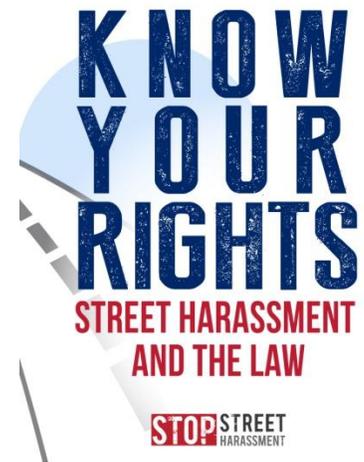


Indiana

A variety of forms of street harassment are illegal in Indiana, including verbal harassment, up-skirt photos, indecent exposure, following, and groping. Here are the laws and reporting procedures you need to know.

Indiana Criminal Code Changes:

HB 1006, passed during the 2013 legislative session, makes significant changes to the Indiana criminal code in order to improve sentencing and reduce the high costs of incarceration in the state. Most of the changes take effect on July 1, 2014. As such, the laws below and the possible sentences for violating them may include notes about changes effective July 1, 2014.



Verbal Harassment

The general harassment statute in Indiana only prohibits communications by phone or in writing, but there are five other laws that prohibit some form of verbal street harassment.

Disorderly Conduct

[Ind. Code §35-45-1-3](#)

If a harasser intentionally engages in “tumultuous conduct” or makes unreasonable noise after being asked to stop, you can report him or her for disorderly conduct in Indiana. “Tumultuous” can mean noisy or uproarious.

If a street harasser yells at you loudly or makes a scene – especially if you’ve asked him or her to stop – you can report him/her.

Penalty: Disorderly conduct is a Class B misdemeanor in Indiana, punishable by a fine of up to \$1,000 and/or up to 180 days in jail.

Interference with Reporting a Crime

[Ind. Code §35-45-2-5](#)

It is illegal in Indiana for anyone to intentionally prevent you from or interfere with your reporting a crime.

If you try to call 911 or report street harassment to a law enforcement officer and the harasser intentionally prevents you from doing so, such as by grabbing your cell phone or intervening in some other way, s/he may be guilty of interference with reporting of a crime.

Penalty: Interference with the reporting of a crime is a Class A misdemeanor, punishable by a fine of up to \$5,000 and/or up to a year in jail.

Intimidation

[Ind. Code §35-42-2-1](#)

Indiana law specifically prohibits threats made to intimidate someone into doing or not doing something, or threats that make someone fear any retaliation for a lawful act.

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If a street harasser makes a threat that comes with any kind of ultimatum like, “if you do/don’t do this, I will...” that is intimidation and you can report him/her.

Penalty: Intimidation is a Class A misdemeanor in Indiana, punishable by a fine of up to \$5,000 and/or up to a year in jail. Effective July 1, 2014, if the threat is commit a forcible felony, the charge rises to a Level 6 felony, punishable by a fine of up to \$10,000 and/or between 6 months and 2 and a half years in jail.

Patronizing a Prostitute

[Ind. Code §35-45-4-3](#)

Patronizing a prostitute is illegal in Indiana. If a street harasser solicits sexual activity from you, you can report him/her.

You can also make the case that harassers who yell, “How much?!” or offer you money, or anything else, for sex, even in jest, are soliciting prostitution.

Stop Street Harassment doesn’t oppose consensual sex work, but we do think it’s inappropriate for a street harasser to make assumptions about your sexual availability and make you feel uncomfortable.

Penalty: Patronizing a prostitute is a Class A misdemeanor, punishable by a fine of up to \$5,000 and/or up to a year in jail.

Provocation

[Ind. Code §35-42-2-3](#)

Indiana law prohibits anyone from “recklessly, knowingly, or intentionally” engaging in conduct that is likely to provoke a reasonable person to respond with violence.

This is what is known as a “[fighting words](#)” law. Since street harassment rarely results in the harassed person fighting back, these laws usually have not been used to address street harassment. But you can still try using it, and if enough people make a case for why it should be used, then it might be applied more often.

Penalty: Provocation is a Class C infraction, punishable by a fine of up to \$500.

Unlawful Filming/Photographing

Voyeurism & Public Voyeurism

[Ind. Code §35-45-4-5](#)

In Indiana, it is illegal for anyone to “peep” – to look in a “clandestine, surreptitious, prying, or secretive nature” – without consent into any place where people may reasonably expect to undress privately, including a restroom, shower, or dressing room. It carries a harsher penalty if the person uses a camera.

It is also illegal for anyone, in a public place, to record an image of a private area of your body, meaning your genitals, pubic area, or butt, either naked or clothed. (The law does not specify that it is illegal to photograph a woman’s breasts.)

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If a street harasser takes an up-skirt or down-blouse photo of you, or otherwise observes or photographs you in an inappropriate way, you can report him/her.

- Note: The law says that it is a defense to public voyeurism if the person being photographed deliberately exposed him or herself to the photographer. This means that if someone exposes him or herself to you, you do have the right to record him or her on your cell phone or camera to submit with a police report or share on social media. This can be an effective tactic for stopping street harassers.

Penalty: Voyeurism is a Class B misdemeanor in Indiana, punishable by a fine of up to \$1,000 and/or up to 180 days in jail. Public voyeurism is a Class A misdemeanor, punishable by a fine of up to \$5,000 and/or up to a year in jail. Public voyeurism carries a harsher penalty if the harasser disseminates the image(s).

Indecent Exposure

Public Indecency

[Ind. Code §35-45-4-1](#)

In Indiana, it's illegal to engage in a sex act, fondle the genitals of another person, masturbate, or appear in a state of nudity with the intent of arousing sexual desire in a public place. Additionally, this law specifically prohibits anyone over the age 18 from appearing nude in a public place with the intent that s/he be seen by a child less than 16 years of age.

If a harasser is engaging in sexual conduct, masturbating, or flashing or exposing him or herself to you, you can report him or her for public indecency.

Penalty: Public indecency is a class A misdemeanor in Indiana, punishable by a fine of up to \$5,000 and/or up to 1 year in jail.

Public Nudity

[Ind. Code §35-45-4-1.5](#)

Indiana law also prohibits appearing nude in public without the stipulation that a person's intent be to arouse sexual desire. Nudity in this context is defined as showing one's genitals or the nipple of the female breast without or through less than a fully opaque covering, or showing a discernably erect penis with or without clothing.

This law specifically prohibits public nudity on school grounds, in a public park, or if the harasser does intend to arouse sexual desire, in any Department of Natural Resources property.

Penalty: Public nudity is a Class C misdemeanor, punishable by a fine of up to \$500 and/or up to 60 days in jail. If the harasser is over the age of 18 and intended for a child under the age of 16 to see him or her, the charge is a Class B misdemeanor, punishable by a fine of up to \$1,000 and/or up to 180 days in jail. If the nudity is on school grounds, in a public park, or on property owned or managed by the Department of Natural Resources, the charge is a Class A misdemeanor in Indiana, punishable by a fine of up to \$5,000 and/or up to 1 year in jail.

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Obstructing Paths

Obstruction of Traffic

[Ind. Code §35-42-2-4](#)

In Indiana, it is illegal for anyone to “recklessly, knowingly, or intentionally,” obstruct pedestrian traffic.

If a street harasser obstructs your path in order to get your attention or prevent you from leaving a space, you can report him/her.

Note: This law is only effective until July 1, 2014, after which it is repealed.

Penalty: Obstruction of traffic is a Class B misdemeanor in Indiana, punishable by a fine of up to \$1,000 and/or up to 180 days in jail.

Following

If you think someone is following you, you can call 911 right away, the first time it happens. You do not have to wait for that person to commit a crime.

Stalking

[Ind. Code §35-45-10-1](#)

Stalking is illegal in Indiana and is defined as an intentional course of conduct involving repeated or continuing harassment or contact that causes the person to feel terrorized, frightened, intimidated, or threatened.

If the same person, on more than one occasion, follows you or harasses you and you feel threatened, frightened, and unsafe, you can report that person.

Penalty: Stalking is a Class D felony, punishable by a fine of up to \$10,000, and/or 6 months to 3 years in prison.

Groping

Battery & Battery by Body Waste

[Ind. Code §35-42-2-1, 6](#)

It is illegal in Indiana for anyone to touch another person in a rude, insolent, or angry manner.

If someone does so, you can report him/her. If this action includes causing you to come in contact with any bodily fluid or waste, including blood, semen, urine, or feces, this is considered battery by body waste.

- Note: Until July 1, 2014, battery and battery by body waste are separate crimes in Indiana. After July 1, 2014, §35-42-2-6, the law prohibiting battery by body waste will be repealed and §35-42-2-1 will prohibit both battery and battery by body waste under one law.

Penalty: Through July 1, 2014, battery is a class B misdemeanor, punishable by a fine of up to \$1,000 and/or up to 180 days in jail. Battery by body waste or a regular battery resulting in bodily injury is a Class A misdemeanor, punishable by a fine of up to \$5,000 and/or up to a year in jail. After July 1, 2014,

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battery, including battery by body waste, is a Class B misdemeanor, punishable by a fine of up to \$1,000 and/or up to 180 days in jail.

Sexual Battery

[Ind. Code §25-42-4-8](#)

In Indiana, it is illegal for anyone, with the intent to arouse or satisfy sexual desire, to touch another person when that person is compelled by force to submit to the touching *or* to touch the assailant's genitals, pubic area, butt, or breasts when the person is unaware that the touching is occurring.

If someone touches you in a sexual or inappropriate way without your knowledge or consent, whether on public transportation, in a park, on the street, or in any public place, you can report him/her.

Penalty: Through July 1, 2014, sexual battery is a Class D felony, punishable by a fine of up to \$10,000 and/or between 6 months and 3 years in jail. After July 1, 2014, sexual battery is a Level 6 felony, punishable by a fine of up to \$10,000 and/or between 6 months and 2 and a half years in jail.

Reporting Crimes to the Police

- Call 911 for help if:
 - The crime is in progress
 - You or someone else is physically hurt or have been threatened with physical violence
 - You can provide information about who may have committed a crime.

- Call the local police office's non-emergency number to submit a report afterward. For example, in Indianapolis this number is, (317) 327-6300 and in Fort Wayne it's (260) 427-1222. In Evansville, it is (812) 436-7896 and in South Bend, it is (574) 235-9201.. Be prepared to provide them with:
 - When it happened (date and time).
 - Where it happened (street location, store location, bus line or bus stop, park name, etc).
 - Who is reporting (your name and contact information).
 - A description of what happened.
 - The name and contact information of witnesses, if you spoke to any.
 - It can be helpful to include the law the crime falls under, such as intimidation, [IC 35-45-2-1](#). If you're not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney's office can determine the appropriate charges.
 - A description of the harasser/s.

- Many police departments also have online reporting forms, visit your local police department for information.

- Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location.
 - In the Metropolitan Indianapolis area, you can do this by calling 327-6682.
 - In Fort Wayne, you can do this by visiting this [website](#), or by calling 1-800-237-STOP.

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- In Evansville, you can call (812) 435-6194. In South Bend, you can do this by submitting a [web tip](#) online form, or by calling (574) 288-STOP.
- Once you've reported a crime, if you've provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.

If you're not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney's office can determine the appropriate charges.