

# HOUSE BILL No. 1269

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-26-5-3; IC 35-33-1-1.

**Synopsis:** Domestic violence reports. Removes language concerning an affidavit from provisions concerning probable cause for battery and domestic battery. Requires a law enforcement officer to provide a victim who requests a protection order with the required forms and appropriate assistance in completing and filing the forms.

**Effective:** July 1, 2024.

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## Hatcher

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January 9, 2024, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

# HOUSE BILL No. 1269



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

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

1 SECTION 1. IC 34-26-5-3, AS AMENDED BY P.L.161-2018,  
2 SECTION 107, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) The office of judicial  
4 administration shall:  
5 (1) develop and adopt:  
6 (A) a petition for an order for protection;  
7 (B) an order for protection, including:  
8 (i) orders issued under this chapter;  
9 (ii) ex parte orders;  
10 (iii) no contact orders under IC 31 and IC 35;  
11 (iv) forms relating to workplace violence restraining orders  
12 under IC 34-26-6; and  
13 (v) forms relating to a child protective order under  
14 IC 31-34-2.3;  
15 (C) a confidential form;  
16 (D) a notice of modification or extension for an order for  
17 protection, a no contact order, a workplace violence restraining



- 1 order, or a child protective order;
- 2 (E) a notice of termination for an order for protection, a no
- 3 contact order, a workplace violence restraining order, or a
- 4 child protective order; and
- 5 (F) any other uniform statewide forms necessary to maintain
- 6 an accurate registry of orders; and
- 7 (2) provide the forms under subdivision (1):
- 8 (A) to the clerk of each court authorized to issue the orders;
- 9 **and**
- 10 **(B) necessary to file for an order for protection to every**
- 11 **law enforcement agency that has jurisdiction in the county.**
- 12 (b) In addition to any other required information, a petition for an
- 13 order for protection must contain a statement listing each civil or
- 14 criminal action involving:
- 15 (1) either party; or
- 16 (2) a child of either party.
- 17 (c) The following statements must be printed in boldface type or in
- 18 capital letters on an order for protection, a no contact order, a
- 19 workplace violence restraining order, or a child protective order:
- 20 **VIOLATION OF THIS ORDER IS PUNISHABLE BY**
- 21 **CONFINEMENT IN JAIL, PRISON, AND/OR A FINE.**
- 22 **IF SO ORDERED BY THE COURT, THE RESPONDENT IS**
- 23 **FORBIDDEN TO ENTER OR STAY AT THE PETITIONER'S**
- 24 **RESIDENCE OR RESIDENCE OF ANY CHILD WHO IS THE**
- 25 **SUBJECT OF THE ORDER, EVEN IF INVITED TO DO SO BY**
- 26 **THE PETITIONER OR ANY OTHER PERSON. IN NO EVENT**
- 27 **IS THE ORDER FOR PROTECTION VOIDED.**
- 28 **PURSUANT TO 18 U.S.C. 2265, THIS ORDER FOR**
- 29 **PROTECTION SHALL BE GIVEN FULL FAITH AND CREDIT**
- 30 **IN ANY OTHER STATE OR TRIBAL LAND AND SHALL BE**
- 31 **ENFORCED AS IF IT WERE AN ORDER ISSUED IN THAT**
- 32 **STATE OR TRIBAL LAND. PURSUANT TO 18 U.S.C. 922(g),**
- 33 **ONCE A RESPONDENT HAS RECEIVED NOTICE OF THIS**
- 34 **ORDER AND AN OPPORTUNITY TO BE HEARD, IT IS A**
- 35 **FEDERAL VIOLATION TO PURCHASE, RECEIVE, OR**
- 36 **POSSESS A FIREARM WHILE SUBJECT TO THIS ORDER IF**
- 37 **THE PROTECTED PERSON IS:**
- 38 (A) THE RESPONDENT'S CURRENT OR FORMER
- 39 SPOUSE;
- 40 (B) A CURRENT OR FORMER PERSON WITH WHOM
- 41 THE RESPONDENT RESIDED WHILE IN AN INTIMATE
- 42 RELATIONSHIP; OR



1 (C) A PERSON WITH WHOM THE RESPONDENT HAS A  
 2 CHILD.  
 3 INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT  
 4 THE RESPONDENT TO FEDERAL CRIMINAL PENALTIES  
 5 UNDER 18 U.S.C. 2261 AND 18 U.S.C. 2262.

