

SENATE BILL No. 128

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-2-1; IC 35-46-1-4.5.

Synopsis: Improper supervision of a dangerous child. Includes teachers in the definition of "public safety official" for purposes of certain battery offenses. Provides that, if a child commits an offense involving the use of a firearm or that results in bodily injury to another person on school property or a school bus, and the parent, guardian, or custodian of the child: (1) knew or reasonably should have known that the child intended to commit an unlawful act involving the use of a firearm or that might result in bodily injury to another person; and (2) failed to notify law enforcement; the parent, guardian, or custodian commits improper supervision of a dangerous child, a Class A misdemeanor. Increases the penalty to a Level 6 felony if the act results in serious bodily injury to another person.

Effective: July 1, 2026.

Niezgodski

December 11, 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. 128

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 35-42-2-1, AS AMENDED BY P.L.148-2024,
2 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 1. (a) As used in this section, "public safety
4 official" means:
5 (1) a law enforcement officer, including an alcoholic beverage
6 enforcement officer;
7 (2) an employee of a penal facility or a juvenile detention facility
8 (as defined in IC 31-9-2-71);
9 (3) an employee of the department of correction;
10 (4) a probation officer;
11 (5) a parole officer;
12 (6) a community corrections worker;
13 (7) a home detention officer;
14 (8) a department of child services employee;
15 (9) a firefighter;
16 (10) an emergency medical services provider;
17 (11) a judicial officer;



- (12) a bailiff of any court; ~~or~~
 (13) a special deputy (as described in IC 36-8-10-10.6); ~~or~~
(14) a teacher (as defined in IC 20-18-2-22(b)).

(b) As used in this section, "relative" means an individual related by blood, half-blood, adoption, marriage, or remarriage, including:

- (1) a spouse;
- (2) a parent or stepparent;
- (3) a child or stepchild;
- (4) a grandchild or stepgrandchild;
- (5) a grandparent or stepgrandparent;
- (6) a brother, sister, stepbrother, or stepsister;
- (7) a niece or nephew;
- (8) an aunt or uncle;
- (9) a daughter-in-law or son-in-law;
- (10) a mother-in-law or father-in-law; or
- (11) a first cousin.

(c) Except as provided in subsections (d) through (k), a person who knowingly or intentionally:

- (1) touches another person in a rude, insolent, or angry manner;
or
- (2) in a rude, insolent, or angry manner places any bodily fluid or waste on another person;

commits battery, a Class B misdemeanor.

(d) The offense described in subsection (c)(1) or (c)(2) is a Class A misdemeanor if it:

- (1) results in bodily injury to any other person; or
- (2) is committed against a member of a foster family home (as defined in IC 35-31.5-2-139.3) by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense.

(e) The offense described in subsection (c)(1) or (c)(2) is a Level 6 felony if one (1) or more of the following apply:

- (1) The offense results in moderate bodily injury to any other person.
- (2) The offense is committed against a public safety official while the official is engaged in the official's official duty, unless the offense is committed by a person detained or committed under IC 12-26.
- (3) The offense is committed against a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.



(4) The offense is committed against a person of any age who has a mental or physical disability and is committed by a person having the care of the person with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.

(5) The offense is committed against an endangered adult (as defined in IC 12-10-3-2).

(6) The offense:

(A) is committed against a member of a foster family home (as defined in IC 35-31.5-2-139.3) by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense; and

(B) results in bodily injury to the member of the foster family.

(f) The offense described in subsection (c)(2) is a Level 6 felony if the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus.

(g) The offense described in subsection (c)(1) or (c)(2) is a Level 5 felony if one (1) or more of the following apply:

(1) The offense results in serious bodily injury to another person.

(2) The offense is committed with a deadly weapon.

(3) The offense results in bodily injury to a pregnant woman if the person knew of the pregnancy.

(4) The person has a previous conviction for a battery or strangulation offense included in this chapter against the same victim.

(5) The offense results in bodily injury to one (1) or more of the following:

(A) A public safety official while the official is engaged in the official's official duties, unless the offense is committed by a person detained or committed under IC 12-26.

(B) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(C) A person who has a mental or physical disability if the offense is committed by an individual having care of the person with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.

(D) An endangered adult (as defined in IC 12-10-3-2).

(h) The offense described in subsection (c)(2) is a Level 5 felony if:

(1) the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with



hepatitis, tuberculosis, or human immunodeficiency virus; and
 (2) the person placed the bodily fluid or waste on a public safety
 official, unless the offense is committed by a person detained or
 committed under IC 12-26.

(i) The offense described in subsection (c)(1) or (c)(2) is a Level 4
 felony if it results in serious bodily injury to an endangered adult (as
 defined in IC 12-10-3-2).

(j) The offense described in subsection (c)(1) or (c)(2) is a Level 3
 felony if it results in serious bodily injury to a person less than fourteen
 (14) years of age if the offense is committed by a person at least
 eighteen (18) years of age.

(k) The offense described in subsection (c)(1) or (c)(2) is a Level 2
 felony if it results in the death of one (1) or more of the following:

(1) A person less than fourteen (14) years of age if the offense is
 committed by a person at least eighteen (18) years of age.

(2) An endangered adult (as defined in IC 12-10-3-2).

SECTION 2. IC 35-46-1-4.5 IS ADDED TO THE INDIANA CODE
 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 1, 2026]: **Sec. 4.5. If:**

**(1) a parent, guardian, or custodian of a child knows or
 reasonably should know that the child intends to commit a
 criminal offense or delinquent act that:**

(A) may result in bodily injury to another person; or

(B) involves the use of a firearm;

**(2) the parent, guardian, or custodian of the child knowingly
 or intentionally fails to notify law enforcement; and**

(3) the child commits:

**(A) a criminal offense or delinquent act that results in
 bodily injury to another person; or**

(B) dangerous possession of a firearm (IC 35-47-10-5);

on school property or on a school bus;

**the parent, guardian, or custodian commits improper supervision
 of a dangerous child, a Class A misdemeanor. However, the offense
 is a Level 6 felony if the criminal offense or delinquent act results
 in serious bodily injury to another person.**

