

## DON'T INTIMIDATE ME! - NEW INDIANA LAW PROTECTS HOSPITALS, EMPLOYEES AND OTHERS

It's long been a crime or at least a misdemeanor for someone to threaten or intimidate another person. Recently, some prosecutions for intimidation were dismissed by the courts because of the way Indiana's intimidation statute was written. For instance, it wasn't clear that threats made *electronically* were prohibited. Also, it wasn't clear that intimidation covered *interfering* with the *occupancy* of buildings, including hospitals. Prior law only made it illegal if the intimidation was intended to cause the *evacuation* of a building. Now, effective July 1, 2013, a new **Indiana law** will take effect that clarifies the existing intimidation law and specifically focuses on threats and intimidation that are intended to merely interfere with the *occupancy* of a building or are directed at employees because of their occupation, profession or employment status.

### CLARIFICATIONS

The new law makes it clear that communicating a threat "includes posting a message electronically, including on a social networking web site." A threat means an expression, by words or action, of an intent to, among other things, injure the person or damage property, commit a crime or expose the person to hatred, contempt, disgrace or ridicule or falsely harm the credit or business reputation of the person threatened.

### SIGNIFICANT PENALTIES

It's a Class A Misdemeanor if the threat interferes with the *occupancy* of a dwelling, building or vehicle. But it's a Class D Felony if the threat is to commit a forcible felony and is communicated to an *employee* of a *hospital*, church, religious organization or owner of a public building *because of* that employee's occupation, profession or employment status or the acts of the employee done in the scope of that employment. Hospital employees are specifically mentioned.

### WHAT DOES THIS MEAN?

If anything, these changes will make it easier for prosecutors to convict those who threaten employees of hospitals and other organizations when the purpose is to disrupt or interfere with normal operations. For example, a nurse or physician employed by a hospital might be the target of a threat from the family member of a patient who had a bad outcome intending to disrupt the hospital's normal operations. Employers should not hesitate to report these threats to law enforcement authorities and should also consider educating their employees about Indiana's law on intimidation.

Reference: ***Senate Enrolled Act No. 361***

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