

Indiana's laws regarding sexual assault, domestic violence, and stalking

The following information is provided in accordance with the Campus SaVE Act.

IC 35-42-4-1 Rape; restitution (effective July 1, 2022)

Sec. 1. (a) Except as provided in subsection (b), a person who knowingly or intentionally has sexual intercourse with another person or knowingly or intentionally causes another person to perform or submit to other sexual conduct (as defined in [IC 35-31.5-2-221.5](#)) when:

- (1) the other person is compelled by force or imminent threat of force;
- (2) the other person is unaware that the sexual intercourse or other sexual conduct (as defined in [IC 35-31.5-2-221.5](#)) is occurring;
- (3) the other person is so mentally disabled or deficient that consent to sexual intercourse or other sexual conduct (as defined in [IC 35-31.5-2-221.5](#)) cannot be given; or
- (4) the person disregarded the other person's attempts to physically, verbally, or by other visible conduct refuse the person's acts;

commits rape, a Level 3 felony.

(b) An offense described in subsection (a) is a Level 1 felony if:

- (1) it is committed by using or threatening the use of deadly force;
- (2) it is committed while armed with a deadly weapon;
- (3) it results in serious bodily injury to a person other than a defendant; or
- (4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in [IC 16-42-19-2\(1\)](#)) or a controlled substance (as defined in [IC 35-48-1-9](#)) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(c) In addition to any other penalty imposed for a violation of this section, the court shall order the person to pay restitution under [IC 35-50-5-3](#) for expenses related to pregnancy and childbirth if the pregnancy is a result of the offense.

* Indiana Code does not define or elaborate on the meaning of “**consent**.”

IC 35-31.5-2-221.5 “Other sexual conduct”

Sec. 221.5. "Other sexual conduct" means an act involving:

- (1) a sex organ of one (1) person and the mouth or anus of another person; or
- (2) the penetration of the sex organ or anus of a person by an object.

IC 35-42-4-8 Sexual battery

Sec. 8. (a) A person who, with intent to arouse or satisfy the person's own sexual desires or the sexual desires of another person:

- (1) touches another person when that person is:
 - (A) compelled to submit to the touching by force or the imminent threat of force; or
 - (B) so mentally disabled or deficient that consent to the touching cannot be given; or
- (2) touches another person's genitals, pubic area, buttocks, or female breast when that person is unaware that the touching is occurring;

commits sexual battery, a Level 6 felony.

(b) An offense described in subsection (a) is a Level 4 felony if:

- (1) it is committed by using or threatening the use of deadly force;
- (2) it is committed while armed with a deadly weapon; or
- (3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in [IC 16-42-19-2\(1\)](#)) or a controlled substance (as defined in [IC 35-48-1-9](#)) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

IC 35-45-10-1 “Stalk” defined

Sec. 1. As used in this chapter, "stalk" means a knowing or an intentional course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened. The term does not include statutorily or constitutionally protected activity.

IC 35-45-10-5 Criminal stalking (effective July 1, 2014)

Sec. 5. (a) A person who stalks another person commits stalking, a Level 6 felony.

(b) The offense is a Level 5 felony if at least one (1) of the following applies:

(1) A person:

(A) stalks a victim; and

(B) makes an explicit or an implicit threat with the intent to place the victim in reasonable fear of:

(i) sexual battery (as defined in [IC 35-42-4-8](#));

(ii) serious bodily injury; or

(iii) death.

(2) A protective order to prevent domestic or family violence, a no contact order, or other judicial order under any of the following statutes has been issued by the court to protect the same victim or victims from the person and the person has been given actual notice of the order:

(A) [IC 31-15](#) and [IC 34-26-5](#) or [IC 31-1-11.5](#) before its repeal (dissolution of marriage and legal separation).

(B) [IC 31-34](#), [IC 31-37](#), or [IC 31-6-4](#) before its repeal (delinquent children and children in need of services).

(C) [IC 31-32](#) or [IC 31-6-7](#) before its repeal (procedure in juvenile court).

(D) [IC 34-26-5](#) or [IC 34-26-2](#) and [IC 34-4-5.1](#) before their repeal (protective order to prevent abuse).

(E) [IC 34-26-6](#) (workplace violence restraining orders).

