
HOUSE BILL No. 1006

DIGEST OF INTRODUCED BILL

Citations Affected: Numerous citations throughout the Indiana Code.

Synopsis: Various changes to the criminal code. Makes various changes to the criminal code, including changes to the law concerning community corrections, probation, sentencing, probation funding, drug and alcohol program funding, involuntary manslaughter, communicable disease crimes, battery, hazing, obstruction of traffic crimes, interference with medical services crimes, kidnapping, confinement, criminal mischief, railroad mischief, computer crimes, theft, deception and fraud crimes, timber spiking, offenses against general public administration, criminal gang activity crimes, stalking, offenses against public health, child care provider crimes, weapon crimes, drug crimes, protection zones, rape and earned credit time. Repeals the law concerning criminal deviate conduct, and consolidates the crime of criminal deviate conduct into the crime of rape. Repeals laws concerning carjacking, failure of a student athlete to disclose recruitment, and credit restricted felons. Removes the current four level felony penalty classification and replaces that classification with a six level felony penalty classification. (This bill does not define the new penalty ranges.) Assigns new felony penalties to each crime. Urges the legislative council to require an existing study committee to evaluate the criminal law statutes in IC 7.1 and IC 9 and to make recommendations to the general assembly for the modification of the criminal law statutes in those titles. Makes technical corrections. Makes conforming amendments. (The introduced version of this bill was prepared by the criminal code evaluation commission.)

Effective: July 1, 2013; July 1, 2014.

**Steuerwald, McMillin, Pierce,
Lawson L**

January 10, 2013, read first time and referred to Committee on Courts and Criminal Code.



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First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1006



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 2-7-6-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Any person who knowingly
3 or intentionally violates any provision of IC 2-7-2, IC 2-7-3, or IC 2-7-5
4 commits unlawful lobbying, a ~~Class D~~ **Level 6** felony. In addition to
5 any penalty imposed on the defendant under IC 35-50-2-7 for unlawful
6 lobbying, the court may order the defendant not to engage in lobbying
7 for a period of up to ten (10) years, IC 2-7-5-6 notwithstanding.
8 (b) Any person who lobbies in contravention of a court order under
9 subsection (a) of this section commits a ~~Class D~~ **Level 6** felony.
10 SECTION 2. IC 2-7-6-3, AS AMENDED BY P.L.58-2010,
11 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2014]: Sec. 3. A person who knowingly or intentionally makes
13 a false report under this article that overstates or understates the
14 amount of an expenditure or gift commits a ~~Class D~~ **Level 6** felony.
15 SECTION 3. IC 2-7-6-4 IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2014]: Sec. 4. A member of the general
17 assembly who knowingly or intentionally conspires with a lobbyist in



1 the violation of section 2 or ~~section 3~~ of this chapter commits a ~~Class~~
 2 ~~D Level 6~~ felony.

3 SECTION 4. IC 3-14-1-1 IS AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who knowingly:

5 (1) falsely makes or fraudulently defaces or destroys a declaration
 6 of candidacy, request for ballot placement under IC 3-8-3,
 7 certificate or petition of nomination, recount petition or
 8 cross-petition, contest petition, or certificate of candidate
 9 selection, or a part of the declaration, request, petition, or
 10 certificate;

11 (2) files a declaration of candidacy, request for ballot placement
 12 under IC 3-8-3, certificate or petition of nomination, recount
 13 petition or cross-petition, contest petition, or certificate of
 14 candidate selection, knowing any part thereof to be falsely made;

15 (3) refuses to execute a certificate of nomination or candidate
 16 selection when required by this title to do so and knowing that the
 17 candidate has been nominated or selected;

18 (4) if the document is listed in subdivision (1), refuses to:

19 (A) receive the document; or

20 (B) record the date and time the document was received;

21 when presented in accordance with this title; or

22 (5) suppresses a declaration of candidacy, request for ballot
 23 placement under IC 3-8-3, petition or certificate of nomination,
 24 recount petition or cross-petition, contest petition, or certificate of
 25 candidate selection, that has been duly filed, or any part of the
 26 declaration, request, petition, or certificate;

27 commits a ~~Class D Level 6~~ felony.

28 SECTION 5. IC 3-14-1-13 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. A person who
 30 knowingly files a report required by IC 3-9 that is fraudulent commits
 31 a ~~Class D Level 6~~ felony.

32 SECTION 6. IC 3-14-2-1, AS AMENDED BY P.L.103-2005,
 33 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2014]: Sec. 1. A person who knowingly does any of the
 35 following commits a ~~Class D Level 6~~ felony:

36 (1) Conspires with an individual for the purpose of encouraging
 37 the individual to submit a false application for registration.

38 (2) Conspires with an individual for the purpose of encouraging
 39 the individual to vote illegally.

40 (3) Pays or offers to pay an individual for doing any of the
 41 following:

42 (A) Applying for an absentee ballot.

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- 1 (B) Casting an absentee ballot.
- 2 (C) Registering to vote.
- 3 (D) Voting.
- 4 (4) Accepts the payment of any property for doing any of the
- 5 following:
- 6 (A) Applying for an absentee ballot.
- 7 (B) Casting an absentee ballot.
- 8 (C) Registering to vote.
- 9 (D) Voting.
- 10 SECTION 7. IC 3-14-2-2.5, AS ADDED BY P.L.103-2005,
- 11 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2014]: Sec. 2.5. A person who does either of the following,
- 13 knowing that an individual is ineligible to register to vote or to vote,
- 14 commits absentee ballot fraud, a ~~Class D~~ **Level 6** felony:
- 15 (1) Solicits the individual to complete an absentee ballot
- 16 application.
- 17 (2) Solicits the individual to submit an absentee ballot application
- 18 to a county election board.
- 19 SECTION 8. IC 3-14-2-3, AS AMENDED BY P.L.103-2005,
- 20 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2014]: Sec. 3. A person who:
- 22 (1) subscribes the name of another person to an affidavit of
- 23 registration or application for an absentee ballot knowing that the
- 24 application contains a false statement; or
- 25 (2) subscribes the name of another person to an affidavit of
- 26 registration or application for an absentee ballot without writing
- 27 on it the person's own name and address as an attesting witness;
- 28 commits a ~~Class D~~ **Level 6** felony.
- 29 SECTION 9. IC 3-14-2-9 IS AMENDED TO READ AS FOLLOWS
- 30 [EFFECTIVE JULY 1, 2014]: Sec. 9. A person who knowingly votes
- 31 or offers to vote at an election when the person is not registered or
- 32 authorized to vote commits a ~~Class D~~ **Level 6** felony.
- 33 SECTION 10. IC 3-14-2-11 IS AMENDED TO READ AS
- 34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. Except as provided
- 35 by IC 3-10-10, IC 3-10-11, or IC 3-10-12, a person who knowingly
- 36 votes or offers to vote in a precinct except the one in which the person
- 37 is registered and resides commits a ~~Class D~~ **Level 6** felony.
- 38 SECTION 11. IC 3-14-2-12 IS AMENDED TO READ AS
- 39 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. A person who:
- 40 (1) knowingly votes or makes application to vote in an election in
- 41 a name other than the person's own; or
- 42 (2) having voted once at an election, knowingly applies to vote at

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1 the same election in the person's own name or any other name;
2 commits a ~~Class D~~ **Level 6** felony.

3 SECTION 12. IC 3-14-2-13, AS AMENDED BY P.L.103-2005,
4 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2014]: Sec. 13. A person who knowingly hires or solicits
6 another person to go into a precinct for the purpose of voting at an
7 election at the precinct when the person hired or solicited is not a voter
8 in the precinct commits a ~~Class D~~ **Level 6** felony.

9 SECTION 13. IC 3-14-2-14 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. A precinct election
11 officer or public official upon whom a duty is imposed by this title who
12 knowingly:

- 13 (1) allows a person to vote who is not entitled to vote; or
14 (2) allows a person to vote by use of an unauthorized procedure;
15 commits a ~~Class D~~ **Level 6** felony.

16 SECTION 14. IC 3-14-2-15, AS AMENDED BY P.L.103-2005,
17 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2014]: Sec. 15. A member, an employee, or an agent of a
19 county election board who knowingly delivers a ballot to a person
20 except in the manner prescribed by this title commits a ~~Class D~~ **Level**
21 **6** felony.

22 SECTION 15. IC 3-14-2-16, AS AMENDED BY P.L.103-2005,
23 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2014]: Sec. 16. A person who knowingly does any of the
25 following commits a ~~Class D~~ **Level 6** felony:

- 26 (1) Applies for or receives a ballot in a precinct other than that
27 precinct in which the person is entitled to vote.
28 (2) Except when receiving assistance under IC 3-11-9, shows a
29 ballot after it is marked to another person in such a way as to
30 reveal the contents of it or the name of a candidate for whom the
31 person has voted.
32 (3) Except when offering assistance requested by a voter in
33 accordance with IC 3-11-9, examines a ballot that a voter has
34 prepared for voting or solicits the voter to show the ballot.
35 (4) Receives from a voter a ballot prepared by the voter for
36 voting, except:
37 (A) the inspector;
38 (B) a member of the precinct election board temporarily acting
39 for the inspector;
40 (C) a member or an employee of a county election board
41 (acting under the authority of the board and state law) or an
42 absentee voter board member acting under IC 3-11-10; or

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- 1 (D) a member of the voter's household, an individual
 2 designated as attorney in fact for the voter, or an employee of:
 3 (i) the United States Postal Service; or
 4 (ii) a bonded courier company;
 5 (acting in the individual's capacity as an employee of the
 6 United States Postal Service or a bonded courier company)
 7 when delivering an envelope containing an absentee ballot
 8 under IC 3-11-10-1.
- 9 (5) Receives a ballot from a person other than one (1) of the poll
 10 clerks or authorized assistant poll clerks.
- 11 (6) Delivers a ballot to a voter to be voted, unless the person is:
 12 (A) a poll clerk or authorized assistant poll clerk; or
 13 (B) a member of a county election board or an absentee voter
 14 board acting under IC 3-11-10.
- 15 (7) Delivers a ballot (other than an absentee ballot) to an inspector
 16 that is not the ballot the voter receives from the poll clerk or
 17 assistant poll clerk.
- 18 (8) Delivers an absentee ballot to a team of absentee ballot
 19 counters appointed under IC 3-11.5-4-22, a county election board,
 20 a circuit court clerk, or an absentee voting board under IC 3-11-10
 21 that is not the ballot cast by the absentee voter.
- 22 (9) Delivers an absentee ballot prepared by the voter for voting to
 23 a county election board, except for:
 24 (A) the inspector;
 25 (B) a member of the precinct election board temporarily acting
 26 for the inspector;
 27 (C) a member or an employee of a county election board
 28 (acting under the authority of the board and in accordance with
 29 state law) or an absentee voter board member acting under
 30 IC 3-11-10; or
 31 (D) a member of the voter's household or an individual
 32 designated as attorney in fact for the voter, an employee of:
 33 (i) the United States Postal Service; or
 34 (ii) a bonded courier company;
 35 (acting in the individual's capacity as an employee of the
 36 United States Postal Service or a bonded courier company)
 37 when delivering an envelope containing an absentee ballot
 38 under IC 3-11-10-1.
- 39 (10) Possesses an unmarked absentee ballot on or before the date
 40 of the election for which the absentee ballot has been printed,
 41 unless the person is authorized to possess the absentee ballot
 42 under this title as any of the following:

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- 1 (A) A printer, when arranging for the delivery of unmarked
- 2 absentee ballots to a county election board under IC 3-11-2.
- 3 (B) A county election board member or employee (acting
- 4 under the authority of the board and in accordance with state
- 5 law).
- 6 (C) An absentee voter board member.
- 7 (D) An employee of:
- 8 (i) the United States Postal Service; or
- 9 (ii) a bonded courier company;
- 10 (acting in the individual's capacity as an employee of the
- 11 United States Postal Service or a bonded courier company)
- 12 when delivering an envelope containing an absentee ballot.
- 13 (E) An individual authorized under IC 3-11-10-24 to deliver
- 14 an absentee ballot.
- 15 (F) An absentee ballot counter under IC 3-11.5.
- 16 (G) A provisional ballot counter.
- 17 (H) A precinct election officer.
- 18 (I) The voter who applied for the absentee ballot.
- 19 (11) Completes or signs an absentee ballot application for a voter,
- 20 or assists a voter in completing an absentee ballot application in
- 21 violation of IC 3-11.

22 SECTION 16. IC 3-14-2-17 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. A voter at an
 24 election who knowingly writes or places on a ballot a name, sign, or
 25 device as a distinguishing mark by which to indicate to any other
 26 person how the voter has voted commits a ~~Class D~~ **Level 6** felony.

27 SECTION 17. IC 3-14-2-18, AS AMENDED BY P.L.221-2005,
 28 SECTION 134, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2014]: Sec. 18. A voter who knowingly:

- 30 (1) does anything to enable any other person to see or know for
- 31 what ticket, candidates, or public questions the voter has voted;
- 32 or
- 33 (2) moves into a position, or does any other thing, to enable the
- 34 voter to see or know for what ticket, candidates, or public
- 35 questions any other voter votes;
- 36 commits a ~~Class D~~ **Level 6** felony.

37 SECTION 18. IC 3-14-2-19 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) A person who
 39 knowingly:

- 40 (1) forges or falsely makes the official endorsement of a ballot; or
- 41 (2) prints or circulates an imitation ballot;
- 42 commits a ~~Class D~~ **Level 6** felony.

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1 (b) This section does not prohibit the printing or circulation of a
 2 sample ballot or a reproduction of an official ballot if the sample or
 3 reproduction complies with IC 3-9-3-2.5 and the printing or circulation
 4 does not violate IC 3-14-1-2.

5 SECTION 19. IC 3-14-2-20 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. A person who
 7 knowingly:

8 (1) deceives a voter in registering the voter's vote under
 9 IC 3-11-8; or

10 (2) registers a voter's vote in a way other than as requested by the
 11 voter;

12 commits a ~~Class D~~ **Level 6** felony.

13 SECTION 20. IC 3-14-2-21 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. A person who
 15 fraudulently causes a voter at an election to vote for a person different
 16 from the one the voter intended to vote for or on a public question
 17 different from the vote the voter intended to cast commits a ~~Class D~~
 18 **Level 6** felony.

19 SECTION 21. IC 3-14-2-22 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. A person who
 21 knowingly furnishes a voter who cannot read the English language with
 22 a ballot at an election that the person represents to the voter as
 23 containing a name different from the one printed or written on it
 24 commits a ~~Class D~~ **Level 6** felony.

25 SECTION 22. IC 3-14-2-23 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. A person entrusted
 27 with the custody of ballots who knowingly:

28 (1) opens a package in which the ballots are contained;

29 (2) destroys a ballot; or

30 (3) delivers such a package or ballot to a person not entitled to
 31 receive it;

32 commits a ~~Class D~~ **Level 6** felony.

33 SECTION 23. IC 3-14-2-24, AS AMENDED BY P.L.103-2005,
 34 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2014]: Sec. 24. A person who:

36 (1) takes a ballot legally deposited out of a ballot box or out of a
 37 voting system for the purpose of destroying the ballot or
 38 substituting another ballot in its place;

39 (2) destroys or misplaces a ballot with the intent to substitute
 40 another ballot for it or with the intent to prevent it from being
 41 counted; or

42 (3) knowingly enters upon the pollbooks the name of a person

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1 who has not legally voted or knowingly tallies a vote for a
 2 candidate or on a public question not voted for by the ballot;
 3 commits a ~~Class D~~ **Level 6** felony.

4 SECTION 24. IC 3-14-2-25 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. A member of a
 6 precinct election board or county election board, a person employed at
 7 the central counting headquarters, or a person charged with a duty in
 8 connection with an election or entrusted with the custody or control of
 9 a ballot either before or after voting who marks or defaces a ballot for
 10 the purpose of:

- 11 (1) identifying the ballot (except by numbering protested ballots
 12 for future reference as provided by law); or
 13 (2) vitiating the ballot;

14 commits a ~~Class D~~ **Level 6** felony.

15 SECTION 25. IC 3-14-2-26, AS AMENDED BY P.L.103-2005,
 16 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2014]: Sec. 26. A person who:

- 18 (1) during the progress of an election or within the time for
 19 preparation required under this title, knowingly breaks open or
 20 violates the seal or lock of a ballot box, envelope, container, bag,
 21 or voting system component in which ballots have been
 22 deposited;
 23 (2) knowingly obtains a ballot box, envelope, container, bag, or
 24 voting system component that contains ballots and cancels,
 25 withholds, or destroys a ballot;
 26 (3) knowingly increases or decreases the number of ballots legally
 27 deposited in a ballot box, envelope, container, bag, or voting
 28 system component; or
 29 (4) knowingly makes a fraudulent erasure or alteration on a tally
 30 sheet, poll book, list of voters, or election return deposited in a
 31 ballot box, envelope, bag, or voting system component;

32 commits a ~~Class D~~ **Level 6** felony.

33 SECTION 26. IC 3-14-2-27 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 27. A precinct election
 35 officer at the close of the polls, an absentee ballot counter acting under
 36 IC 3-11.5-5 or IC 3-11.5-6, or a provisional ballot counter acting under
 37 IC 3-11.7-5 who knowingly:

- 38 (1) causes the vote to be incorrectly taken down for a candidate or
 39 public question; or
 40 (2) makes a false statement, certificate, or return of any kind of
 41 that vote;

42 commits a ~~Class D~~ **Level 6** felony.

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1 SECTION 27. IC 3-14-2-28 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 28. A person who:

- 3 (1) with intent to defraud, alters an election return;
4 (2) knowingly destroys, misplaces, or loses a poll book or tally
5 sheet; or
6 (3) with intent to defraud, alters the vote of a candidate or on a
7 public question as returned by the county election board or its
8 employees;

9 commits a ~~Class D~~ **Level 6** felony.

10 SECTION 28. IC 3-14-2-29, AS AMENDED BY P.L.103-2005,
11 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2014]: Sec. 29. A person who knowingly inspects a voting
13 system under IC 3-12-4-18 without obtaining authorization from the
14 state recount commission to conduct the inspection commits a ~~Class D~~
15 **Level 6** felony.

16 SECTION 29. IC 3-14-3-1.1, AS ADDED BY P.L.103-2005,
17 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2014]: Sec. 1.1. A person who knowingly does any of the
19 following commits a ~~Class D~~ **Level 6** felony:

- 20 (1) Procures or submits voter registration applications known by
21 the person to be materially false, fictitious, or fraudulent.
22 (2) Procures, casts, or tabulates ballots known by the person to be
23 materially false, fictitious, or fraudulent.

24 SECTION 30. IC 3-14-3-3, AS AMENDED BY P.L.221-2005,
25 SECTION 135, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who knowingly:

- 27 (1) interferes with a watcher;
28 (2) prevents a watcher from performing the watcher's duties;
29 (3) otherwise violates:
30 (A) IC 3-6-8-3;
31 (B) IC 3-6-8-4;
32 (C) IC 3-6-8-5;
33 (D) IC 3-6-8-6;
34 (E) IC 3-6-9; or
35 (F) IC 3-6-10; or
36 (4) violates IC 3-11-13-44(d);

37 commits a ~~Class D~~ **Level 6** felony.

38 SECTION 31. IC 3-14-3-4, AS AMENDED BY P.L.103-2005,
39 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2014]: Sec. 4. (a) A person who:

- 41 (1) knowingly obstructs or interferes with an election officer in
42 the discharge of the officer's duty; or

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1 (2) knowingly obstructs or interferes with a voter within the
2 chute;

3 commits a ~~Class D~~ **Level 6** felony.

4 (b) A person who knowingly injures an election officer or a voter:

- 5 (1) in the exercise of the officer's or voter's rights or duties; or
- 6 (2) because the officer or voter has exercised the officer's or
7 voter's rights or duties;

8 commits a ~~Class D~~ **Level 6** felony.

9 (c) A person called as a witness to testify against another for a
10 violation of this section is a competent witness to prove the offense
11 even though the person may have been a party to the violation. The
12 person shall be compelled to testify as other witnesses. However, the
13 person's evidence may not be used against the person in a prosecution
14 growing out of matters about which the person testifies, and the person
15 is not liable to indictment or information for the offense.

16 SECTION 32. IC 3-14-3-5, AS AMENDED BY P.L.221-2005,
17 SECTION 136, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2014]: Sec. 5. A precinct election officer who,
19 with the intent to cause or permit a ballot card voting system or an
20 electronic voting system to fail to correctly register all votes cast,
21 tampers with or disarranges the system or any part of it commits a
22 ~~Class D~~ **Level 6** felony.

23 SECTION 33. IC 3-14-3-6, AS AMENDED BY P.L.221-2005,
24 SECTION 137, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2014]: Sec. 6. A precinct election officer who
26 permits a ballot card voting system or an electronic voting system to be
27 used for voting at an election, with knowledge of the fact that the
28 system is not in order or not perfectly set and adjusted so that it will
29 correctly register all votes cast, commits a ~~Class D~~ **Level 6** felony.

30 SECTION 34. IC 3-14-3-7, AS AMENDED BY P.L.103-2005,
31 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2014]: Sec. 7. An inspector or poll clerk in a precinct who, for
33 the purpose of:

- 34 (1) deceiving a voter;
- 35 (2) causing it to be doubtful for what ticket, candidate, or public
36 question a vote is cast; or
- 37 (3) causing it to appear that votes cast for one (1) ticket,
38 candidate, or public question were cast for another ticket,
39 candidate, or public question;

40 removes, changes, or mutilates a voting system or any part of a voting
41 system commits a ~~Class D~~ **Level 6** felony.

42 SECTION 35. IC 3-14-3-8, AS AMENDED BY P.L.221-2005,

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1 SECTION 138, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2014]: Sec. 8. A person other than a precinct
 3 election officer who knowingly, before or during an election:
 4 (1) damages, disarranges, or tampers with a ballot card system or
 5 an electronic voting system; or
 6 (2) damages a ballot label placed or to be placed on the electronic
 7 voting system, or any other appliance used in connection with the
 8 ballot card voting system or electronic voting system;

9 commits a ~~Class D~~ **Level 6** felony.
 10 SECTION 36. IC 3-14-3-9 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. A person who
 12 knowingly fails to receive the vote of a legal voter at an election
 13 commits a ~~Class D~~ **Level 6** felony.

14 SECTION 37. IC 3-14-3-10 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A person who
 16 during an election recklessly:
 17 (1) removes or destroys any of the supplies or other conveniences
 18 placed in the voting booths or delivered to the voter for the
 19 purpose of enabling a voter to prepare a ballot;
 20 (2) removes or defaces the cards printed for the instruction of the
 21 voters; or
 22 (3) removes or destroys a voting booth, railing, or other
 23 convenience provided for the election;

24 commits a ~~Class D~~ **Level 6** felony.
 25 SECTION 38. IC 3-14-3-11 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. A person who
 27 recklessly:

28 (1) tampers with or damages a marking device, ballot, or other
 29 record or equipment used in an election;
 30 (2) interferes with the correct operation of such a device or
 31 equipment; or
 32 (3) interferes with the secrecy of voting;

33 commits a ~~Class D~~ **Level 6** felony.
 34 SECTION 39. IC 3-14-3-13 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. A person who
 36 during an election knowingly:

37 (1) removes a ballot, pencil, or other marking device from the
 38 polls; or
 39 (2) possesses outside the polls a ballot, pencil, or other marking
 40 device either genuine or counterfeit;

41 commits a ~~Class D~~ **Level 6** felony.
 42 SECTION 40. IC 3-14-3-14, AS AMENDED BY P.L.225-2011,

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1 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2014]: Sec. 14. A printer of the ballots for an election, or
3 person employed in printing the ballots, who knowingly:

- 4 (1) delivers a ballot to a person other than a county election board
5 for which the ballots are being printed;
6 (2) prints a ballot in any form other than the one prescribed by
7 law; or
8 (3) prints a ballot containing any names, spellings, or
9 arrangements other than as authorized by the commission or a
10 county election board;

11 commits a ~~Class D~~ **Level 6** felony.

12 SECTION 41. IC 3-14-3-17 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. A member of a
14 precinct election board, a precinct election officer, or a member of an
15 absentee voter board who knowingly induces or persuades a voter to
16 vote for a candidate or for or against a public question while acting as
17 a board member or precinct election officer commits a ~~Class D~~ **Level 6**
18 felony.

19 SECTION 42. IC 3-14-3-18, AS AMENDED BY P.L.114-2012,
20 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2014]: Sec. 18. (a) As used in this section, "candidate"
22 includes an individual whom the person knows is considering
23 becoming a candidate.

24 (b) A person who, for the purpose of influencing a voter or
25 candidate, does any of the following commits a ~~Class D~~ **Level 6** felony:

- 26 (1) Seeks to enforce the payment of a debt by force or threat of
27 force.
28 (2) Ejects or threatens to eject the voter or candidate from a house
29 the voter or candidate occupies.
30 (3) Begins a criminal prosecution.
31 (4) Damages the business or trade of the voter or candidate.
32 (5) Communicates a threat to commit a forcible felony (as defined
33 in IC 35-31.5-2-138) against a voter or candidate with the intent
34 that the voter or candidate:

- 35 (A) engage in conduct against the voter's or candidate's will;
36 or
37 (B) be placed in fear of retaliation for a prior lawful act as a
38 voter or candidate.

39 SECTION 43. IC 3-14-3-19, AS AMENDED BY P.L.103-2005,
40 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2014]: Sec. 19. A person who, for the purpose of inducing or
42 procuring another person to:

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- 1 (1) apply for or cast an absentee ballot; or
- 2 (2) vote or refrain from voting for or against a candidate or for or
- 3 against a public question at an election or political convention;
- 4 gives, offers, or promises to any person any money or other property
- 5 commits a ~~Class D~~ **Level 6** felony.

6 SECTION 44. IC 3-14-3-20, AS AMENDED BY P.L.103-2005,
 7 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2014]: Sec. 20. A person who, for the purpose of inducing or
 9 procuring a voter to:

- 10 (1) apply for or cast an absentee ballot; or
- 11 (2) vote or refrain from voting for or against a candidate or for or
- 12 against a public question at an election or political convention;
- 13 receives, accepts, requests, or solicits from any person any money or
- 14 other property commits a ~~Class D~~ **Level 6** felony.

15 SECTION 45. IC 3-14-3-20.5, AS ADDED BY P.L.103-2005,
 16 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2014]: Sec. 20.5. (a) This section does not apply to activity
 18 subject to 18 U.S.C. 1341.

- 19 (b) An individual who knowingly:
- 20 (1) conspires to obtain property the individual would be entitled
- 21 to receive as compensation for serving as an elected official by
- 22 securing false or fraudulent absentee ballot applications or voter
- 23 registration applications; and
- 24 (2) for the purpose of executing the conspiracy:
- 25 (A) causes the applications to be sent or delivered by a private
- 26 or commercial carrier operating entirely within Indiana; or
- 27 (B) takes or receives from the private or commercial carrier
- 28 the false or fraudulent applications, or causes the applications
- 29 to be delivered by the carrier to another person;

30 commits a ~~Class D~~ **Level 6** felony.

31 SECTION 46. IC 3-14-3-21 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. A person who:

- 33 (1) pays employees the salary or wages due in pay envelopes upon
- 34 which there is printed or in which there is enclosed a political
- 35 motto, device, or argument containing threats intended or
- 36 calculated to influence the political opinions or actions of the
- 37 employees; or
- 38 (2) exhibits in the workplace of the person's employees a handbill
- 39 or placard containing a threat, notice, or information that, if a
- 40 particular ticket, candidate, or public question is elected,
- 41 approved, or defeated:
- 42 (A) work in the person's place or establishment will cease in

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1 whole or in part;
 2 (B) the person's establishment will be closed; or
 3 (C) the wages of the employees will be reduced;
 4 or that is otherwise intended or calculated to influence the
 5 political opinions or actions of the employees;
 6 commits a ~~Class D~~ **Level 6** felony.

7 SECTION 47. IC 3-14-3-21.5, AS ADDED BY P.L.103-2005,
 8 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2014]: Sec. 21.5. A person who knowingly or intentionally
 10 intimidates, threatens, or coerces an individual for:

- 11 (1) voting or attempting to vote;
- 12 (2) urging or aiding another individual to vote or attempt to vote;
- 13 or
- 14 (3) exercising any power or duty under this title concerning
- 15 registration or voting;

16 commits voter intimidation, a ~~Class D~~ **Level 6** felony.

17 SECTION 48. IC 3-14-4-1 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who
 19 knowingly serves as a member of a precinct election board in violation
 20 of IC 3-6-6 commits a ~~Class D~~ **Level 6** felony.

21 SECTION 49. IC 3-14-4-2 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. An inspector who
 23 negligently or knowingly fails to appear at the county election board's
 24 office in person or by representative as required by IC 3-11-3 commits
 25 a ~~Class D~~ **Level 6** felony.

26 SECTION 50. IC 3-14-4-3 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A precinct election
 28 officer or public official upon whom a duty is imposed by this title who
 29 knowingly omits to perform the duty commits a ~~Class D~~ **Level 6** felony.

30 SECTION 51. IC 3-14-4-4 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A member of a
 32 precinct election board who recklessly allows a booth or compartment
 33 in which a voter is preparing a ballot to be used:

- 34 (1) without a screen; or
- 35 (2) with a screen arranged so as not to shield the preparation of
- 36 the ballot from observation;

37 commits a ~~Class D~~ **Level 6** felony.

38 SECTION 52. IC 3-14-4-6 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. An inspector, or
 40 person acting in the inspector's behalf, who knowingly deposits:

- 41 (1) a ballot upon which the initials of the poll clerks or authorized
- 42 assistant poll clerks do not appear; or

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- 1 (2) a ballot on which appears externally a distinguishing mark or
 2 defacement;
 3 commits a ~~Class D~~ **Level 6** felony.
- 4 SECTION 53. IC 3-14-4-7 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A member of a
 6 precinct election board or a person otherwise entitled to the inspection
 7 of the ballots who knowingly:
 8 (1) reveals to another person how a voter has voted; or
 9 (2) gives information concerning the appearance of any ballot
 10 voted;
 11 commits a ~~Class D~~ **Level 6** felony.
- 12 SECTION 54. IC 3-14-4-8, AS AMENDED BY P.L.221-2005,
 13 SECTION 139, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2014]: Sec. 8. A member of a precinct election
 15 board, an absentee ballot counter appointed under IC 3-11.5-4-22, or
 16 a provisional ballot counter appointed under IC 3-11.7-3 who
 17 knowingly:
 18 (1) opens or marks, by folding or otherwise, a ballot presented by
 19 a voter, except as provided by law; or
 20 (2) tries to find out how the voter voted before the ballot is
 21 deposited in the ballot box or cast on a ballot card voting system
 22 or an electronic voting system or counted by the absentee ballot
 23 counter;
 24 commits a ~~Class D~~ **Level 6** felony.
- 25 SECTION 55. IC 3-14-4-10, AS AMENDED BY P.L.221-2005,
 26 SECTION 140, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2014]: Sec. 10. A person who knowingly
 28 violates:
 29 (1) IC 3-11.5-5;
 30 (2) IC 3-11.5-6;
 31 (3) IC 3-12-2-1;
 32 (4) IC 3-12-3-14; or
 33 (5) IC 3-12-3.5-7;
 34 by providing any other person with information concerning the number
 35 of votes a candidate received for an office or cast to approve or reject
 36 a public question on absentee ballots counted under IC 3-11.5-5,
 37 IC 3-11.5-6, or IC 3-12 before the closing of the polls commits a ~~Class~~
 38 **Level 6** felony.
- 39 SECTION 56. IC 3-14-6-1.1, AS AMENDED BY P.L.164-2006,
 40 SECTION 135, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2014]: Sec. 1.1. (a) A person who grants a
 42 request for voter registration information under IC 3-7-26.3 or

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1 IC 3-7-27 with knowledge that the information will be used in a
 2 manner prohibited by IC 3-7-26.3 or IC 3-7-27 commits a Class B
 3 infraction.

