

### **IC 35-44-3**

#### Chapter 3. Interference With, Fleeing, or Resisting Governmental Operations

### **IC 35-44-3-1**

#### **Repealed**

*(Repealed by Acts 1978, P.L.144, SEC.13.)*

### **IC 35-44-3-2**

#### **Assisting a criminal; defenses**

Sec. 2. (a) A person not standing in the relation of parent, child, or spouse to another person who has committed a crime or is a fugitive from justice who, with intent to hinder the apprehension or punishment of the other person, harbors, conceals, or otherwise assists the person commits assisting a criminal, a Class A misdemeanor. However, the offense is:

(1) a Class D felony if the person assisted has committed a Class B, Class C, or Class D felony; and

(2) a Class C felony if the person assisted has committed murder or a Class A felony, or if the assistance was providing a deadly weapon.

(b) It is not a defense to a prosecution under this section that the person assisted:

(1) has not been prosecuted for the offense;

(2) has not been convicted of the offense; or

(3) has been acquitted of the offense by reason of insanity.

However, the acquittal of the person assisted for other reasons may be a defense.

*As added by Acts 1976, P.L.148, SEC.4. Amended by Acts 1977, P.L.340, SEC.60; P.L.159-2009, SEC.1.*

### **IC 35-44-3-3**

#### **Resisting law enforcement; mandatory sentence**

Sec. 3. (a) A person who knowingly or intentionally:

(1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;

(2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or

(3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

commits resisting law enforcement, a Class A misdemeanor, except as provided in subsection (b).

(b) The offense under subsection (a) is a:

(1) Class D felony if:

(A) the offense is described in subsection (a)(3) and the person uses a vehicle to commit the offense; or

(B) while committing any offense described in subsection (a), the person draws or uses a deadly weapon, inflicts bodily injury on or otherwise causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

(2) Class C felony if, while committing any offense described in subsection (a), the person

operates a vehicle in a manner that causes serious bodily injury to another person; and

(3) Class B felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of another person.

(c) For purposes of this section, a law enforcement officer includes an enforcement officer of the alcohol and tobacco commission and a conservation officer of the department of natural resources.

(d) If a person uses a vehicle to commit a felony offense under subsection (b)(1)(B), (b)(2), or (b)(3), as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;

(2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or

(3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

(e) Notwithstanding IC 35-50-2-2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection (d) may not be suspended.

*As added by Acts 1976, P.L.148, SEC.4. Amended by Acts 1977, P.L.340, SEC.61; Acts 1979, P.L.83, SEC.11; P.L.188-1984, SEC.1; P.L.325-1987, SEC.1; P.L.248-1993, SEC.1; P.L.13-1998, SEC.1; P.L.143-2006, SEC.2.*

### **IC 35-44-3-3.5**

#### **Disarming a law enforcement officer**

Sec. 3.5. (a) As used in this section, "officer" includes the following:

(1) A person employed by:

(A) the department of correction;

(B) a law enforcement agency;

(C) a probation department;

(D) a county jail; or

(E) a circuit, superior, county, probate, city, or town court;

who is required to carry a firearm in performance of the person's official duties.

(2) A law enforcement officer.

(b) A person who:

(1) knows that another person is an officer; and

(2) knowingly or intentionally takes or attempts to take a firearm (as defined in IC 35-47-1-5) or weapon that the officer is authorized to carry from the officer or from the immediate proximity of the officer:

(A) without the consent of the officer; and

(B) while the officer is engaged in the performance of his or her official duties;

commits disarming a law enforcement officer, a Class C felony. However, the offense is a Class B felony if it results in serious bodily injury to the officer, and the offense is a Class A felony if it results in death to the officer or if a firearm (as defined in IC 35-47-1-5) was taken and the offense results in serious bodily injury to the officer.

