

SENATE BILL No. 280

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2-152.5; IC 35-42-2-1; IC 35-45-16.

Synopsis: Crimes relating to bodily fluids and bodily waste. Removes certain sentencing enhancements for battery and malicious mischief that relate to human immunodeficiency virus (HIV). Amends the sentencing enhancement for battery against a public safety officer that relates to HIV.

Effective: July 1, 2026.

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January 12, 2026, 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. 280

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 IC 35-31.5-2-152.5 IS REPEALED [EFFECTIVE
- 2 JULY 1, 2026]. ~~Sec. 152.5: "HIV"; for purposes of IC 35-45-16, has the~~
- 3 ~~meaning set forth in IC 35-45-16-1.~~
- 4 SECTION 2. IC 35-42-2-1, AS AMENDED BY P.L.148-2024,
- 5 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 6 JULY 1, 2026]: Sec. 1. (a) As used in this section, "public safety
- 7 official" means:
- 8 (1) a law enforcement officer, including an alcoholic beverage
- 9 enforcement officer;
- 10 (2) an employee of a penal facility or a juvenile detention facility
- 11 (as defined in IC 31-9-2-71);
- 12 (3) an employee of the department of correction;
- 13 (4) a probation officer;
- 14 (5) a parole officer;
- 15 (6) a community corrections worker;
- 16 (7) a home detention officer;
- 17 (8) a department of child services employee;



- (9) a firefighter;
- (10) an emergency medical services provider;
- (11) a judicial officer;
- (12) a bailiff of any court; or
- (13) a special deputy (as described in IC 36-8-10-10.6).

(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 **or** 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:

(A) knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis or tuberculosis; or ~~human immunodeficiency virus~~; and

(B) knew that the body fluid (as defined in IC 35-45-16-2(a)(1)) placed on another person was infected with the human immunodeficiency virus and, based on expert medical testimony, the manner in which the body fluid was placed on the person created a substantial risk of transmission; 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 3. IC 35-45-16-1 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 1. As used in this chapter, "HIV" refers to the human immunodeficiency virus.~~

SECTION 4. IC 35-45-16-2, AS AMENDED BY P.L.158-2013, SECTION 545, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) As used in this section, "body fluid" means:

(1) blood;

(2) saliva;

(3) sputum;

(4) semen;

(5) vaginal secretions;

(6) human milk;

(7) urine;

(8) sweat;

(9) tears;

(10) any other liquid produced by the body; or



- 1 (11) any aerosol generated form of liquids listed in this
 2 subsection.
- 3 (b) As used in this section, "infectious hepatitis" means:
- 4 (1) hepatitis A;
 5 (2) hepatitis B;
 6 (3) hepatitis C;
 7 (4) hepatitis D;
 8 (5) hepatitis E; or
 9 (6) hepatitis G.
- 10 (c) A person who recklessly, knowingly, or intentionally places
 11 human:
- 12 (1) body fluid; or
 13 (2) fecal waste;
 14 in a location with the intent that another person will involuntarily touch
 15 the body fluid or fecal waste commits malicious mischief, a Class B
 16 misdemeanor.
- 17 (d) An offense described in subsection (c) is a:
- 18 (1) Level 6 felony if the person knew or recklessly failed to know
 19 that the body fluid or fecal waste was infected with:
- 20 (A) infectious hepatitis; **or**
 21 ~~(B) HIV; or~~
 22 ~~(C) (B) tuberculosis; and~~
- 23 (2) Level 5 felony if:
- 24 (A) the person knew or recklessly failed to know that the body
 25 fluid or fecal waste was infected with infectious hepatitis and
 26 the offense results in the transmission of infectious hepatitis to
 27 the other person; or
 28 (B) the person knew or recklessly failed to know that the body
 29 fluid or fecal waste was infected with tuberculosis and the
 30 offense results in the transmission of tuberculosis to the other
 31 person. **and**
- 32 ~~(3) Level 4 felony if:~~
 33 ~~(A) the person knew or recklessly failed to know that the body~~
 34 ~~fluid or fecal waste was infected with HIV; and~~
 35 ~~(B) the offense results in the transmission of HIV to the other~~
 36 ~~person.~~
- 37 (e) A person who recklessly, knowingly, or intentionally places
 38 human:
- 39 (1) body fluid; or
 40 (2) fecal waste;
 41 in a location with the intent that another person will ingest the body
 42 fluid or fecal waste commits malicious mischief with food, a Class A



- 1 misdemeanor.
- 2 (f) An offense described in subsection (e) is:
- 3 (1) a Level 6 felony if the person knew or recklessly failed to
- 4 know that the body fluid or fecal waste was infected with:
- 5 (A) infectious hepatitis; **or**
- 6 ~~(B) HIV; or~~
- 7 ~~(C) (B) tuberculosis; and~~
- 8 (2) a Level 5 felony if:
- 9 (A) the person knew or recklessly failed to know that the body
- 10 fluid or fecal waste was infected with infectious hepatitis and
- 11 the offense results in the transmission of infectious hepatitis to
- 12 the other person; or
- 13 (B) the person knew or recklessly failed to know that the body
- 14 fluid or fecal waste was infected with tuberculosis and the
- 15 offense results in the transmission of tuberculosis to the other
- 16 person. **and**
- 17 ~~(3) a Level 4 felony if:~~
- 18 ~~(A) the person knew or recklessly failed to know that the body~~
- 19 ~~fluid or fecal waste was infected with HIV; and~~
- 20 ~~(B) the offense results in the transmission of HIV to the other~~
- 21 ~~person.~~

