affidavit executed by an individual alleged
 23 to have direct knowledge of the incident alleging the elements of
 24 the offense of battery to establish probable cause;
 25 (6) probable cause to believe that the person violated
 26 IC 35-46-1-15.1 (invasion of privacy) or IC 35-46-1-15.3;
 27 (7) probable cause to believe that the person violated
 28 IC 35-47-2-1 (carrying a handgun without a license) or
 29 IC 35-47-2-22 (counterfeit handgun license);
 30 (8) probable cause to believe that the person is violating or has
 31 violated an order issued under IC 35-50-7;
 32 (9) probable cause to believe that the person is violating or has
 33 violated IC 35-47-6-1.1 (undisclosed transport of a dangerous
 34 device);
 35 (10) probable cause to believe that the person is:
 36 (A) violating or has violated IC 35-45-2-5 (interference with
 37 the reporting of a crime); and
 38 (B) interfering with or preventing the reporting of a crime
 39 involving domestic or family violence (as defined in
 40 IC 34-6-2-34.5);
 41 (11) probable cause to believe that the person has committed theft
 42 (IC 35-43-4-2);



- 1 (12) a removal order issued for the person by an immigration
2 court;
3 (13) a detainer or notice of action for the person issued by the
4 United States Department of Homeland Security; or
5 (14) probable cause to believe that the person has been indicted
6 for or convicted of one (1) or more aggravated felonies (as
7 defined in 8 U.S.C. 1101(a)(43)).
8 (b) A person who:
9 (1) is employed full time as a federal enforcement officer;
10 (2) is empowered to effect an arrest with or without warrant for a
11 violation of the United States Code; and
12 (3) is authorized to carry firearms in the performance of the
13 person's duties;
14 may act as an officer for the arrest of offenders against the laws of this
15 state where the person reasonably believes that a felony has been or is
16 about to be committed or attempted in the person's presence.
17 (c) **A law enforcement officer shall make a reasonable attempt**
18 **to notify a child's parent, guardian, or custodian or the emergency**
19 **contact listed on the child's school record if the child is arrested or**
20 **taken into custody as described in IC 31-37-4-3.5.**