(3) The person's stalking of another person violates an order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion if the person has been given actual notice of the order.

(4) The person's stalking of another person violates a no contact order issued as a condition of probation if the person has been given actual notice of the order.

(5) The person's stalking of another person violates a protective order issued under [IC 31-14-16-1](#) and [IC 34-26-5](#) in a paternity action if the person has been given actual notice of the order.

(6) The person's stalking of another person violates an order issued in another state that is substantially similar to an order described in subdivisions (2) through (5) if the person has been given actual notice of the order.

(7) The person's stalking of another person violates an order that is substantially similar to an order described in subdivisions (2) through (5) and is issued by an Indian:

(A) tribe;

(B) band;

(C) pueblo;

(D) nation; or

(E) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians if the person has been given actual notice of the order.

(8) A criminal complaint of stalking that concerns an act by the person against the same victim or victims is pending in a court and the person has been given actual notice of the complaint.

(c) The offense is a Level 4 felony if:

(1) the act or acts were committed while the person was armed with a deadly weapon; or

(2) the person has an unrelated conviction for an offense under this section against the same victim or victims.

IC 35-42-2-1.3 Domestic battery

Sec. 1.3. (a) Except as provided in subsections (b) through (f), a person who knowingly or intentionally:

(1) touches a family or household member in a rude, insolent, or angry manner; or

(2) in a rude, insolent, or angry manner places any bodily fluid or waste on a family or household member;
commits domestic battery, a Class A misdemeanor.

(b) The offense under subsection (a)(1) or (a)(2) is a Level 6 felony if one (1) or more of the following apply:

(1) The person who committed the offense has a previous, unrelated conviction:

(A) for a battery offense included in this chapter; or

(B) for a strangulation offense under [IC 35-42-2-9](#).

(2) The person who committed the offense is at least eighteen (18) years of age and committed the offense against a family or household member in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.

(3) The offense results in moderate bodily injury to a family or household member.

(4) The offense is committed against a family or household member who is less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.

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

(6) The offense is committed against a family or household member who is an endangered adult (as defined in [IC 12-10-3-2](#)).

(7) The offense is committed against a family or household member:

(A) who has been issued a protection order (as defined in [IC 34-26-7.5-2](#)) that protects the family or household member from the person and the protection order was in effect at the time the person committed the offense; or

(B) while a no contact order issued by the court directing the person to refrain from having any direct or indirect contact with the family or household member was in effect at the time the person committed the offense.

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

(1) The offense results in serious bodily injury to a family or household member.

(2) The offense is committed with a deadly weapon against a family or household member.

(3) The offense results in bodily injury to a pregnant family or household member if the person knew of the pregnancy.

(4) The person has a previous conviction for a battery offense or strangulation (as defined in section 9 of this chapter) included in this chapter against the same family or household member.

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

(A) A family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

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

(C) A family or household member who is an endangered adult (as defined in [IC 12-10-3-2](#)).

(d) The offense described in subsection (a)(1) or (a)(2) is a Level 4 felony if it results in serious bodily injury to a family or household member who is an endangered adult (as defined in [IC 12-10-3-2](#)).

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

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

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

(2) A family or household member who is an endangered adult (as defined in [IC 12-10-3-2](#)).

IC 35-42-2-1 Battery

Sec. 1. (a) As used in this section, "public safety official" means:

- (1) a law enforcement officer, including an alcoholic beverage enforcement officer;
- (2) an employee of a penal facility or a juvenile detention facility (as defined in [IC 31-9-2-71](#));
- (3) an employee of the department of correction;
- (4) a probation officer;
- (5) a parole officer;
- (6) a community corrections worker;
- (7) a home detention officer;
- (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 step grandchild;
- (5) a grandparent or step grandparent;
- (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.
- (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 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.
- (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.
- (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](#)).

IC 35-42-2-1.5 Aggravated battery

Sec. 1.5. A person who knowingly or intentionally inflicts injury on a person that creates a substantial risk of death or causes:

- (1) serious permanent disfigurement;
- (2) protracted loss or impairment of the function of a bodily member or organ; or
- (3) the loss of a fetus;

commits aggravated battery, a Level 3 felony. However, the offense is a Level 1 felony if it results in the death of a child less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.

IC 35-45-2-1 Intimidation

Sec. 1. (a) A person who communicates a threat with the intent:

- (1) that another person engage in conduct against the other person's will;
- (2) that another person be placed in fear of retaliation for a prior lawful act;
- (3) of:

- (A) causing:
 - (i) a dwelling, a building, or other structure; or
 - (ii) a vehicle;
 to be evacuated; or
- (B) interfering with the occupancy of:
 - (i) a dwelling, building, or other structure; or
 - (ii) a vehicle; or

- (4) that another person be placed in fear that the threat will be carried out, if the threat is a threat described in:
 - (A) subsection (c)(1) through (c)(5); or
 - (B) subsection (c)(7) through (c)(8);

commits intimidation, a Class A misdemeanor.

(b) However, the offense is a:

- (1) Level 6 felony if:
 - (A) the threat is to commit a forcible felony;
 - (B) the subject of the threat or the person to whom the threat is communicated is a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat;
 - (C) the threat is communicated because of the occupation, profession, employment status, or ownership status of a person or the threat relates to or is made in connection with the occupation, profession, employment status, or ownership status of a person;
 - (D) the person has a prior unrelated conviction for an offense under this section concerning the same victim; or
 - (E) the threat is communicated using property, including electronic equipment or systems, of a school corporation or other governmental entity; and

- (2) Level 5 felony if:
 - (A) while committing it, the person draws or uses a deadly weapon;
 - (B) the subject of the threat or the person to whom the threat is communicated:
 - (i) is a judicial officer or bailiff of any court; or
 - (ii) is a prosecuting attorney or a deputy prosecuting attorney;and the threat relates to the person's status as a judicial officer, bailiff, prosecuting attorney, or deputy prosecuting attorney, or is made in connection with the official duties of the judicial officer, bailiff, prosecuting attorney, or deputy prosecuting attorney; or
 - (C) the threat is:
 - (i) to commit terrorism; or
 - (ii) made in furtherance of an act of terrorism.
- (c) "Threat" means an expression, by words or action, of an intention to:
 - (1) unlawfully injure the person threatened or another person, or damage property;
 - (2) unlawfully subject a person to physical confinement or restraint;
 - (3) commit a crime;
 - (4) unlawfully withhold official action, or cause such withholding;
 - (5) unlawfully withhold testimony or information with respect to another person's legal claim or defense, except for a reasonable claim for witness fees or expenses;
 - (6) expose the person threatened to hatred, contempt, disgrace, or ridicule;
 - (7) falsely harm the credit or business reputation of a person; or
 - (8) cause the evacuation of a dwelling, a building, another structure, or a vehicle. For purposes of this subdivision, the term includes an expression that would cause a reasonable person to consider the evacuation of a dwelling, a building, another structure, or a vehicle, even if the dwelling, building, structure, or vehicle is not evacuated.

IC-35-45-10-2 "Harassment" defined

Sec. 2. As used in this chapter, "harassment" means conduct directed toward a victim that includes but is not limited to repeated or continuing impermissible contact that would cause a reasonable person to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include statutorily or constitutionally protected activity, such as lawful picketing pursuant to labor disputes or lawful employer-related activities pursuant to labor disputes.

IC 35-45-2-2 Harassment; "obscene message" defined

Sec. 2. (a) A person who, with intent to harass, annoy, or alarm another person but with no intent of legitimate communication:

- (1) makes a telephone call, whether or not a conversation ensues;
- (2) communicates with a person by telegraph, mail, or other form of written communication;
- (3) transmits an obscene message, or indecent or profane words, on a Citizens Radio Service channel; or
- (4) uses a computer network (as defined in [IC 35-43-2-3\(a\)](#)) or other form of electronic communication to:
 - (A) communicate with a person; or
 - (B) transmit an obscene message or indecent or profane words to a person;

commits harassment, a Class B misdemeanor.

(b) A message is obscene if:

- (1) the average person, applying contemporary community standards, finds that the dominant theme of the message, taken as a whole, appeals to the prurient interest in sex;
- (2) the message refers to sexual conduct in a patently offensive way; and
- (3) the message, taken as a whole, lacks serious artistic, literary, political, or scientific value.