4 (b) A person who has previously received a judgment for
 5 committing an infraction under this section and knowingly,
 6 intentionally, or recklessly violates this section a second time commits
 7 a ~~Class B~~ **Level 6** felony.

8 SECTION 57. IC 4-1-10-8, AS ADDED BY P.L.91-2005,
 9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2014]: Sec. 8. An employee of a state agency who knowingly,
 11 intentionally, or recklessly discloses a Social Security number in
 12 violation of this chapter commits a ~~Class B~~ **Level 6** felony.

13 SECTION 58. IC 4-1-10-9, AS ADDED BY P.L.91-2005,
 14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2014]: Sec. 9. A person who knowingly, intentionally, or
 16 recklessly makes a false representation to a state agency to obtain a
 17 Social Security number from the state agency commits a ~~Class B~~ **Level**
 18 **6** felony.

19 SECTION 59. IC 4-13-2-14.7 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14.7. A person
 21 employed, appointed, or under contract with a state agency, who works
 22 with or around children, shall be dismissed (after the appropriate
 23 pre-deprivation procedure has occurred) if that person is, or has ever
 24 been, convicted of any of the following:

- 25 (1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)
 26 years of age.
- 27 (2) Criminal deviate conduct (IC 35-42-4-2) (**for an act**
 28 **committed before IC 35-42-4-2 was repealed**), if the victim is
 29 less than eighteen (18) years of age.
- 30 (3) Child molesting (IC 35-42-4-3).
- 31 (4) Child exploitation (IC 35-42-4-4(b)).
- 32 (5) Vicarious sexual gratification (IC 35-42-4-5).
- 33 (6) Child solicitation (IC 35-42-4-6).
- 34 (7) Child seduction (IC 35-42-4-7).
- 35 (8) Sexual misconduct with a minor as a Class A or Class B
 36 **felony (for a crime committed before July 1, 2014) or a Level**
 37 **1, Level 2, or Level 4 felony (for a crime committed after June**
 38 **30, 2014)** (IC 35-42-4-9).
- 39 (9) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)
 40 years of age.

41 SECTION 60. IC 4-30-3-19 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) The definitions

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1 set forth in IC 3-5-2 apply to this section.

2 (b) This subsection applies to contributions made after March 15,
3 1989, and before March 29, 1996. The commission or director may not
4 enter into a contract with a person to serve as a vendor for a major
5 procurement or to provide auditing services to the commission if the
6 person has made a contribution to a candidate for a state office within
7 the three (3) years preceding the award of the contract. A person that
8 enters into a contract with the commission as a vendor for a major
9 procurement or to provide auditing services may not make a
10 contribution to such a candidate during the three (3) years following
11 the last award or renewal of the contract. A person is considered to
12 have made a contribution if a contribution is made by:

- 13 (1) the person;
- 14 (2) an officer of the person; or
- 15 (3) a political action committee (as defined in IC 3-5-2-37) of the
16 person.

17 (c) A person who knowingly or intentionally violates this section
18 commits a ~~Class D~~ **Level 6** felony.

19 SECTION 61. IC 4-30-3-19.5 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19.5. (a) This section
21 applies only to contributions made after March 28, 1996.

22 (b) The definitions set forth in IC 3-5-2 apply to this section.

23 (c) As used in this section, "candidate" refers only to a candidate for
24 a state office.

25 (d) As used in this section, "committee" refers to any of the
26 following:

- 27 (1) A candidate's committee.
- 28 (2) A regular party committee.
- 29 (3) A committee organized by a legislative caucus of the house of
30 the general assembly.
- 31 (4) A committee organized by a legislative caucus of the senate
32 of the general assembly.

33 (e) As used in this section, "contract" refers only to a contract with
34 the commission or the director for any of the following:

- 35 (1) A major procurement.
- 36 (2) Auditing services to the commission.

37 (f) As used in this section, "contractor" means a person who has a
38 contract with the commission or the director.

39 (g) As used in this section, "officer" refers only to either of the
40 following:

- 41 (1) An individual listed as an officer of a corporation in the
42 corporation's most recent annual report.

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- 1 (2) An individual who is a successor to an individual described in
- 2 subdivision (1).
- 3 (h) A person is considered to have made a contribution under this
- 4 section if a contribution is made by any of the following:
- 5 (1) The person.
- 6 (2) An officer of the person.
- 7 (3) A political action committee of the person.
- 8 (i) A person may not enter into a contract if the person has made a
- 9 contribution to a candidate or a committee within the three (3) years
- 10 preceding the award of the contract.
- 11 (j) A contractor, an officer of a contractor, or a political action
- 12 committee of a contractor may not make a contribution to a candidate
- 13 or a committee while the contract is in effect and during the three (3)
- 14 years following the final expiration or termination of the contract.
- 15 (k) A person who knowingly or intentionally violates this section
- 16 commits a ~~Class D~~ **Level 6** felony.
- 17 SECTION 62. IC 4-30-3-19.7 IS AMENDED TO READ AS
- 18 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19.7. (a) This section
- 19 applies only to contributions made after March 28, 1996.
- 20 (b) The definitions set forth in IC 3-5-2 apply to this section.
- 21 (c) As used in this section, "candidate" refers only to the following:
- 22 (1) A candidate for a legislative office.
- 23 (2) A candidate for a local office.
- 24 (d) As used in this section, "committee" refers to any of the
- 25 following:
- 26 (1) A candidate's committee.
- 27 (2) A regular party committee.
- 28 (3) A committee organized by a legislative caucus of the house of
- 29 the general assembly.
- 30 (4) A committee organized by a legislative caucus of the senate
- 31 of the general assembly.
- 32 (e) As used in this section, "contract" refers only to a contract with
- 33 the commission or the director for any of the following:
- 34 (1) The printing of tickets to be used in a lottery game.
- 35 (2) Consultation services for operation of the lottery.
- 36 (3) Any goods and services involving any of the following:
- 37 (A) Equipment for the official recording for lottery game play
- 38 purposes of a player's selection in lottery games involving
- 39 player selections.
- 40 (B) The drawing, determination, or generation of winners in
- 41 lottery games.
- 42 (C) The security services required under this article.

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1 (f) As used in this section, "contractor" refers to a person who has
2 a contract with the commission or the director.

3 (g) As used in this section, "officer" refers only to either of the
4 following:

5 (1) An individual listed as an officer of a corporation in the
6 corporation's most recent annual report.

7 (2) An individual who is a successor to an individual described in
8 subdivision (1).

9 (h) A person is considered to have made a contribution under this
10 section if a contribution is made by any of the following:

11 (1) The person.

12 (2) An officer of the person.

13 (3) A political action committee of the person.

14 (i) A person may not enter into a contract if the person has made a
15 contribution to a candidate or a committee within the three (3) years
16 preceding the award of the contract.

17 (j) A contractor, an officer of a contractor, or a political action
18 committee of a contractor may not make a contribution to a candidate
19 or a committee while the contract is in effect and during the three (3)
20 years following the final expiration or termination of the contract.

21 (k) A person who knowingly or intentionally violates this section
22 commits a ~~Class D~~ **Level 6** felony.

23 SECTION 63. IC 4-30-14-3 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who:

25 (1) knowingly presents a counterfeit or altered lottery ticket;

26 (2) knowingly transfers a counterfeit or altered lottery ticket to
27 another to present for payment; or

28 (3) with intent to defraud, falsely makes, alters, forges, passes, or
29 counterfeits a lottery ticket;

30 commits a ~~Class E~~ **Level 5** felony.

31 SECTION 64. IC 4-30-14-4 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who, with

33 intent to defraud or with intent to provide a financial or other advantage
34 to the person or another person, knowingly discloses information
35 relating to the lottery that is designated as confidential under this article
36 commits a ~~Class A~~ **Level 2** felony.

37 SECTION 65. IC 4-31-13-3 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who is
39 not a permit holder may not conduct, or aid or abet the conducting of,
40 a horse racing meeting at which pari-mutuel wagering is permitted.
41 Each day of racing in violation of this section constitutes a separate
42 offense.

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1 (b) A person who violates this section commits a ~~Class D~~ **Level 6**
 2 felony.
 3 SECTION 66. IC 4-31-13-3.5 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.5. (a) The definitions
 5 in IC 3-5-2 apply to this section to the extent they do not conflict with
 6 the definitions in this article.
 7 (b) This section applies only to contributions made after June 30,
 8 1996.
 9 (c) As used in this section, "candidate" refers to any of the
 10 following:
 11 (1) A candidate for a state office.
 12 (2) A candidate for a legislative office.
 13 (3) A candidate for a local office.
 14 (d) As used in this section, "committee" refers to any of the
 15 following:
 16 (1) A candidate's committee.
 17 (2) A regular party committee.
 18 (3) A committee organized by a legislative caucus of the house of
 19 the general assembly.
 20 (4) A committee organized by a legislative caucus of the senate
 21 of the general assembly.
 22 (e) As used in this section, "officer" refers only to either of the
 23 following:
 24 (1) An individual listed as an officer of a corporation in the
 25 corporation's most recent annual report.
 26 (2) An individual who is a successor to an individual described in
 27 subdivision (1).
 28 (f) For purposes of this section, a person is considered to have an
 29 interest in a permit holder if the person satisfies any of the following:
 30 (1) The person holds at least a one percent (1%) interest in the
 31 permit holder.
 32 (2) The person is an officer of the permit holder.
 33 (3) The person is an officer of a person that holds at least a one
 34 percent (1%) interest in the permit holder.
 35 (4) The person is a political action committee of the permit
 36 holder.
 37 (g) For purposes of this section, a permit holder is considered to
 38 have made a contribution if a contribution is made by a person who has
 39 an interest in the permit holder.
 40 (h) A permit holder or a person with an interest in a permit holder
 41 may not make a contribution to a candidate or a committee during the
 42 following periods:

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1 (1) The term during which the permit holder holds a permit.
 2 (2) The three (3) years following the final expiration or
 3 termination of the permit holder's permit.
 4 (i) A person who knowingly or intentionally violates this section
 5 commits a ~~Class D~~ **Level 6** felony.
 6 SECTION 67. IC 4-31-13-9, AS AMENDED BY P.L.114-2012,
 7 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2014]: Sec. 9. (a) The definitions in IC 3-5-2 apply to this
 9 section to the extent they do not conflict with the definitions in this
 10 article.
 11 (b) This section applies only to property given after June 30, 1996.
 12 (c) As used in this section, "officer" refers only to either of the
 13 following:
 14 (1) An individual listed as an officer of a corporation in the
 15 corporation's most recent annual report.
 16 (2) An individual who is a successor to an individual described in
 17 subdivision (1).
 18 (d) For purposes of this section, a person is considered to have an
 19 interest in a permit holder if the person satisfies any of the following:
 20 (1) The person holds at least a one percent (1%) interest in the
 21 permit holder.
 22 (2) The person is an officer of the permit holder.
 23 (3) The person is an officer of a person that holds at least a one
 24 percent (1%) interest in the permit holder.
 25 (4) The person is a political action committee of the permit
 26 holder.
 27 (e) A permit holder or a person with an interest in a permit holder
 28 may not give any property (as defined in IC 35-31.5-2-253) to a
 29 member of a precinct committee to induce the member of the precinct
 30 committee to do any act or refrain from doing any act with respect to
 31 the approval of a local public question under IC 4-31-4.
 32 (f) A person who knowingly or intentionally violates this section
 33 commits a ~~Class D~~ **Level 6** felony.
 34 SECTION 68. IC 4-32.2-8-4, AS ADDED BY P.L.91-2006,
 35 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2014]: Sec. 4. (a) Except as provided in subsection (b), a
 37 person or an organization that recklessly, knowingly, or intentionally
 38 violates a provision of this article commits a Class B misdemeanor.
 39 (b) An individual, a corporation, a partnership, a limited liability
 40 company, or other association that recklessly, knowingly, or
 41 intentionally enters into a contract or other agreement with a qualified
 42 organization in violation of IC 4-32.2-5-2 commits a ~~Class D~~ **Level 6**

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- 1 felony.
- 2 SECTION 69. IC 4-33-10-2 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who
- 4 knowingly or intentionally does any of the following commits a ~~Class~~
- 5 **Level 6** felony:
- 6 (1) Offers, promises, or gives anything of value or benefit:
- 7 (A) to a person who is connected with the owner or operating
- 8 agent of a riverboat, including an officer or an employee of a
- 9 riverboat owner, an operating agent, or a holder of an
- 10 occupational license; and
- 11 (B) under an agreement to influence or with the intent to
- 12 influence:
- 13 (i) the actions of the person to whom the offer, promise, or
- 14 gift was made in order to affect or attempt to affect the
- 15 outcome of a gambling game; or
- 16 (ii) an official action of a commission member.
- 17 (2) Solicits, accepts, or receives a promise of anything of value or
- 18 benefit:
- 19 (A) while the person is connected with a riverboat, including
- 20 an officer or employee of a licensed owner, an operating agent,
- 21 or a holder of an occupational license; and
- 22 (B) under an agreement to influence or with the intent to
- 23 influence:
- 24 (i) the actions of the person to affect or attempt to affect the
- 25 outcome of a gambling game; or
- 26 (ii) an official action of a commission member.
- 27 (3) Uses or possesses with the intent to use a device to assist in:
- 28 (A) projecting the outcome of the game;
- 29 (B) keeping track of the cards played;
- 30 (C) analyzing the probability of the occurrence of an event
- 31 relating to the gambling game; or
- 32 (D) analyzing the strategy for playing or betting to be used in
- 33 the game, except as permitted by the commission.
- 34 (4) Cheats at a gambling game.
- 35 (5) Manufactures, sells, or distributes any cards, chips, dice,
- 36 game, or device that is intended to be used to violate this article.
- 37 (6) Alters or misrepresents the outcome of a gambling game on
- 38 which wagers have been made after the outcome is made sure but
- 39 before the outcome is revealed to the players.
- 40 (7) Places a bet on the outcome of a gambling game after
- 41 acquiring knowledge that:
- 42 (A) is not available to all players; and

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- 1 (B) concerns the outcome of the gambling game that is the
2 subject of the bet.
- 3 (8) Aids a person in acquiring the knowledge described in
4 subdivision (7) for the purpose of placing a bet contingent on the
5 outcome of a gambling game.
- 6 (9) Claims, collects, takes, or attempts to claim, collect, or take
7 money or anything of value in or from a gambling game:
8 (A) with the intent to defraud; or
9 (B) without having made a wager contingent on winning a
10 gambling game.
- 11 (10) Claims, collects, or takes an amount of money or thing of
12 value of greater value than the amount won in a gambling game.
- 13 (11) Uses or possesses counterfeit chips or tokens in or for use in
14 a gambling game.
- 15 (12) Possesses a key or device designed for:
16 (A) opening, entering, or affecting the operation of a gambling
17 game, drop box, or an electronic or a mechanical device
18 connected with the gambling game; or
19 (B) removing coins, tokens, chips, or other contents of a
20 gambling game.
- 21 This subdivision does not apply to a licensee or an operating
22 agent or an employee of a licensee or an operating agent acting in
23 the course of the employee's employment.
- 24 (13) Possesses materials used to manufacture a slug or device
25 intended to be used in a manner that violates this article.
- 26 SECTION 70. IC 4-33-10-2.1 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.1. (a) This section
28 applies only to contributions made after June 30, 1996.
- 29 (b) The definitions in IC 3-5-2 apply to this section to the extent
30 they do not conflict with the definitions in this article.
- 31 (c) As used in this section, "candidate" refers to any of the
32 following:
33 (1) A candidate for a state office.
34 (2) A candidate for a legislative office.
35 (3) A candidate for a local office.
- 36 (d) As used in this section, "committee" refers to any of the
37 following:
38 (1) A candidate's committee.
39 (2) A regular party committee.
40 (3) A committee organized by a legislative caucus of the house of
41 the general assembly.
42 (4) A committee organized by a legislative caucus of the senate

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- 1 of the general assembly.
- 2 (e) As used in this section, "license" means:
- 3 (1) an owner's license issued under this article;
- 4 (2) a supplier's license issued under this article to a supplier of
- 5 gaming supplies or equipment, including electronic gaming
- 6 equipment; or
- 7 (3) an operating agent contract issued under this article.
- 8 (f) As used in this section, "licensee" means a person who holds a
- 9 license. The term includes an operating agent.
- 10 (g) As used in this section, "officer" refers only to either of the
- 11 following:
- 12 (1) An individual listed as an officer of a corporation in the
- 13 corporation's most recent annual report.
- 14 (2) An individual who is a successor to an individual described in
- 15 subdivision (1).
- 16 (h) For purposes of this section, a person is considered to have an
- 17 interest in a licensee if the person satisfies any of the following:
- 18 (1) The person holds at least a one percent (1%) interest in the
- 19 licensee.
- 20 (2) The person is an officer of the licensee.
- 21 (3) The person is an officer of a person that holds at least a one
- 22 percent (1%) interest in the licensee.
- 23 (4) The person is a political action committee of the licensee.
- 24 (i) A licensee is considered to have made a contribution if a
- 25 contribution is made by a person who has an interest in the licensee.
- 26 (j) A licensee or a person who has an interest in a licensee may not
- 27 make a contribution to a candidate or a committee during the following
- 28 periods:
- 29 (1) The term during which the licensee holds a license.
- 30 (2) The three (3) years following the final expiration or
- 31 termination of the licensee's license.
- 32 (k) A person who knowingly or intentionally violates this section
- 33 commits a ~~Class D~~ **Level 6** felony.
- 34 SECTION 71. IC 4-33-10-2.5, AS AMENDED BY P.L.114-2012,
- 35 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 36 JULY 1, 2014]: Sec. 2.5. (a) This section applies only to property given
- 37 after June 30, 1996.
- 38 (b) The definitions in IC 3-5-2 apply to this section to the extent
- 39 they do not conflict with the definitions in this article.
- 40 (c) As used in this section, "license" means:
- 41 (1) an owner's license issued under this article;
- 42 (2) a supplier's license issued under this article to a supplier of

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- 1 gaming supplies or equipment, including electronic gaming
- 2 equipment; or
- 3 (3) an operating agent contract entered into under this article.
- 4 (d) As used in this section, "licensee" means a person who holds a
- 5 license. The term includes an operating agent.
- 6 (e) As used in this section, "officer" refers only to either of the
- 7 following:
- 8 (1) An individual listed as an officer of a corporation in the
- 9 corporation's most recent annual report.
- 10 (2) An individual who is a successor to an individual described in
- 11 subdivision (1).
- 12 (f) For purposes of this section, a person is considered to have an
- 13 interest in a licensee if the person satisfies any of the following:
- 14 (1) The person holds at least a one percent (1%) interest in the
- 15 licensee.
- 16 (2) The person is an officer of the licensee.
- 17 (3) The person is an officer of a person that holds at least a one
- 18 percent (1%) interest in the licensee.
- 19 (4) The person is a political action committee of the licensee.
- 20 (g) A licensee or a person with an interest in a licensee may not give
- 21 any property (as defined in IC 35-31.5-2-253) to a member of a
- 22 precinct committee to induce the member of the precinct committee to
- 23 do any act or refrain from doing any act with respect to the approval of
- 24 a local public question under IC 4-33-6-19.
- 25 (h) A person who knowingly or intentionally violates this section
- 26 commits a ~~Class D~~ **Level 6** felony.
- 27 SECTION 72. IC 4-35-9-5, AS ADDED BY P.L.233-2007,
- 28 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2014]: Sec. 5. A person who knowingly or intentionally does
- 30 any of the following commits a ~~Class D~~ **Level 6** felony:
- 31 (1) Offers, promises, or gives anything of value or benefit:
- 32 (A) to a person who is connected with a licensee, including an
- 33 officer or employee of a licensee; and
- 34 (B) under an agreement to influence or with the intent to
- 35 influence:
- 36 (i) the actions of the person to whom the offer, promise, or
- 37 gift was made in order to affect or attempt to affect the
- 38 outcome of a gambling game; or
- 39 (ii) an official action of a commission member.
- 40 (2) Solicits, accepts, or receives a promise of anything of value or
- 41 benefit:
- 42 (A) while the person is connected with a licensee, including as

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- 1 an officer or employee of a licensee; and
 2 (B) under an agreement to influence or with the intent to
 3 influence:
 4 (i) the actions of the person to affect or attempt to affect the
 5 outcome of a gambling game; or
 6 (ii) an official action of a commission member.
 7 (3) Uses or possesses with the intent to use a device to assist in:
 8 (A) projecting the outcome of a gambling game;
 9 (B) analyzing the probability of the occurrence of an event
 10 related to a gambling game; or
 11 (C) analyzing the strategy for playing or betting to be used in
 12 a gambling game, except as permitted by the commission.
 13 (4) Cheats at a gambling game.
 14 (5) Manufactures, sells, or distributes any game or device that is
 15 intended to be used to violate this article.
 16 (6) Alters or misrepresents the outcome of a gambling game on
 17 which wagers have been made after the outcome is made sure but
 18 before the outcome is revealed to the players.
 19 (7) Places a bet on the outcome of a gambling game after
 20 acquiring knowledge that:
 21 (A) is not available to all players; and
 22 (B) concerns the outcome of the gambling game that is the
 23 subject of the bet.
 24 (8) Aids a person in acquiring the knowledge described in
 25 subdivision (7) to place a bet contingent on the outcome of a
 26 gambling game.
 27 (9) Claims, collects, takes, or attempts to claim, collect, or take
 28 money or anything of value in or from a gambling game:
 29 (A) with the intent to defraud; or
 30 (B) without having made a wager contingent on winning a
 31 gambling game.
 32 (10) Claims, collects, or takes an amount of money or a thing of
 33 value that is of greater value than the amount won in a gambling
 34 game.
 35 (11) Uses or possesses counterfeit tokens in or for use in a
 36 gambling game.
 37 (12) Possesses a key or device designed for:
 38 (A) opening, entering, or affecting the operation of a gambling
 39 game, a drop box, or an electronic or a mechanical device
 40 connected with the gambling game; or
 41 (B) removing coins, tokens, or other contents of a gambling
 42 game.

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1 This subdivision does not apply to a licensee or an employee of
2 a licensee acting in the course of the employee's employment.

3 (13) Possesses materials used to manufacture a slug or device
4 intended to be used in a manner that violates this article.

5 SECTION 73. IC 5-2-2-11 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. A member of the
7 commission, the architect, or any other person employed by the
8 commission who knowingly is interested in, or knowingly derives any
9 profit from, any contract, employment, or purchase connected with the
10 building or buildings, or with any action of the commission, commits
11 a ~~Class D~~ **Level 6** felony. A member of the commission, the architect,
12 or any person employed by the commission who knowingly is
13 interested in any claim against the commission or the state growing out
14 of the construction of the building or buildings, other than for
15 compensation for services or their expenses as provided in this chapter,
16 commits a ~~Class D~~ **Level 6** felony.

17 SECTION 74. IC 5-15-6-8 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. A public official or
19 other person who recklessly, knowingly, or intentionally destroys or
20 damages any public record commits a ~~Class D~~ **Level 6** felony unless:

- 21 (1) the commission shall have given its approval in writing that
22 the public records may be destroyed;
23 (2) the commission shall have entered its approval for destruction
24 of the public records on its own minutes; or
25 (3) authority for destruction of the records is granted by an
26 approved retention schedule established under this chapter.

27 SECTION 75. IC 6-1.1-5.5-10, AS AMENDED BY P.L.144-2008,
28 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2014]: Sec. 10. (a) A person who knowingly and intentionally:

- 30 (1) falsifies the value of transferred real property; or
31 (2) omits or falsifies any information required to be provided in
32 the sales disclosure form;

33 commits a ~~Class E~~ **Level 5** felony.

34 (b) A public official who knowingly and intentionally accepts:

- 35 (1) a sales disclosure document for filing that:
36 (A) falsifies the value of transferred real property; or
37 (B) omits or falsifies any information required to be provided
38 in the sales disclosure form; or
39 (2) a conveyance document for recording in violation of section
40 6 of this chapter;

41 commits a Class A infraction.

42 SECTION 76. IC 6-1.1-37-3 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person commits
2 a ~~Class D~~ **Level 6** felony if:

- 3 (1) ~~he the person~~ makes and subscribes a property tax return,
- 4 statement, or document (except a statement described in section
- 5 4 or 5 of this chapter) that ~~he the person~~ does not believe is
- 6 correct in every material respect; and
- 7 (2) the return, statement, or document is certified to as to the truth
- 8 of the information appearing in it.

9 SECTION 77. IC 6-2.3-5.5-12, AS ADDED BY P.L.162-2006,
10 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2014]: Sec. 12. (a) An individual who:

- 12 (1) is an employee, officer, or member of a corporation,
- 13 partnership, or limited liability company that is a seller of utility
- 14 services; and
- 15 (2) has a duty to remit utility services use tax to the department
- 16 under an agreement entered into by the seller of utility services
- 17 under section 8 of this chapter by virtue of the individual's
- 18 responsibilities within the corporation, partnership, or limited
- 19 liability company;

20 holds those taxes in trust for the state and is personally liable for the
21 payment of those taxes, plus any penalties and interest attributable to
22 those taxes, to the state.

23 (b) An individual described in subsection (a) who knowingly fails
24 to collect or remit the specified taxes to the state commits a ~~Class D~~
25 **Level 6** felony.

26 SECTION 78. IC 6-2.3-7-2 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A taxpayer or any
28 officer, employee, or partner of a taxpayer who makes a false entry in
29 the taxpayer's records with the intent to defraud the state or evade
30 payment of the utility receipts tax commits a ~~Class D~~ **Level 6** felony.

31 (b) A taxpayer or any officer, employee, or partner of a taxpayer
32 who keeps more than one (1) set of records for the taxpayer with the
33 intent to defraud the state or evade the payment of the utility receipts
34 tax commits a ~~Class D~~ **Level 6** felony.

35 SECTION 79. IC 6-2.5-9-3 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. An individual who:

- 37 (1) is an individual retail merchant or is an employee, officer, or
- 38 member of a corporate or partnership retail merchant; and
- 39 (2) has a duty to remit state gross retail or use taxes (as described
- 40 in IC 6-2.5-3-2) to the department;

41 holds those taxes in trust for the state and is personally liable for the
42 payment of those taxes, plus any penalties and interest attributable to

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1 those taxes, to the state. If the individual knowingly fails to collect or
2 remit those taxes to the state, ~~he~~ **the individual** commits a ~~Class D~~
3 **Level 6** felony.

4 SECTION 80. IC 6-2.5-9-8 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) All records of a
6 person that have collected or that should have collected gross retail
7 taxes shall be kept open for examination at any reasonable time by the
8 department or the department's authorized agents. A person that
9 violates this subsection commits a ~~Class D~~ **Level 6** felony.

10 (b) A person that:
11 (1) makes false entries in a tax record; or
12 (2) keeps more than one (1) set of tax records;
13 with the intent to defraud the state or evade remittance of the tax
14 imposed by this article commits a ~~Class D~~ **Level 6** felony.

15 SECTION 81. IC 6-3-4-8, AS AMENDED BY P.L.137-2012,
16 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2014]: Sec. 8. (a) Except as provided in subsection (d), every
18 employer making payments of wages subject to tax under this article,
19 regardless of the place where such payment is made, who is required
20 under the provisions of the Internal Revenue Code to withhold, collect,
21 and pay over income tax on wages paid by such employer to such
22 employee, shall, at the time of payment of such wages, deduct and
23 retain therefrom the amount prescribed in withholding instructions
24 issued by the department. The department shall base its withholding
25 instructions on the adjusted gross income tax rate for persons, on the
26 total rates of any income taxes that the taxpayer is subject to under
27 IC 6-3.5, and on the total amount of exclusions the taxpayer is entitled
28 to under IC 6-3-1-3.5(a)(3) and IC 6-3-1-3.5(a)(4). However, the
29 withholding instructions on the adjusted gross income of a nonresident
30 alien (as defined in Section 7701 of the Internal Revenue Code) are to
31 be based on applying not more than one (1) withholding exclusion,
32 regardless of the total number of exclusions that IC 6-3-1-3.5(a)(3) and
33 IC 6-3-1-3.5(a)(4) permit the taxpayer to apply on the taxpayer's final
34 return for the taxable year. Such employer making payments of any
35 wages:

36 (1) shall be liable to the state of Indiana for the payment of the tax
37 required to be deducted and withheld under this section and shall
38 not be liable to any individual for the amount deducted from the
39 individual's wages and paid over in compliance or intended
40 compliance with this section; and
41 (2) shall make return of and payment to the department monthly
42 of the amount of tax which under this article and IC 6-3.5 the

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1 employer is required to withhold.

2 (b) An employer shall pay taxes withheld under subsection (a)

3 during a particular month to the department no later than thirty (30)

4 days after the end of that month. However, in place of monthly

5 reporting periods, the department may permit an employer to report and

6 pay the tax for a calendar year reporting period, if the average monthly

7 amount of all tax required to be withheld by the employer in the

8 previous calendar year does not exceed one thousand dollars (\$1,000).

9 An employer using a reporting period (other than a monthly reporting

10 period) must file the employer's return and pay the tax for a reporting

11 period no later than the last day of the month immediately following

12 the close of the reporting period.

13 (c) For purposes of determining whether an employee is subject to

14 taxation under IC 6-3.5, an employer is entitled to rely on the statement

15 of an employee as to the employee's county of residence as represented

16 by the statement of address in forms claiming exemptions for purposes

17 of withholding, regardless of when the employee supplied the forms.

18 Every employee shall notify the employee's employer within five (5)

19 days after any change in the employee's county of residence.

20 (d) A county that makes payments of wages subject to tax under this

21 article:

22 (1) to a precinct election officer (as defined in IC 3-5-2-40.1); and

23 (2) for the performance of the duties of the precinct election

24 officer imposed by IC 3 that are performed on election day;

25 is not required, at the time of payment of the wages, to deduct and

26 retain from the wages the amount prescribed in withholding

27 instructions issued by the department.

28 (e) Every employer shall, at the time of each payment made by the

29 employer to the department, deliver to the department a return upon the

30 form prescribed by the department showing:

31 (1) the total amount of wages paid to the employer's employees;

32 (2) the amount deducted therefrom in accordance with the

33 provisions of the Internal Revenue Code;

34 (3) the amount of adjusted gross income tax deducted therefrom

35 in accordance with the provisions of this section;

36 (4) the amount of income tax, if any, imposed under IC 6-3.5 and

37 deducted therefrom in accordance with this section; and

38 (5) any other information the department may require.

39 Every employer making a declaration of withholding as provided in this

40 section shall furnish the employer's employees annually, but not later

41 than thirty (30) days after the end of the calendar year, a record of the

42 total amount of adjusted gross income tax and the amount of each

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1 income tax, if any, imposed under IC 6-3.5, withheld from the
2 employees, on the forms prescribed by the department.

3 (f) All money deducted and withheld by an employer shall
4 immediately upon such deduction be the money of the state, and every
5 employer who deducts and retains any amount of money under the
6 provisions of this article shall hold the same in trust for the state of
7 Indiana and for payment thereof to the department in the manner and
8 at the times provided in this article. Any employer may be required to
9 post a surety bond in the sum the department determines to be
10 appropriate to protect the state with respect to money withheld pursuant
11 to this section.