*As added by P.L.64-2008, SEC.1.*

#### **IC 35-44-3-4**

##### **Obstruction of justice; exception**

Sec. 4. (a) A person who:

(1) knowingly or intentionally induces, by threat, coercion, or false statement, a witness or informant in an official proceeding or investigation to:

(A) withhold or unreasonably delay in producing any testimony, information, document, or thing;

(B) avoid legal process summoning him to testify or supply evidence; or

(C) absent himself from a proceeding or investigation to which he has been legally summoned;

(2) knowingly or intentionally in an official criminal proceeding or investigation:

(A) withholds or unreasonably delays in producing any testimony, information, document, or thing after a court orders him to produce the testimony, information, document, or thing;

(B) avoids legal process summoning him to testify or supply evidence; or

(C) absents himself from a proceeding or investigation to which he has been legally summoned;

(3) alters, damages, or removes any record, document, or thing, with intent to prevent it from being produced or used as evidence in any official proceeding or investigation;

(4) makes, presents, or uses a false record, document, or thing with intent that the record, document, or thing, material to the point in question, appear in evidence in an official proceeding or investigation to mislead a public servant; or

(5) communicates, directly or indirectly, with a juror otherwise than as authorized by law, with intent to influence the juror regarding any matter that is or may be brought before the juror; commits obstruction of justice, a Class D felony.

(b) Subdivision (a)(2)(A) does not apply to:

(1) a person who qualifies for a special privilege under IC 34-46-4 with respect to the testimony, information, document, or thing; or

(2) a person who, as an:

(A) attorney;

(B) physician;

(C) member of the clergy; or

(D) husband or wife;

is not required to testify under IC 34-46-3-1.

*As added by Acts 1976, P.L.148, SEC.4. Amended by Acts 1977, P.L.340, SEC.62; Acts 1981, P.L.301, SEC.2; Acts 1982, P.L.195, SEC.3; P.L.1-1998, SEC.197.*

#### **IC 35-44-3-5**

##### **Escape; failure to return to lawful detention following temporary leave**

Sec. 5. (a) A person, except as provided in subsection (b), who intentionally flees from lawful detention commits escape, a Class C felony. However, the offense is a Class B felony if, while committing it, the person draws or uses a deadly weapon or inflicts bodily injury on another person.

(b) A person who knowingly or intentionally violates a home detention order or intentionally removes an electronic monitoring device or GPS tracking device commits escape, a Class D

felony.

(c) A person who knowingly or intentionally fails to return to lawful detention following temporary leave granted for a specified purpose or limited period commits failure to return to lawful detention, a Class D felony. However, the offense is a Class C felony if, while committing it, the person draws or uses a deadly weapon or inflicts bodily injury on another person.

*As added by Acts 1976, P.L.148, SEC.4. Amended by Acts 1977, P.L.340, SEC.63; P.L.207-1986, SEC.1; P.L.17-1998, SEC.2; P.L.137-2001, SEC.11; P.L.116-2009, SEC.16.*

### **IC 35-44-3-6**

#### **Failure to appear**

Sec. 6. (a) A person who, having been released from lawful detention on condition that he appear at a specified time and place in connection with a charge of a crime, intentionally fails to appear at that time and place commits failure to appear, a Class A misdemeanor. However, the offense is a Class D felony if the charge was a felony charge.

(b) It is no defense that the accused person was not convicted of the crime with which he was originally charged.

(c) This section does not apply to obligations to appear incident to release under suspended sentence or on probation or parole.

*As added by Acts 1976, P.L.148, SEC.4. Amended by Acts 1977, P.L.340, SEC.64.*

### **IC 35-44-3-6.5**

#### **Failure to respond to a summons**

Sec. 6.5. (a) A person who, having been issued:

- (1) a complaint and summons in connection with an infraction or ordinance violation; or
- (2) a summons, or summons and promise to appear, in connection with a misdemeanor violation;

notifying him to appear at a specific time and place, intentionally fails to appear at the specified time and place commits failure to respond to a summons, a Class C misdemeanor.

(b) It is no defense that judgment was entered in favor of the person in the infraction or ordinance proceeding or that the person was acquitted of the misdemeanor for which he was summoned to appear.

*As added by Acts 1981, P.L.108, SEC.38. Amended by Acts 1982, P.L.204, SEC.37.*

### **IC 35-44-3-7**

#### **Refusal to aid an officer**

Sec. 7. A person who, when ordered by a law enforcement officer to assist the officer in the execution of the officer's duties, knowingly or intentionally, and without a reasonable cause, refuses to assist commits refusal to aid an officer, a Class B misdemeanor.

