

HOUSE BILL No. 1465

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2-109.8; IC 35-45-2-1.

Synopsis: Threats against election workers. Provides that a person commits intimidation, a Level 5 felony, if the subject of the threat or the person to whom the threat is communicated is an election worker. Defines "election worker" for this purpose.

Effective: July 1, 2023.

Johnson B

January 17, 2023, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1465

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 35-31.5-2-109.8 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2023]: **Sec. 109.8. "Election worker", for**
4 **purposes of IC 35-45-2-1, means an individual who does any of the**
5 **following:**

6 **(1) The individual serves as any of the following:**

7 **(A) The secretary of state.**

8 **(B) An employee of the election division.**

9 **(C) An employee of the commission.**

10 **(D) A precinct election officer, including an individual who**
11 **serves as a precinct election officer at a vote center using**
12 **a different title under IC 3-6-6-5.5.**

13 **(E) A member of a county election board.**

14 **(F) A member of a county board of elections and**
15 **registration.**

16 **(G) A member of a board of registration established under**
17 **IC 3-7-12.**



(H) A circuit court clerk.

(I) An employee of the office of a circuit court clerk.

(J) A member of a town election board.

(K) An individual who serves under IC 3-6-6-39.

(L) A challenger or pollbook holder under IC 3-6-7.

(M) A watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10.

(2) The individual either:

(A) works in exchange for compensation; or

(B) volunteers;

at a precinct or vote center under the supervision of one (1) or more of the individuals listed in subdivision (1).

SECTION 2. IC 35-45-2-1, AS AMENDED BY P.L.5-2022, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) A person who communicates a threat with the intent:

(1) that another person engage in conduct against the other person's will;

(2) that another person be placed in fear of retaliation for a prior lawful act;

(3) of:

(A) causing:

(i) a dwelling, a building, or other structure; or

(ii) a vehicle;

to be evacuated; or

(B) interfering with the occupancy of:

(i) a dwelling, building, or other structure; or

(ii) a vehicle; or

(4) that another person be placed in fear that the threat will be carried out, if the threat is a threat described in:

(A) subsection (c)(1) through (c)(5); or

(B) subsection (c)(7) through (c)(8);

commits intimidation, a Class A misdemeanor.

(b) However, the offense is a:

(1) Level 6 felony if:

(A) the threat is to commit a forcible felony;

(B) the subject of the threat or the person to whom the threat is communicated is a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat;

(C) the threat is communicated because of the occupation, profession, employment status, or ownership status of a person or the threat relates to or is made in connection with the



- 1 occupation, profession, employment status, or ownership
 2 status of a person;
 3 (D) the person has a prior unrelated conviction for an offense
 4 under this section concerning the same victim; or
 5 (E) the threat is communicated using property, including
 6 electronic equipment or systems, of a school corporation or
 7 other governmental entity; and
 8 (2) Level 5 felony if:
 9 (A) while committing it, the person draws or uses a deadly
 10 weapon;
 11 (B) the subject of the threat or the person to whom the threat
 12 is communicated:
 13 (i) is a judicial officer or bailiff of any court; ~~or~~
 14 (ii) is a prosecuting attorney or a deputy prosecuting
 15 attorney; ~~or~~
 16 **(iii) is an election worker (as defined in**
 17 **IC 35-31.5-2-109.8);**
 18 and the threat relates to the person's status as a judicial officer,
 19 bailiff, prosecuting attorney, ~~or~~ deputy prosecuting attorney, ~~or~~
 20 **election worker**, or is made in connection with the official
 21 duties of the judicial officer, bailiff, prosecuting attorney, ~~or~~
 22 deputy prosecuting attorney, **or election worker**; or
 23 (C) the threat is:
 24 (i) to commit terrorism; or
 25 (ii) made in furtherance of an act of terrorism.
 26 (c) "Threat" means an expression, by words or action, of an
 27 intention to:
 28 (1) unlawfully injure the person threatened or another person, or
 29 damage property;
 30 (2) unlawfully subject a person to physical confinement or
 31 restraint;
 32 (3) commit a crime;
 33 (4) unlawfully withhold official action, or cause such withholding;
 34 (5) unlawfully withhold testimony or information with respect to
 35 another person's legal claim or defense, except for a reasonable
 36 claim for witness fees or expenses;
 37 (6) expose the person threatened to hatred, contempt, disgrace, or
 38 ridicule;
 39 (7) falsely harm the credit or business reputation of a person; or
 40 (8) cause the evacuation of a dwelling, a building, another
 41 structure, or a vehicle. For purposes of this subdivision, the term
 42 includes an expression that would cause a reasonable person to



1 consider the evacuation of a dwelling, a building, another
2 structure, or a vehicle, even if the dwelling, building, structure, or
3 vehicle is not evacuated.