12 (g) The provisions of IC 6-8.1 relating to additions to tax in case of
13 delinquency and penalties shall apply to employers subject to the
14 provisions of this section, and for these purposes any amount deducted
15 or required to be deducted and remitted to the department under this
16 section shall be considered to be the tax of the employer, and with
17 respect to such amount the employer shall be considered the taxpayer.
18 In the case of a corporate or partnership employer, every officer,
19 employee, or member of such employer, who, as such officer,
20 employee, or member is under a duty to deduct and remit such taxes,
21 shall be personally liable for such taxes, penalties, and interest.

22 (h) Amounts deducted from wages of an employee during any
23 calendar year in accordance with the provisions of this section shall be
24 considered to be in part payment of the tax imposed on such employee
25 for the employee's taxable year which begins in such calendar year, and
26 a return made by the employer under subsection (b) shall be accepted
27 by the department as evidence in favor of the employee of the amount
28 so deducted from the employee's wages. Where the total amount so
29 deducted exceeds the amount of tax on the employee as computed
30 under this article and IC 6-3.5, the department shall, after examining
31 the return or returns filed by the employee in accordance with this
32 article and IC 6-3.5, refund the amount of the excess deduction.
33 However, under rules promulgated by the department, the excess or any
34 part thereof may be applied to any taxes or other claim due from the
35 taxpayer to the state of Indiana or any subdivision thereof. No refund
36 shall be made to an employee who fails to file the employee's return or
37 returns as required under this article and IC 6-3.5 within two (2) years
38 from the due date of the return or returns. In the event that the excess
39 tax deducted is less than one dollar (\$1), no refund shall be made.

40 (i) This section shall in no way relieve any taxpayer from the
41 taxpayer's obligation of filing a return or returns at the time required
42 under this article and IC 6-3.5, and, should the amount withheld under

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1 the provisions of this section be insufficient to pay the total tax of such
 2 taxpayer, such unpaid tax shall be paid at the time prescribed by
 3 section 5 of this chapter.

4 (j) Notwithstanding subsection (b), an employer of a domestic
 5 service employee that enters into an agreement with the domestic
 6 service employee to withhold federal income tax under Section 3402
 7 of the Internal Revenue Code may withhold Indiana income tax on the
 8 domestic service employee's wages on the employer's Indiana
 9 individual income tax return in the same manner as allowed by Section
 10 3510 of the Internal Revenue Code.

11 (k) To the extent allowed by Section 1137 of the Social Security
 12 Act, an employer of a domestic service employee may report and remit
 13 state unemployment insurance contributions on the employee's wages
 14 on the employer's Indiana individual income tax return in the same
 15 manner as allowed by Section 3510 of the Internal Revenue Code.

16 (l) A person who knowingly fails to remit trust fund money as set
 17 forth in this section commits a ~~Class D~~ **Level 6** felony.

18 SECTION 82. IC 6-3-6-10 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A taxpayer
 20 subject to taxation under this article shall keep and preserve records
 21 and any other books or accounts as required by IC 6-8.1-5-4. All the
 22 records shall be kept open for examination at any time by the
 23 department or its authorized agents. A taxpayer who violates this
 24 subsection or fails to comply with the request of the department
 25 pursuant to IC 6-3-4-6 commits a Class A misdemeanor.

26 (b) It is a ~~Class D~~ **Level 6** felony for a taxpayer to make false entries
 27 in ~~his~~ **the taxpayer's** books, or to keep more than one (1) set of books,
 28 with intent to defraud the state or evade the payment of the tax, or any
 29 part thereof, imposed by this article.

30 SECTION 83. IC 6-3-6-11 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) It is a ~~Class D~~
 32 **Level 6** felony for a taxpayer to fail to make any return required to be
 33 made under this article, or to make any false return or false statement
 34 in any return, with intent to defraud the state or to evade the payment
 35 of the tax, or any part thereof, imposed by this article. It is a ~~Class D~~
 36 **Level 6** felony for a person to knowingly fail to permit the examination
 37 of any book, paper, account, record, or other data by the department or
 38 its authorized agents, as required by this article, to knowingly fail to
 39 permit the inspection or appraisal of any property by the department or
 40 its authorized agents, or to knowingly refuse to offer testimony or
 41 produce any record as required in this article.

42 (b) The attorney general has concurrent jurisdiction with the

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1 prosecuting attorney in instituting and prosecuting actions under this
2 section.

3 SECTION 84. IC 6-3-7-5 IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As used in this section,
5 "independent contractor" refers to a person described in
6 IC 22-3-6-1(b)(7) or IC 22-3-7-9(b)(5).

7 (b) As used in this section, "person" means an individual, a
8 proprietorship, a partnership, a joint venture, a firm, an association, a
9 corporation, or other legal entity.

10 (c) An independent contractor who does not make an election under:

11 (1) IC 22-3-6-1(b)(4) or IC 22-3-6-1(b)(5) is not subject to the
12 compensation provisions of IC 22-3-2 through IC 22-3-6; or

13 (2) IC 22-3-7-9(b)(2) or IC 22-3-7-9(b)(3) is not subject to the
14 compensation provisions of IC 22-3-7;

15 and must file a statement with the department with supporting
16 documentation of independent contractor status and obtain a certificate
17 of exemption under this section.

18 (d) An independent contractor shall file with the department, in the
19 form prescribed by the department, a statement providing the following
20 information:

21 (1) The independent contractor's name, trade name, address, and
22 telephone number.

23 (2) The independent contractor's federal identification number or
24 Social Security number.

25 (3) The name and:

26 (A) Social Security number;

27 (B) federal employer identification number (FEIN); or

28 (C) taxpayer identification number (TIN);

29 of each person or entity with whom the independent contractor
30 has contracted.

31 (e) Along with the statement required in subsection (d), an
32 independent contractor shall file annually with the department
33 documentation in support of independent contractor status before being
34 granted a certificate of exemption. The independent contractor must
35 obtain clearance from the department of state revenue before issuance
36 of the certificate.

37 (f) An independent contractor shall pay a filing fee of five dollars
38 (\$5) with the statement required in subsection (d). The fees collected
39 under this subsection shall be deposited into a special account in the
40 state general fund known as the independent contractor information
41 account. Money in the independent contractor information account is
42 annually appropriated to the department for its use in carrying out the

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purposes of this section.

(g) The department shall keep each statement and supporting documentation received under this section on file and on request may verify that a certificate of exemption is on file.

(h) The certificate of exemption required by this section must be on a form prescribed and provided by the department. A certificate issued under this section is valid for one (1) year. The department shall maintain the original certificate on file.

(i) A certificate of exemption must certify the following information:

(1) That the independent contractor has worker's compensation coverage for the independent contractor's employees in accordance with IC 22-3-2 through IC 22-3-7.

(2) That the independent contractor desires to be exempt from being able to recover under the worker's compensation policy or self-insurance of a person for whom the independent contractor will perform work only as an independent contractor.

(j) The department shall provide the certificate of exemption to the person requesting it not less than seven (7) business days after verifying the accuracy of the supporting documentation. To be given effect, a certificate of exemption must be filed with the worker's compensation board of Indiana in accordance with IC 22-3-2-14.5(f) and IC 22-3-7-34.5(g).

(k) Not more than thirty (30) days after the department receives an independent contractor's statement and supporting documentation and issues a certificate of exemption, the department shall provide the independent contractor with an explanation of the department's tax treatment of independent contractors and the duty of the independent contractor to remit any taxes owed.

(l) The information received from an independent contractor's statement and supporting documentation is to be treated as confidential by the department and is to be used solely for the purposes of this section.

(m) A contractor who knowingly or intentionally causes or assists employees, including temporary employees, to file a false statement and supporting documentation of independent contractor status commits a ~~Class D~~ **Level 6** felony.

SECTION 85. IC 6-5.5-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A taxpayer who:

- (1) makes false entries in the taxpayer's books;
- (2) keeps more than one (1) set of books;
- (3) fails to make a return required to be made under this chapter;

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1 or
2 (4) makes a false return or false statement in a return;
3 with intent to defraud the state or to evade the payment of a tax
4 imposed under this article commits a ~~Class B~~ **Level 6** felony.

5 SECTION 86. IC 6-5.5-7-4 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who
7 knowingly:

- 8 (1) fails to permit the examination of any book, paper, account,
9 record, or other data by the department or its authorized agents;
- 10 (2) fails to permit the inspection or appraisal of any property by
11 the department or its authorized agents; or
- 12 (3) refuses to offer testimony or produce a record;
13 required under this article commits a ~~Class B~~ **Level 6** felony.

14 SECTION 87. IC 6-6-1.1-1308 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1308. A person who
16 receives or collects money as tax imposed under this chapter on
17 gasoline on which ~~he~~ **the person** has not paid the tax, and knowingly
18 fails to pay the money to the administrator as required under this
19 chapter, commits a ~~Class B~~ **Level 6** felony.

20 SECTION 88. IC 6-6-1.1-1313 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1313. A person who
22 violates sections 1309 through 1311 of this chapter with intent to evade
23 the tax imposed by this chapter or to defraud the state commits a ~~Class~~
24 **Level 6** felony.

25 SECTION 89. IC 6-6-1.1-1316 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1316. (a) A person:

- 27 (1) who knowingly breaks a seal on a sealed fuel pump without
28 authorization; or
- 29 (2) who knowingly fails or refuses to report meter readings under
30 section 1008 or section 1110 of this chapter;

31 commits a ~~Class B~~ **Level 6** felony.

32 (b) A person who, without authorization:

- 33 (1) removes;
- 34 (2) alters;
- 35 (3) defaces; or
- 36 (4) covers;

37 a sign posted by the department that states that no transactions
38 involving gasoline, gasohol, aviation gasoline, or marina gasoline may
39 be made at a location commits a Class B misdemeanor. However, the
40 offense is a ~~Class B~~ **Level 6** felony if it is committed with the intent to
41 evade the tax imposed by this chapter or to defraud the state.

42 (c) A dealer or licensed distributor shall notify the department of:

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1 (1) a broken fuel pump seal; or
 2 (2) a removed, altered, defaced, or covered sign that has been
 3 posted by the department.
 4 (d) A dealer or licensed distributor that fails to notify the
 5 department, as required by subsection (c), within two (2) days after:
 6 (1) a fuel pump seal is broken; or
 7 (2) a sign posted by the department has been removed, altered,
 8 defaced, or covered;
 9 commits a ~~Class D~~ **Level 6** felony.
 10 SECTION 90. IC 6-6-2.5-28, AS AMENDED BY P.L.33-2007,
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2014]: Sec. 28. (a) A license tax of sixteen cents (\$0.16) per
 13 gallon is imposed on all special fuel sold or used in producing or
 14 generating power for propelling motor vehicles except fuel used under
 15 section 30(a)(8) or 30.5 of this chapter. The tax shall be paid at those
 16 times, in the manner, and by those persons specified in this section and
 17 section 35 of this chapter.
 18 (b) The department shall consider it a rebuttable presumption that
 19 all undyed or unmarked special fuel, or both, received in Indiana is to
 20 be sold for use in propelling motor vehicles.
 21 (c) Except as provided in subsection (d), the tax imposed on special
 22 fuel by subsection (a) shall be measured by invoiced gallons of
 23 nonexempt special fuel received by a licensed supplier in Indiana for
 24 sale or resale in Indiana or with respect to special fuel subject to a tax
 25 precollection agreement under section 35(d) of this chapter, such
 26 special fuel removed by a licensed supplier from a terminal outside of
 27 Indiana for sale for export or for export to Indiana and in any case shall
 28 generally be determined in the same manner as the tax imposed by
 29 Section 4081 of the Internal Revenue Code and Code of Federal
 30 Regulations.
 31 (d) The tax imposed by subsection (a) on special fuel imported into
 32 Indiana, other than into a terminal, is imposed at the time the product
 33 is entered into Indiana and shall be measured by invoiced gallons
 34 received at a terminal or at a bulk plant.
 35 (e) In computing the tax, all special fuel in process of transfer from
 36 tank steamers at boat terminal transfers and held in storage pending
 37 wholesale bulk distribution by land transportation, or in tanks and
 38 equipment used in receiving and storing special fuel from interstate
 39 pipelines pending wholesale bulk reshipment, shall not be subject to
 40 tax.
 41 (f) The department shall consider it a rebuttable presumption that
 42 special fuel consumed in a motor vehicle plated for general highway

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1 use is subject to the tax imposed under this chapter. A person claiming
 2 exempt use of special fuel in such a vehicle must maintain adequate
 3 records as required by the department to document the vehicle's taxable
 4 and exempt use.

5 (g) A person that engages in blending fuel for taxable sale or use in
 6 Indiana is primarily liable for the collection and remittance of the tax
 7 imposed under subsection (a). The person shall remit the tax due in
 8 conjunction with the filing of a monthly report in the form prescribed
 9 by the department.

10 (h) A person that receives special fuel that has been blended for
 11 taxable sale or use in Indiana is secondarily liable to the state for the
 12 tax imposed under subsection (a).

13 (i) A person may not use special fuel on an Indiana public highway
 14 if the special fuel contains a sulfur content that exceeds five
 15 one-hundredths of one percent (0.05%). A person who knowingly:

16 (1) violates; or

17 (2) aids or abets another person to violate;

18 this subsection commits a Class A infraction. However, the violation
 19 is a Class A misdemeanor if the person has committed one (1) prior
 20 unrelated violation of this subsection, and a ~~Class D~~ **Level 6** felony if
 21 the person has committed more than one (1) unrelated violation of this
 22 subsection.

23 SECTION 91. IC 6-6-2.5-40 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 40. (a) Each person
 25 operating a refinery, terminal, or bulk plant in Indiana shall prepare and
 26 provide to the driver of every vehicle receiving special fuel at the
 27 facility a shipping document setting out on its face the destination state
 28 as represented to the terminal operator by the shipper or the shipper's
 29 agent, except that an operator of a bulk plant in Indiana delivering
 30 special fuel into a vehicle with a capacity of not more than five
 31 thousand four hundred (5,400) gallons for subsequent delivery to an
 32 end consumer in Indiana is exempt from this requirement.

33 (b) Every person transporting special fuel in vehicles upon the
 34 Indiana public highways shall carry on board a shipping paper issued
 35 by the terminal operator or the bulk plant operator of the facility where
 36 the special fuel was obtained, which shipping paper shall set out on its
 37 face the state of destination of the special fuel transported in the
 38 vehicle, except that operators of vehicles with a capacity of not more
 39 than five thousand four hundred (5,400) gallons that have received
 40 special fuel at a bulk plant in Indiana for delivery to an end consumer
 41 in Indiana are exempt from this provision with respect to the special
 42 fuel. A person who violates this subsection commits a Class A

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1 infraction (as defined in IC 34-28-5-4).

2 (c) Every person transporting special fuel in vehicles upon the
3 public highways of Indiana shall provide the original or a copy of the
4 terminal issued shipping document accompanying the shipment to the
5 operator of the retail outlet or bulk plant to which delivery of the
6 shipment was made. A person who knowingly violates or knowingly
7 aids and abets another person in violating this subsection commits a
8 ~~Class D~~ **Level 6** felony.

9 (d) Each operator of a special fuel retail outlet or bulk plant shall
10 receive, examine, and retain for a period of thirty (30) days at the
11 delivery location the terminal issued shipping document received from
12 the transporter for every shipment of special fuel that is delivered to
13 that location, with record retention of the shipping paper of three (3)
14 years required offsite. A person who knowingly violates or knowingly
15 aids and abets another person in violating this subsection commits a
16 ~~Class D~~ **Level 6** felony.

17 (e) No bulk end user, retail dealer, bulk plant operator, or wholesale
18 distributor shall knowingly accept delivery of special fuel into storage
19 facilities in Indiana if that delivery is not accompanied by a shipping
20 paper issued by the terminal operator or bulk plant operator that sets
21 out on its face Indiana as the state of destination of the special fuel. A
22 person who knowingly violates or knowingly aids and abets another
23 person in violating this subsection commits a ~~Class D~~ **Level 6** felony.

24 (f) The department shall provide for relief in a case where a
25 shipment of special fuel is legitimately diverted from the represented
26 destination state after the shipping paper has been issued by the
27 terminal operator or where the terminal operator failed to cause proper
28 information to be printed on the shipping paper. These relief provisions
29 shall include a provision requiring that the shipper or its agent provide
30 notification before the diversion or correction to the department if an
31 intended diversion or correction is to occur, and the relief provision
32 shall be consistent with the refund provisions of this chapter.

33 (g) The supplier and the terminal operator shall be entitled to rely
34 for all purposes of this chapter on the representation by the shipper or
35 the shipper's agent as to the shipper's intended state of destination or
36 tax exempt use. The shipper, the importer, the transporter, the shipper's
37 agent, and any purchaser, not the supplier or terminal operator, shall be
38 jointly liable for any tax otherwise due to the state as a result of a
39 diversion of the special fuel from the represented destination state.

40 SECTION 92. IC 6-6-2.5-56.5 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 56.5. (a) For the
42 purpose of determining the amount of special tax due, every supplier

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1 shall file with the department on forms prescribed and furnished by the
2 department a verified statement by the supplier. The department may
3 require the reporting of any information reasonably necessary to
4 determine the amount of special fuel tax due.

5 (b) The reports required by this section that contain information for
6 the preceding calendar month shall be filed before the twentieth day of
7 each month.

8 (c) Each supplier and permissive supplier shall separately report:
9 (1) all loads of special fuel received by the supplier or permissive
10 supplier for export to another state; and
11 (2) all loads of special fuel removed by the supplier or permissive
12 supplier out of an out-of-state terminal for delivery to Indiana and
13 sold tax free to persons for import into Indiana;

14 in accordance with the shipping papers issued by the terminal operator.
15 A person who knowingly violates this subsection commits a ~~Class D~~
16 **Level 6** felony.

17 (d) Each licensed importer shall file monthly with the department
18 a verified sworn statement of operations within Indiana and any other
19 information with respect to the source and means of transportation of
20 special fuel as the department may require and on forms prescribed and
21 furnished by the department. A person who knowingly violates this
22 subsection commits a ~~Class D~~ **Level 6** felony.

23 SECTION 93. IC 6-6-2.5-62 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 62. (a) No person shall
25 import, sell, use, deliver, or store in Indiana special fuel in bulk as to
26 which dye or a marker, or both, has not been added in accordance with
27 section 31 of this chapter, or as to which the tax imposed by this
28 chapter has not been paid to or accrued by a licensed supplier or
29 licensed permissive supplier as shown by a notation on a
30 terminal-issued shipping paper subject to the following exceptions:

31 (1) A supplier shall be exempt from this provision with respect to
32 special fuel manufactured in Indiana or imported by pipeline or
33 waterborne barge and stored within a terminal in Indiana.

34 (2) An end user shall be exempt from this provision with respect
35 to special fuel in a vehicle supply tank when the fuel was placed
36 in the vehicle supply tank outside of Indiana.

37 (3) A licensed importer, and transporter operating on the
38 importer's behalf, that transports in vehicles with a capacity of
39 more than five thousand four hundred (5,400) gallons, shall be
40 exempt from this prohibition if the importer or the transporter has
41 met all of the following conditions:

42 (A) The importer or the transporter before entering onto the

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- 1 highways of Indiana has obtained an import verification
 2 number from the department not earlier than twenty-four (24)
 3 hours before entering Indiana.
- 4 (B) The import verification number must be set out
 5 prominently and indelibly on the face of each copy of the
 6 terminal-issued shipping paper carried on board the transport
 7 truck.
- 8 (C) The terminal origin and the importer's name and address
 9 must be set out prominently on the face of each copy of the
 10 terminal-issued shipping paper.
- 11 (D) The terminal-issued shipping paper data otherwise
 12 required by this chapter is present.
- 13 (E) All tax imposed by this chapter with respect to previously
 14 requested import verification number activity on the account
 15 of the importer or the transporter has been timely remitted.
- 16 In every case, a transporter acting in good faith is entitled to rely upon
 17 representations made to the transporter by the fuel supplier or importer
 18 and when acting in good faith is not liable for the negligence or
 19 malfeasance of another person. A person who knowingly violates or
 20 knowingly aids and abets another person in violating this subsection
 21 commits a ~~Class D~~ **Level 6** felony.
- 22 (b) No person shall export special fuel from Indiana unless that
 23 person has obtained an exporter's license or a supplier's license or has
 24 paid the destination state special fuel tax to the supplier and can
 25 demonstrate proof of export in the form of a destination state bill of
 26 lading. A person who knowingly violates or knowingly aids and abets
 27 another person in violating this subsection commits a ~~Class D~~ **Level 6**
 28 felony.
- 29 (c) No person shall operate or maintain a motor vehicle on any
 30 public highway in Indiana with special fuel contained in the fuel supply
 31 tank for the motor vehicle that contains dye or a marker, or both, as
 32 provided under section 31 of this chapter. This provision does not
 33 apply to persons operating motor vehicles that have received fuel into
 34 their fuel tanks outside of Indiana in a jurisdiction that permits
 35 introduction of dyed or marked, or both, special fuel of that color and
 36 type into the motor fuel tank of highway vehicles or to a person that
 37 qualifies for the federal fuel tax exemption under Section 4082 of the
 38 Internal Revenue Code and that is registered with the department as a
 39 dyed fuel user. A person who knowingly:
- 40 (1) violates; or
 41 (2) aids and abets another person in violating;
 42 this subsection commits a Class A infraction. However, the violation

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1 is a Class A misdemeanor if the person has committed one (1) prior
 2 unrelated violation of this subsection, and a ~~Class D Level 6~~ felony if
 3 the person has committed more than one (1) prior unrelated violation
 4 of this subsection.

5 (d) No person shall engage in any business activity in Indiana as to
 6 which a license is required by section 41 of this chapter unless the
 7 person shall have first obtained the license. A person who knowingly
 8 violates or knowingly aids and abets another person in violating this
 9 subsection commits a ~~Class D Level 6~~ felony.

10 (e) No person shall operate a motor vehicle with a capacity of more
 11 than five thousand four hundred (5,400) gallons that is engaged in the
 12 shipment of special fuel on the public highways of Indiana and that is
 13 destined for a delivery point in Indiana, as shown on the
 14 terminal-issued shipping papers, without having on board a
 15 terminal-issued shipping paper indicating with respect to any special
 16 fuel purchased:

17 (1) under claim of exempt use, a notation describing the load or
 18 the appropriate portion of the load as Indiana tax exempt special
 19 fuel;

20 (2) if not purchased under a claim of exempt use, a notation
 21 describing the load or the appropriate portion thereof as Indiana
 22 taxed or pretaxed special fuel; or

23 (3) if imported by or on behalf of a licensed importer instead of
 24 the pretaxed notation, a valid verification number provided before
 25 entry into Indiana by the department or the department's designee
 26 or appointee, and the valid verification number may be
 27 handwritten on the shipping paper by the transporter or importer.

28 A person is in violation of subdivision (1) or (2) (whichever applies) if
 29 the person boards the vehicle with a shipping paper that does not meet
 30 the requirements described in the applicable subdivision (1) or (2). A
 31 person in violation of this subsection commits a Class A infraction (as
 32 defined in IC 34-28-5-4).

33 (f) A person may not sell or purchase any product for use in the
 34 supply tank of a motor vehicle for general highway use that does not
 35 meet ASTM standards as published in the annual Book of Standards
 36 and its supplements unless amended or modified by rules adopted by
 37 the department under IC 4-22-2. The transporter and the transporter's
 38 agent and customer have the exclusive duty to dispose of any product
 39 in violation of this section in the manner provided by federal and state
 40 law. A person who knowingly:

41 (1) violates; or

42 (2) aids and abets another in violating;

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- 1 this subsection commits a ~~Class D~~ **Level 6** felony.
- 2 (g) This subsection does not apply to the following:
- 3 (1) A person that:
- 4 (A) inadvertently manipulates the dye or marker concentration
- 5 of special fuel or coloration of special fuel; and
- 6 (B) contacts the department within one (1) business day after
- 7 the date on which the contamination occurs.
- 8 (2) A person that affects the dye or marker concentration of
- 9 special fuel by engaging in the blending of the fuel, if the blender:
- 10 (A) collects or remits, or both, all tax due as provided in
- 11 section 28(g) of this chapter;
- 12 (B) maintains adequate records as required by the department
- 13 to account for the fuel that is blended and its status as a
- 14 taxable or exempt sale or use; and
- 15 (C) is otherwise in compliance with this subsection.
- 16 A person may not manipulate the dye or marker concentration of a
- 17 special fuel or the coloration of special fuel after the special fuel is
- 18 removed from a terminal or refinery rack for sale or use in Indiana. A
- 19 person who knowingly violates or aids and abets another person to
- 20 violate this subsection commits a ~~Class D~~ **Level 6** felony.
- 21 (h) This subsection does not apply to a person that receives blended
- 22 fuel from a person in compliance with subsection (g)(2). A person may
- 23 not sell or consume special fuel if the special fuel dye or marker
- 24 concentration or coloration has been manipulated, inadvertently or
- 25 otherwise, after the special fuel has been removed from a terminal or
- 26 refinery rack for sale or use in Indiana. A person who knowingly:
- 27 (1) violates; or
- 28 (2) aids and abets another to violate;
- 29 this subsection commits a ~~Class D~~ **Level 6** felony.
- 30 (i) A person may not engage in blending fuel for taxable use in
- 31 Indiana without collecting and remitting the tax due on the untaxed
- 32 portion of the fuel that is blended. A person who knowingly:
- 33 (1) violates; or
- 34 (2) aids and abets another to violate;
- 35 this subsection commits a ~~Class D~~ **Level 6** felony.
- 36 SECTION 94. IC 6-6-2.5-63 IS AMENDED TO READ AS
- 37 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 63. (a) A supplier,
- 38 permissive supplier, importer, or blender who knowingly fails to collect
- 39 or timely remit tax otherwise required to be paid to the department
- 40 under section 35 of this chapter or pursuant to a tax precollection
- 41 agreement under section 35 of this chapter is liable for the uncollected
- 42 tax plus a penalty equal to one hundred percent (100%) of the

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1 uncollected tax.

2 (b) Collection of a special fuel tax arising from an out-of-state
3 transaction does not in itself subject a supplier or permissive supplier
4 to the jurisdiction of Indiana for any tax liability arising outside of this
5 chapter.

6 (c) A person who fails or refuses to pay over to the state the tax on
7 special fuel at the time required in this chapter or who fraudulently
8 withholds or appropriates or otherwise uses the money or any portion
9 thereof belonging to the state commits a ~~Class D~~ **Level 6** felony.

10 (d) A person who negligently disregards any provision of this
11 chapter is subject to a civil penalty of five hundred dollars (\$500) for
12 each separate occurrence of negligent disregard as determined by the
13 commissioner.

14 SECTION 95. IC 6-6-2.5-71 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 71. (a) The department
16 or any agent of the department may seal a special fuel or kerosene
17 pump or impound a vehicle that does not have a sealable pump and
18 post a sign that states that transactions involving special fuel or
19 kerosene may not be made at the person's location if any of the
20 following occur:

21 (1) A person becomes delinquent in payment of a tax due under
22 this chapter.

23 (2) There is evidence that the revenue of the seller of fuel is in
24 jeopardy.

25 (3) A person sells special fuel or kerosene without being licensed
26 as required by this chapter.

27 (4) A person sells special fuel or kerosene without being bonded
28 as required by the department.

29 (5) A person sells fuel that is taxable under this chapter without
30 charging special fuel tax. However, this subdivision does not
31 apply to a seller that acts in good faith and sells undyed special
32 fuel to a person with a valid tax exemption certificate on file with
33 the seller.

34 (6) A person sells dyed or marked special fuel for use in a motor
35 vehicle operated on a public highway.

36 (b) A pump sealed under subsection (a) may remain sealed and a
37 sign posted under subsection (a) may remain posted until all of the
38 following have occurred:

39 (1) All reports are filed and the fees and taxes imposed under this
40 chapter are paid in full.

41 (2) The interest and penalties imposed under this chapter,
42 IC 6-8.1-10-1, and IC 6-8.1-10-2 (**repealed**) are paid in full.

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1 (3) The license required by this chapter is obtained.

2 (4) The bond, letter of credit, or cash deposit required by this
3 chapter is provided in the amount required by the department.

4 (c) A person that sells special fuel or kerosene in Indiana shall allow
5 the agents of the department to seal gallonage totalizers of metered
6 pumps operated by or on behalf of the person selling special fuel or
7 kerosene.

8 (d) If the department determines that a person is selling special fuel
9 or kerosene from a metered pump in Indiana without an effectively
10 sealable gallonage totalizer, the seller, at the department's request,
11 shall:

12 (1) adapt the pump to the department's specifications so that the
13 pump may be effectively sealed; or

14 (2) replace, in whole or in part, the pump with a pump employing
15 an effectively sealable gallonage totalizer, as determined by the
16 department.

17 (e) A person's failure to comply with subsection (c) or (d) shall be
18 considered evidence that the revenue of the person is in jeopardy.

19 (f) A person that, without authorization, removes, alters, defaces, or
20 covers a sign that:

21 (1) is posted by the department; and

22 (2) states that transactions involving special fuel or kerosene may
23 not be made at a location;

24 commits a Class B misdemeanor. However, the offense is a ~~Class B~~
25 **Level 6** felony if the offense is committed with intent to evade the tax
26 imposed by this chapter or defraud the state.

27 ~~(h)~~ (g) A person that sells special fuel or kerosene shall notify the
28 department of the following:

29 (1) A broken fuel pump seal.

30 (2) A removed, altered, defaced, or covered sign that was posted
31 by the department.

32 ~~(i)~~ (h) A person that sells special fuel or kerosene that fails to notify
33 the department, as required by subsection ~~(h)~~, (g), after:

34 (1) a fuel pump seal is broken; or

35 (2) a sign that was posted by the department is removed, altered,
36 defaced, or covered;

37 commits a ~~Class B~~ **Level 6** felony.

38 SECTION 96. IC 6-7-1-21 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. A distributor or
40 other person who knowingly sells or offers for sale an individual
41 package, having affixed thereto any fraudulent, spurious, imitation, or
42 counterfeit stamp, or stamp which has been previously affixed,

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1 commits a **Class C Level 5** felony. A person who knowingly affixes to
 2 an individual package either a fraudulent, spurious, imitation, or
 3 counterfeit stamp or a stamp which has previously been affixed to an
 4 individual package commits a **Class C Level 5** felony.

5 SECTION 97. IC 6-7-1-24 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 24. (a) Whenever the
 7 department discovers any cigarettes which are subject to tax under this
 8 chapter and upon which the tax has not been paid or the stamps affixed
 9 as required, it may seize and take possession of the cigarettes together
 10 with any vending machine or receptacle in which they are held for sale.
 11 The seized cigarettes, vending machine, or receptacle, not including
 12 money contained in the vending machine or receptacle, shall be
 13 forfeited to the state. The department may, within a reasonable time
 14 after the seizure:

15 (1) sell the forfeited cigarettes and vending machines or
 16 receptacles at public auction, but the department shall require the
 17 purchaser to affix the proper amount of the stamps to the
 18 cigarettes upon delivery to the purchaser;

19 (2) permit the person from whom the cigarettes were seized to
 20 redeem the cigarettes and any vending machine or receptacle
 21 seized therewith, by the payment of the tax due together with a
 22 penalty of fifty percent (50%) and the costs incurred in the
 23 proceeding; or

24 (3) destroy the confiscated cigarettes and vending machine or
 25 receptacle.

26 (b) The confiscation, destruction, sale, or redemption of cigarettes
 27 does not relieve any person of criminal penalties imposed for violation
 28 of this chapter.

29 (c) Any person who sells or holds for sale any packages of cigarettes
 30 not bearing Indiana tax stamps commits a Class A misdemeanor. This
 31 subsection does not apply to distributors or to employees of the
 32 department who are performing their official duties.

33 (d) The possession of more than one thousand five hundred (1,500)
 34 cigarettes in packages not bearing Indiana tax stamps by any person
 35 other than a distributor, a common carrier, or an employee of the state
 36 or federal government performing ~~his~~ **the employee's** official duties in
 37 the enforcement of this chapter constitutes prima facie evidence that
 38 the cigarettes are possessed for the purpose of sale.

39 (e) A person who knowingly possesses more than twelve thousand
 40 (12,000) cigarettes not bearing Indiana tax stamps and who has
 41 previously been convicted of a misdemeanor for possession or sale of
 42 unstamped cigarettes commits a **Class D Level 6** felony.

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1 SECTION 98. IC 6-7-2-21 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. A distributor who
 3 knowingly:

- 4 (1) acts as a distributor without a license;
 5 (2) makes a false statement in a report under this chapter; or
 6 (3) does not pay the tax for which the distributor is liable under
 7 this chapter;

8 commits a Class B misdemeanor. However, the offense is a ~~Class D~~
 9 **Level 6** felony if it is committed with intent to evade the tax imposed
 10 by this chapter or to defraud the state.

11 SECTION 99. IC 6-8-1-19 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. Any person
 13 charging against or deducting from any payment due to any other
 14 person any amount being or represented as being a tax levied by this
 15 chapter or receiving money or credits as or purporting to be such a tax
 16 is a trustee of the amounts so charged, deducted, or received. A trustee
 17 who fails to pay any of those amounts to the department when due, with
 18 intent to evade payment of the tax, commits a ~~Class D~~ **Level 6** felony.

19 SECTION 100. IC 6-8-1-24 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 24. It is a Class B
 21 misdemeanor for a person to fail to make any return required to be
 22 made under this chapter, or to make any false return, with intent to
 23 defraud the state or to evade the payment of the tax, or any part thereof,
 24 imposed by this chapter. It is a Class B misdemeanor for a person to
 25 recklessly fail to permit the examination of any book, paper, account,
 26 record, or other data by the department or its authorized agents, as
 27 required by this chapter, to recklessly fail to permit the inspection or
 28 appraisal of any property by the department or its authorized agents, or
 29 to knowingly fail to offer testimony or produce any record as required
 30 in this chapter. A person who makes a false statement, with intent to
 31 defraud the state or to evade the payment of the tax imposed under this
 32 chapter, commits a ~~Class D~~ **Level 6** felony.

33 SECTION 101. IC 6-9-2-5 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A member of the
 35 convention and visitor bureau created under section 3 of this chapter
 36 or the economic development authority created under section 7 of this
 37 chapter who knowingly:

- 38 (1) approves the transfer of money to any person or corporation
 39 not qualified under law for that transfer; or
 40 (2) approves a transfer for a purpose not permitted under law;
 41 commits a ~~Class D~~ **Level 6** felony.

42 (b) A person who receives a transfer of money under this chapter

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1 and knowingly uses that money for any purpose not permitted under
2 this chapter commits a **Class D Level 6** felony.

3 SECTION 102. IC 6-9-2.5-8 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A member of the
5 commission who knowingly:

6 (1) approves the transfer of funds to any person not qualified
7 under this chapter for such a transfer; or

8 (2) approves a transfer for a purpose not permitted under this
9 chapter;

10 commits a **Class D Level 6** felony.

11 (b) A person who receives a transfer of funds under this chapter and
12 knowingly uses those funds for any purpose other than a proposal
13 approved by the commission commits a **Class D Level 6** felony.

14 SECTION 103. IC 6-9-4-8 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A member of the
16 commission who knowingly approves the transfer of funds to any
17 person not qualified under this chapter for such a transfer, or approves
18 a transfer for a purpose not permitted under this chapter, commits a
19 **Class D Level 6** felony.

20 (b) A person who receives a transfer of funds under this chapter and
21 knowingly uses the funds for any purpose other than a proposal
22 approved by the commission commits a **Class D Level 6** felony.

23 SECTION 104. IC 6-9-6-8 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. Any person or officer
25 or employee of a corporation who receives a transfer of funds under
26 this chapter and who uses the funds for any purpose other than a
27 proposal approved by the commission commits a **Class D Level 6**
28 felony.

29 SECTION 105. IC 6-9-7-8 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Any member of
31 the commission who approves the transfer of funds to any person or
32 corporation not qualified under this chapter for that transfer or who
33 approves a transfer for a purpose not permitted under this chapter
34 commits a **Class D Level 6** felony.

35 (b) Any person or officer or employee of a corporation who receives
36 a transfer of funds under this chapter and who uses those funds for any
37 purpose other than a proposal approved by the commission commits a
38 **Class D Level 6** felony.

39 SECTION 106. IC 6-9-10-8 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A person who
41 approves the transfer of funds to any person not qualified under this
42 chapter for that transfer, or approves a transfer for a purpose not

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1 permitted under this chapter, commits a ~~Class D~~ **Level 6** felony.
 2 (b) A person who receives a transfer of funds under this chapter and
 3 knowingly uses the funds for any purpose other than a proposal
 4 approved by the board commits a ~~Class D~~ **Level 6** felony.
 5 SECTION 107. IC 6-9-10.5-12, AS ADDED BY P.L.172-2011,
 6 SECTION 108, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) A member of a commission
 8 created under section 9 of this chapter who knowingly:
 9 (1) approves the transfer of money to any person or corporation
 10 not qualified under law to receive the transfer; or
 11 (2) approves a transfer for a purpose not permitted under law;
 12 commits a ~~Class D~~ **Level 6** felony.
 13 (b) A person who receives a transfer of money under this chapter
 14 and knowingly uses the money for any purpose not permitted under this
 15 chapter commits a ~~Class D~~ **Level 6** felony.
 16 SECTION 108. IC 6-9-11-8 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A member of the
 18 commission who knowingly approves the transfer of funds to any
 19 person not qualified under this chapter for such a transfer, or approves
 20 a transfer for a purpose not permitted under this chapter, commits a
 21 ~~Class D~~ **Level 6** felony.
 22 (b) A person who receives a transfer of funds under this chapter and
 23 knowingly uses the funds for any purpose other than a proposal
 24 approved by the commission commits a ~~Class D~~ **Level 6** felony.
 25 SECTION 109. IC 6-9-14-8 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A member of the
 27 commission who knowingly approves the transfer of funds to any
 28 person not qualified under this chapter for such a transfer, or approves
 29 a transfer for a purpose not permitted under this chapter, commits a
 30 ~~Class D~~ **Level 6** felony.
 31 (b) A person who receives a transfer of funds under this chapter and
 32 knowingly uses the funds for any purpose other than a proposal
 33 approved by the commission commits a ~~Class D~~ **Level 6** felony.
 34 SECTION 110. IC 6-9-15-8 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A person who
 36 approves the transfer of funds to any person not qualified under this
 37 chapter for that transfer, or approves a transfer for a purpose not
 38 permitted under this chapter, commits a ~~Class D~~ **Level 6** felony.
 39 (b) A person who receives a transfer of funds under this chapter and
 40 knowingly uses the funds for any purpose other than a proposal
 41 approved by the board commits a ~~Class D~~ **Level 6** felony.
 42 SECTION 111. IC 6-9-16-8 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A member of the
2 commission who knowingly approves the transfer of funds to any
3 person not qualified under this chapter for such a transfer, or approves
4 a transfer for a purpose not permitted under this chapter, commits a
5 ~~Class D~~ **Level 6** felony.

6 (b) A person who receives a transfer of funds under this chapter and
7 knowingly uses the funds for any purpose other than a proposal
8 approved by the commission commits a ~~Class D~~ **Level 6** felony.

9 SECTION 112. IC 6-9-17-8 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A member of the
11 commission who knowingly:

12 (1) approves the transfer of money to any person or corporation
13 not qualified under law for that transfer; or

14 (2) approves a transfer for a purpose not permitted under law;
15 commits a ~~Class D~~ **Level 6** felony.

16 (b) A person who receives a transfer of money under this chapter
17 and knowingly uses that money for any purpose not permitted under
18 this chapter commits a ~~Class D~~ **Level 6** felony.

19 SECTION 113. IC 6-9-18-8 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A member of the
21 commission who knowingly:

22 (1) approves the transfer of money to any person or corporation
23 not qualified under law for that transfer; or

24 (2) approves a transfer for a purpose not permitted under law;
25 commits a ~~Class D~~ **Level 6** felony.

26 (b) A person who receives a transfer of money under this chapter
27 and knowingly uses that money for any purpose not permitted under
28 this chapter commits a ~~Class D~~ **Level 6** felony.

29 SECTION 114. IC 6-9-19-8 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A member of the
31 commission who knowingly:

32 (1) approves the transfer of money to any person or corporation
33 not qualified under law for that transfer; or

34 (2) approves a transfer for a purpose not permitted under law;
35 commits a ~~Class D~~ **Level 6** felony.

36 (b) A person who receives a transfer of money under this chapter
37 and knowingly uses that money for any purpose not permitted under
38 this chapter commits a ~~Class D~~ **Level 6** felony.

39 SECTION 115. IC 6-9-29-2 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. An individual who:

41 (1) is an individual taxpayer or an employee, an officer, or a
42 member of a corporate or partnership taxpayer; and

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1 (2) has a duty to remit innkeeper's taxes to the department of state
 2 revenue or a political subdivision;
 3 holds those innkeeper's taxes in trust for the state or political
 4 subdivision and is personally liable for the payment of the innkeeper's
 5 taxes, plus any penalties and interest attributable to the innkeeper's
 6 taxes, to the state or political subdivision. An individual who
 7 knowingly fails to collect or remit the innkeeper's taxes to the state or
 8 political subdivision commits a ~~Class D~~ **Level 6** felony.

9 SECTION 116. IC 6-9-32-8 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A member of the
 11 commission who knowingly:

12 (1) approves the transfer of money to any person or corporation
 13 not qualified under law for that transfer; or

14 (2) approves a transfer for a purpose not permitted under law;
 15 commits a ~~Class D~~ **Level 6** felony.

16 (b) A person who receives a transfer of money under this chapter
 17 and knowingly uses that money for any purpose not permitted under
 18 this chapter commits a ~~Class D~~ **Level 6** felony.

19 SECTION 117. IC 6-9-37-8, AS ADDED BY P.L.214-2005,
 20 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2014]: Sec. 8. (a) A member of the commission who
 22 knowingly:

23 (1) approves the transfer of money to any person or corporation
 24 not qualified under law for that transfer; or

25 (2) approves a transfer for a purpose not permitted under law;
 26 commits a ~~Class D~~ **Level 6** felony.

27 (b) A person who receives a transfer of money under this chapter
 28 and knowingly uses that money for any purpose not permitted under
 29 this chapter commits a ~~Class D~~ **Level 6** felony.

30 SECTION 118. IC 7.1-3-4-2 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The commission
 32 shall not issue a beer retailer's permit, except as otherwise authorized
 33 in this title and subject to the other restrictions contained in this title,
 34 to the following persons:

35 (1) An alien.

36 (2) A person who:

37 (A) is not of good moral character and of good repute in the
 38 community in which the person resides; or

39 (B) has been convicted within ten (10) years before the date of
 40 application of:

41 (i) a federal crime having a sentence of at least one (1) year;

42 (ii) an Indiana Class A, Class B, or Class C **felony (for a**

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crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony (for a crime committed after June 30, 2014); or
(iii) a crime in a state other than Indiana having a penalty equal to the penalty for an Indiana Class A, Class B, or Class C felony **(for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony (for a crime committed after June 30, 2014).**

(3) A person who does not own the premises to which the permit will be applicable, or who does not have a bona fide lease on the premises for the full period for which the permit is to be issued.

(4) A law enforcement officer or an officer who is not an elected officer of a municipal corporation, or governmental subdivision, or of this state, charged with any duty or function in the enforcement of this title.

(5) An officer or employee of a person engaged in the alcoholic beverage traffic, which person is a nonresident of this state, or is engaged in carrying on any phase of the manufacture of, traffic in, or transportation of alcoholic beverages without a permit under this title when a permit is required by this title.

(6) If the permit applicant does not hold a brewer's permit, a person who leases from a person, or an officer or agent of that person, who holds a brewer's permit or a beer wholesaler's permit.

(7) If the permit applicant does not hold a brewer's permit, a person who is indebted to a person who holds a brewer's permit or a beer wholesaler's permit, or an officer or agent of that person, for a debt secured by a lien, mortgage, or otherwise, upon the premises for which the beer retailer's permit is to be applicable, or upon any of the property or fixtures on the premises, or used, or to be used in connection with the premises.

(8) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required for the issuance of a beer retailer's permit to the person.

(9) A minor.

(10) A person non compos mentis.

(11) A person who has held a permit under this title and who has had that permit revoked within one (1) year prior to the date of application for a beer retailer's permit.

(12) A person who has made an application for a permit of any type which has been denied less than one (1) year prior to the person's application for a beer retailer's permit unless the first

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- 1 application was denied by reason of a procedural or technical
2 defect.
- 3 (13) A person who is not the proprietor of a restaurant located and
4 being operated on the premises described in the application for
5 the beer retailer's permit, or of a hotel, or of a club, owning, or
6 leasing the premises as a part of it. The disqualification contained
7 in this subdivision shall not apply to the qualifications for or
8 affect the privileges to be accorded under a beer dealer's permit
9 or a dining car beer permit.
- 10 (b) Subsection (a)(9) does not prevent a minor from being a
11 stockholder in a corporation.
- 12 SECTION 119. IC 7.1-3-26-15, AS ADDED BY P.L.165-2006,
13 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2014]: Sec. 15. (a) Except as provided in subsections (b) and
15 (c), a seller who violates this chapter commits a Class A infraction.
- 16 (b) Except as provided in subsection (d), a seller who:
17 (1) knowingly or intentionally violates this chapter; and
18 (2) has one (1) prior unrelated conviction or judgment for an
19 infraction under this section for an act or omission that occurred
20 not more than ten (10) years before the act or omission that is the
21 basis for the most recent conviction or judgment for an infraction;
22 commits a Class A misdemeanor.
- 23 (c) Except as provided in subsection (d), a seller who:
24 (1) knowingly or intentionally violates this chapter; and
25 (2) has at least two (2) prior unrelated convictions or judgments
26 for infractions under this section for acts or omissions that
27 occurred not more than ten (10) years before the act or omission
28 that is the basis for the most recent conviction or judgment for an
29 infraction;
30 commits a ~~Class A~~ **Level 6** felony.
- 31 (d) A person who violates section 6(5) of this chapter commits a
32 Class A infraction. The commission may consider an infraction
33 committed under this subsection in its determination of whether to
34 renew a seller's permit.
- 35 SECTION 120. IC 7.1-5-1-9 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. ~~Felony Penalty.~~ A
37 person who knowingly violates IC 7.1-5-4-3, IC 7.1-5-4-6, or
38 IC 7.1-5-6-4 commits a ~~Class A~~ **Level 6** felony.
- 39 SECTION 121. IC 7.1-5-1-9.5, AS AMENDED BY P.L.1-2006,
40 SECTION 150, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2014]: Sec. 9.5. (a) An in state or an out of state
42 vintner, distiller, brewer, rectifier, or importer that:

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- 1 (1) holds a basic permit from the federal Bureau of Alcohol,
 2 Tobacco, Firearms and Explosives; and
 3 (2) knowingly violates IC 7.1-5-11-1.5;
 4 commits a Class A misdemeanor.
- 5 (b) A person who:
 6 (1) is not described in subsection (a); and
 7 (2) knowingly violates IC 7.1-5-11-1.5;
 8 commits a ~~Class B~~ **Level 6** felony.
- 9 (c) If the chairman of the alcohol and tobacco commission or the
 10 attorney general determines that a vintner, distiller, brewer, rectifier, or
 11 importer that holds a basic permit from the federal Bureau of Alcohol,
 12 Tobacco, Firearms and Explosives has made an illegal shipment of an
 13 alcoholic beverage to consumers in Indiana, the chairman shall:
 14 (1) notify the federal Bureau of Alcohol, Tobacco, Firearms and
 15 Explosives in writing and by certified mail of the official
 16 determination that state law has been violated; and
 17 (2) request the federal bureau to take appropriate action.
- 18 SECTION 122. IC 7.1-5-7-8, AS AMENDED BY P.L.94-2008,
 19 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2014]: Sec. 8. (a) It is a Class B misdemeanor for a person to
 21 recklessly, knowingly, or intentionally sell, barter, exchange, provide,
 22 or furnish an alcoholic beverage to a minor.
 23 (b) However, the offense described in subsection (a) is:
 24 (1) a Class A misdemeanor if the person has a prior unrelated
 25 conviction under this section; and
 26 (2) a ~~Class B~~ **Level 6** felony if the consumption, ingestion, or use
 27 of the alcoholic beverage is the proximate cause of the serious
 28 bodily injury or death of any person.
 29 (c) This section shall not be construed to impose civil liability upon
 30 any postsecondary educational institution, including public and private
 31 universities and colleges, business schools, vocational schools, and
 32 schools for continuing education, or its agents for injury to any person
 33 or property sustained in consequence of a violation of this section
 34 unless such institution or its agent sells, barter, exchanges, provides,
 35 or furnishes an alcoholic beverage to a minor.
- 36 SECTION 123. IC 7.1-5-10-21 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. (a) A person who
 38 knowingly or intentionally visits a building, structure, vehicle, or other
 39 place when it is being used by any person to buy an alcoholic beverage
 40 (if the sale is in violation of section 5 of this chapter) commits visiting
 41 a common nuisance, a Class B misdemeanor.
 42 (b) A person who knowingly or intentionally maintains a building,

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1 structure, vehicle, or other place that is used for the sale of alcoholic
2 beverages (if the sale is in violation of section 5 of this chapter)
3 commits maintaining a common nuisance, a ~~Class D~~ **Level 6** felony.

4 SECTION 124. IC 7.1-5-11-5 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. ~~Transportation of~~
6 ~~Untaxed Beverage Prohibited~~. It is a ~~Class D~~ **Level 6** felony for a
7 person to transport an alcoholic beverage on a public highway,
8 knowing that any of the taxes due the state on it are not paid. This
9 section does not apply to a permittee, or a duly licensed carrier for a
10 permittee, who is lawfully entitled to hold or possess an alcoholic
11 beverage without the payment of the excise tax on it prior to the time
12 that it is withdrawn for sale.

13 SECTION 125. IC 8-1-2-79 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 79. (a) Whenever a
15 public utility desires to issue bonds, notes, or other evidences of
16 indebtedness, payable more than one (1) year from the execution
17 thereof, or preferred or common stock, it shall file with the commission
18 a petition verified by its president or vice-president, and secretary or
19 assistant secretary, or by two (2) of its incorporators, if it has no such
20 officers, setting forth:

- 21 (1) the principal amount of bonds, notes, or other evidences of
- 22 indebtedness, and the par value or number of shares of preferred
- 23 and common stock;
- 24 (2) the minimum price for which said securities are to be disposed
- 25 of or sold;
- 26 (3) the purposes for which said securities are to be disposed of or
- 27 sold;
- 28 (4) the description, cost, or value of any property acquired or to
- 29 be acquired from the proceeds of the disposal or sale of said
- 30 securities;
- 31 (5) a balance sheet and income account; and
- 32 (6) all other information that may be relevant or that may be
- 33 required by the commission.

34 For the purpose of enabling it to determine whether the proposed issue
35 is in the public interest, in accordance with laws touching the issuance
36 of securities by public utilities, and reasonably necessary in the
37 operation and management of the business of the utility in order that
38 the utility may provide adequate service and facilities, the commission
39 also may consider the total outstanding capitalization of the utility,
40 including the proposed issue, in relation to the total value of or
41 investment in the property of the utility, including the property to be
42 acquired by the proposed issue, as shown by the balance sheet,

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1 accounts, or reports of the utility, the records of the commission, or
 2 other evidence, and the character and proportionate amount of each
 3 kind of security, including the proposed issue, and the unamortized
 4 discount suffered by the utility in the sale of the outstanding securities.
 5 The commission shall make such further inquiry or investigation, hold
 6 such hearing or hearings, and examine such witnesses, books, papers,
 7 documents, or contracts as it may deem of importance in enabling it to
 8 reach a decision.

9 (b) An owner, officer, or agent of any public utility who knowingly
 10 violates this section, or knowingly makes any material
 11 misrepresentation or misstatements in connection with this section,
 12 commits a ~~Class D~~ **Level 6** felony.

13 SECTION 126. IC 8-1-2-102 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 102. (a) The definitions
 15 set forth in IC 3-5-2 apply to this section.

16 (b) No public utility, or any agent or officer thereof, or any agent or
 17 officer of a political subdivision constituting a public utility, as defined
 18 in this chapter, may offer or give, for any purpose, to any political
 19 committee or any member or employee thereof, candidate for, or
 20 incumbent of, any office or position under the constitution or laws of
 21 Indiana, or under any political subdivision or to any person, at the
 22 request, or for the advantage of, any of them, any frank, privilege, or
 23 property withheld from any person for any product or service produced,
 24 transmitted, delivered, furnished, or rendered, or to be produced,
 25 transmitted, delivered, furnished, or rendered by any public utility or
 26 any free product or service.

27 (c) No political committee, or member or employee thereof, or
 28 candidate for or incumbent of any office or position under the
 29 constitution or laws of Indiana or under any political subdivision may
 30 ask for or accept from any public utility, or any agent or officer thereof,
 31 or any agent or officer of any political subdivision constituting a public
 32 utility, as defined in this chapter, or use, in any matter or for any
 33 purpose, any frank or privilege withheld from any person for any
 34 product or service produced, transmitted, delivered, furnished, or
 35 rendered, or to be produced, transmitted, delivered, furnished, or
 36 rendered by any public utility.

37 (d) A person who knowingly violates this section commits a ~~Class~~
 38 **Level 6** felony.

39 (e) This chapter does not:

- 40 (1) prevent any public utility, carrier, or agent or officer thereof,
 41 from furnishing free or reduced service or transportation to any
 42 bona fide employee or officer thereof;

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- 1 (2) prohibit any carrier from carrying free, or at reduced rates,
- 2 agricultural experiment and demonstration cars or trains and the
- 3 lecturers and necessary demonstrators accompanying such trains
- 4 or cars; or
- 5 (3) prohibit any carrier from carrying free, or at reduced rates, its
- 6 furloughed, pensioned, or superannuated employees, persons who
- 7 have become disabled or infirm in its service, the remains of any
- 8 person killed in its service, or the unmarried surviving spouses
- 9 and dependent children under eighteen (18) years of age of
- 10 persons who died in its service.

11 SECTION 127. IC 8-2-3-1 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who, with
 13 intent to defraud:

- 14 (1) falsely makes, alters, forges, counterfeits, prints, or
- 15 photographs any bill of lading purporting to represent goods
- 16 received for shipment intrastate in Indiana;
- 17 (2) utters or publishes as true and genuine any such falsely made,
- 18 altered, forged, counterfeited, printed, or photographed bill of
- 19 lading; or
- 20 (3) issues, negotiates, or transfers for value a bill which contains
- 21 a false statement as to the receipt of the goods, or as to any other
- 22 matter;

23 commits a ~~Class D~~ **Level 6** felony.

24 SECTION 128. IC 8-10-1-29, AS AMENDED BY P.L.98-2008,
 25 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2014]: Sec. 29. (a) Unless the ports of Indiana declares an
 27 emergency, the ports of Indiana may not during any six (6) month
 28 period make separate contracts with another party for similar
 29 construction projects or the purchase of similar equipment, materials,
 30 or supplies under IC 8-10-1-7(5) without advertising for and accepting
 31 public bids, if the aggregate cost of the separate contracts is more than
 32 twenty-five thousand dollars (\$25,000).

33 (b) A commission member or an employee of the ports of Indiana
 34 who knowingly violates subsection (a) commits a ~~Class D~~ **Level 6**
 35 felony.

36 (c) A person who accepts a contract with the ports of Indiana
 37 knowing that subsection (a) was violated in connection with the
 38 contract commits a ~~Class D~~ **Level 6** felony and may not be a party to
 39 or benefit from any contract with a public body in the state for two (2)
 40 years from the date of the person's conviction.

41 SECTION 129. IC 8-15.5-13-8, AS ADDED BY P.L.47-2006,
 42 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2014]: Sec. 8. A person who knowingly or intentionally
2 violates this chapter commits a ~~Class D~~ **Level 6** felony.

3 SECTION 130. IC 8-15.7-16-8, AS ADDED BY P.L.47-2006,
4 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2014]: Sec. 8. A person who knowingly or intentionally
6 violates this chapter commits a ~~Class D~~ **Level 6** felony.

7 SECTION 131. IC 8-23-23-3 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. An inspector who
9 knowingly permits:

- 10 (1) construction of a highway contrary to the specifications;
11 (2) the use of inferior materials not provided for in the
12 specifications; or
13 (3) the use of a lesser amount of materials than provided for in the
14 specifications;

15 commits a ~~Class D~~ **Level 6** felony.

16 SECTION 132. IC 9-17-3-3.2, AS AMENDED BY P.L.125-2012,
17 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2014]: Sec. 3.2. (a) When a certificate of title is available and
19 a vehicle is sold or transferred to a person other than a dealer licensed
20 in Indiana, the seller or transferor shall fill in all blanks on the
21 certificate of title relating to buyer information, including the sale
22 price.

23 (b) The knowing or intentional failure of the seller or transferor to
24 fill in all buyer information is a Class A misdemeanor for the first
25 offense and a ~~Class D~~ **Level 6** felony for the second or subsequent
26 offense under ~~IC 9-17-3-7(c)(2)~~: **section 7(c)(2) of this chapter.**

27 SECTION 133. IC 9-17-3-7, AS AMENDED BY P.L.131-2008,
28 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2014]: Sec. 7. (a) This section does not apply to section 5 of
30 this chapter.

31 (b) Except as provided in subsection (c), a person who violates this
32 chapter commits a Class C infraction.

33 (c) A person who knowingly or intentionally violates:

- 34 (1) section 3(a)(1), 3(a)(2), 3(a)(4), or 3(a)(5) of this chapter
35 commits a Class B misdemeanor; or
36 (2) section 3(a)(3) of this chapter commits:
37 (A) a Class A misdemeanor for the first violation; or
38 (B) a ~~Class D~~ **Level 6** felony for the second violation or any
39 subsequent violation.

40 SECTION 134. IC 9-17-4-6 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) Except as
42 provided under subsection (b), a person who violates this chapter

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1 commits a Class C infraction.

2 (b) A person who knowingly damages, removes, covers, or alters an
3 identification number commits a ~~Class C~~ **Level 5** felony.

4 SECTION 135. IC 9-18-8-11 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. A person who owns
6 or possesses a vehicle knowing the vehicle to be in violation of section
7 2, 3, or 4 of this chapter commits a ~~Class C~~ **Level 6** felony.

8 SECTION 136. IC 9-18-8-12 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. A person who
10 knowingly:

- 11 (1) damages;
12 (2) removes;
13 (3) covers; or
14 (4) alters;

15 an original or a special identification number commits a ~~Class C~~ **Level**
16 **5** felony.

17 SECTION 137. IC 9-18-8-13 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. A person who
19 knowingly sells or offers for sale a motor vehicle that has had the
20 original or special identification number:

- 21 (1) destroyed;
22 (2) removed;
23 (3) altered;
24 (4) covered; or
25 (5) defaced;

26 commits a ~~Class C~~ **Level 6** felony.

27 SECTION 138. IC 9-18-8-14 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. A person who
29 knowingly or intentionally sells or offers for sale a motor vehicle part
30 that has had the identification number:

- 31 (1) destroyed;
32 (2) removed;
33 (3) altered;
34 (4) covered; or
35 (5) defaced;

36 commits a ~~Class C~~ **Level 6** felony.

37 SECTION 139. IC 9-18-8-15 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) Subsection (c)
39 does not apply to a person who manufactures or installs a plate or label
40 containing an identification number:

- 41 (1) in a program authorized by a manufacturer of motor vehicles
42 or motor vehicle parts; or

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- 1 (2) with permission granted by the bureau under this chapter.
- 2 (b) As used in this section, "identification number" means a set of
- 3 numbers, letters, or numbers and letters that is assigned to a motor
- 4 vehicle or motor vehicle part:
- 5 (1) by a manufacturer of motor vehicles or motor vehicle parts; or
- 6 (2) by a governmental entity in Indiana or another state to replace
- 7 a destroyed, a removed, an altered, or a defaced set of numbers,
- 8 letters, or numbers and letters assigned by a manufacturer of
- 9 motor vehicles or motor vehicle parts.
- 10 (c) A person who knowingly or intentionally possesses a plate or
- 11 label that:
- 12 (1) contains an identification number; and
- 13 (2) is not attached to the motor vehicle or motor vehicle part to
- 14 which the identification number was assigned by a manufacturer
- 15 of motor vehicles or motor vehicle parts or a governmental entity;
- 16 commits a ~~Class D~~ **Level 6** felony.
- 17 (d) A person who knowingly or intentionally possesses a plate or
- 18 label on which an identification number has been altered or removed
- 19 commits a ~~Class D~~ **Level 6** felony.
- 20 (e) A person who, with intent to defraud, possesses a plate or label
- 21 containing a set of numbers, letters, or numbers and letters that
- 22 purports to be an identification number commits a ~~Class D~~ **Level 6**
- 23 felony.
- 24 SECTION 140. IC 9-19-9-5 IS AMENDED TO READ AS
- 25 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A person who, with
- 26 intent to defraud:
- 27 (1) violates this chapter; or
- 28 (2) omits to do any act that is required by this chapter;
- 29 commits a ~~Class D~~ **Level 6** felony.
- 30 SECTION 141. IC 9-19-10.5-4 IS AMENDED TO READ AS
- 31 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who
- 32 violates section 2 of this chapter commits a Class A misdemeanor.
- 33 However, the offense is a ~~Class D~~ **Level 6** felony if a person in a motor
- 34 vehicle is injured as a result of the air bag tampering.
- 35 SECTION 142. IC 9-19-10.5-5 IS AMENDED TO READ AS
- 36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A person who
- 37 violates section 3 of this chapter commits a ~~Class D~~ **Level 6** felony.
- 38 SECTION 143. IC 9-21-8-56, AS AMENDED BY P.L.66-2011,
- 39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 JULY 1, 2014]: Sec. 56. (a) For purposes of this section, "highway
- 41 work zone" has the meaning set forth in IC 8-23-2-15.
- 42 (b) Except as provided in subsections (f) through (h), a person who

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1 recklessly operates a vehicle in the immediate vicinity of a highway
 2 work zone when workers are present commits a Class A misdemeanor.
 3 (c) Except as provided in subsections (f) through (h), a person who
 4 knowingly, intentionally, or recklessly operates a motor vehicle in the
 5 immediate vicinity of a highway work zone when workers are present
 6 with the intent to:
 7 (1) damage traffic control devices; or
 8 (2) inflict bodily injury on a worker;
 9 commits a Class A misdemeanor.
 10 (d) Except as provided in subsections (f) through (h), a person who
 11 knowingly, intentionally, or recklessly engages in:
 12 (1) aggressive driving, as defined in section 55 of this chapter; or
 13 (2) a speed contest, as prohibited under IC 9-21-6-1;
 14 in the immediate vicinity of a highway work zone when workers are
 15 present commits a Class A misdemeanor.
 16 (e) Except as provided in subsections (f) through (h), a person who
 17 recklessly fails to obey a traffic control device or flagman, as
 18 prohibited under section 41 of this chapter, in the immediate vicinity
 19 of a highway work zone when workers are present commits a Class A
 20 misdemeanor.
 21 (f) An offense under subsection (b), (c), (d), or (e) is a ~~Class D~~
 22 **Level 6** felony if the person who commits the offense:
 23 (1) has a prior unrelated conviction under this section in the
 24 previous five (5) years; or
 25 (2) is operating the vehicle in violation of IC 9-30-5-1 or
 26 IC 9-30-5-2.
 27 (g) An offense under subsection (b), (c), (d), or (e) is a ~~Class D~~
 28 **Level 6** felony if the offense results in bodily injury to a worker in the
 29 worksite.
 30 (h) An offense under subsection (b), (c), (d), or (e) is a ~~Class E~~
 31 **Level 5** felony if the offense results in the death of a worker in the
 32 worksite.
 33 (i) A person who knowingly, intentionally, or recklessly engages in
 34 an act described in section 55(b)(1), 55(b)(2), 55(b)(3), 55(b)(4),
 35 55(b)(5), or 55(b)(6) of this chapter in the immediate vicinity of a
 36 highway work zone when workers are present commits a Class B
 37 infraction. Notwithstanding IC 34-28-5-5(c), the funds collected as
 38 judgments for an infraction under this subsection shall be transferred
 39 to the Indiana department of transportation to pay the costs of hiring off
 40 duty police officers to perform the duties described in IC 8-23-2-15(b).
 41 SECTION 144. IC 9-22-3-31 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 31. A person who

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1 knowingly possesses, buys, sells, exchanges, gives away, or offers to
2 buy, sell, exchange or give away a manufacturer's identification plate
3 or serial plate that has been removed from a motor vehicle, motorcycle,
4 semitrailer, or recreational vehicle that is a total loss or salvage
5 commits a ~~Class D~~ **Level 6** felony.

6 SECTION 145. IC 9-22-3-32 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 32. A person who
8 knowingly possesses, buys, sells, exchanges, gives away, or offers to
9 buy, sell, exchange, or give away a certificate of title or ownership
10 papers from a nontitle state of a motor vehicle, motorcycle, semitrailer,
11 or recreational vehicle that is a total loss or salvage commits a ~~Class D~~
12 **Level 6** felony.

13 SECTION 146. IC 9-22-3-33, AS AMENDED BY P.L.125-2012,
14 SECTION 140, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2014]: Sec. 33. A person who violates section
16 4, 5, 6, 7, or 8 of this chapter (or section 9 of this chapter before its
17 repeal) commits a ~~Class D~~ **Level 6** felony.

18 SECTION 147. IC 9-24-6-6, AS AMENDED BY P.L.125-2012,
19 SECTION 191, IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The following, if committed
21 while driving a commercial motor vehicle or while holding any class
22 of commercial driver's license or permit, are serious traffic violations:

- 23 (1) Operating a vehicle at least fifteen (15) miles per hour above
24 the posted speed limit in violation of IC 9-21-5, IC 9-21-6, or
25 IC 9-21-5-14.
- 26 (2) Operating a vehicle recklessly as provided in IC 9-21-8-50 and
27 IC 9-21-8-52.
- 28 (3) Improper or erratic traffic lane changes in violation of
29 IC 9-21-8-2 through IC 9-21-8-13 and IC 9-21-8-17 through
30 IC 9-21-8-18.
- 31 (4) Following a vehicle too closely in violation of IC 9-21-8-14
32 through IC 9-21-8-16.
- 33 (5) In connection with a fatal accident, violating any statute,
34 ordinance, or rule concerning motor vehicle traffic control other
35 than parking statutes, ordinances, or rules.
- 36 (6) Operating a vehicle while disqualified under this chapter.
- 37 (7) For drivers who are not required to always stop at a railroad
38 crossing, failing to do any of the following:
 - 39 (A) Slow down and determine that the railroad tracks are clear
40 of an approaching train or other on-track equipment, in
41 violation of IC 9-21-5-4, IC 9-21-8-39, ~~IC 35-42-2-4,~~
42 **IC 35-44.1-2-13**, or any similar statute.

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- 1 (B) Stop before reaching the railroad crossing, if the railroad
- 2 tracks are not clear of an approaching train or other on-track
- 3 equipment, in violation of IC 9-21-4-16, IC 9-21-8-39, or any
- 4 similar statute.
- 5 (8) For all drivers, whether or not they are required to always stop
- 6 at a railroad crossing, to do any of the following:
- 7 (A) Stopping in a railroad crossing, in violation of
- 8 IC 9-21-8-50 or any similar statute.
- 9 (B) Failing to obey a traffic control device or failing to obey
- 10 the directions of a law enforcement officer at a railroad
- 11 crossing, in violation of IC 9-21-8-1 or any similar statute.
- 12 (C) Stopping in a railroad crossing because of insufficient
- 13 undercarriage clearance, in violation of ~~IC 35-42-2-4,~~
- 14 **IC 35-44.1-2-13**, IC 9-21-8-50, or any similar statute.
- 15 (9) Operating a commercial motor vehicle without having ever
- 16 obtained a commercial driver's license or permit.
- 17 (10) Operating a commercial motor vehicle without a commercial
- 18 driver's license or permit in the possession of the individual.
- 19 (11) Operating a commercial motor vehicle without holding the
- 20 proper class or endorsement of a commercial driver's license or
- 21 permit for the operation of the class of the commercial motor
- 22 vehicle.
- 23 (12) Driving a commercial motor vehicle while using a hand-held
- 24 mobile device as set forth in 49 CFR 383 through 384, and 49
- 25 CFR 390 through 392.
- 26 (b) Subsection (a)(1) through (a)(11) are intended to comply with
- 27 the provisions of 49 U.S.C. 31311(a)(10) and regulations adopted
- 28 under that statute.
- 29 SECTION 148. IC 9-24-11-8 IS AMENDED TO READ AS
- 30 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Except as
- 31 provided in subsections (b) and (c), a person who violates this chapter
- 32 commits a Class C infraction.
- 33 (b) A person who:
- 34 (1) has been issued a permit or license on which there is a printed
- 35 or stamped restriction as provided under section 7 of this chapter;
- 36 and
- 37 (2) operates a motor vehicle in violation of the restriction;
- 38 commits a Class C misdemeanor. The license of a person who violates
- 39 this subsection may be suspended in the manner provided for the
- 40 suspension or revocation of an operator's license.
- 41 (c) A person who causes serious bodily injury to or the death of
- 42 another person when operating a motor vehicle after knowingly or

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1 intentionally failing to take prescribed medication, the taking of which
2 was a condition of the issuance of the operator's restricted license under
3 section 7 of this chapter, commits a Class A misdemeanor. However,
4 the offense is a ~~Class D~~ **Level 6** felony if, within the five (5) years
5 preceding the commission of the offense, the person had a prior
6 unrelated conviction under this subsection.

7 (d) A person who violates subsection (c) commits a separate offense
8 for each person whose serious bodily injury or death is caused by the
9 violation of subsection (c).

10 SECTION 149. IC 9-24-15-6.5, AS AMENDED BY P.L.125-2012,
11 SECTION 220, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2014]: Sec. 6.5. (a) The court shall grant a
13 petition for restricted driving privileges filed under this chapter if all
14 of the following conditions exist:

15 (1) The person was not convicted of one (1) or more of the
16 following:

17 (A) A Class D felony under IC 9-30-5-4 before July 1, 1996,
18 or a Class D felony, ~~or~~ a Class C felony, **a Level 6 felony, or**
19 **a Level 5 felony** under IC 9-30-5-4 after June 30, 1996.

20 (B) A Class C felony under IC 9-30-5-5 before July 1, 1996, or
21 a Class C felony, ~~or~~ a Class B felony, **a Level 5 felony, a**
22 **Level 4 felony, or a Level 3 felony** under IC 9-30-5-5 after
23 June 30, 1996.

24 (2) The person's driving privileges were suspended under
25 IC 9-30-6-9(c) or IC 35-48-4-15.

26 (3) The driving that was the basis of the suspension was not in
27 connection with the person's work.

28 (4) The person does not have a previous conviction for operating
29 while intoxicated.

30 (5) The person is participating in a rehabilitation program
31 certified by either the division of mental health and addiction or
32 the Indiana judicial center.

33 (b) The person filing the petition for restricted driving privileges
34 shall include in the petition the information specified in subsection (a)
35 in addition to the information required by sections 3 through 4 of this
36 chapter.

37 (c) Whenever the court grants a person restricted driving privileges
38 under this chapter, that part of the court's order granting probationary
39 driving privileges shall not take effect until the person's driving
40 privileges have been suspended for at least thirty (30) days under
41 IC 9-30-6-9. In a county that provides for the installation of an ignition
42 interlock device under IC 9-30-8, installation of an ignition interlock

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1 device is required as a condition of probationary driving privileges for
2 the entire duration of the probationary driving privileges.

3 (d) If a court requires installation of a certified ignition interlock
4 device under subsection (c), the court shall order the bureau to record
5 this requirement in the person's driving record in accordance with
6 IC 9-14-3-7. When the person is no longer required to operate only a
7 motor vehicle equipped with an ignition interlock device, the court
8 shall notify the bureau that the ignition interlock use requirement has
9 expired and order the bureau to update its records accordingly.

10 SECTION 150. IC 9-24-16-12, AS AMENDED BY P.L.109-2011,
11 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2014]: Sec. 12. (a) A person who:

- 13 (1) knowingly permits the use of an identification card issued
- 14 under this chapter by a person other than the person to whom the
- 15 card was issued;
- 16 (2) knowingly displays or represents as the person's own
- 17 identification card issued under this chapter an identification card
- 18 that was not issued to the person displaying the card;
- 19 (3) does not surrender, upon demand of the proper official, an
- 20 identification card issued under this chapter that has become
- 21 invalid or expired; or
- 22 (4) knowingly sells, offers to sell, buys, possesses, or offers a false
- 23 identification card that could reasonably be mistaken for a valid
- 24 identification card required by this chapter to be issued by the
- 25 bureau but that has not been issued by the bureau;

26 commits a Class B misdemeanor.

27 (b) A person who:

- 28 (1) knowingly or intentionally uses false information in an
- 29 application:
- 30 (A) for an identification card issued under this chapter; or
- 31 (B) for a renewal, amendment, or replacement of an
- 32 identification card issued under this chapter; or
- 33 (2) knowingly or intentionally makes a false statement or
- 34 otherwise commits fraud in an application for an identification
- 35 card issued under this chapter;

36 commits application fraud, a ~~Class D~~ **Level 6** felony.

37 SECTION 151. IC 9-24-18-2, AS AMENDED BY P.L.109-2011,
38 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2014]: Sec. 2. (a) A person may not do any of the following:

- 40 (1) Display, cause or permit to be displayed, or have in possession
- 41 a license or permit issued under this article knowing that the
- 42 license or permit is fictitious or has been canceled, revoked,

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- 1 suspended, or altered.
- 2 (2) Lend to a person or knowingly permit the use by a person not
- 3 entitled to use a license or permit a license or permit issued under
- 4 this article.
- 5 (3) Display or represent as the person's license or permit issued
- 6 under this article a license or permit not issued to the person.
- 7 (4) Fail or refuse to surrender, upon demand of the proper official,
- 8 a license or permit issued under this article that has been
- 9 suspended, canceled, or revoked as provided by law.
- 10 (5) Knowingly sell, offer to sell, buy, possess, or offer as genuine,
- 11 a license or permit required by this article to be issued by the
- 12 bureau that has not been issued by the bureau under this article or
- 13 by the appropriate authority of any other state.

14 A person who knowingly or intentionally violates this subsection
 15 commits a Class C misdemeanor.

- 16 (b) A person who:
 - 17 (1) knowingly or intentionally uses a false or fictitious name or
 - 18 gives a false or fictitious address in an application:
 - 19 (A) for a license or permit issued under this article; or
 - 20 (B) for a renewal, amendment, or replacement of a license or
 - 21 permit issued under this article; or
 - 22 (2) knowingly or intentionally makes a false statement or conceals
 - 23 a material fact or otherwise commits a fraud in an application for
 - 24 a license or permit issued under this article;

25 commits application fraud, a ~~Class C~~ **Level 6** felony.
 26 SECTION 152. IC 9-24-19-4 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who
 28 violates section 3 of this chapter commits a ~~Class C~~ **Level 6** felony if
 29 the operation results in bodily injury or serious bodily injury.

30 (b) A person who violates section 3 of this chapter commits a ~~Class~~
 31 **Level 5** felony if the operation results in the death of another person.

32 SECTION 153. IC 9-26-1-8, AS AMENDED BY P.L.126-2008,
 33 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2014]: Sec. 8. (a) A person who knowingly or intentionally
 35 fails to stop or comply with section 1(1) or 1(2) of this chapter after
 36 causing injury to a person commits a Class A misdemeanor. However,
 37 the offense is:

- 38 (1) a ~~Class C~~ **Level 6** felony if:
 - 39 (A) the accident involves serious bodily injury to a person; or
 - 40 (B) within the five (5) years preceding the commission of the
 - 41 offense, the person had a previous conviction of any of the
 - 42 offenses listed in IC 9-30-10-4(a);

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1 (2) a ~~Class C~~ **Level 5** felony if the accident involves the death of
2 a person; and

3 (3) a ~~Class B~~ **Level 4** felony if the person knowingly or
4 intentionally fails to stop or comply with section 1(1) or 1(2) of
5 this chapter after committing operating while intoxicated causing
6 serious bodily injury (IC 9-30-5-4).

7 (b) A person who knowingly or intentionally fails to stop or comply
8 with section 3 or 4 of this chapter after causing damage to the property
9 of another person commits a Class B misdemeanor.

10 SECTION 154. IC 9-30-5-3, AS AMENDED BY P.L.126-2008,
11 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2014]: Sec. 3. (a) Except as provided in subsection (b), a
13 person who violates section 1 or 2 of this chapter commits a ~~Class D~~
14 **Level 6** felony if:

15 (1) the person has a previous conviction of operating while
16 intoxicated that occurred within the five (5) years immediately
17 preceding the occurrence of the violation of section 1 or 2 of this
18 chapter; or

19 (2) the person:

20 (A) is at least twenty-one (21) years of age;

21 (B) violates section 1(b) or 2(b) of this chapter; and

22 (C) operated a vehicle in which at least one (1) passenger was
23 less than eighteen (18) years of age.

24 (b) A person who violates section 1 or 2 of this chapter or
25 subsection (a)(2) of this section, commits a ~~Class C~~ **Level 5** felony if:

26 (1) the person has a previous conviction of operating while
27 intoxicated causing death (IC 9-30-5-5); or

28 (2) the person has a previous conviction of operating while
29 intoxicated causing serious bodily injury (IC 9-30-5-4).

30 SECTION 155. IC 9-30-5-4, AS AMENDED BY P.L.125-2012,
31 SECTION 335, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who causes serious
33 bodily injury to another person when operating a vehicle:

34 (1) with an alcohol concentration equivalent to at least
35 eight-hundredths (0.08) gram of alcohol per:

36 (A) one hundred (100) milliliters of the person's blood; or

37 (B) two hundred ten (210) liters of the person's breath;

38 (2) with a controlled substance listed in schedule I or II of
39 IC 35-48-2 or its metabolite in the person's body; or

40 (3) while intoxicated;

41 commits a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~
42 **Level 5** felony if the person has a previous conviction of operating

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1 while intoxicated within the five (5) years preceding the commission
2 of the offense.

3 (b) A person who violates subsection (a) commits a separate offense
4 for each person whose serious bodily injury is caused by the violation
5 of subsection (a).

6 (c) It is a defense under subsection (a)(2) that the accused person
7 consumed the controlled substance under a valid prescription or order
8 of a practitioner (as defined in IC 35-48-1) who acted in the course of
9 the practitioner's professional practice.

10 SECTION 156. IC 9-30-5-5, AS AMENDED BY P.L.125-2012,
11 SECTION 336, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person who causes the
13 death of another person when operating a vehicle:

14 (1) with an alcohol concentration equivalent to at least
15 eight-hundredths (0.08) gram of alcohol per:

16 (A) one hundred (100) milliliters of the person's blood; or

17 (B) two hundred ten (210) liters of the person's breath;

18 (2) with a controlled substance listed in schedule I or II of
19 IC 35-48-2 or its metabolite in the person's blood; or

20 (3) while intoxicated;

21 commits a ~~Class C~~ **Level 5** felony. However, the offense is a ~~Class B~~
22 **Level 4** felony if the person has a previous conviction of operating
23 while intoxicated within the five (5) years preceding the commission
24 of the offense, or if the person operated the vehicle when the person
25 knew that the person's driver's license, driving privilege, or permit is
26 suspended or revoked for a previous conviction for operating a vehicle
27 while intoxicated.

28 (b) A person at least twenty-one (21) years of age who causes the
29 death of another person when operating a vehicle:

30 (1) with an alcohol concentration equivalent to at least
31 fifteen-hundredths (0.15) gram of alcohol per:

32 (A) one hundred (100) milliliters of the person's blood; or

33 (B) two hundred ten (210) liters of the person's breath; or

34 (2) with a controlled substance listed in schedule I or II of
35 IC 35-48-2 or its metabolite in the person's blood;

36 commits a ~~Class B~~ **Level 4** felony.

37 (c) A person who causes the death of a law enforcement animal (as
38 defined in IC 35-46-3-4.5) when operating a vehicle:

39 (1) with an alcohol concentration equivalent to at least
40 eight-hundredths (0.08) gram of alcohol per:

41 (A) one hundred (100) milliliters of the person's blood; or

42 (B) two hundred ten (210) liters of the person's breath; or

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1 (2) with a controlled substance listed in schedule I or II of
 2 IC 35-48-2 or its metabolite in the person's blood;
 3 commits a ~~Class D~~ **Level 6** felony.

4 (d) A person who violates subsection (a), (b), or (c) commits a
 5 separate offense for each person or law enforcement animal whose
 6 death is caused by the violation of subsection (a), (b), or (c).

7 (e) It is a defense under subsection (a)(2), (b)(2), or (c)(2) that the
 8 accused person consumed the controlled substance under a valid
 9 prescription or order of a practitioner (as defined in IC 35-48-1) who
 10 acted in the course of the practitioner's professional practice.

11 SECTION 157. IC 9-30-10-16 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A person who
 13 operates a motor vehicle:
 14 (1) while the person's driving privileges are validly suspended
 15 under this chapter or IC 9-12-2 (repealed July 1, 1991) and the
 16 person knows that the person's driving privileges are suspended;
 17 or
 18 (2) in violation of restrictions imposed under this chapter or
 19 IC 9-12-2 (repealed July 1, 1991) and who knows of the existence
 20 of the restrictions;
 21 commits a ~~Class D~~ **Level 6** felony.

22 (b) Service by the bureau of notice of the suspension or restriction
 23 of a person's driving privileges under subsection (a)(1) or (a)(2):
 24 (1) in compliance with section 5 of this chapter; and
 25 (2) by first class mail to the person at the last address shown for
 26 the person in the bureau's records;
 27 establishes a rebuttable presumption that the person knows that the
 28 person's driving privileges are suspended or restricted.

29 (c) In addition to any criminal penalty, a person who is convicted of
 30 a felony under subsection (a) forfeits the privilege of operating a motor
 31 vehicle for life. However, if judgment for conviction of a Class A
 32 misdemeanor is entered for an offense under subsection (a), the court
 33 may order a period of suspension of the convicted person's driving
 34 privileges that is in addition to any suspension of driving privileges
 35 already imposed upon the person.

36 SECTION 158. IC 9-30-10-17 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. A person who
 38 operates a motor vehicle after the person's driving privileges are
 39 forfeited for life under section 16 of this chapter, IC 9-4-13-14
 40 (repealed April 1, 1984), or IC 9-12-3-1 (repealed July 1, 1991)
 41 commits a ~~Class E~~ **Level 5** felony.

42 SECTION 159. IC 9-30-13-2, AS AMENDED BY P.L.125-2012,

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1 SECTION 367, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2014]: Sec. 2. For a person who uses a motor
 3 vehicle to commit obstruction of traffic under ~~IC 35-42-2-4~~,
 4 **IC 35-44.1-2-13**, the judge of the court in which the person is
 5 convicted may recommend that the driving privileges of the person be
 6 suspended for not less than sixty (60) days and not more than two (2)
 7 years.

8 SECTION 160. IC 9-31-2-27 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 27. A person who does
 10 any of the following commits a ~~Class D~~ **Level 6** felony:

11 (1) Alters or forges a certificate of title or a manufacturer's or
 12 importer's certificate to a watercraft, an assignment of either, or
 13 a cancellation of a lien on a watercraft.

14 (2) Holds or uses a certificate, assignment, or cancellation,
 15 knowing the document is altered or forged.

16 (3) Procures or attempts to procure a certificate of title to a
 17 watercraft or passes or attempts to pass a certificate of title or an
 18 assignment of title to a watercraft knowing or having reason to
 19 believe that the watercraft is stolen.

20 (4) Sells or offers for sale in Indiana a watercraft on which the
 21 manufacturer's or assigned hull identification number is
 22 destroyed, removed, covered, altered, or defaced, with knowledge
 23 of the destruction, removal, covering, alteration, or defacement of
 24 the manufacturer's or assigned hull identification number.

25 (5) Destroys, removes, alters, or defaces the manufacturer's or
 26 assigned hull identification number of a watercraft.

27 (6) Uses a false or fictitious name, gives a false or fictitious
 28 address, or makes a false statement in an application or certificate
 29 required under this chapter or in a bill of sale or sworn statement
 30 of ownership, or otherwise commits fraud in an application.

31 (7) Sells or transfers a watercraft without delivering to the
 32 purchaser or transferee of the watercraft a certificate of title or a
 33 manufacturer's or importer's certificate to the watercraft assigned
 34 to the purchaser as provided for in this chapter.

35 SECTION 161. IC 10-13-3-27, AS AMENDED BY P.L.48-2012,
 36 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2014]: Sec. 27. (a) Except as provided in subsection (b), on
 38 request, a law enforcement agency shall release a limited criminal
 39 history to or allow inspection of a limited criminal history by
 40 noncriminal justice organizations or individuals only if the subject of
 41 the request:

42 (1) has applied for employment with a noncriminal justice

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- 1 organization or individual;
 2 (2) has:
 3 (A) applied for a license or is maintaining a license; and
 4 (B) provided criminal history data as required by law to be
 5 provided in connection with the license;
 6 (3) is a candidate for public office or a public official;
 7 (4) is in the process of being apprehended by a law enforcement
 8 agency;
 9 (5) is placed under arrest for the alleged commission of a crime;
 10 (6) has charged that the subject's rights have been abused
 11 repeatedly by criminal justice agencies;
 12 (7) is the subject of a judicial decision or determination with
 13 respect to the setting of bond, plea bargaining, sentencing, or
 14 probation;
 15 (8) has volunteered services that involve contact with, care of, or
 16 supervision over a child who is being placed, matched, or
 17 monitored by a social services agency or a nonprofit corporation;
 18 (9) is currently residing in a location designated by the
 19 department of child services (established by IC 31-25-1-1) or by
 20 a juvenile court as the out-of-home placement for a child at the
 21 time the child will reside in the location;
 22 (10) has volunteered services at a public school (as defined in
 23 IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12)
 24 that involve contact with, care of, or supervision over a student
 25 enrolled in the school;
 26 (11) is being investigated for welfare fraud by an investigator of
 27 the division of family resources or a county office of the division
 28 of family resources;
 29 (12) is being sought by the parent locator service of the child
 30 support bureau of the department of child services;
 31 (13) is or was required to register as a sex or violent offender
 32 under IC 11-8-8;
 33 (14) has been convicted of any of the following:
 34 (A) Rape (IC 35-42-4-1), if the victim is less than eighteen
 35 (18) years of age.
 36 (B) Criminal deviate conduct (IC 35-42-4-2) (**repealed**), if the
 37 victim is less than eighteen (18) years of age.
 38 (C) Child molesting (IC 35-42-4-3).
 39 (D) Child exploitation (IC 35-42-4-4(b)).
 40 (E) Possession of child pornography (IC 35-42-4-4(c)).
 41 (F) Vicarious sexual gratification (IC 35-42-4-5).
 42 (G) Child solicitation (IC 35-42-4-6).

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- 1 (H) Child seduction (IC 35-42-4-7).
 2 (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
 3 (J) Incest (IC 35-46-1-3), if the victim is less than eighteen
 4 (18) years of age.
 5 (K) Attempt under IC 35-41-5-1 to commit an offense listed in
 6 clauses (A) through (J).
 7 (L) Conspiracy under IC 35-41-5-2 to commit an offense listed
 8 in clauses (A) through (J).
 9 (M) An offense in any other jurisdiction in which the elements
 10 of the offense for which the conviction was entered are
 11 substantially similar to the elements of an offense described
 12 under clauses (A) through (J);
 13 (15) is identified as a possible perpetrator of child abuse or
 14 neglect in an assessment conducted by the department of child
 15 services under IC 31-33-8; or
 16 (16) is:
 17 (A) a parent, guardian, or custodian of a child; or
 18 (B) an individual who is at least eighteen (18) years of age and
 19 resides in the home of the parent, guardian, or custodian;
 20 with whom the department of child services or a county probation
 21 department has a case plan, dispositional decree, or permanency
 22 plan approved under IC 31-34 or IC 31-37 that provides for
 23 reunification following an out-of-home placement.
 24 However, limited criminal history information obtained from the
 25 National Crime Information Center may not be released under this
 26 section except to the extent permitted by the Attorney General of the
 27 United States.
 28 (b) A law enforcement agency shall allow inspection of a limited
 29 criminal history by and release a limited criminal history to the
 30 following noncriminal justice organizations:
 31 (1) Federally chartered or insured banking institutions.
 32 (2) Officials of state and local government for any of the
 33 following purposes:
 34 (A) Employment with a state or local governmental entity.
 35 (B) Licensing.
 36 (3) Segments of the securities industry identified under 15 U.S.C.
 37 78q(f)(2).
 38 (c) Any person who knowingly or intentionally uses limited criminal
 39 history for any purpose not specified under this section commits a
 40 Class A misdemeanor.
 41 SECTION 162. IC 10-13-6-21 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. A person who

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1 knowingly or intentionally without lawful authority tampers with or
 2 attempts to tamper with any DNA sample or a container collected
 3 under section 10 of this chapter commits a ~~Class D~~ **Level 6** felony.

4 SECTION 163. IC 10-18-1-38 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 38. It is a ~~Class D~~
 6 **Level 6** felony for a member of the commission or the architect,
 7 secretary, superintendent, or any other person in the employ of the
 8 commission to:

- 9 (1) knowingly be interested in or derive any profit from any
 10 contract, employment, or purchase connected with the Indiana
 11 World War Memorial or with any action of the commission; or
 12 (2) knowingly be interested in any claim against the commission
 13 or the state growing out of the erection or maintenance of the
 14 Indiana World War Memorial;

15 other than for the compensation for their services or for their expenses
 16 as provided in this chapter.

17 SECTION 164. IC 11-8-1-5.6, AS AMENDED BY P.L.220-2011,
 18 SECTION 242, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2014]: Sec. 5.6. (a) "Community transition
 20 program commencement date" means the following:

21 (1) Not earlier than sixty (60) days and not later than thirty (30)
 22 days before an offender's expected release date, if the most
 23 serious offense for which the person is committed is a Class D
 24 **felony (for a crime committed before July 1, 2014) or a Level**
 25 **6 felony (for a crime committed after June 30, 2014).**

26 (2) Not earlier than ninety (90) days and not later than thirty (30)
 27 days before an offender's expected release date, if the most
 28 serious offense for which the person is committed is a Class C
 29 **felony (for a crime committed before July 1, 2014) or a Level**
 30 **5 felony (for a crime committed after June 30, 2014)** and
 31 subdivision (3) does not apply.

32 (3) Not earlier than one hundred twenty (120) days and not later
 33 than thirty (30) days before an offender's expected release date, if:

34 (A) the most serious offense for which the person is committed
 35 is a Class C **felony (for a crime committed before July 1,**
 36 **2014) or a Level 5 felony (for a crime committed after June**
 37 **30, 2014);**

38 (B) all of the offenses for which the person was concurrently
 39 or consecutively sentenced are offenses under IC 16-42-19 or
 40 IC 35-48-4; and

41 (C) none of the offenses for which the person was concurrently
 42 or consecutively sentenced are listed in ~~IC 35-50-2-2(b)(4)~~.

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- 1 **IC 35-50-2-2(b)(3).**
 2 (4) Not earlier than one hundred twenty (120) days and not later
 3 than thirty (30) days before an offender's expected release date, if
 4 the most serious offense for which the person is committed is a
 5 Class A or Class B **felony (for a crime committed before July**
 6 **1, 2014) or a Level 1, Level 2, Level 3, or Level 4 felony (for a**
 7 **crime committed after June 30, 2014)** and subdivision (5) does
 8 not apply.
 9 (5) Not earlier than one hundred eighty (180) days and not later
 10 than thirty (30) days before an offender's expected release date, if:
 11 (A) the most serious offense for which the person is committed
 12 is a Class A or Class B **felony (for a crime committed before**
 13 **July 1, 2014) or a Level 1, Level 2, Level 3, or Level 4**
 14 **felony (for a crime committed after June 30, 2014);**
 15 (B) all of the offenses for which the person was concurrently
 16 or consecutively sentenced are offenses under IC 16-42-19 or
 17 IC 35-48-4; and
 18 (C) none of the offenses for which the person was concurrently
 19 or consecutively sentenced are listed in ~~IC 35-50-2-2(b)(4)~~.
 20 **IC 35-50-2-2(b)(3).**
 21 (b) This subsection applies only to a person whose community
 22 transition program commencement date is less than forty-five (45) days
 23 after May 11, 2008, solely as a result of the amendment of subsection
 24 (a) by P.L.291-2001. The community transition program
 25 commencement date for a person described by this subsection is June
 26 26, 2001.
 27 SECTION 165. IC 11-8-8-4.5, AS AMENDED BY P.L.72-2012,
 28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2014]: Sec. 4.5. (a) Except as provided in section 22 of this
 30 chapter, as used in this chapter, "sex offender" means a person
 31 convicted of any of the following offenses:
 32 (1) Rape (IC 35-42-4-1).
 33 (2) Criminal deviate conduct (IC 35-42-4-2) (**repealed**).
 34 (3) Child molesting (IC 35-42-4-3).
 35 (4) Child exploitation (IC 35-42-4-4(b)).
 36 (5) Vicarious sexual gratification (including performing sexual
 37 conduct in the presence of a minor) (IC 35-42-4-5).
 38 (6) Child solicitation (IC 35-42-4-6).
 39 (7) Child seduction (IC 35-42-4-7).
 40 (8) Sexual misconduct with a minor as a Class A, Class B, or
 41 Class C **felony (for a crime committed before July 1, 2014) or**
 42 **a Level 1, Level 2, Level 4, or Level 5 felony (for a crime**

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- 1 **committed after June 30, 2014)** (IC 35-42-4-9), unless:
 2 (A) the person is convicted of sexual misconduct with a minor
 3 as a **Class C felony (for a crime committed before July 1,**
 4 **2014) or a Level 5 felony (for a crime committed after June**
 5 **30, 2014);**
 6 (B) the person is not more than:
 7 (i) four (4) years older than the victim if the offense was
 8 committed after June 30, 2007; or
 9 (ii) five (5) years older than the victim if the offense was
 10 committed before July 1, 2007; and
 11 (C) the sentencing court finds that the person should not be
 12 required to register as a sex offender.
 13 (9) Incest (IC 35-46-1-3).
 14 (10) Sexual battery (IC 35-42-4-8).
 15 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
 16 (18) years of age, and the person who kidnapped the victim is not
 17 the victim's parent or guardian.
 18 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
 19 than eighteen (18) years of age, and the person who confined or
 20 removed the victim is not the victim's parent or guardian.
 21 (13) Possession of child pornography (IC 35-42-4-4(c)).
 22 (14) Promoting prostitution (IC 35-45-4-4) as a **Class B felony**
 23 **(for a crime committed before July 1, 2014) or a Level 4 felony**
 24 **(for a crime committed after June 30, 2014).**
 25 (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the
 26 victim is less than eighteen (18) years of age.
 27 (16) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).
 28 (17) Human trafficking (IC 35-42-3.5-1(d)(3)) if the victim is less
 29 than eighteen (18) years of age.
 30 (18) Sexual misconduct by a service provider with a detained
 31 child (~~IC 35-44-1-5(c)~~). **(IC 35-44.1-3-10(c)).**
 32 (19) An attempt or conspiracy to commit a crime listed in
 33 subdivisions (1) through (18).
 34 (20) A crime under the laws of another jurisdiction, including a
 35 military court, that is substantially equivalent to any of the
 36 offenses listed in subdivisions (1) through (19).
 37 (b) The term includes:
 38 (1) a person who is required to register as a sex offender in any
 39 jurisdiction; and
 40 (2) a child who has committed a delinquent act and who:
 41 (A) is at least fourteen (14) years of age;
 42 (B) is on probation, is on parole, is discharged from a facility

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1 by the department of correction, is discharged from a secure
 2 private facility (as defined in IC 31-9-2-115), or is discharged
 3 from a juvenile detention facility as a result of an adjudication
 4 as a delinquent child for an act that would be an offense
 5 described in subsection (a) if committed by an adult; and
 6 (C) is found by a court by clear and convincing evidence to be
 7 likely to repeat an act that would be an offense described in
 8 subsection (a) if committed by an adult.

9 (c) In making a determination under subsection (b)(2)(C), the court
 10 shall consider expert testimony concerning whether a child is likely to
 11 repeat an act that would be an offense described in subsection (a) if
 12 committed by an adult.

13 SECTION 166. IC 11-8-8-5, AS AMENDED BY P.L.1-2012,
 14 SECTION 3, AND AS AMENDED BY P.L.72-2012, SECTION 2, IS
 15 CORRECTED AND AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as provided in section
 17 22 of this chapter, as used in this chapter, "sex or violent offender"
 18 means a person convicted of any of the following offenses:

- 19 (1) Rape (IC 35-42-4-1).
 20 (2) Criminal deviate conduct (IC 35-42-4-2) **(repealed)**.
 21 (3) Child molesting (IC 35-42-4-3).
 22 (4) Child exploitation (IC 35-42-4-4(b)).
 23 (5) Vicarious sexual gratification (including performing sexual
 24 conduct in the presence of a minor) (IC 35-42-4-5).
 25 (6) Child solicitation (IC 35-42-4-6).
 26 (7) Child seduction (IC 35-42-4-7).
 27 (8) Sexual misconduct with a minor as a Class A, Class B, or
 28 Class C **felony (for a crime committed before July 1, 2014) or**
 29 **a Level 1, Level 2, Level 4, or Level 5 felony (for a crime**
 30 **committed after June 30, 2014)** (IC 35-42-4-9), unless:
 31 (A) the person is convicted of sexual misconduct with a minor
 32 as a Class C **felony (for a crime committed before July 1,**
 33 **2014) or a Level 5 felony (for a crime committed after June**
 34 **30, 2014);**
 35 (B) the person is not more than:
 36 (i) four (4) years older than the victim if the offense was
 37 committed after June 30, 2007; or
 38 (ii) five (5) years older than the victim if the offense was
 39 committed before July 1, 2007; and
 40 (C) the sentencing court finds that the person should not be
 41 required to register as a sex offender.
 42 (9) Incest (IC 35-46-1-3).

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- 1 (10) Sexual battery (IC 35-42-4-8).
 2 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
 3 (18) years of age, and the person who kidnapped the victim is not
 4 the victim's parent or guardian.
 5 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
 6 than eighteen (18) years of age, and the person who confined or
 7 removed the victim is not the victim's parent or guardian.
 8 (13) Possession of child pornography (IC 35-42-4-4(c)).
 9 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony
 10 **(for a crime committed before July 1, 2014) or a Level 4**
 11 **felony (for a crime committed after June 30, 2014).**
 12 (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the
 13 victim is less than eighteen (18) years of age.
 14 (16) Sexual trafficking of a minor ~~(IC 35-42-3.5-1(b))~~;
 15 ~~(IC 35-42-3.5-1(c))~~.
 16 (17) Human trafficking ~~(IC 35-42-3.5-1(c)(3))~~
 17 ~~(IC 35-42-3.5-1(d)(3))~~ if the victim is less than eighteen (18)
 18 years of age.
 19 (18) Murder (IC 35-42-1-1).
 20 (19) Voluntary manslaughter (IC 35-42-1-3).
 21 *(20) Sexual misconduct by a service provider with a detained*
 22 *child ~~(IC 35-44-1-5(e))~~. **(IC 35-44.1-3-10(c))**.*
 23 ~~(20) (21) An attempt or conspiracy to commit a crime listed in~~
 24 ~~subdivisions (1) through ~~(19)~~: (20).~~
 25 ~~(21) (22) A crime under the laws of another jurisdiction, including~~
 26 ~~a military court, that is substantially equivalent to any of the~~
 27 ~~offenses listed in subdivisions (1) through ~~(20)~~: (21).~~
 28 (b) The term includes:
 29 (1) a person who is required to register as a sex or violent
 30 offender in any jurisdiction; and
 31 (2) a child who has committed a delinquent act and who:
 32 (A) is at least fourteen (14) years of age;
 33 (B) is on probation, is on parole, is discharged from a facility
 34 by the department of correction, is discharged from a secure
 35 private facility (as defined in IC 31-9-2-115), or is discharged
 36 from a juvenile detention facility as a result of an adjudication
 37 as a delinquent child for an act that would be an offense
 38 described in subsection (a) if committed by an adult; and
 39 (C) is found by a court by clear and convincing evidence to be
 40 likely to repeat an act that would be an offense described in
 41 subsection (a) if committed by an adult.
 42 (c) In making a determination under subsection (b)(2)(C), the court

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1 shall consider expert testimony concerning whether a child is likely to
 2 repeat an act that would be an offense described in subsection (a) if
 3 committed by an adult.

4 SECTION 167. IC 11-8-8-15, AS AMENDED BY P.L.216-2007,
 5 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2014]: Sec. 15. (a) A sex or violent offender who is a resident
 7 of Indiana shall obtain and keep in the sex or violent offender's
 8 possession:

9 (1) a valid Indiana driver's license; or

10 (2) a valid Indiana identification card (as described in
 11 IC 9-24-16).

12 (b) A sex or violent offender required to register in Indiana who is
 13 not a resident of Indiana shall obtain and keep in the sex or violent
 14 offender's possession:

15 (1) a valid driver's license issued by the state in which the sex or
 16 violent offender resides; or

17 (2) a valid state issued identification card issued by the state in
 18 which the sex or violent offender resides.

19 (c) A person who knowingly or intentionally violates this section
 20 commits failure of a sex or violent offender to possess identification,
 21 a Class A misdemeanor. However, the offense is a ~~Class B~~ **Level 6**
 22 felony if the person:

23 (1) is a sexually violent predator; or

24 (2) has a prior unrelated conviction:

25 (A) under this section; or

26 (B) based on the person's failure to comply with any
 27 requirement imposed on an offender under this chapter.

28 (d) It is a defense to a prosecution under this section that:

29 (1) the person has been unable to obtain a valid driver's license or
 30 state issued identification card because less than thirty (30) days
 31 have passed since the person's release from incarceration; or

32 (2) the person possesses a driver's license or state issued
 33 identification card that expired not more than thirty (30) days
 34 before the date the person violated subsection (a) or (b).

35 SECTION 168. IC 11-8-8-17, AS AMENDED BY P.L.216-2007,
 36 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2014]: Sec. 17. (a) A sex or violent offender who knowingly
 38 or intentionally:

39 (1) fails to register when required to register under this chapter;

40 (2) fails to register in every location where the sex or violent
 41 offender is required to register under this chapter;

42 (3) makes a material misstatement or omission while registering

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1 as a sex or violent offender under this chapter;
 2 (4) fails to register in person as required under this chapter; or
 3 (5) does not reside at the sex or violent offender's registered
 4 address or location;
 5 commits a ~~Class D~~ **Level 6** felony.

6 (b) The offense described in subsection (a) is a ~~Class C~~ **Level 5**
 7 felony if the sex or violent offender has a prior unrelated conviction for
 8 an offense:

- 9 (1) under this section; or
 10 (2) based on the person's failure to comply with any requirement
 11 imposed on a sex or violent offender under this chapter or under
 12 IC 5-2-12 before its repeal.

13 (c) It is not a defense to a prosecution under this section that the sex
 14 or violent offender was unable to pay the sex or violent offender
 15 registration fee or the sex or violent offender address change fee
 16 described under IC 36-2-13-5.6.

17 SECTION 169. IC 11-8-8-18, AS AMENDED BY P.L.216-2007,
 18 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2014]: Sec. 18. (a) A sexually violent predator who will be
 20 absent from the sexually violent predator's principal residence for more
 21 than seventy-two (72) hours shall inform the local law enforcement
 22 authority in the county where the sexually violent predator's principal
 23 address is located, in person, of the following:

- 24 (1) That the sexually violent predator will be absent from the
 25 sexually violent predator's principal residence for more than
 26 seventy-two (72) hours.
 27 (2) The location where the sexually violent predator will be
 28 located during the absence from the sexually violent predator's
 29 principal residence.
 30 (3) The length of time the sexually violent predator will be absent
 31 from the sexually violent predator's principal residence.

32 (b) A sexually violent predator who will spend more than
 33 seventy-two (72) hours in a county in which the sexually violent
 34 predator is not required to register shall inform the local law
 35 enforcement authority in the county in which the sexually violent
 36 predator is not required to register, in person, of the following:

- 37 (1) That the sexually violent predator will spend more than
 38 seventy-two (72) hours in the county.
 39 (2) The location where the sexually violent predator will be
 40 located while spending time in the county.
 41 (3) The length of time the sexually violent predator will remain in
 42 the county.

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1 Upon request of the local law enforcement authority of the county in
 2 which the sexually violent predator is not required to register, the
 3 sexually violent predator shall provide the local law enforcement
 4 authority with any additional information that will assist the local law
 5 enforcement authority in determining the sexually violent predator's
 6 whereabouts during the sexually violent predator's stay in the county.

7 (c) A sexually violent predator who knowingly or intentionally
 8 violates this section commits failure to notify, a Class A misdemeanor.
 9 However, the offense is a ~~Class D~~ **Level 6** felony if the person has a
 10 prior unrelated conviction under this section based on the person's
 11 failure to comply with any requirement imposed on a sex or violent
 12 offender under this chapter.

13 SECTION 170. IC 11-8-8-19, AS AMENDED BY P.L.114-2012,
 14 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2014]: Sec. 19. (a) Except as provided in subsections (b)
 16 through (e), a sex or violent offender is required to register under this
 17 chapter until the expiration of ten (10) years after the date the sex or
 18 violent offender:

- 19 (1) is released from a penal facility (as defined in
- 20 IC 35-31.5-2-232) or a secure juvenile detention facility of a state
- 21 or another jurisdiction;
- 22 (2) is placed in a community transition program;
- 23 (3) is placed in a community corrections program;
- 24 (4) is placed on parole; or
- 25 (5) is placed on probation;

26 for the sex or violent offense requiring registration, whichever occurs
 27 last. The registration period is tolled during any period that the sex or
 28 violent offender is incarcerated. The registration period does not restart
 29 if the offender is convicted of a subsequent offense. However, if the
 30 subsequent offense is a sex or violent offense, a new registration period
 31 may be imposed in accordance with this chapter. The department shall
 32 ensure that an offender who is no longer required to register as a sex or
 33 violent offender is notified that the obligation to register has expired.

34 (b) A sex or violent offender who is a sexually violent predator is
 35 required to register for life.

36 (c) A sex or violent offender who is convicted of at least one (1)
 37 offense under section 5(a) of this chapter that the sex or violent
 38 offender committed:

- 39 (1) when the person was at least eighteen (18) years of age; and
- 40 (2) against a victim who was less than twelve (12) years of age at
 41 the time of the crime;

42 is required to register for life.

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1 (d) A sex or violent offender who is convicted of at least one (1)
 2 offense under section 5(a) of this chapter in which the sex offender:
 3 (1) proximately caused serious bodily injury or death to the
 4 victim;
 5 (2) used force or the threat of force against the victim or a
 6 member of the victim's family, unless the offense is sexual battery
 7 as a Class D **felony (for an offense committed before July 1,**
 8 **2014) or a Level 6 felony (for a crime committed after June**
 9 **30, 2014);** or
 10 (3) rendered the victim unconscious or otherwise incapable of
 11 giving voluntary consent;
 12 is required to register for life.

13 (e) A sex or violent offender who is convicted of at least two (2)
 14 unrelated offenses under section 5(a) of this chapter is required to
 15 register for life.

16 (f) A person who is required to register as a sex or violent offender
 17 in any jurisdiction shall register for the period required by the other
 18 jurisdiction or the period described in this section, whichever is longer.

19 SECTION 171. IC 11-10-11.5-5 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) This section
 21 applies to a person if the most serious offense for which the person is
 22 committed is a Class C or Class D **felony (for a crime committed**
 23 **before July 1, 2014) or Level 5 or Level 6 felony (for a crime**
 24 **committed after June 30, 2014).**

25 (b) Unless the department has received:
 26 (1) an order under IC 35-38-1-24; or
 27 (2) a warrant order of detainer seeking the transfer of the person
 28 to a county or another jurisdiction;
 29 the department shall assign a person to a minimum security
 30 classification and place the person in a community transition program
 31 beginning with the community transition program commencement date
 32 designated by the department until the person completes the person's
 33 fixed term of imprisonment, less the credit time the person has earned
 34 with respect to the term.

35 SECTION 172. IC 11-12-1-2 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Notwithstanding
 37 any other law, a county or any combination of counties may establish
 38 and operate a community corrections advisory board for the purpose of
 39 coordinating or operating community corrections programs. The
 40 county, in consultation with the advisory board, shall coordinate or
 41 operate community corrections programs for any of the following:

42 (1) The prevention of crime or delinquency.

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1 (2) Persons sentenced to imprisonment in a county or local penal
2 facility other than a state owned or operated facility.

3 (3) Committed offenders.

4 (4) Persons ordered to participate in community corrections
5 programs as a condition of probation.

6 **(b) If a county or combination of counties has established a**
7 **community corrections program, a:**

8 **(1) court; or**

9 **(2) division of a court;**

10 **with authority to impose probation may, with the consent of the**
11 **community corrections advisory board, establish and operate a**
12 **consolidated probation and community corrections department.**

13 **(c) If a county or combination of counties has not established a**
14 **community corrections program, a:**

15 **(1) court; or**

16 **(2) division of a court;**

17 **with authority to impose probation may establish a community**
18 **corrections advisory board and, with the consent of the community**
19 **corrections advisory board, establish and operate a consolidated**
20 **probation and community corrections department. The court or**
21 **division of a court shall consult the community corrections board**
22 **in establishing and operating the department.**

23 **(d) A court or a division of a court shall establish and operate a**
24 **consolidated probation and community corrections department in**
25 **accordance with this chapter.**

26 SECTION 173. IC 11-12-3.7-6, AS AMENDED BY P.L.126-2012,
27 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2014]: Sec. 6. As used in this chapter, "violent offense" means
29 one (1) or more of the following offenses:

30 (1) Murder (IC 35-42-1-1).

31 (2) Attempted murder (IC 35-41-5-1).

32 (3) Voluntary manslaughter (IC 35-42-1-3).

33 (4) Involuntary manslaughter (IC 35-42-1-4).

34 (5) Reckless homicide (IC 35-42-1-5).

35 (6) Aggravated battery (IC 35-42-2-1.5).

36 (7) Battery (IC 35-42-2-1) as a:

37 **(A) Class A felony, Class B felony, or Class C felony (for a**
38 **crime committed before July 1, 2014); or**

39 **(B) Level 2 felony, Level 3 felony, or Level 5 felony (for a**
40 **crime committed after June 30, 2014).**

41 (8) Kidnapping (IC 35-42-3-2).

42 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that

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- 1 is a:
- 2 (A) Class A felony, Class B felony, or Class C felony (for a
- 3 **crime committed before July 1, 2014); or**
- 4 (B) Level 1 felony, Level 2 felony, Level 3 felony, Level 4
- 5 **felony, or Level 5 felony (for a crime committed after June**
- 6 **30, 2014).**
- 7 (10) Sexual misconduct with a minor (IC 35-42-4-9) as a:
- 8 (A) Class A felony or Class B felony (for a crime committed
- 9 **before July 1, 2014); or**
- 10 (B) Level 1 felony, Level 2 felony, or Level 4 felony (for a
- 11 **crime committed after June 30, 2014).**
- 12 (11) Incest (IC 35-46-1-3).
- 13 (12) Robbery (IC 35-42-5-1) as a:
- 14 (A) Class A felony or a Class B felony (~~IC 35-42-5-1~~): (for a
- 15 **crime committed before July 1, 2014); or**
- 16 (B) Level 2 felony or Level 3 felony (for a crime committed
- 17 **after June 30, 2014).**
- 18 (13) Burglary (IC 35-43-2-1) as a:
- 19 (A) Class A felony or a Class B felony (~~IC 35-43-2-1~~): (for a
- 20 **crime committed before July 1, 2014); or**
- 21 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level
- 22 **4 felony (for a crime committed after June 30, 2014).**
- 23 (14) Carjacking (IC 35-42-5-2) (repealed).
- 24 (15) Assisting a criminal (IC 35-44.1-2-5) as a:
- 25 (A) Class C felony (~~IC 35-44.1-2-5~~): (for a crime committed
- 26 **before July 1, 2014); or**
- 27 (B) Level 5 felony (for a crime committed after June 30,
- 28 **2014).**
- 29 (16) Escape (IC 35-44.1-3-4) as a:
- 30 (A) Class B felony or Class C felony (for a crime committed
- 31 **before July 1, 2014); or**
- 32 (B) Level 4 felony or Level 5 felony (for a crime committed
- 33 **after June 30, 2014).**
- 34 (17) Trafficking with an inmate (IC 35-44.1-3-5) as a:
- 35 (A) Class C felony (~~IC 35-44.1-3-5~~): (for a crime committed
- 36 **before July 1, 2014); or**
- 37 (B) Level 5 felony (for a crime committed after June 30,
- 38 **2014).**
- 39 (18) Causing death when operating a vehicle (IC 9-30-5-5).
- 40 (19) Criminal confinement (IC 35-42-3-3) as a:
- 41 (A) Class B felony (for a crime committed before July 1,
- 42 **2014); or**

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- 1 **(B) Level 3 felony (for a crime committed after June 30,**
- 2 **2014).**
- 3 (20) Arson (IC 35-43-1-1) as a:
- 4 **(A) Class A or Class B felony (for a crime committed before**
- 5 **July 1, 2014); or**
- 6 **(B) Level 2, Level 3, or Level 4 felony (for a crime**
- 7 **committed after June 30, 2014).**
- 8 (21) Possession, use, or manufacture of a weapon of mass
- 9 destruction (IC 35-47-12-1).
- 10 (22) Terroristic mischief (IC 35-47-12-3) as a:
- 11 **(A) Class B felony (for a crime committed before July 1,**
- 12 **2014); or**
- 13 **(B) Level 4 felony (for a crime committed after June 30,**
- 14 **2014).**
- 15 (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- 16 (24) A violation of IC 35-47.5 (controlled explosives) as a:
- 17 **(A) Class A or Class B felony (for a crime committed before**
- 18 **July 1, 2014); or**
- 19 **(B) Level 2 or Level 4 felony (for a crime committed after**
- 20 **June 30, 2014).**
- 21 (25) A crime under the laws of another jurisdiction, including a
- 22 military court, that is substantially similar to any of the offenses
- 23 listed in this subdivision.
- 24 (26) Any other crimes evidencing a propensity or history of
- 25 violence.
- 26 SECTION 174. IC 11-13-1-1 IS AMENDED TO READ AS
- 27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A court or
- 28 division of a court authorized to impose probation shall appoint one (1)
- 29 or more probation officers, depending on the needs of the court, except
- 30 that two (2) or more divisions within a court, two (2) or more courts
- 31 within a county, or two (2) or more courts not in the same county may
- 32 jointly appoint and employ one (1) or more probation officers for the
- 33 purpose of meeting the requirements of this section.
- 34 (b) A person may be appointed as a probation officer after the
- 35 effective date established by the judicial conference of Indiana only if
- 36 that person meets the minimum employment qualifications adopted by
- 37 the conference, except that this requirement does not apply to any
- 38 person certified as a qualified probation officer before that effective
- 39 date. Any uncertified person appointed as a probation officer after the
- 40 effective date who fails to successfully complete the written
- 41 examination established under section 8 of this chapter within six (6)
- 42 months after the date of the person's appointment is prohibited from

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1 exercising the powers of a probation officer as granted by law.

2 (c) Probation officers shall serve at the pleasure of the appointing
3 court and are directly responsible to and subject to the orders of the
4 court. The amount and time of payment of salaries of probation officers
5 shall be fixed by the county, city, or town fiscal body in accordance
6 with the salary schedule adopted by the county, city, or town fiscal
7 body under IC 36-2-16.5. The salary of a probation officer shall be paid
8 out of the county, city, or town treasury by the county auditor or city
9 controller. Probation officers are entitled to their actual expenses
10 necessarily incurred in the performance of their duties. Probation
11 officers shall give a bond if the court so directs in a sum to be fixed by
12 the court.

13 (d) ~~A court, or two (2) or more courts acting jointly, may designate~~
14 **Each probation department shall have a chief probation officer and**
15 **a deputy chief probation officer** to direct and supervise the work of
16 the probation department. **The amount and time of payment of**
17 **salaries of the chief probation officer and deputy chief probation**
18 **officer shall be fixed by the county, city, or town fiscal body in**
19 **accordance with the salary schedule adopted by the county, city, or**
20 **town fiscal body under IC 36-2-16.5. The minimum salary of a**
21 **chief probation officer and of a deputy chief probation officer shall**
22 **be reimbursed from the state general fund, and any supplemental**
23 **salary and all fringe benefits shall be paid from the county, city, or**
24 **town treasury by the county auditor or city controller.**

25 SECTION 175. IC 11-13-2-2 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) **Funds**
27 **appropriated under this program shall be appropriated and made**
28 **available to each court administering probation in order to pay the**
29 **minimum salary of each chief probation officer and each deputy**
30 **chief probation officer.**

31 (b) Funds appropriated under this program may be made available
32 to any court administering probation in order to finance expenditures
33 incurred for either of the following purposes:

34 (1) Salaries for existing or new probation officer positions.

35 (2) Maintenance or establishment of administrative support
36 services to probation officers.

37 SECTION 176. IC 11-13-2.5 IS ADDED TO THE INDIANA
38 CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2014]:

40 **Chapter 2.5. Probation Improvement Fund**

41 **Sec. 1. As used in this chapter, "fund" refers to the probation**
42 **improvement fund established by section 2 of this chapter.**

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1 **Sec. 2. (a) The probation improvement fund is established to**
 2 **provide grants under sections 3 and 4 of this chapter. The fund**
 3 **shall be administered by the judicial conference of Indiana.**

4 **(b) Sources of money for the fund consist of the following:**

5 **(1) One million nine hundred thousand dollars (\$1,900,000)**
 6 **from the department of correction's annual appropriation.**

7 **(2) Donations, gifts, and money received from any other**
 8 **source, including transfers from other funds or accounts.**

9 **(c) The expenses of administering the fund shall be paid from**
 10 **money in the fund.**

11 **(d) The treasurer of state shall invest the money in the fund not**
 12 **currently needed to meet the obligations of the fund in the same**
 13 **manner as other public money may be invested. Interest that**
 14 **accrues from these investments shall be deposited in the fund.**

15 **(e) Money in the fund at the end of a state fiscal year does not**
 16 **revert to the state general fund.**

17 **Sec. 3. (a) After the department of correction makes a**
 18 **recommendation to the judicial conference of Indiana, the judicial**
 19 **conference may award a grant from the fund to a county probation**
 20 **department that supervises persons who have been convicted of a**
 21 **felony to:**

22 **(1) promote the county probation department's adoption of**
 23 **best practices:**

24 **(A) to:**

25 **(i) focus supervision resources on persons who pose a**
 26 **high likelihood of committing another offense, as**
 27 **determined by a validated risk assessment;**

28 **(ii) develop and use a progressive sanctions policy to**
 29 **guide decisions concerning how to respond to violations**
 30 **of conditions of supervision; and**

31 **(iii) reduce the risk posed by persons who have been**
 32 **convicted of a felony and are on probation, through**
 33 **effective supervision, sanctions, and addressing any**
 34 **needs the persons have for substance abuse treatment,**
 35 **mental health services, or other services; and**

36 **(B) as approved by the judicial conference of Indiana; and**

37 **(2) reduce the number of probation revocations:**

38 **(A) involving persons under the supervision of the county**
 39 **probation department who have been convicted of a**
 40 **felony; and**

41 **(B) resulting in a person serving a prison sentence.**

42 **(b) To receive a grant under this section, a county probation**

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1 department must submit an application to the judicial conference
2 of Indiana:

- 3 (1) on a form; and
 - 4 (2) in the manner;
- 5 prescribed by the judicial conference of Indiana.

6 (c) The judicial conference of Indiana shall determine the
7 amount of a grant awarded under this section.

8 **Sec. 4. (a) The judicial conference of Indiana:**

9 (1) may award a grant from the fund to a county that
10 supervises persons who have been convicted of a felony to
11 consolidate and improve the efficiency of:

- 12 (A) probation administration and services; and
 - 13 (B) community corrections programs;
- 14 in the county; and

15 (2) shall make the awarding of the grant contingent on the
16 ability of the county probation department to demonstrate a
17 minimal level of coordination with other offender supervision
18 agencies operating in the same county, including community
19 corrections programs, parole authorities, and other probation
20 agencies.

21 (b) To receive a grant under this section, a county must submit
22 an application to the judicial conference of Indiana:

- 23 (1) on a form; and
 - 24 (2) in the manner;
- 25 prescribed by the judicial conference of Indiana.

26 (c) The judicial conference of Indiana shall determine the
27 amount of a grant awarded under this section.

28 **Sec. 5. The judicial conference of Indiana may adopt rules
29 necessary to implement this chapter.**

30 **Sec. 6. Counties may coordinate resources and programming
31 with funds received under this chapter.**

32 SECTION 177. IC 12-17.2-6-14, AS AMENDED BY P.L.124-2007,
33 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2014]: Sec. 14. ~~The~~ A child care ministry must do the
35 following:

- 36 (1) Conduct a criminal history check of the child care ministry's
37 employees and volunteers.
- 38 (2) Refrain from employing, or allowing to serve as a volunteer,
39 an individual who:
 - 40 (A) has been convicted of any of the following felonies:
 - 41 (i) Murder (IC 35-42-1-1).
 - 42 (ii) Causing suicide (IC 35-42-1-2).

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- 1 (iii) Assisting suicide (IC 35-42-1-2.5).
 2 (iv) Voluntary manslaughter (IC 35-42-1-3).
 3 (v) Reckless homicide (IC 35-42-1-5).
 4 (vi) Battery (IC 35-42-2-1).
 5 (vii) Aggravated battery (IC 35-42-2-1.5).
 6 (viii) Kidnapping (IC 35-42-3-2).
 7 (ix) Criminal confinement (IC 35-42-3-3).
 8 (x) A felony sex offense under IC 35-42-4.
 9 (xi) Carjacking (IC 35-42-5-2) **(repealed) (for a crime**
 10 **committed before July 1, 2014).**
 11 (xii) Arson (IC 35-43-1-1).
 12 (xiii) Incest (IC 35-46-1-3).
 13 (xiv) Neglect of a dependent (IC 35-46-1-4(a)(1) and
 14 IC 35-46-1-4(a)(2)).
 15 (xv) Child selling (IC 35-46-1-4(d)).
 16 (xvi) A felony involving a weapon under IC 35-47 or
 17 IC 35-47.5.
 18 (xvii) A felony relating to controlled substances under
 19 IC 35-48-4.
 20 (xviii) An offense relating to material or a performance that
 21 is harmful to minors or obscene under IC 35-49-3.
 22 (xix) A felony that is substantially equivalent to a felony
 23 listed in items (i) through (xviii) for which the conviction
 24 was entered in another state.
 25 (B) has been convicted of a misdemeanor related to the health
 26 or safety of a child; or
 27 (C) is a person against whom an allegation of child abuse or
 28 neglect has been substantiated under IC 31-33.
 29 (3) Maintain records of each criminal history check.
 30 SECTION 178. IC 12-20-1-4, AS AMENDED BY P.L.73-2005,
 31 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2014]: Sec. 4. (a) This section does not apply to an attorney
 33 who is admitted to practice law in Indiana.
 34 (b) A person who receives any item of value from an applicant or a
 35 recipient in connection with assisting that applicant or recipient in
 36 obtaining township assistance commits township assistance
 37 profiteering, a Class C misdemeanor.
 38 (c) A person who unfairly profits from the:
 39 (1) sale, lease, or rental of goods or shelter; or
 40 (2) provision of services;
 41 to a township assistance recipient commits township assistance fraud,
 42 a ~~Class D~~ **Level 6** felony. For purposes of this subsection, a person

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1 unfairly profits if the person receives payment from the township
2 trustee for goods or services that the person does not provide or the
3 person charges the township trustee more for the goods or services than
4 the person would charge members of the public.

5 (d) In addition to any other penalty imposed for a conviction under
6 subsection (c), a person who is convicted of township assistance fraud
7 is ineligible to participate in the township assistance program for thirty
8 (30) years after the date of the conviction.

9 SECTION 179. IC 12-23-6-1 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A drug abuser or an
11 alcoholic charged with or convicted of a felony may request treatment
12 under the supervision of the division and upon the consent of the
13 authorities concerned as set forth in this chapter instead of prosecution
14 or imprisonment, unless any of the following conditions exist:

15 (1) The offense is a forcible felony or burglary classified as a
16 Class A or Class B **felony (for a crime committed before July**
17 **1, 2014) or a Level 1, Level 2, Level 3, or Level 4 felony (for a**
18 **crime committed after June 30, 2014).**

19 (2) The defendant has a record that includes at least two (2) prior
20 convictions for forcible felonies or a burglary classified as a Class
21 A or Class B **felony (for a crime committed before July 1,**
22 **2014) or a Level 1, Level 2, Level 3, or Level 4 felony (for a**
23 **crime committed after June 30, 2014).**

24 (3) Other criminal proceedings, not arising out of the same
25 incident, alleging commission of a felony are pending against the
26 defendant.

27 (4) The defendant is on probation or parole and the appropriate
28 parole or probation authority does not consent to the request.

29 (5) The defendant was admitted to a treatment program under
30 IC 12-23-7 or IC 12-23-8 on two (2) prior occasions within the
31 preceding two (2) years.

32 SECTION 180. IC 12-23-14-17 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) The Indiana
34 judicial center drug and alcohol programs fund is established for the
35 purpose of administering, certifying, and supporting alcohol and drug
36 services programs under this chapter. The fund shall be administered
37 by the Indiana judicial center established by IC 33-38-9-4.

38 (b) The treasurer of state shall invest the money in the fund not
39 currently needed to meet the obligations of the fund in the same
40 manner as other public funds may be invested.

41 (c) Money in the fund at the end of the fiscal year does not revert to
42 the state general fund.

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1 (d) The Indiana judicial center may award a grant from the
2 fund to a probation department or a community corrections
3 program to increase substance abuse treatment access for
4 individuals on probation or individuals placed in a community
5 corrections program who are under court supervision and who
6 have been diagnosed with a substance abuse disorder or
7 co-occurring disorder.

8 (e) To receive a grant under this section, a probation
9 department or community corrections program and the agency
10 that will be providing treatment if the grant is approved must
11 submit an application to the Indiana judicial center:

- 12 (1) on a form; and
- 13 (2) in the manner;
- 14 prescribed by the Indiana judicial center.

15 (f) The Indiana judicial center shall determine the amount of a
16 grant awarded under this section in consultation with the division
17 of mental health and addiction and the local probation department
18 or community corrections program.

19 (g) Mental health and substance abuse counseling provided by
20 grants under this section must be contracted for with a certified
21 mental health or addiction provider as determined by the division
22 of mental health and addiction.

23 SECTION 181. IC 12-24-3-2 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. To provide greater
25 security for patients, visitors, and employees, the division may not
26 employ in a state institution an individual who has been convicted of
27 any of the following offenses:

- 28 (1) Rape (IC 35-42-4-1).
- 29 (2) Criminal deviate conduct (IC 35-42-4-2) **(repealed)**.
- 30 (3) Child molesting (IC 35-42-4-3).
- 31 (4) Child exploitation (IC 35-42-4-4).
- 32 (5) Sexual misconduct with a minor **(IC 35-42-4-9)** as a Class A
33 or **Class B felony (for a crime committed before July 1, 2014)**
34 or a **Level 1 felony, Level 2 felony, or Level 4 felony** (~~IC~~
35 ~~35-42-4-9~~) **(for a crime committed after June 30, 2014)**.

36 SECTION 182. IC 12-32-1-7, AS ADDED BY P.L.171-2011,
37 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2014]: Sec. 7. A person who knowingly or intentionally makes
39 a false, fictitious, or fraudulent statement or representation in a
40 verification required by this chapter commits a ~~Class D~~ **Level 6** felony.

41 SECTION 183. IC 13-18-13-31, AS ADDED BY P.L.137-2007,
42 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2014]: Sec. 31. A person who, with intent to defraud,
2 knowingly or intentionally makes a material misstatement in
3 connection with an application for a loan or other financial assistance
4 from the fund commits a ~~Class D~~ **Level 6** felony.

5 SECTION 184. IC 13-18-21-31, AS ADDED BY P.L.137-2007,
6 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2014]: Sec. 31. A person who, with intent to defraud,
8 knowingly or intentionally makes a material misstatement in
9 connection with an application for a loan or other financial assistance
10 from the fund commits a ~~Class D~~ **Level 6** felony.

11 SECTION 185. IC 13-19-5-17, AS ADDED BY P.L.137-2007,
12 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2014]: Sec. 17. A person who, with intent to defraud,
14 knowingly or intentionally makes a material misstatement in
15 connection with an application for a loan or other financial assistance
16 from the fund commits a ~~Class D~~ **Level 6** felony.

17 SECTION 186. IC 13-20-13-17, AS ADDED BY P.L.137-2007,
18 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2014]: Sec. 17. A person who, with intent to defraud,
20 knowingly or intentionally makes a material misstatement in
21 connection with an application for a loan or grant from the fund
22 commits a ~~Class D~~ **Level 6** felony.

23 SECTION 187. IC 13-20-22-19 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. A person who
25 knowingly or intentionally fails to pay the fee to the department of state
26 revenue under section 11 of this chapter commits a ~~Class D~~ **Level 6**
27 felony.

28 SECTION 188. IC 13-20-22-20 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. (a) A person who,
30 without authorization:

- 31 (1) removes;
- 32 (2) alters;
- 33 (3) defaces; or
- 34 (4) covers;

35 a sign posted by the department of state revenue under section 17 of
36 this chapter commits a Class B misdemeanor. However, the offense is
37 a ~~Class D~~ **Level 6** felony if the offense is committed with the intent to
38 evade the fee imposed by this chapter or to defraud the state.

39 (b) An owner or operator of a final disposal facility shall notify the
40 department of state revenue not later than two (2) days after
41 discovering that a sign posted by the department has been removed,
42 altered, defaced, or covered.

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1 (c) An owner or operator of a final disposal facility who fails to
 2 notify the department under subsection (b) commits a Class B
 3 misdemeanor.
 4 SECTION 189. IC 13-20-22-21, AS ADDED BY P.L.137-2007,
 5 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2014]: Sec. 21. A person who, with intent to defraud,
 7 knowingly or intentionally makes a material misstatement in
 8 connection with an application for a loan or grant from the fund
 9 commits a ~~Class B~~ **Level 6** felony.
 10 SECTION 190. IC 13-23-7-9, AS ADDED BY P.L.137-2007,
 11 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2014]: Sec. 9. A person who, with intent to defraud,
 13 knowingly or intentionally makes a material misstatement in
 14 connection with an application for financial assistance from the fund
 15 commits a ~~Class B~~ **Level 6** felony.
 16 SECTION 191. IC 13-23-9-6, AS ADDED BY P.L.137-2007,
 17 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2014]: Sec. 6. A person who, with intent to defraud,
 19 knowingly or intentionally makes a material misstatement in
 20 connection with a request for payment from the excess liability trust
 21 fund commits a ~~Class B~~ **Level 6** felony.
 22 SECTION 192. IC 13-25-4-28, AS ADDED BY P.L.137-2007,
 23 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2014]: Sec. 28. A person who, with intent to defraud,
 25 knowingly or intentionally makes a material misstatement in
 26 connection with an application for financial assistance from the fund
 27 commits a ~~Class B~~ **Level 6** felony.
 28 SECTION 193. IC 13-29-1-14 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. A person who
 30 knowingly or intentionally commits any of the violations listed in
 31 section 3(o) of this chapter commits a ~~Class B~~ **Level 6** felony.
 32 However, notwithstanding IC 35-50-2-7(a), a person who is convicted
 33 of a ~~Class B~~ **Level 6** felony under this section may, in addition to the
 34 term of imprisonment established under IC 35-50-2-7(a), be fined not
 35 more than fifty thousand dollars (\$50,000) for each day of violation.
 36 SECTION 194. IC 13-30-10-1.5, AS AMENDED BY P.L.57-2009,
 37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2014]: Sec. 1.5. (a) Except as provided in subsection (b), a
 39 person regulated under IC 13-22 who knowingly does any of the
 40 following commits a Class B misdemeanor:
 41 (1) Transports hazardous waste to an unpermitted facility.
 42 (2) Treats, stores, or disposes of hazardous waste without a permit

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1 issued by the department.

2 (3) Transports, treats, stores, disposes, recycles, or causes to be
3 transported used oil regulated under 329 IAC 13 in violation of
4 the standards established by the department for the management
5 of used oil.

6 (4) Makes a false material statement or representation in any
7 label, manifest, record, report, or other document filed or
8 maintained under the hazardous waste or used oil standards.

9 (b) An offense under subsection (a) is a ~~Class D~~ **Level 6** felony if
10 the offense results in damage to the environment that renders the
11 environment unfit for human or vertebrate animal life. An offense
12 under subsection (a) is a ~~Class E~~ **Level 5** felony if the offense results
13 in the death of another person.

14 (c) Before imposing sentence upon conviction of an offense under
15 subsection (a) or (b), the court shall consider either or both of the
16 following factors, if found by the jury or if stipulated to by the parties
17 in a plea agreement:

18 (1) If the offense involves discharge of a contaminant into the
19 environment, whether that discharge resulted in any or a
20 combination of the following:

21 (A) A substantial risk of serious bodily injury.

22 (B) Serious bodily injury to an individual.

23 (C) The death of a vertebrate animal.

24 (D) Damage to the environment that:

25 (i) renders the environment unfit for human or vertebrate
26 animal life; or

27 (ii) causes damage to an endangered, an at risk, or a
28 threatened species.

29 (2) Whether the person did not know and could not reasonably
30 have been expected to know that the contaminant discharged into
31 the environment was capable of causing a result described in
32 subdivision (1).

33 (d) Notwithstanding the maximum fine under IC 35-50-3-3, the
34 court shall order a person convicted under subsection (a) to pay a fine
35 of at least five thousand dollars (\$5,000) per day for each violation and
36 not more than twenty-five thousand dollars (\$25,000) per day for each
37 violation.

38 (e) Notwithstanding the maximum fine under IC 35-50-2-6(a) or
39 IC 35-50-2-7(a), the court shall order a person convicted under
40 subsection (b) to pay:

41 (1) a fine of at least five thousand dollars (\$5,000) and not more
42 than fifty thousand dollars (\$50,000) for each day of violation; or

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- 1 (2) if the person has a prior unrelated conviction for an offense
 2 under this title that may be punished as a felony, a fine of at least
 3 five thousand dollars (\$5,000) and not more than one hundred
 4 thousand dollars (\$100,000) for each day of violation.
- 5 (f) Except as provided in subsection (g), a person regulated under
 6 IC 13-17 who does any of the following commits a Class C
 7 misdemeanor:
- 8 (1) Knowingly violates any applicable requirements of
 9 IC 13-17-4, IC 13-17-5, IC 13-17-6, IC 13-17-7, IC 13-17-8,
 10 IC 13-17-9, IC 13-17-10, or IC 13-17-13.
- 11 (2) Knowingly violates any air pollution registration, construction,
 12 or operating permit condition issued by the department.
- 13 (3) Knowingly violates any fee or filing requirement in IC 13-17.
- 14 (4) Knowingly makes any false material statement, representation,
 15 or certification in any form, notice, or report required by an air
 16 pollution registration, construction, or operating permit issued by
 17 the department.
- 18 (g) An offense under subsection (f) is a ~~Class D~~ **Level 6** felony if the
 19 offense results in damage to the environment that renders the
 20 environment unfit for human or vertebrate animal life. An offense
 21 under subsection (f) is a ~~Class E~~ **Level 5** felony if the offense results
 22 in the death of another person.
- 23 (h) Before imposing sentence upon conviction of an offense under
 24 subsection (f) or (g), the court shall consider either or both of the
 25 following factors, if found by the jury or if stipulated to by the parties
 26 in a plea agreement:
- 27 (1) If the offense involves discharge of a contaminant into the
 28 environment, whether that discharge resulted in any or a
 29 combination of the following:
- 30 (A) A substantial risk of serious bodily injury.
 31 (B) Serious bodily injury to an individual.
 32 (C) The death of a vertebrate animal.
 33 (D) Damage to the environment that:
- 34 (i) renders the environment unfit for human or vertebrate
 35 animal life; or
 36 (ii) causes damage to an endangered, an at risk, or a
 37 threatened species.
- 38 (2) Whether the person did not know and could not reasonably
 39 have been expected to know that the contaminant discharged into
 40 the environment was capable of causing a result described in
 41 subdivision (1).
- 42 (i) Notwithstanding the maximum fine under IC 35-50-3-4, the court

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1 shall order a person convicted under subsection (f) to pay a fine of at
 2 least five thousand dollars (\$5,000) per day for each violation and not
 3 more than twenty-five thousand dollars (\$25,000) per day for each
 4 violation.

5 (j) Notwithstanding the maximum fine under IC 35-50-2-6(a) or
 6 IC 35-50-2-7(a), the court shall order a person convicted under
 7 subsection (g) to pay:

- 8 (1) a fine of at least five thousand dollars (\$5,000) and not more
 9 than fifty thousand dollars (\$50,000) for each day of violation; or
 10 (2) if the person has a prior unrelated conviction for an offense
 11 under this title that may be punished as a felony, a fine of at least
 12 five thousand dollars (\$5,000) and not more than one hundred
 13 thousand dollars (\$100,000) for each day of violation.

14 (k) Except as provided in subsection (l), a person regulated under
 15 IC 13-18 who does any of the following commits a Class C
 16 misdemeanor:

- 17 (1) Willfully or recklessly violates any applicable standards or
 18 limitations of IC 13-18-3-2.4, IC 13-18-4-5, IC 13-18-8,
 19 IC 13-18-9, IC 13-18-10, IC 13-18-12, IC 13-18-14, IC 13-18-15,
 20 or IC 13-18-16.
 21 (2) Willfully or recklessly violates any National Pollutant
 22 Discharge Elimination System permit condition issued by the
 23 department under IC 13-18-19.
 24 (3) Willfully or recklessly violates any National Pollutant
 25 Discharge Elimination System Permit filing requirement.
 26 (4) Knowingly makes any false material statement, representation,
 27 or certification in any National Pollutant Discharge Elimination
 28 System Permit form or in any notice or report required by a
 29 National Pollutant Discharge Elimination System permit issued
 30 by the department.

31 (l) An offense under subsection (k) is a ~~Class D~~ **Level 6** felony if the
 32 offense results in damage to the environment that renders the
 33 environment unfit for human or vertebrate animal life. An offense
 34 under subsection (k) is a ~~Class E~~ **Level 5** felony if the offense results
 35 in the death of another person.

36 (m) Before imposing sentence upon conviction of an offense under
 37 subsection (k) or (l), the court shall consider any or a combination of
 38 the following factors, if found by the jury or if stipulated to by the
 39 parties in a plea agreement:

- 40 (1) If the offense involves discharge of a contaminant into the
 41 environment, whether that discharge resulted in any or a
 42 combination of the following:

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- 1 (A) A substantial risk of serious bodily injury.
- 2 (B) Serious bodily injury to an individual.
- 3 (C) The death of a vertebrate animal.
- 4 (D) Damage to the environment that:
 - 5 (i) renders the environment unfit for human or vertebrate
 - 6 animal life; or
 - 7 (ii) causes damage to an endangered, an at risk, or a
 - 8 threatened species.
- 9 (2) Whether the person did not know and could not reasonably
- 10 have been expected to know that the contaminant discharged into
- 11 the environment was capable of causing a result described in
- 12 subdivision (1).
- 13 (3) Whether the discharge was the result of a combined sewer
- 14 overflow and the person regulated had given notice of that fact to
- 15 the department.
- 16 (n) Notwithstanding the maximum fine under IC 35-50-3-4, the
- 17 court shall order a person convicted under subsection (k)(1), (k)(2), or
- 18 (k)(3) to pay a fine of at least five thousand dollars (\$5,000) a day for
- 19 each violation and not more than twenty-five thousand dollars
- 20 (\$25,000) a day for each violation.
- 21 (o) Notwithstanding the maximum fine under IC 35-50-3-4, the
- 22 court shall order a person convicted under subsection (k)(4) to pay a
- 23 fine of at least five thousand dollars (\$5,000) for each instance of
- 24 violation and not more than ten thousand dollars (\$10,000) for each
- 25 instance of violation.
- 26 (p) Notwithstanding the maximum fine under IC 35-50-2-6(a) or
- 27 IC 35-50-2-7(a), the court shall order a person convicted under
- 28 subsection (l) to pay:
 - 29 (1) a fine of at least five thousand dollars (\$5,000) and not more
 - 30 than fifty thousand dollars (\$50,000) for each day of violation; or
 - 31 (2) if the person has a prior unrelated conviction for an offense
 - 32 under this title that may be punished as a felony, a fine of at least
 - 33 five thousand dollars (\$5,000) and not more than one hundred
 - 34 thousand dollars (\$100,000) for each day of violation.
- 35 (q) The penalties under this section apply regardless of whether a
- 36 person uses electronic submissions or paper documents to accomplish
- 37 the actions described in this section.
- 38 SECTION 195. IC 13-30-10-5, AS ADDED BY P.L.137-2007,
- 39 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 JULY 1, 2014]: Sec. 5. (a) A person who:
 - 41 (1) operates an underground storage tank and knowingly,
 - 42 intentionally, or recklessly violates:

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- 1 (A) the terms of a permit issued by the department that relates
- 2 to the operation of an underground storage tank; or
- 3 (B) an Indiana statute that relates to the operation of an
- 4 underground storage tank; and
- 5 (2) discharges a contaminant into the environment, if the
- 6 discharge results in:
 - 7 (A) a substantial risk of serious bodily injury;
 - 8 (B) serious bodily injury to an individual;
 - 9 (C) the death of a vertebrate animal; or
 - 10 (D) damage to the environment that renders the environment
 - 11 unfit for human or vertebrate animal life, or causes damage to
 - 12 an endangered, an at risk, or a threatened species;

13 commits a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class E~~
 14 **Level 5** felony if it results in the death of another person.

15 (b) It is a defense to a prosecution under this section that the person
 16 did not know and could not reasonably have been expected to know
 17 that the substance discharged into the environment was capable of
 18 causing a result described in subsection (a)(2).

19 (c) Notwithstanding IC 35-50-2-6(a), IC 35-50-2-7(a), or
 20 IC 35-50-3-2, the court may order a person convicted under this section
 21 to pay:

- 22 (1) a fine of at least five thousand dollars (\$5,000) and not more
- 23 than fifty thousand dollars (\$50,000) for each day of violation; or
- 24 (2) if the person has a prior unrelated conviction for an offense
- 25 under this title that may be punished as a felony, a fine of not
- 26 more than one hundred thousand dollars (\$100,000) for each day
- 27 of violation.

28 In determining the amount of a fine imposed for a violation of this
 29 section, the court shall consider any improper economic benefit,
 30 including unjust enrichment, received by the defendant as a result of
 31 the unlawful conduct.

32 SECTION 196. IC 13-30-10-6, AS ADDED BY P.L.137-2007,
 33 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2014]: Sec. 6. (a) A person who:

- 35 (1) knowingly or intentionally violates:
 - 36 (A) the terms of a permit issued under IC 13-18-22 that relates
 - 37 to state regulated wetlands; or
 - 38 (B) a statute that relates to state regulated wetlands; and
- 39 (2) causes substantial harm to a state regulated wetland;

40 commits a ~~Class D~~ **Level 6** felony.

41 (b) Notwithstanding IC 35-50-2-6(a), IC 35-50-2-7(a), or
 42 IC 35-50-3-2, the court may order a person convicted under this section

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1 to pay:
 2 (1) a fine of at least five thousand dollars (\$5,000) and not more
 3 than fifty thousand dollars (\$50,000) for each day of violation; or
 4 (2) if the person has a prior unrelated conviction for an offense
 5 under this title that may be punished as a felony, a fine of not
 6 more than one hundred thousand dollars (\$100,000) for each day
 7 of violation.

8 In determining the amount of a fine imposed for a violation of this
 9 section, the court shall consider any improper economic benefit,
 10 including unjust enrichment, received by the defendant as a result of
 11 the unlawful conduct.

12 SECTION 197. IC 14-15-4-4, AS AMENDED BY P.L.40-2012,
 13 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2014]: Sec. 4. A person who violates this chapter commits a
 15 Class C misdemeanor. However, the offense is:

- 16 (1) a Class A misdemeanor if the accident or collision results in
- 17 an injury to a person;
- 18 (2) a ~~Class D~~ **Level 6** felony if:
- 19 (A) the accident or collision results in serious bodily injury to
- 20 a person; or
- 21 (B) within the five (5) years preceding the commission of the
- 22 offense, the person had a previous conviction of any of the
- 23 offenses listed in IC 9-30-10-4(a), IC 35-46-9-6, or
- 24 IC 14-15-8-8 (before its repeal); or
- 25 (3) a ~~Class E~~ **Level 5** felony if the accident or collision results in
- 26 the death of a person.

27 SECTION 198. IC 14-21-1-26, AS AMENDED BY P.L.26-2008,
 28 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2014]: Sec. 26. (a) A person who disturbs the ground for the
 30 purpose of discovering, uncovering, or moving artifacts, burial objects,
 31 or human remains must do so in accordance with a plan approved by
 32 the department under section 25 of this chapter or under IC 14-3-3.4-14
 33 (before its repeal).

34 (b) A person who recklessly, knowingly, or intentionally violates
 35 this section commits the following:

- 36 (1) A Class A misdemeanor, if the violation does not involve
- 37 disturbing human remains.
- 38 (2) A ~~Class D~~ **Level 6** felony, if the violation involves disturbing
- 39 human remains.

40 SECTION 199. IC 14-21-1-26.5, AS AMENDED BY P.L.26-2008,
 41 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2014]: Sec. 26.5. (a) Notwithstanding IC 23-14-44-1, this

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- 1 section does not apply to the following:
- 2 (1) A public utility (as defined in IC 8-1-2-1(a)).
- 3 (2) A corporation organized under IC 8-1-13.
- 4 (3) A municipally owned utility (as defined in IC 8-1-2-1(h)).
- 5 (4) A surface coal mining and reclamation operation permitted
- 6 under IC 14-34.
- 7 (b) Except as provided in this subsection and subsections (c) and
- 8 (d), a person may not disturb the ground within one hundred (100) feet
- 9 of a burial ground for the purpose of excavating or covering over the
- 10 ground or erecting, altering, or repairing any structure without having
- 11 a development plan approved by the department under section 25 of
- 12 this chapter or in violation of a development plan approved by the
- 13 department under section 25 of this chapter. The department must
- 14 review the development plan as required by section 25(e) of this
- 15 chapter.
- 16 (c) A development plan:
- 17 (1) must be approved if a person intends to:
- 18 (A) excavate or cover over the ground; or
- 19 (B) construct a new structure or alter or repair an existing
- 20 structure;
- 21 that would impact the burial ground or cemetery; and
- 22 (2) is not required if a person intends to:
- 23 (A) excavate or cover over the ground; or
- 24 (B) erect, alter, or repair an existing structure;
- 25 for an incidental or existing use that would not impact the burial
- 26 ground or cemetery.
- 27 (d) A development plan for a governmental entity to disturb ground
- 28 within one hundred (100) feet of a burial ground must be approved as
- 29 follows:
- 30 (1) A development plan of a municipality requires approval of the
- 31 executive of the municipality and does not require the approval of
- 32 the department. However, if the burial ground or cemetery is
- 33 located outside the municipality, approval is also required by the
- 34 executive of the county where the burial ground or cemetery is
- 35 located. A county cemetery commission established under
- 36 IC 23-14-67-2 may advise the executive of the municipality on
- 37 whether to approve a development plan.
- 38 (2) A development plan of a governmental entity other than:
- 39 (A) a municipality; or
- 40 (B) the state;
- 41 requires the approval of the executive of the county where the
- 42 governmental entity is located and does not require the approval

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1 of the department. However, if the governmental entity is located
2 in more than one (1) county, only the approval of the executive of
3 the county where the burial ground or cemetery is located is
4 required. A county cemetery commission established under
5 IC 23-14-67-2 may advise the county executive on whether to
6 approve a development plan.

7 (3) A development plan of the state requires the approval of the
8 department.

9 (e) If a burial ground is within an archeological site, an
10 archeological plan is required to be part of the development plan.

11 (f) A person who recklessly, knowingly, or intentionally violates this
12 section commits a Class A misdemeanor. However, the offense is a
13 ~~Class D~~ **Level 6** felony if the person disturbs buried human remains or
14 grave markers while committing the offense.

15 SECTION 200. IC 14-21-1-28, AS AMENDED BY P.L.26-2008,
16 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2014]: Sec. 28. A person who recklessly, knowingly, or
18 intentionally disturbs human remains or grave markers while moving,
19 uncovering, or removing artifacts or burial objects either:

20 (1) without a plan approved by the department under:

21 (A) section 25 of this chapter; or

22 (B) IC 14-3-3.4-14 (before its repeal); or

23 (2) in violation of such a plan;

24 commits a ~~Class D~~ **Level 6** felony.

25 SECTION 201. IC 14-21-1-36, AS ADDED BY P.L.26-2008,
26 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2014]: Sec. 36. A person who knowingly or intentionally
28 receives, retains, or disposes of an artifact, a burial object, or human
29 remains obtained in violation of this chapter commits possession of
30 looted property, a ~~Class D~~ **Level 6** felony. However, the offense is a
31 ~~Class E~~ **Level 5** felony if the fair market cost of carrying out a
32 scientific archeological investigation of the area that was damaged to
33 obtain the artifact, burial object, or human remains is at least one
34 hundred thousand dollars (\$100,000).

35 SECTION 202. IC 14-22-38-6 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) As used in this
37 section, "sell" includes barter, purchases, and offers to sell, barter, or
38 purchase.

39 (b) As used in this section, "ship" includes transporting, delivering
40 for shipment or transport, and causing to be shipped or transported.

41 (c) As used in this section, "wild animal" includes the following:

42 (1) A living or dead wild animal.

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1 (2) A part of a living or dead wild animal.
 2 (d) A person who knowingly or intentionally sells or ships wild
 3 animals, nests, or eggs that:
 4 (1) are protected by law; and
 5 (2) have an aggregate market value of less than five hundred
 6 dollars (\$500);
 7 commits a Class C misdemeanor.
 8 (e) A person who knowingly or intentionally sells or ships wild
 9 animals, nests, or eggs that:
 10 (1) are protected by law; and
 11 (2) have an aggregate market value of at least five hundred dollars
 12 (\$500) but less than five thousand dollars (\$5,000);
 13 commits a ~~Class D~~ **Level 6** felony.
 14 (f) A person who knowingly or intentionally sells or ships wild
 15 animals, nests, or eggs that:
 16 (1) are protected by law; and
 17 (2) have an aggregate market value of at least five thousand
 18 dollars (\$5,000);
 19 commits a ~~Class E~~ **Level 5** felony.
 20 SECTION 203. IC 14-37-13-6 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) Except as
 22 provided in subsection (b), a person who knowingly violates this article
 23 commits a Class B misdemeanor. Each day a violation occurs is a
 24 separate offense.
 25 (b) A person who knowingly violates this article with respect to the
 26 operation of a Class II well commits a ~~Class D~~ **Level 6** felony.
 27 SECTION 204. IC 15-12-1-38, AS ADDED BY P.L.2-2008,
 28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2014]: Sec. 38. (a) If, upon receipt of a biennial report
 30 delivered under section 37 of this chapter, the secretary of state
 31 determines or has reason to believe that the association filing the report
 32 is not disclosing the association's true financial condition or is violating
 33 this chapter, the secretary of state may require the association to
 34 disclose all material facts by:
 35 (1) submitting a verified audit bearing the certificate under oath
 36 of a qualified public accountant approved by the secretary of
 37 state;
 38 (2) replying to interrogatories; or
 39 (3) reporting under oath on any matters requested by the secretary
 40 of state.
 41 (b) An officer or a director of an association who knowingly
 42 distributes, publishes, or files with the secretary of state a written

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1 report, certificate, or statement of the condition or business of the
2 association that is false in any material respect commits a ~~Class D~~
3 **Level 6** felony.

4 SECTION 205. IC 15-15-9-8, AS ADDED BY P.L.2-2008,
5 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2014]: Sec. 8. A person who intentionally or knowingly forges
7 a certification or the identification of an agricultural product under this
8 chapter commits a ~~Class D~~ **Level 6** felony.

9 SECTION 206. IC 15-17-5-25, AS ADDED BY P.L.2-2008,
10 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2014]: Sec. 25. A person who knowingly:

- 12 (1) makes a false entry or statement of fact in a report required to
- 13 be made under this chapter or in any account, record, or
- 14 memorandum kept by a person subject to this chapter;
- 15 (2) fails to make full, true, and correct entries in the accounts,
- 16 records, or memoranda of all facts and transactions pertaining to
- 17 the person's business;
- 18 (3) removes out of Indiana or damages, alters, or falsifies
- 19 documentary evidence of a person subject to this chapter; or
- 20 (4) refuses to submit to the state veterinarian or board or to the
- 21 state veterinarian's or board's authorized agent for the purpose of
- 22 inspection and taking copies of documentary evidence of a person
- 23 subject to this chapter in the person's possession or within the
- 24 person's control;

25 commits a ~~Class D~~ **Level 6** felony.

26 SECTION 207. IC 15-17-5-30, AS ADDED BY P.L.2-2008,
27 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2014]: Sec. 30. A person who knowingly and forcibly resists,
29 obstructs, or interferes with another person while the other person is
30 engaged in or on account of the performance of the person's official
31 duties under this chapter commits a ~~Class D~~ **Level 6** felony. However,
32 the offense is a ~~Class E~~ **Level 5** felony if, while committing the
33 offense, the person draws or uses a deadly weapon or inflicts bodily
34 injury on any other person.

35 SECTION 208. IC 15-17-5.5-4, AS ADDED BY P.L.120-2008,
36 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2014]: Sec. 4. A person who knowingly or intentionally forges
38 a grade or certification under this chapter commits a ~~Class D~~ **Level 6**
39 felony.

40 SECTION 209. IC 15-17-14-11, AS ADDED BY P.L.2-2008,
41 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2014]: Sec. 11. (a) A person who knowingly or intentionally

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1 allows a scale to be used in a business transaction involving the
2 purchase, sale, or exchange of livestock:

- 3 (1) after the scale has been condemned; and
- 4 (2) before it has been repaired to the satisfaction of the scale
5 inspector;

6 commits a ~~Class D~~ **Level 6** felony.

7 (b) In addition to any criminal penalties imposed, a person who
8 violates subsection (a) may be subject to a civil penalty of fifty dollars
9 (\$50) for each day the defective scale is used. If a civil penalty is
10 assessed under this subsection and not paid, the prosecuting attorney
11 of the county where the proceeding was brought may enforce the
12 collection of the civil penalty. Civil penalties collected under this
13 section must be deposited in the state general fund.

14 SECTION 210. IC 15-17-16-9, AS ADDED BY P.L.2-2008,
15 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2014]: Sec. 9. A person who recklessly, knowingly, or
17 intentionally engages in an activity without a license required for the
18 activity under this article commits a ~~Class D~~ **Level 6** felony.

19 SECTION 211. IC 15-17-18-1, AS ADDED BY P.L.2-2008,
20 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2014]: Sec. 1. A person who knowingly or intentionally:

- 22 (1) treats a bovine animal with a material, substance, or biologic
23 to interfere with the brucellosis test or with a reaction to a
24 brucellosis test;
- 25 (2) fraudulently makes an animal react to a brucellosis test; or
- 26 (3) interferes with the inspector who is making the test;

27 commits a ~~Class D~~ **Level 6** felony.

28 SECTION 212. IC 15-17-18-2, AS ADDED BY P.L.2-2008,
29 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2014]: Sec. 2. A person who knowingly or intentionally:

- 31 (1) alters or changes an animal's official identification to conceal
32 the identity of an animal;
- 33 (2) interferes with the official identification of a diseased
34 domestic animal;
- 35 (3) removes, without permission of the board, except as provided
36 in this article, any animal from a herd placed under quarantine; or
- 37 (4) alters or changes the official identification of any domestic
38 animal;

39 commits a ~~Class D~~ **Level 6** felony.

40 SECTION 213. IC 15-17-18-3, AS ADDED BY P.L.2-2008,
41 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2014]: Sec. 3. A person who knowingly or intentionally:

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1 (1) sells;
 2 (2) keeps, with intent to sell; or
 3 (3) disposes of to another person, with intent to conceal, except
 4 for immediate slaughter;
 5 an animal classified as a reactor, or suspected of being affected with
 6 any disease as disclosed by a test recognized by the board, commits a
 7 ~~Class D~~ **Level 6** felony.

8 SECTION 214. IC 15-17-18-4, AS ADDED BY P.L.2-2008,
 9 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2014]: Sec. 4. A person who knowingly or intentionally:

11 (1) delivers for transportation;
 12 (2) drives on foot;
 13 (3) removes from the premises where they are located; or
 14 (4) receives for transportation;
 15 any cattle classified as a reactor or suspected of being affected with
 16 brucellosis as disclosed by a test recognized by the board, except for
 17 immediate slaughter or by special permit from the board, commits a
 18 ~~Class D~~ **Level 6** felony.