*As added by Acts 1976, P.L.148, SEC.4. Amended by Acts 1977, P.L.340, SEC.65.*

### **IC 35-44-3-8**

#### **Repealed**

*(Repealed by P.L.191-2001, SEC.2.)*

### **IC 35-44-3-8.5**

#### **Obstructing an emergency medical person**

Sec. 8.5. (a) A person who knowingly or intentionally obstructs or interferes with an emergency medical person performing or attempting to perform his emergency functions or duties as an emergency medical person commits obstructing an emergency medical person, a Class B misdemeanor.

(b) "Emergency medical person" means a person who holds a certificate issued by the Indiana emergency medical services commission to provide emergency medical services.  
*As added by Acts 1977, P.L.341, SEC.2.*

### **IC 35-44-3-9**

#### **Trafficking with an inmate or child**

Sec. 9. (a) As used in this section, "juvenile facility" means the following:

(1) A secure facility (as defined in IC 31-9-2-114) in which a child is detained under IC 31 or used for a child awaiting adjudication or adjudicated under IC 31 as a child in need of services or a delinquent child.

(2) A shelter care facility (as defined in IC 31-9-2-117) in which a child is detained under IC 31 or used for a child awaiting adjudication or adjudicated under IC 31 as a child in need of services or a delinquent child.

(b) Except as provided in subsection (d), a person who, without the prior authorization of the person in charge of a penal facility or juvenile facility knowingly or intentionally:

(1) delivers, or carries into the penal facility or juvenile facility with intent to deliver, an article to an inmate or child of the facility;

(2) carries, or receives with intent to carry out of the penal facility or juvenile facility, an article from an inmate or child of the facility;

(3) delivers, or carries to a worksite with the intent to deliver, alcoholic beverages to an inmate or child of a jail work crew or community work crew; or

(4) possesses in or carries into a penal facility or a juvenile facility:

(A) a controlled substance; or

(B) a deadly weapon;

commits trafficking with an inmate, a Class A misdemeanor.

(c) If the person who committed the offense under subsection (b) is an employee of:

(1) the department of correction; or

(2) a penal facility;

and the article is a cigarette or tobacco product (as defined in IC 6-7-2-5), the court shall impose a mandatory five thousand dollar (\$5,000) fine under IC 35-50-3-2, in addition to any term of imprisonment imposed under IC 35-50-3-2.

(d) The offense under subsection (b) is a Class C felony if the article is:

(1) a controlled substance;

(2) a deadly weapon; or

(3) a cellular telephone or other wireless or cellular communications device.

*As added by Acts 1976, P.L.148, SEC.4. Amended by Acts 1977, P.L.340, SEC.67; Acts 1981, P.L.300, SEC.2; P.L.223-1996, SEC.1; P.L.183-1999, SEC.2; P.L.243-1999, SEC.2; P.L.30-2004, SEC.1; P.L.128-2009, SEC.2.*

### **IC 35-44-3-9.3**

#### **Trafficking with an inmate outside a facility**

Sec. 9.3. (a) As used in this section, "contraband" means the following:

- (1) Alcohol.
- (2) A cigarette or tobacco product.
- (3) A controlled substance.
- (4) An item that may be used as a weapon.

(b) As used in this section, "inmate outside a facility" means a person who is incarcerated in a penal facility or detained in a juvenile facility on a full-time basis as the result of a conviction or a juvenile adjudication but who has been or is being transported to another location to participate in or prepare for a judicial proceeding. The term does not include the following:

- (1) An adult or juvenile pretrial detainee.
- (2) A person serving an intermittent term of imprisonment or detention.
- (3) A person serving a term of imprisonment or detention as:
  - (A) a condition of probation;
  - (B) a condition of a community corrections program;
  - (C) part of a community transition program;
  - (D) part of a reentry court program;
  - (E) part of a work release program; or
  - (F) part of a community based program that is similar to a program described in clauses

(A) through (E).

(4) A person who has escaped from incarceration or walked away from secure detention.

(5) A person on temporary leave (as described in IC 11-10-9) or temporary release (as described in IC 11-10-10).

(c) A person who, with the intent of providing contraband to an inmate outside a facility:

- (1) delivers contraband to an inmate outside a facility; or
- (2) places contraband in a location where an inmate outside a facility could obtain the contraband;

commits trafficking with an inmate outside a facility, a Class A misdemeanor. However, the offense is a Class D felony if the contraband is an item described in subsection (a)(3), and a Class C felony if the contraband is an item described in subsection (a)(4).

