

NEW LEGISLATION 2008 FOR LAW ENFORCEMENT

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IC 35-41-1-5.5; 35-50-6 (P.L. 64, § 1, § 2) **DISARMING LAW ENFORCEMENT OFFICER**

A person who:

- ▶ knowingly or intentionally
- ▶ takes or attempts to take
- ▶ firearm, or authorized weapon (likely includes taser, nightstick, mace)
- ▶ from officer or proximity of officer
- ▶ without consent of officer, and
- ▶ while officer engaged in official duties

commits NEW CRIME of Disarming a Law Enforcement Officer, a Class C Felony.

Class B Felony if serious bodily injury to Officer.

Class A Felony if serious bodily injury to Officer caused by firearm taken.

Minimum sentence is nonsuspendable under IC 35-50-2-2.

IC 35-26-1; IC 9-30-5-3 (P.L. 126)

LEAVING SCENE OF ACCIDENT

A driver involved in an accident that causes injury or entrapment

- ▶ shall stop, give name and address, provide ID upon request, and
- ▶ shall determine need for medical assistance and removal of "entrapped person."
- ▶ "Ted Kennedy Statute"
- ▶ Violation is a Class A Misdemeanor. Class D Felony if accident involves serious bodily injury. Class C Felony if accident involves death, or if the driver has a prior conviction for OWI SBI or OWI Death. Class B Felony if OWI and causes serious bodily injury.

If driver is incapable of determining need or rendering assistance:

- ▶ the duty falls upon the passenger,
- ▶ if over 18, or a licensed driver, or with learners permit.
- ▶ Violation is a Class C Misdemeanor.

IC 35-45-19 (P.L. 68)**FAILURE TO REPORT DEAD BODY**

A person who:

- ▶ discovers body dead from violence, accident, under suspicious circumstances, etc.
- ▶ knowingly or intentionally fails to report
- ▶ within 3 hours
- ▶ to police, fireman, EMT, coroner, physician, 9-1-1.

IC 35-41-1-5.5; 35-50-6 (P.L. 80, § 1 to § 6)**CREDIT RESTRICTED FELON**

(Applies only to those convicted after June 30, 2008)

- ▶ Credit Class I = credit a day for every 1 day served (serve actual 50%)
- ▶ Credit Class II = credit a day for every 2 days served (serve actual 67%)
- ▶ Credit Class III = no credit (serve actual 100%)
- ▶ Credit Class IV = credit a day for every 6 days served (serve actual 85%)
 - ▶ Class IV newly created
 - ▶ Applies only to inmate convicted of Child Molesting, and
 - ▶ Defendant over 21, child less than 12 years old, or
 - ▶ results in serious bodily injury to child.
 - ▶ May also apply to Murder, if victim was victim of sex crime, or was a witness.

IC 24-4-16 (P.L. 63)**SALVAGE DEALERS**

- ▶ Architectural Salvage Materials include any item originally installed on or in a dwelling, building or other structure, and later removed. (fixtures, trim, siding, plumbing, windows, etc.)
- ▶ Dealer may not accept if:
 - ▶ seller under 18, or
 - ▶ reasonably should know property is stolen.
- ▶ Dealer must keep records for 2 years showing adequate description of property, date and time of transaction, Government ID info and signature of seller.
- ▶ Records may be inspected by law enforcement.
- ▶ Material must be held for 5 days upon request of law enforcement.

IC 31-30-1-2; IC 31-30-1-4 (P.L. 67)**JUVENILE LAW**

- ▶ Juvenile Court now has jurisdiction over all traffic and OWI, even if 16 or 17 years old.
- ▶ Juvenile Court now has jurisdiction over misdemeanor handgun crimes.
- ▶ “Once waived always waived” rule applies only if new crime a felony.

IC 36-8-4 (P.L. 65)**POLICE EMPLOYMENT POLICIES**

- ▶ City/Town police and firefighters must reside within county or contiguous county.
- ▶ If city/town less than 7,500 population, city may by ordinance require residence within county. (However, cannot enforce on officers living outside county when ordinance passed)
- ▶ City/Town police and firefighters cannot use city/town vehicles outside county unless:
 - ▶ during the performance of official duties, or
 - ▶ as provided for by department regulation

** This is a summary and should not be relied upon. Please refer to text of statute.*

** All statutes are effective July 1, 2008 unless otherwise indicated.*