19 SECTION 215. IC 15-17-18-5, AS ADDED BY P.L.2-2008,
 20 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2014]: Sec. 5. A person who knowingly or intentionally
 22 transports a domestic animal identified as a reactor with other domestic
 23 animals, except where the other domestic animals are being transported
 24 for immediate slaughter, commits a ~~Class D~~ **Level 6** felony.

25 SECTION 216. IC 15-17-18-6, AS ADDED BY P.L.2-2008,
 26 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2014]: Sec. 6. A person who knowingly or intentionally
 28 imports a domestic animal into Indiana without taking suitable
 29 precautions to prevent the introduction and spread of contagious or
 30 infectious disease, in conformance with the rules adopted by the board,
 31 commits a ~~Class D~~ **Level 6** felony.

32 SECTION 217. IC 15-17-18-7, AS ADDED BY P.L.2-2008,
 33 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2014]: Sec. 7. A person who knowingly or intentionally
 35 moves, from the property on which the domestic animal is confined, a
 36 domestic animal that has an infectious or a contagious disease, except
 37 under rules adopted by the board, commits a ~~Class D~~ **Level 6** felony.

38 SECTION 218. IC 15-17-18-9, AS ADDED BY P.L.2-2008,
 39 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2014]: Sec. 9. (a) This section does not apply to IC 15-17-5 or
 41 IC 15-18-1.

42 (b) A person who knowingly or intentionally violates or fails to

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1 comply with this article commits a ~~Class D~~ **Level 6** felony.

2 (c) A person who knowingly or intentionally violates or fails to
3 comply with a rule adopted under this article commits a Class A
4 infraction.

5 SECTION 219. IC 15-19-5-8, AS ADDED BY P.L.2-2008,
6 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2014]: Sec. 8. A person who intentionally or knowingly forges
8 a certification or the identification of livestock, bovine semen, or
9 embryos certified under this chapter commits a ~~Class D~~ **Level 6** felony.

10 SECTION 220. IC 15-19-6-19, AS ADDED BY P.L.2-2008,
11 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2014]: Sec. 19. A person who, without permission of the
13 owner, knowingly or intentionally applies a brand to livestock for the
14 purpose of transferring ownership of that livestock commits a ~~Class E~~
15 **Level 5** felony.

16 SECTION 221. IC 15-19-6-20, AS ADDED BY P.L.2-2008,
17 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2014]: Sec. 20. A person who knowingly destroys or alters a
19 brand recorded with the board from livestock to conceal the identity of
20 the owner of that livestock commits a ~~Class E~~ **Level 5** felony.

21 SECTION 222. IC 15-19-6-21, AS ADDED BY P.L.2-2008,
22 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2014]: Sec. 21. A person who knowingly sells or offers for
24 sale livestock whose brand has been destroyed or altered for the
25 purpose of concealing the identity of the owner of that livestock
26 commits a ~~Class E~~ **Level 5** felony.

27 SECTION 223. IC 15-19-6-22, AS ADDED BY P.L.2-2008,
28 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2014]: Sec. 22. A person who knowingly purchases livestock
30 whose brand has been destroyed or altered for the purpose of
31 concealing the identity of the owner of that livestock commits a ~~Class~~
32 **Level 5** felony.

33 SECTION 224. IC 15-20-1-4, AS ADDED BY P.L.2-2008,
34 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2014]: Sec. 4. (a) Except as provided in subsection (b), the
36 owner of a dog commits a Class C misdemeanor if:

- 37 (1) the owner recklessly, knowingly, or intentionally fails to take
38 reasonable steps to restrain the dog;
39 (2) the dog enters property other than the property of the dog's
40 owner; and
41 (3) as the result of the owner's failure to restrain the dog, the dog
42 bites or attacks another person without provocation, resulting in

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- 1 bodily injury to the other person.
- 2 (b) The offense under subsection (a) is:
- 3 (1) a Class B misdemeanor if the person has been convicted of
- 4 one (1) previous unrelated violation of this section;
- 5 (2) a Class A misdemeanor if:
- 6 (A) the person has been convicted of more than one (1)
- 7 previous unrelated violation of this section; or
- 8 (B) the violation results in serious bodily injury to a person;
- 9 (3) a ~~Class D~~ **Level 6** felony if the owner recklessly violates this
- 10 section and the violation results in the death of a person; and
- 11 (4) a ~~Class E~~ **Level 5** felony if the owner intentionally or
- 12 knowingly violates this section and the violation results in the
- 13 death of a person.

14 (c) This subsection does not apply to a nonaggressive dog that goes
 15 beyond the owner's premises onto agricultural or forested land. An
 16 owner of a dog commits a Class D infraction if the owner of the dog
 17 allows the dog to stray beyond the owner's premises, unless the dog is
 18 under the reasonable control of an individual or the dog is engaged in
 19 lawful hunting and accompanied by the owner or a custodian of the
 20 dog. However, the offense is a Class C infraction if the owner has a
 21 prior unrelated judgment for a violation of this subsection.

22 SECTION 225. IC 15-20-1-5, AS ADDED BY P.L.2-2008,
 23 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2014]: Sec. 5. (a) The following definitions apply throughout
 25 this section:

- 26 (1) "Coydog" means:
- 27 (A) an animal that is the offspring of a coyote and another
- 28 animal; or
- 29 (B) an animal that is the offspring of:
- 30 (i) an animal that is the offspring of a coyote and another
- 31 animal; and
- 32 (ii) another animal.
- 33 (2) "Secure enclosure" means an outdoor pen that is:
- 34 (A) roofed or that has sides at least six (6) feet tall; and
- 35 (B) constructed in such a manner that the type of animal
- 36 contained within the pen cannot reasonably be expected to
- 37 escape.
- 38 (3) "Wolf hybrid" means:
- 39 (A) an animal that is the offspring of a wolf and another
- 40 animal; or
- 41 (B) an animal that is the offspring of:
- 42 (i) an animal that is the offspring of a wolf and another

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1 animal; and
 2 (ii) another animal.
 3 (b) An owner of a wolf hybrid or coydog shall:
 4 (1) keep the animal in a building or secure enclosure; or
 5 (2) keep the animal:
 6 (A) under the reasonable control of an individual; and
 7 (B) on a leash not more than eight (8) feet in length.
 8 Subject to subsections (c) and (d), an owner who does not comply with
 9 this subsection commits a Class B infraction. An owner who merely
 10 tethers or chains a coydog or wolf hybrid does not comply with this
 11 subsection.
 12 (c) Subject to subsection (d), an owner of a wolf hybrid or coydog
 13 commits a Class B misdemeanor if the owner recklessly, knowingly, or
 14 intentionally fails to comply with subsection (b) and:
 15 (1) the wolf hybrid or coydog enters property other than the
 16 property of the owner; and
 17 (2) the wolf hybrid or coydog causes damage to livestock or the
 18 personal property of another individual.
 19 (d) The offense under subsection (c) is:
 20 (1) a Class A misdemeanor if the owner has one (1) prior
 21 unrelated conviction under this section;
 22 (2) a ~~Class B~~ **Level 6** felony if:
 23 (A) the owner has more than one (1) prior unrelated conviction
 24 for a violation under this section; or
 25 (B) the owner knowingly, intentionally, or recklessly fails to
 26 comply with subsection (b) and the failure to comply results in
 27 serious bodily injury to a person; and
 28 (3) a ~~Class C~~ **Level 5** felony if the owner knowingly,
 29 intentionally, or recklessly fails to comply with subsection (b) and
 30 the failure to comply results in the death of a person.
 31 (e) Notwithstanding IC 36-1-3-8(a), a unit (as defined in
 32 IC 36-1-2-23) may adopt an ordinance:
 33 (1) prohibiting a person from possessing a wolf hybrid or coydog;
 34 or
 35 (2) imposing:
 36 (A) a penalty of more than one thousand dollars (\$1,000) up to
 37 the limits prescribed in IC 36-1-3-8(a)(10)(B) for a violation
 38 of subsection (b); or
 39 (B) conditions on the possession of a wolf hybrid or coydog
 40 that are more stringent than the provisions of subsection (b).
 41 SECTION 226. IC 16-21-8-1, AS AMENDED BY P.L.41-2007,
 42 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2014]: Sec. 1. (a) A hospital licensed under IC 16-21-2 that
 2 provides general medical and surgical hospital services shall provide
 3 forensic medical exams and additional forensic services to all alleged
 4 sex crime victims who apply for forensic medical exams and additional
 5 forensic services in relation to injuries or trauma resulting from the
 6 alleged sex crime. The provision of services may not be dependent on
 7 a victim's reporting to, or cooperating with, law enforcement.

8 (b) For the purposes of this chapter, the following crimes are
 9 considered sex crimes:

- 10 (1) Rape (IC 35-42-4-1).
- 11 (2) Criminal deviate conduct (IC 35-42-4-2) **(repealed)**.
- 12 (3) Child molesting (IC 35-42-4-3).
- 13 (4) Vicarious sexual gratification (IC 35-42-4-5).
- 14 (5) Sexual battery (IC 35-42-4-8).
- 15 (6) Sexual misconduct with a minor (IC 35-42-4-9).
- 16 (7) Child solicitation (IC 35-42-4-6).
- 17 (8) Child seduction (IC 35-42-4-7).
- 18 (9) Incest (IC 35-46-1-3).

19 (c) Payment for services under this section shall be processed in
 20 accordance with rules adopted by the victim services division of the
 21 Indiana criminal justice institute.

22 SECTION 227. IC 16-25-6-1 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person may not
 24 own or operate a hospice program if the person has:

- 25 (1) been convicted of rape (IC 35-42-4-1);
- 26 (2) been convicted of criminal deviate conduct (IC 35-42-4-2)
 27 **(repealed)**;
- 28 (3) been convicted of exploitation of a dependent or an
 29 endangered adult (IC 35-46-1-12);
- 30 (4) had a judgment entered against the person for failure to report
 31 battery, neglect, or exploitation of an endangered adult
 32 (IC 35-46-1-13); or
- 33 (5) been convicted of theft (IC 35-43-4), if the person's conviction
 34 for theft occurred less than ten (10) years before the date of
 35 submission by the person of an application for licensure or
 36 approval as a hospice program under IC 16-25-3.

37 (b) A person who knowingly or intentionally violates this section
 38 commits a Class A misdemeanor.

39 SECTION 228. IC 16-25-6-3 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) Except as
 41 provided in subsection (b), a person who owns or operates a hospice
 42 program may not employ an individual or allow a volunteer to provide

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- 1 hospice services if that individual's or volunteer's limited criminal
 2 history indicates that the individual or volunteer has:
- 3 (1) been convicted of rape (IC 35-42-4-1);
 - 4 (2) been convicted of criminal deviate conduct (IC 35-42-4-2)
 - 5 **(repealed);**
 - 6 (3) been convicted of exploitation of an endangered adult
 - 7 (IC 35-46-1-12);
 - 8 (4) had a judgment entered against the individual for failure to
 - 9 report battery, neglect, or exploitation of an endangered adult
 - 10 (IC 35-46-1-13); or
 - 11 (5) been convicted of theft (IC 35-43-4), if the conviction for theft
 - 12 occurred less than ten (10) years before the individual's
 - 13 employment application date.

14 (b) A hospice program may not employ an individual or allow a
 15 volunteer to provide hospice services for more than twenty-one (21)
 16 calendar days without receipt of that individual's or volunteer's limited
 17 criminal history required by section 2 of this chapter, unless the Indiana
 18 central repository for criminal history information under IC 10-13-3 is
 19 solely responsible for failing to provide the individual's or volunteer's
 20 limited criminal history to the hospice program within the time
 21 required under this subsection.

22 SECTION 229. IC 16-27-2-3, AS AMENDED BY P.L.212-2005,
 23 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2014]: Sec. 3. (a) A person may not operate a home health
 25 agency or a personal services agency if the person has been convicted
 26 of any of the following:

- 27 (1) Rape (IC 35-42-4-1).
- 28 (2) Criminal deviate conduct (IC 35-42-4-2) **(repealed).**
- 29 (3) Exploitation of an endangered adult (IC 35-46-1-12).
- 30 (4) Failure to report battery, neglect, or exploitation of an
- 31 endangered adult (IC 35-46-1-13).
- 32 (5) Theft (IC 35-43-4), if the person's conviction for theft
- 33 occurred less than ten (10) years before the date of submission by
- 34 the person of an application for licensure as a home health agency
- 35 under IC 16-27-1 or as a personal services agency under
- 36 IC 16-27-4.

37 (b) A person who knowingly or intentionally violates this section
 38 commits a Class A misdemeanor.

39 SECTION 230. IC 16-27-2-5, AS AMENDED BY P.L.84-2010,
 40 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2014]: Sec. 5. (a) Except as provided in subsection (b), a
 42 person who operates a home health agency under IC 16-27-1 or a

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1 personal services agency under IC 16-27-4 may not employ a person to
 2 provide services in a patient's or client's temporary or permanent
 3 residence if that person's limited criminal history, national criminal
 4 history background check, or expanded criminal history check indicates
 5 that the person has been convicted of any of the following:

- 6 (1) Rape (IC 35-42-4-1).
 7 (2) Criminal deviate conduct (IC 35-42-4-2) **(repealed)**.
 8 (3) Exploitation of an endangered adult (IC 35-46-1-12).
 9 (4) Failure to report battery, neglect, or exploitation of an
 10 endangered adult (IC 35-46-1-13).
 11 (5) Theft (IC 35-43-4), if the conviction for theft occurred less
 12 than ten (10) years before the person's employment application
 13 date.
 14 (6) A felony that is substantially equivalent to a felony listed in:
 15 (A) subdivisions (1) through (4); or
 16 (B) subdivision (5), if the conviction for theft occurred less
 17 than ten (10) years before the person's employment application
 18 date;
 19 for which the conviction was entered in another state.

20 (b) A home health agency or personal services agency may not
 21 employ a person to provide services in a patient's or client's temporary
 22 or permanent residence for more than twenty-one (21) calendar days
 23 without receipt of that person's limited criminal history, national
 24 criminal history background check, or expanded criminal history check,
 25 required by section 4 of this chapter, unless the state police department,
 26 the Federal Bureau of Investigation under IC 10-13-3-39, or the private
 27 agency providing the expanded criminal history check is responsible
 28 for failing to provide the person's limited criminal history, national
 29 criminal history background check, or expanded criminal history check
 30 to the home health agency or personal services agency within the time
 31 required under this subsection.

32 SECTION 231. IC 16-28-9-4 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who
 34 intentionally destroys or falsifies records of the breach of any provision
 35 of this article commits a ~~Class D~~ **Level 6** felony.

36 SECTION 232. IC 16-31-3-14, AS AMENDED BY P.L.77-2012,
 37 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2014]: Sec. 14. (a) A person holding a certificate or license
 39 issued under this article must comply with the applicable standards and
 40 rules established under this article. A certificate holder or license
 41 holder is subject to disciplinary sanctions under subsection (b) if the
 42 department of homeland security determines that the certificate holder

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- 1 or license holder:
- 2 (1) engaged in or knowingly cooperated in fraud or material
- 3 deception in order to obtain a certificate or license, including
- 4 cheating on a certification or licensure examination;
- 5 (2) engaged in fraud or material deception in the course of
- 6 professional services or activities;
- 7 (3) advertised services or goods in a false or misleading manner;
- 8 (4) falsified or knowingly allowed another person to falsify
- 9 attendance records or certificates of completion of continuing
- 10 education courses required under this article or rules adopted
- 11 under this article;
- 12 (5) is convicted of a crime, if the act that resulted in the
- 13 conviction has a direct bearing on determining if the certificate
- 14 holder or license holder should be entrusted to provide emergency
- 15 medical services;
- 16 (6) is convicted of violating IC 9-19-14.5;
- 17 (7) fails to comply and maintain compliance with or violates any
- 18 applicable provision, standard, or other requirement of this article
- 19 or rules adopted under this article;
- 20 (8) continues to practice if the certificate holder or license holder
- 21 becomes unfit to practice due to:
 - 22 (A) professional incompetence that includes the undertaking
 - 23 of professional activities that the certificate holder or license
 - 24 holder is not qualified by training or experience to undertake;
 - 25 (B) failure to keep abreast of current professional theory or
 - 26 practice;
 - 27 (C) physical or mental disability; or
 - 28 (D) addiction to, abuse of, or dependency on alcohol or other
 - 29 drugs that endanger the public by impairing the certificate
 - 30 holder's or license holder's ability to practice safely;
- 31 (9) engages in a course of lewd or immoral conduct in connection
- 32 with the delivery of services to the public;
- 33 (10) allows the certificate holder's or license holder's name or a
- 34 certificate or license issued under this article to be used in
- 35 connection with a person who renders services beyond the scope
- 36 of that person's training, experience, or competence;
- 37 (11) is subjected to disciplinary action in another state or
- 38 jurisdiction on grounds similar to those contained in this chapter.
- 39 For purposes of this subdivision, a certified copy of a record of
- 40 disciplinary action constitutes prima facie evidence of a
- 41 disciplinary action in another jurisdiction;
- 42 (12) assists another person in committing an act that would

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1 constitute a ground for disciplinary sanction under this chapter;
 2 or
 3 (13) allows a certificate or license issued by the commission to
 4 be:
 5 (A) used by another person; or
 6 (B) displayed to the public when the certificate or license is
 7 expired, inactive, invalid, revoked, or suspended.
 8 (b) The department of homeland security may issue an order under
 9 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if
 10 the department of homeland security determines that a certificate
 11 holder or license holder is subject to disciplinary sanctions under
 12 subsection (a):
 13 (1) Revocation of a certificate holder's certificate or license
 14 holder's license for a period not to exceed seven (7) years.
 15 (2) Suspension of a certificate holder's certificate or license
 16 holder's license for a period not to exceed seven (7) years.
 17 (3) Censure of a certificate holder or license holder.
 18 (4) Issuance of a letter of reprimand.
 19 (5) Assessment of a civil penalty against the certificate holder or
 20 license holder in accordance with the following:
 21 (A) The civil penalty may not exceed five hundred dollars
 22 (\$500) per day per violation.
 23 (B) If the certificate holder or license holder fails to pay the
 24 civil penalty within the time specified by the department of
 25 homeland security, the department of homeland security may
 26 suspend the certificate holder's certificate or license holder's
 27 license without additional proceedings.
 28 (6) Placement of a certificate holder or license holder on
 29 probation status and requirement of the certificate holder or
 30 license holder to:
 31 (A) report regularly to the department of homeland security
 32 upon the matters that are the basis of probation;
 33 (B) limit practice to those areas prescribed by the department
 34 of homeland security;
 35 (C) continue or renew professional education approved by the
 36 department of homeland security until a satisfactory degree of
 37 skill has been attained in those areas that are the basis of the
 38 probation; or
 39 (D) perform or refrain from performing any acts, including
 40 community restitution or service without compensation, that
 41 the department of homeland security considers appropriate to
 42 the public interest or to the rehabilitation or treatment of the

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1 certificate holder or license holder.
 2 The department of homeland security may withdraw or modify
 3 this probation if the department of homeland security finds after
 4 a hearing that the deficiency that required disciplinary action is
 5 remedied or that changed circumstances warrant a modification
 6 of the order.

7 (c) If an applicant or a certificate holder or license holder has
 8 engaged in or knowingly cooperated in fraud or material deception to
 9 obtain a certificate or license, including cheating on the certification or
 10 licensure examination, the department of homeland security may
 11 rescind the certificate or license if it has been granted, void the
 12 examination or other fraudulent or deceptive material, and prohibit the
 13 applicant from reapplying for the certificate or license for a length of
 14 time established by the department of homeland security.

15 (d) The department of homeland security may deny certification or
 16 licensure to an applicant who would be subject to disciplinary sanctions
 17 under subsection (b) if that person were a certificate holder or license
 18 holder, has had disciplinary action taken against the applicant or the
 19 applicant's certificate or license to practice in another state or
 20 jurisdiction, or has practiced without a certificate or license in violation
 21 of the law. A certified copy of the record of disciplinary action is
 22 conclusive evidence of the other jurisdiction's disciplinary action.

23 (e) The department of homeland security may order a certificate
 24 holder or license holder to submit to a reasonable physical or mental
 25 examination if the certificate holder's or license holder's physical or
 26 mental capacity to practice safely and competently is at issue in a
 27 disciplinary proceeding. Failure to comply with a department of
 28 homeland security order to submit to a physical or mental examination
 29 makes a certificate holder or license holder liable to temporary
 30 suspension under subsection (i).

31 (f) Except as provided under subsection (a), subsection (g), and
 32 section 14.5 of this chapter, a certificate or license may not be denied,
 33 revoked, or suspended because the applicant, certificate holder, or
 34 license holder has been convicted of an offense. The acts from which
 35 the applicant's, certificate holder's, or license holder's conviction
 36 resulted may be considered as to whether the applicant or certificate
 37 holder or license holder should be entrusted to serve the public in a
 38 specific capacity.

39 (g) The department of homeland security may deny, suspend, or
 40 revoke a certificate or license issued under this article if the individual
 41 who holds or is applying for the certificate or license is convicted of
 42 any of the following:

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- 1 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 2 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 3 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 4 (4) Fraudulently obtaining a controlled substance under
- 5 ~~IC 35-48-4-7(b)~~. **IC 35-48-4-7(c)**.
- 6 (5) Manufacture of paraphernalia as a Class D **felony (for a**
- 7 **crime committed before July 1, 2014) or Level 6 felony (for a**
- 8 **crime committed after June 30, 2014)** under IC 35-48-4-8.1(b).
- 9 (6) Dealing in paraphernalia as a Class D **felony (for a crime**
- 10 **committed before July 1, 2014) or Level 6 felony (for a crime**
- 11 **committed after June 30, 2014)** under IC 35-48-4-8.5(b).
- 12 (7) Possession of paraphernalia as a Class D **felony (for a crime**
- 13 **committed before July 1, 2014) or Level 6 felony (for a crime**
- 14 **committed after June 30, 2014)** under IC 35-48-4-8.3(b).
- 15 (8) Possession of marijuana, hash oil, hashish, salvia, or a
- 16 synthetic drug as a Class D **felony (for a crime committed**
- 17 **before July 1, 2014) or Level 6 felony (for a crime committed**
- 18 **after June 30, 2014)** under IC 35-48-4-11.
- 19 (9) Maintaining a common nuisance under IC 35-48-4-13.
- 20 (10) An offense relating to registration, labeling, and prescription
- 21 forms under IC 35-48-4-14.
- 22 (11) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 23 in subdivisions (1) through (10).
- 24 (12) Attempt under IC 35-41-5-1 to commit an offense listed in
- 25 subdivisions (1) through (10).
- 26 (13) An offense in any other jurisdiction in which the elements of
- 27 the offense for which the conviction was entered are substantially
- 28 similar to the elements of an offense described by subdivisions (1)
- 29 through (12).
- 30 (h) A decision of the department of homeland security under
- 31 subsections (b) through (g) may be appealed to the commission under
- 32 IC 4-21.5-3-7.
- 33 (i) The department of homeland security may temporarily suspend
- 34 a certificate holder's certificate or license holder's license under
- 35 IC 4-21.5-4 before a final adjudication or during the appeals process if
- 36 the department of homeland security finds that a certificate holder or
- 37 license holder would represent a clear and immediate danger to the
- 38 public's health, safety, or property if the certificate holder or license
- 39 holder were allowed to continue to practice.
- 40 (j) On receipt of a complaint or information alleging that a person
- 41 certified or licensed under this chapter or IC 16-31-3.5 has engaged in
- 42 or is engaging in a practice that is subject to disciplinary sanctions

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1 under this chapter, the department of homeland security must initiate
2 an investigation against the person.

3 (k) The department of homeland security shall conduct a factfinding
4 investigation as the department of homeland security considers proper
5 in relation to the complaint.

6 (l) The department of homeland security may reinstate a certificate
7 or license that has been suspended under this section if the department
8 of homeland security is satisfied that the applicant is able to practice
9 with reasonable skill, competency, and safety to the public. As a
10 condition of reinstatement, the department of homeland security may
11 impose disciplinary or corrective measures authorized under this
12 chapter.

13 (m) The department of homeland security may not reinstate a
14 certificate or license that has been revoked under this chapter.

15 (n) The department of homeland security must be consistent in the
16 application of sanctions authorized in this chapter. Significant
17 departures from prior decisions involving similar conduct must be
18 explained in the department of homeland security's findings or orders.

19 (o) A certificate holder may not surrender the certificate holder's
20 certificate, and a license holder may not surrender the license holder's
21 license, without the written approval of the department of homeland
22 security, and the department of homeland security may impose any
23 conditions appropriate to the surrender or reinstatement of a
24 surrendered certificate or license.

25 (p) For purposes of this section, "certificate holder" means a person
26 who holds:

- 27 (1) an unlimited certificate;
- 28 (2) a limited or probationary certificate; or
- 29 (3) an inactive certificate.

30 (q) For purposes of this section, "license holder" means a person
31 who holds:

- 32 (1) an unlimited license;
- 33 (2) a limited or probationary license; or
- 34 (3) an inactive license.

35 SECTION 233. IC 16-34-2-7 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) Except as
37 provided in subsections (b) and (c), a person who knowingly or
38 intentionally performs an abortion not expressly provided for in this
39 chapter commits a ~~Class C~~ **Level 5** felony.

40 (b) A physician who performs an abortion intentionally or
41 knowingly in violation of section 1(a)(1)(C) or 4 of this chapter
42 commits a Class A misdemeanor.

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1 (c) A person who knowingly or intentionally performs an abortion
2 in violation of section 1.1 of this chapter commits a Class A infraction.

3 (d) A woman upon whom a partial birth abortion is performed may
4 not be prosecuted for violating or conspiring to violate section 1(b) of
5 this chapter.

6 SECTION 234. IC 16-36-4-15 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. A person who
8 knowingly or intentionally:

9 (1) physically cancels or destroys a living will declaration or a life
10 prolonging procedures will declaration without the declarant's
11 consent; or

12 (2) falsifies or forges a revocation of another person's living will
13 declaration or life prolonging procedures will declaration;

14 commits a ~~Class D~~ **Level 6** felony.

15 SECTION 235. IC 16-36-4-16 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. A person who
17 knowingly or intentionally:

18 (1) falsifies or forges the living will declaration of another person
19 with intent to cause withholding or withdrawal of life prolonging
20 procedures; or

21 (2) conceals or withholds personal knowledge of the revocation
22 of a living will declaration with intent to cause a withholding or
23 withdrawal of life prolonging procedures;

24 commits a ~~Class E~~ **Level 5** felony.

25 SECTION 236. IC 16-36-5-28 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 28. (a) A person who
27 knowingly or intentionally:

28 (1) falsifies or forges the out of hospital DNR declaration and
29 order of another person with intent to cause the withholding or
30 withdrawal of CPR; or

31 (2) conceals or withholds personal knowledge of the revocation
32 of an out of hospital DNR declaration and order with intent to
33 cause the withholding or withdrawal of CPR;

34 commits a ~~Class E~~ **Level 5** felony.

35 (b) A person who commits an offense described in this section is
36 subject to IC 29-1-2-12.1.

37 SECTION 237. IC 16-37-1-12, AS AMENDED BY P.L.41-2008,
38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2014]: Sec. 12. A person who, with intent to defraud:

40 (1) makes a false or fraudulent statement in applying to a local
41 health officer or to the state registrar for a certified copy of a birth
42 certificate;

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- 1 (2) makes a false or fraudulent statement in applying to the state
- 2 registrar for permission to inspect public birth records held by the
- 3 state registrar;
- 4 (3) alters, counterfeits, or mutilates a certified copy of a birth
- 5 certificate issued by a local health officer or by the state registrar;
- 6 or
- 7 (4) uses an altered, a counterfeit, or a mutilated certified copy of
- 8 a birth certificate;
- 9 commits a ~~Class D~~ **Level 6** felony.

10 SECTION 238. IC 16-41-7-5 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as
 12 provided in ~~IC 35-42-1-9~~, **IC 35-45-21-3**, a person who recklessly
 13 violates or fails to comply with this chapter commits a Class B
 14 misdemeanor.

15 (b) Each day a violation continues constitutes a separate offense.

16 SECTION 239. IC 16-41-8-1, AS AMENDED BY P.L.114-2012,
 17 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2014]: Sec. 1. (a) As used in this chapter, "potentially disease
 19 transmitting offense" means any of the following:

- 20 (1) Battery ~~by body waste (IC 35-42-2-6)~~: **(IC 35-42-2-1(b)(2))**.
- 21 (2) An offense relating to a criminal sexual act (as defined in
- 22 IC 35-31.5-2-216), if sexual intercourse or deviate sexual conduct
- 23 occurred.

24 The term includes an attempt to commit an offense, if sexual
 25 intercourse or deviate sexual conduct occurred, and a delinquent act
 26 that would be a crime if committed by an adult.

27 (b) Except as provided in this chapter, a person may not disclose or
 28 be compelled to disclose medical or epidemiological information
 29 involving a communicable disease or other disease that is a danger to
 30 health (as defined under rules adopted under IC 16-41-2-1). This
 31 information may not be released or made public upon subpoena or
 32 otherwise, except under the following circumstances:

- 33 (1) Release may be made of medical or epidemiologic information
- 34 for statistical purposes if done in a manner that does not identify
- 35 an individual.
- 36 (2) Release may be made of medical or epidemiologic information
- 37 with the written consent of all individuals identified in the
- 38 information released.
- 39 (3) Release may be made of medical or epidemiologic information
- 40 to the extent necessary to enforce public health laws, laws
- 41 described in IC 31-37-19-4 through IC 31-37-19-6, IC 31-37-19-9
- 42 through IC 31-37-19-10, IC 31-37-19-12 through IC 31-37-19-23,

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1 IC 35-38-1-7.1, and ~~IC 35-42-1-7~~, **IC 35-45-21-1** or to protect the
 2 health or life of a named party.
 3 (4) Release may be made of the medical information of a person
 4 in accordance with this chapter.
 5 (c) Except as provided in this chapter, a person responsible for
 6 recording, reporting, or maintaining information required to be reported
 7 under IC 16-41-2 who recklessly, knowingly, or intentionally discloses
 8 or fails to protect medical or epidemiologic information classified as
 9 confidential under this section commits a Class A misdemeanor.
 10 (d) In addition to subsection (c), a public employee who violates this
 11 section is subject to discharge or other disciplinary action under the
 12 personnel rules of the agency that employs the employee.
 13 (e) Release shall be made of the medical records concerning an
 14 individual to:
 15 (1) the individual;
 16 (2) a person authorized in writing by the individual to receive the
 17 medical records; or
 18 (3) a coroner under IC 36-2-14-21.
 19 (f) An individual may voluntarily disclose information about the
 20 individual's communicable disease.
 21 (g) The provisions of this section regarding confidentiality apply to
 22 information obtained under IC 16-41-1 through IC 16-41-16.
 23 SECTION 240. IC 16-41-8-5, AS AMENDED BY P.L.94-2010,
 24 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2014]: Sec. 5. (a) This section does not apply to medical
 26 testing of an individual for whom an indictment or information is filed
 27 for a sex crime and for whom a request to have the individual tested
 28 under section 6 of this chapter is filed.
 29 (b) The following definitions apply throughout this section:
 30 (1) "Bodily fluid" means blood, human waste, or any other bodily
 31 fluid.
 32 (2) "Dangerous disease" means any of the following:
 33 (A) Chancroid.
 34 (B) Chlamydia.
 35 (C) Gonorrhea.
 36 (D) Hepatitis.
 37 (E) Human immunodeficiency virus (HIV).
 38 (F) Lymphogranuloma venereum.
 39 (G) Syphilis.
 40 (H) