

SENATE BILL No. 73

DIGEST OF INTRODUCED BILL

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

Synopsis: Masks at public assemblies. Makes wearing a mask at a public assembly a Class C misdemeanor, and increases the penalty to a Class A misdemeanor for a second or subsequent offense. Provides a defense under certain circumstances. Increases the penalty for rioting and disorderly conduct to a Level 6 felony if the offense is committed while wearing a mask.

Effective: July 1, 2026.

Byrne

December 8, 2025, read first time and referred to Committee on Corrections and Criminal Law.



Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

SENATE BILL No. 73

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 35-31.5-2-195.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2026]: **Sec. 195.5. "Mask", for purposes of**
4 **IC 35-45-1, has the meaning set forth in IC 35-45-1-1.**

5 SECTION 2. IC 35-31.5-2-256.7 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2026]: **Sec. 256.7. "Public assembly", for**
8 **purposes of IC 35-45-1, has the meaning set forth in IC 35-45-1-1.**

9 SECTION 3. IC 35-45-1-1 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) ~~As used in The~~
11 **definitions in this section apply throughout** this chapter.

12 (b) "Mask" means a covering that obscures or is worn over a
13 person's nose or mouth. However, the term does not include the
14 following:

- 15 (1) A holiday costume, if worn to celebrate the holiday.
16 (2) A theater costume worn by a person participating in a
17 theater production.



(3) A covering worn for religious purposes.

(4) A covering worn for the purposes of occupational safety.

(5) A medical device, if:

(A) prescribed by a physician; or

(B) worn in a health care facility.

(6) A helmet or similar protective device, if worn by a person operating or riding on a motorcycle, bicycle, scooter, roller skates, or similar device.

(7) Athletic equipment, if worn by a person participating in an athletic contest.

(8) Equipment worn by an emergency medical services provider (as defined by IC 16-41-10-1) while acting within the scope of the provider's professional responsibilities.

(9) Equipment or a face covering worn by a law enforcement officer acting within the scope of the officer's employment.

(c) "Public assembly" means a gathering:

(1) of at least ten (10) persons; and

(2) that occurs in a public place or in a place to which the general public is invited or permitted to enter.

(d) "Tumultuous conduct" means conduct that results in, or is likely to result in, serious bodily injury to a person or substantial damage to property.

(e) "Unlawful assembly" means an assembly of five (5) or more persons whose common object is to commit an unlawful act, or a lawful act by unlawful means. Prior concert is not necessary to form an unlawful assembly.

SECTION 4. IC 35-45-1-2, AS AMENDED BY P.L.94-2021, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. A person who, being a member of an unlawful assembly, recklessly, knowingly, or intentionally engages in tumultuous conduct commits rioting, a Class A misdemeanor. However, the offense is:

(1) a Level 6 felony if it:

(A) is committed while armed with a deadly weapon;

(B) results in serious bodily injury; or

(C) causes property damage of at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000);

or

(D) is committed by a person wearing a mask; and

(2) a Level 5 felony if it:

(A) results in catastrophic injury or death; or

(B) causes property damage of at least fifty thousand dollars



1 (\$50,000).

2 SECTION 5. IC 35-45-1-3, AS AMENDED BY P.L.158-2013,
3 SECTION 522, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A person who recklessly,
5 knowingly, or intentionally:

6 (1) engages in fighting or in tumultuous conduct;
7 (2) makes unreasonable noise and continues to do so after being
8 asked to stop; or

9 (3) disrupts a lawful assembly of persons;
10 commits disorderly conduct, a Class B misdemeanor.

11 (b) The offense described in subsection (a) is a Level 6 felony if it:

12 (1) adversely affects airport security; and
13 (2) is committed in an airport (as defined in IC 8-21-1-1) or on the
14 premises of an airport, including in a parking area, a maintenance
15 bay, or an aircraft hangar.

16 (c) The offense described in subsection (a) is a Level 6 felony if it:

17 (1) is committed within five hundred (500) feet of:
18 (A) the location where a burial is being performed;
19 (B) a funeral procession, if the person described in subsection
20 (a) knows that the funeral procession is taking place; or
21 (C) a building in which:
22 (i) a funeral or memorial service; or
23 (ii) the viewing of a deceased person;
24 is being conducted; and
25 (2) adversely affects the funeral, burial, viewing, funeral
26 procession, or memorial service.

27 **(d) The offense described in subsection (a) is a Level 6 felony if**
28 **it is committed by a person wearing a mask.**

29 SECTION 6. IC 35-45-1-6 IS ADDED TO THE INDIANA CODE
30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
31 1, 2026]: Sec. 6. (a) **A person who, with the intent to conceal the**
32 **person's identity, wears a mask while present at a public assembly**
33 **commits unlawful masking, a Class C misdemeanor. However, the**
34 **offense is a Class A misdemeanor if the person has a prior**
35 **unrelated conviction under this section.**

36 (b) **It is a defense to a prosecution under this section that the:**

37 (1) **public assembly takes place on private property;**
38 (2) **public assembly is held with the permission of the owner,**
39 **manager, or other person having lawful control of, or a**
40 **contractual interest in, the property; and**
41 (3) **owner, manager, or other person having lawful control of,**
42 **or a contractual interest in, the property has granted**



1 **permission to participants in the public assembly to wear**
2 **masks.**