6 (d) The clerk of the circuit court, ~~or~~ a person or entity designated by  
 7 the clerk of the circuit court, **or a law enforcement officer** shall  
 8 provide to a person requesting an order for protection:

- 9 (1) the forms adopted under subsection (a);  
 10 (2) all other forms required to petition for an order for protection,  
 11 including forms:  
 12 (A) necessary for service; and  
 13 (B) required under IC 31-21 (or IC 31-17-3 before its repeal);  
 14 and  
 15 (3) clerical assistance in reading or completing the forms and  
 16 filing the petition. **A law enforcement officer who provides the**  
 17 **forms to a victim of domestic battery or harassment shall,**  
 18 **unless the victim refuses assistance:**  
 19 (A) **remain with the victim while the victim completes the**  
 20 **forms; and**  
 21 (B) **as soon as practicable, file the forms with the**  
 22 **appropriate court.**

23 Clerical assistance provided by the clerk, ~~or~~ court personnel, **or a law**  
 24 **enforcement officer** under this section does not constitute the practice  
 25 of law. The clerk of the circuit court may enter into a contract with a  
 26 person or another entity to provide this assistance. A person, other than  
 27 a person or other entity with whom the clerk has entered into a contract  
 28 to provide assistance, who in good faith performs the duties the person  
 29 is required to perform under this subsection is not liable for civil  
 30 damages that might otherwise be imposed on the person as a result of  
 31 the performance of those duties unless the person commits an act or  
 32 omission that amounts to gross negligence or willful and wanton  
 33 misconduct.

- 34 (e) A petition for an order for protection must be:  
 35 (1) verified or under oath under Trial Rule 11; and  
 36 (2) issued on the forms adopted under subsection (a).

37 (f) If an order for protection is issued under this chapter, the clerk  
 38 shall comply with IC 5-2-9.

39 (g) After receiving a petition for an order for protection, the clerk of  
 40 the circuit court shall immediately enter the case in the Indiana  
 41 protective order registry established by IC 5-2-9-5.5.

42 SECTION 2. IC 35-33-1-1, AS AMENDED BY P.L.112-2023,



1 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2024]: Sec. 1. (a) A law enforcement officer may arrest a  
3 person when the officer has:

- 4 (1) a warrant commanding that the person be arrested;  
5 (2) probable cause to believe the person has committed or  
6 attempted to commit, or is committing or attempting to commit,  
7 a felony;  
8 (3) probable cause to believe the person has violated the  
9 provisions of IC 9-26-1-1.1 or IC 9-30-5;  
10 (4) probable cause to believe the person is committing or  
11 attempting to commit a misdemeanor in the officer's presence;  
12 (5) probable cause to believe the person has committed a:  
13 (A) battery resulting in bodily injury under IC 35-42-2-1; or  
14 (B) domestic battery under IC 35-42-2-1.3;  
15 ~~The officer may use an affidavit executed by an individual alleged~~  
16 ~~to have direct knowledge of the incident alleging the elements of~~  
17 ~~the offense of battery to establish probable cause;~~  
18 (6) probable cause to believe that the person violated  
19 IC 35-46-1-15.1 (invasion of privacy) or IC 35-46-1-15.3;  
20 (7) probable cause to believe that the person violated  
21 IC 35-47-2-1.5 (unlawful carrying of a handgun) or IC 35-47-2-22  
22 (counterfeit handgun license);  
23 (8) probable cause to believe that the person is violating or has  
24 violated an order issued under IC 35-50-7;  
25 (9) probable cause to believe that the person is violating or has  
26 violated IC 35-47-6-1.1 (undisclosed transport of a dangerous  
27 device);  
28 (10) probable cause to believe that the person is:  
29 (A) violating or has violated IC 35-45-2-5 (interference with  
30 the reporting of a crime); and  
31 (B) interfering with or preventing the reporting of a crime  
32 involving domestic or family violence (as defined in  
33 IC 34-6-2-34.5);  
34 (11) probable cause to believe that the person has committed theft  
35 (IC 35-43-4-2);  
36 (12) a removal order issued for the person by an immigration  
37 court;  
38 (13) a detainer or notice of action for the person issued by the  
39 United States Department of Homeland Security; or  
40 (14) probable cause to believe that the person has been indicted  
41 for or convicted of one (1) or more aggravated felonies (as  
42 defined in 8 U.S.C. 1101(a)(43)).



- 1 (b) A person who:  
2 (1) is employed full time as a federal enforcement officer;  
3 (2) is empowered to effect an arrest with or without warrant for a  
4 violation of the United States Code; and  
5 (3) is authorized to carry firearms in the performance of the  
6 person's duties;  
7 may act as an officer for the arrest of offenders against the laws of this  
8 state where the person reasonably believes that a felony has been or is  
9 about to be committed or attempted in the person's presence.
- 10 (c) A law enforcement officer who arrests a child or takes a child  
11 into custody as described in IC 31-37-4-3.5 shall make a reasonable  
12 attempt to notify:  
13 (1) the child's parent, guardian, or custodian; or  
14 (2) the emergency contact listed on the child's school record;  
15 that the child has been arrested or taken into custody.