*As added by P.L. 173-2006, SEC.34.*

### **IC 35-44-3-9.5**

#### **Possessing material capable of causing bodily injury by inmate**

Sec. 9.5. A person who knowingly or intentionally while incarcerated in a penal facility possesses a device, equipment, a chemical substance, or other material that:

- (1) is used; or
- (2) is intended to be used;

in a manner that is readily capable of causing bodily injury commits a Class C felony. However, the offense is a Class B felony if the device, equipment, chemical substance, or other material is a deadly weapon.

*As added by P.L. 224-1996, SEC.1.*

### **IC 35-44-3-10**

#### **Interference with jury service**

Sec. 10. A person who knowingly or intentionally:

- (1) dismisses his employee;
- (2) deprives his employee of employment benefits; or
- (3) threatens such a dismissal or deprivation;

because the employee has received or responded to a summons, served as a juror, or attended court for prospective jury service commits interference with jury service, a Class B misdemeanor. *As added by Acts 1977, P.L.26, SEC.20.*

### **IC 35-44-3-11**

#### **Repealed**

*(Repealed by Acts 1977, P.L.342, SEC.2.)*

### **IC 35-44-3-11.1**

#### **Interference with witness service**

Sec. 11.1. A person who knowingly or intentionally:

- (1) dismisses an employee;
- (2) deprives an employee of employment benefits; or
- (3) threatens such a dismissal or deprivation;

because the employee has received or responded to a subpoena in a criminal proceeding commits interference with witness service, a Class B misdemeanor.

*As added by P.L.131-1985, SEC.18.*

### **IC 35-44-3-12**

#### **Unlawful use of a police radio; exemptions; "police radio" defined**

Sec. 12. (a) A person who knowingly or intentionally:

- (1) possesses a police radio;
- (2) transmits over a frequency assigned for police emergency purposes; or
- (3) possesses or uses a police radio:
  - (A) while committing a crime;
  - (B) to further the commission of a crime; or
  - (C) to avoid detection by a law enforcement agency;

commits unlawful use of a police radio, a Class B misdemeanor.

(b) Subsection (a)(1) and (a)(2) do not apply to:

- (1) a governmental entity;
- (2) a regularly employed law enforcement officer;
- (3) a common carrier of persons for hire whose vehicles are used in emergency service;
- (4) a public service or utility company whose vehicles are used in emergency service;
- (5) a person who has written permission from the chief executive officer of a law

enforcement agency to possess a police radio;

(6) a person who holds an amateur radio license issued by the Federal Communications Commission if the person is not transmitting over a frequency assigned for police emergency purposes;

(7) a person who uses a police radio only in the person's dwelling or place of business;

(8) a person:

- (A) who is regularly engaged in newsgathering activities;
- (B) who is employed by a newspaper qualified to receive legal advertisements under

IC 5-3-1, a wire service, or a licensed commercial or public radio or television station; and

(C) whose name is furnished by his employer to the chief executive officer of a law enforcement agency in the county in which the employer's principal office is located;

(9) a person engaged in the business of manufacturing or selling police radios; or

(10) a person who possesses or uses a police radio during the normal course of the person's lawful business.

(c) As used in this section, "police radio" means a radio that is capable of sending or receiving signals transmitted on frequencies assigned by the Federal Communications Commission for police emergency purposes and that:

(1) can be installed, maintained, or operated in a vehicle; or

(2) can be operated while it is being carried by an individual.

The term does not include a radio designed for use only in a dwelling.

*As added by Acts 1977, P.L.342, SEC.1. Amended by P.L.162-1994, SEC.1.*

### **IC 35-44-3-13**

#### **Lifetime parole violation**

Sec. 13. (a) A person who is being supervised on lifetime parole (as described in IC 35-50-6-1) and who knowingly or intentionally violates a condition of lifetime parole that involves direct or indirect contact with a child less than sixteen (16) years of age or with the victim of a crime that was committed by the person commits a Class D felony if, at the time of the violation:

(1) the person's lifetime parole has been revoked two (2) or more times; or

(2) the person has completed the person's sentence, including any credit time the person may have earned.

(b) The offense described in subsection (a) is a Class C felony if the person has a prior unrelated conviction under this section.

*As added by P.L.139-2006, SEC.5; P.L.140-2006, SEC.34; P.L.173-2006, SEC.35. Amended by P.L.1-2007, SEC.233; P.L.216-2007, SEC.49.*