



## Legal Protections for Public Health Officials: Threats and Interfering with Government Operations Indiana Fact Sheet

### 50-State Survey Summary

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C. have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. States with laws that cover other public officials, but not public health officials, were not included in this chart. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but 2, Louisiana and Oklahoma, include protections for state **and** local officials.

Below is more information on Indiana's relevant law.

### Intimidation

#### Indiana Code, § 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 (d)(1) through (d)(5); or
- (B) subsection (d)(7) through (d)(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) "Communicates" includes posting a message electronically, including on a social networking web site (as defined in IC 35-31.5-2-307).

(d) "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.

## Penalties

***Indiana Code, § 35-50-3-2; Indiana Code, § 35-50-2-6, §35-50-2-7***

Depending on the facts, a person may be convicted of a:

- Class A misdemeanor and faces imprisonment up to one year and a fine of up to \$5,000;
- Level 5 felony and faces up to six years imprisonment and a fine of up to \$10,000; or
- Level 6 felony and faces up to two and a half years imprisonment and a fine of up to \$10,000.

## Summary

A person is guilty of intimidation when they threaten another person with the intent of causing them to act against their will, place them in fear of retaliation for a prior lawful act, or threaten that another person will be placed in fear. Depending on the facts and circumstances, a person faces up to six years imprisonment and/or a fine of up to \$10,000.



## Template Response to Violators

**Below is a sample template for notifying perpetrators regarding their conduct relative to the code.**

**Indiana Code, § 35-45-2-1** criminalizes the act of intimidation. [insert here a description of the conduct with a date—for example: On August 28, 2021, you threatened the Indiana State Health Commissioner’s life if they enforced a mask mandate.] *This may constitute a violation of § 35-45-2-1. If convicted, you could face up to six years imprisonment and/or a fine of up to \$10,000.*

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*