

# PROPOSED AMENDMENT

## HB 1040 # 5

### DIGEST

Vulnerable worker. Replaces references to "vulnerable worker" with health care employee or school employee. Makes conforming amendments.

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- 1           Page 11, between lines 34 and 35, begin a new paragraph and insert:  
2           **""Health care employee" has the meaning set forth in**  
3           **IC 35-42-2-1."**
- 4           Page 11, between lines 39 and 40, begin a new paragraph and insert:  
5           **""School employee" has the meaning set forth in IC 35-42-2-1."**
- 6           Page 12, delete line 3.
- 7           Page 12, line 7, delete "vulnerable worker" and insert **"health care**  
8           **employee or school employee"**.
- 9           Page 12, line 8, delete "vulnerable worker" and insert **"health care**  
10           **employee or school employee"**.
- 11           Page 15, delete lines 18 through 22.
- 12           Page 18, delete lines 28 through 30.
- 13           Page 19, delete lines 4 through 13, begin a new paragraph and  
14           insert:
- 15           **"(d) The offense described in subsection (b)(1) is a Class A**  
16           **misdemeanor if it is committed against a health care employee or**  
17           **school employee:**
- 18                 **(1) while the health care employee or school employee is**  
19                 **acting within the scope of the health care employee's or school**  
20                 **employee's employment;**
- 21                 **(2) while the health care employee or school employee is**  
22                 **commuting to or from the health care employee's or school**  
23                 **employee's place of employment; or**
- 24                 **(3) in retaliation for an act taken by the health care employee**  
25                 **or school employee within the scope of the health care**  
26                 **employee's or school employee's employment;**
- 27           **unless the offense is committed by a person detained or committed**

1 **under IC 12-26."**

2 Page 20, delete lines 1 through 11, begin a new paragraph and  
3 insert:

4 **"(g) The offense described in subsection (b)(1) is a Level 6 felony**  
5 **if it results in bodily injury to a health care employee or school**  
6 **employee and is committed against the health care employee or**  
7 **school employee:**

8 (1) while the health care employee or school employee is  
9 acting within the scope of the health care employee's or school  
10 employee's employment;

11 (2) while the health care employee or school employee is  
12 commuting to or from the health care employee's or school  
13 employee's place of employment; or

14 (3) in retaliation for an act taken by the health care employee  
15 or school employee within the scope of the health care  
16 employee's or school employee's employment;

17 **unless the offense is committed by a person detained or committed**  
18 **under IC 12-26."**

(Reference is to HB 1040 as printed January 8, 2026.)