

**IC 7.1-5**

**ARTICLE 5. CRIMES AND INFRACTIONS**

**IC 7.1-5-1**

**Chapter 1. General Provisions; Public Intoxication**

**IC 7.1-5-1-0.1**

**Repealed**

*(Repealed by P.L.63-2012, SEC.8.)*

**IC 7.1-5-1-1**

**Prohibition against commercial purposes**

Sec. 1. Prohibition Against Commercial Purposes. It is unlawful for a person to manufacture for sale, bottle, sell, barter, import, transport, deliver, furnish, or possess, alcohol or alcoholic beverages, malt, malt syrup, malt extract, liquid malt or wort, for commercial purposes except as authorized in this title.

*(Formerly: Acts 1973, P.L.55, SEC.1.)*

**IC 7.1-5-1-2**

**Repealed**

*(Repealed by Acts 1973, P.L.58, SEC.2.)*

**IC 7.1-5-1-3**

**Public intoxication prohibited; failure to enforce by a law enforcement officer**

Sec. 3. (a) Subject to section 6.5 of this chapter, it is a Class B misdemeanor for a person to be in a public place or a place of public resort in a state of intoxication caused by the person's use of alcohol or a controlled substance (as defined in IC 35-48-1-9), if the person:

- (1) endangers the person's life;
- (2) endangers the life of another person;
- (3) breaches the peace or is in imminent danger of breaching the peace; or
- (4) harasses, annoys, or alarms another person.

(b) A person may not initiate or maintain an action against a law enforcement officer based on the officer's failure to enforce this section.

*(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.702; P.L.213-2001, SEC.2; P.L.93-2012, SEC.2; P.L.117-2012, SEC.1.*

**IC 7.1-5-1-4**

**Repealed**

*(Repealed by Acts 1973, P.L.156, SEC.2.)*

**IC 7.1-5-1-5**

**Repealed**

*(Repealed by Acts 1973, P.L.156, SEC.2.)*

#### **IC 7.1-5-1-6**

##### **Intoxication upon common carrier prohibited; failure to enforce by a law enforcement officer**

Sec. 6. (a) Subject to section 6.5 of this chapter, it is a Class B misdemeanor for a person to be, or to become, intoxicated as a result of the person's use of alcohol or a controlled substance (as defined in IC 35-48-1-9) in or upon a vehicle commonly used for the public transportation of passengers, or in or upon a common carrier, or in or about a depot, station, airport, ticket office, waiting room or platform, if the person:

- (1) endangers the person's life;
- (2) endangers the life of another person;
- (3) breaches the peace or is in imminent danger of breaching the peace; or
- (4) harasses, annoys, or alarms another person.

(b) A person may not initiate or maintain an action against a law enforcement officer based on the officer's failure to enforce this section.

*(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.703; P.L.213-2001, SEC.3; P.L.93-2012, SEC.3; P.L.117-2012, SEC.2.*

#### **IC 7.1-5-1-6.5**

##### **Request medical assistance; prohibited from being taken into custody; immune from criminal prosecution; prohibited from initiating action against law enforcement officer**

Sec. 6.5. (a) A law enforcement officer may not take a person into custody based solely on the commission of an offense involving alcohol described in subsection (b) if the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that all of the following apply:

- (1) The law enforcement officer has contact with the person because the person either:
  - (A) requested emergency medical assistance; or
  - (B) acted in concert with another person who requested emergency medical assistance;for an individual who reasonably appeared to be in need of medical assistance due to alcohol consumption.
- (2) The person described in subdivision (1)(A) or (1)(B):
  - (A) provided:
    - (i) the person's full name; and
    - (ii) any other relevant information requested by the law enforcement officer;
  - (B) remained at the scene with the individual who reasonably appeared to be in need of medical assistance due to alcohol consumption until emergency medical assistance arrived; and
  - (C) cooperated with emergency medical assistance personnel and law enforcement officers at the scene.

(b) A person who meets the criteria of subsection (a)(1) and (a)(2) is immune from criminal prosecution for an offense under:

- (1) section 3 of this chapter if the offense involved a state of intoxication caused by the person's use of alcohol;
- (2) section 6 of this chapter if the offense involved the person being, or becoming, intoxicated as a result of the person's use of alcohol; and
- (3) IC 7.1-5-7-7.

(c) A person may not initiate or maintain an action against a law enforcement officer based on the officer's compliance or failure to comply with this section.

*As added by P.L.93-2012, SEC.4.*

#### **IC 7.1-5-1-7**

##### **Notice of conviction sent to commission**

Sec. 7. Notice of Conviction Sent to Commission. A court, upon convicting a permittee for a violation of a provision of this title, shall cause a certified copy of the judgment of conviction to be made and forwarded to the commission.

*(Formerly: Acts 1973, P.L.55, SEC.1.)*

#### **IC 7.1-5-1-8**

##### **General penalty provision**

Sec. 8. General Penalty Provision. A person who violates a provision of this title for which no other penalty is provided commits a Class B misdemeanor.

*(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.704.*

#### **IC 7.1-5-1-9 Version a**

##### **Felony penalty**

*Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.*

Sec. 9. Felony Penalty. A person who knowingly violates IC 7.1-5-4-3, 7.1-5-4-6, or 7.1-5-6-4, commits a Class D felony.

*(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.705.*

#### **IC 7.1-5-1-9 Version b**

##### **Felony penalty**

*Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.*

Sec. 9. A person who knowingly violates IC 7.1-5-4-3, IC 7.1-5-4-6, or IC 7.1-5-6-4 commits a Level 6 felony.

*(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.705; P.L.158-2013, SEC.125.*

#### **IC 7.1-5-1-9.5 Version a**

##### **Penalties for illegal shipments of alcoholic beverages**

*Note: This version of section amended by P.L.109-2013, SEC.9.*

*See also following version of this section amended by P.L.158-2013, SEC.126, effective 7-1-2014.*

Sec. 9.5. (a) An in state or an out of state vintner, artisan distiller, distiller, brewer, rectifier, or importer that:

(1) holds a basic permit from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives; and

(2) knowingly violates IC 7.1-5-11-1.5;

commits a Class A misdemeanor.

(b) A person who:

(1) is not described in subsection (a); and

(2) knowingly violates IC 7.1-5-11-1.5;

commits a Class D felony.

(c) If the chairman of the alcohol and tobacco commission or the attorney general determines that a vintner, an artisan distiller, a distiller, a brewer, a rectifier, or an importer that holds a basic permit from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives has made an illegal shipment of an alcoholic beverage to consumers in Indiana, the chairman shall:

(1) notify the federal Bureau of Alcohol, Tobacco, Firearms and Explosives in writing and by certified mail of the official determination that state law has been violated; and

(2) request the federal bureau to take appropriate action.

*As added by P.L.121-1998, SEC.1. Amended by P.L.204-2001, SEC.49; P.L.1-2006, SEC.150; P.L.109-2013, SEC.9.*

#### **IC 7.1-5-1-9.5 Version b**

##### **Penalties for illegal shipments of alcoholic beverages**

*Note: This version of section amended by P.L.158-2013, SEC.126, effective 7-1-2014. See also preceding version of this section amended by P.L.109-2013, SEC.9.*

Sec. 9.5. (a) An in state or an out of state vintner, distiller, brewer, rectifier, or importer that:

(1) holds a basic permit from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives; and

(2) knowingly violates IC 7.1-5-11-1.5;

commits a Class A misdemeanor.

(b) A person who:

(1) is not described in subsection (a); and

(2) knowingly violates IC 7.1-5-11-1.5;

commits a Level 6 felony.

(c) If the chairman of the alcohol and tobacco commission or the attorney general determines that a vintner, distiller, brewer, rectifier, or importer that holds a basic permit from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives has made an illegal shipment of an alcoholic beverage to consumers in Indiana, the chairman shall:

(1) notify the federal Bureau of Alcohol, Tobacco, Firearms and Explosives in writing and by certified mail of the official determination that state law has been violated; and

(2) request the federal bureau to take appropriate action.

*As added by P.L.121-1998, SEC.1. Amended by P.L.204-2001, SEC.49; P.L.1-2006, SEC.150; P.L.158-2013, SEC.126.*

**IC 7.1-5-1-10**

**Repealed**

*(Repealed by Acts 1978, P.L.2, SEC.727.)*

**IC 7.1-5-1-11**

**Repealed**

*(Repealed by Acts 1978, P.L.2, SEC.727.)*

**IC 7.1-5-1-12**

**Violation of commission's order**

Sec. 12. Violation of Commission's Order. A person who recklessly imports, transports, receives, purchases, sells, distributes, delivers, or possesses an alcoholic beverage in violation of an order of the commission entered pursuant to IC 7.1-2-7, commits a Class B misdemeanor.

*(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.706.*