

SENATE BILL No. 90

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-5-1-6.5.

Synopsis: Immunity under the lifeline law. Specifies that a law enforcement officer may not arrest a person for an offense involving possession of paraphernalia, a syringe, or a controlled substance if the officer's contact with the person was due to the reporting of a medical emergency and certain other conditions are met.

Effective: July 1, 2019.

Merritt

January 3, 2019, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 90

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

1 SECTION 1. IC 7.1-5-1-6.5, AS AMENDED BY P.L.156-2014,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 6.5. (a) A law enforcement officer may not take
4 a person into custody based solely on the commission of an offense
5 involving alcohol described in subsection (b), **or based solely on the**
6 **commission of an offense involving possession of paraphernalia, a**
7 **syringe, or a controlled substance described in subsection (c)**, if the
8 law enforcement officer, after making a reasonable determination and
9 considering the facts and surrounding circumstances, reasonably
10 believes that all of the 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



- 1 medical assistance;
 2 (B) is the victim of a reported sex offense (as defined in
 3 IC 11-8-8-5.2); or
 4 (C) witnessed and reported what the person reasonably
 5 believed to be a crime.
 6 (2) The person described in subdivision (1)(A), (1)(B), or (1)(C):
 7 (A) provided:
 8 (i) the person's full name; and
 9 (ii) any other relevant information requested by the law
 10 enforcement officer; and
 11 (B) in the case of a person described in subdivision (1)(A):
 12 (i) remained at the scene with the individual who reasonably
 13 appeared to be in need of medical assistance until
 14 emergency medical assistance arrived; and
 15 (ii) cooperated with emergency medical assistance personnel
 16 and law enforcement officers at the scene.
 17 (b) A person who meets the criteria of subsection (a)(1) and (a)(2)
 18 is immune from criminal prosecution for an offense under:
 19 (1) section 3 of this chapter if the offense involved a state of
 20 intoxication caused by the person's use of alcohol;
 21 (2) section 6 of this chapter if the offense involved the person
 22 being, or becoming, intoxicated as a result of the person's use of
 23 alcohol; and
 24 (3) IC 7.1-5-7-7.
 25 **(c) A person who meets the criteria of subsection (a)(1) and**
 26 **(a)(2) is immune from criminal prosecution for the following:**
 27 **(1) IC 16-42-19-18 (possession of a syringe).**
 28 **(2) IC 35-48-4-6 (possession of cocaine or a narcotic drug).**
 29 **(3) IC 35-48-4-6.1 (possession of methamphetamine).**
 30 **(4) IC 35-48-4-7 (possession of a controlled substance).**
 31 **(5) IC 35-48-4-8.3 (possession of paraphernalia).**
 32 **(6) IC 35-48-4-11 (possession of marijuana).**
 33 **(7) IC 35-48-4-11.5 (possession of a synthetic drug or synthetic**
 34 **drug lookalike substance).**
 35 ~~(e)~~ **(d)** A person may not initiate or maintain an action against a law
 36 enforcement officer based on the officer's compliance or failure to
 37 comply with this section.

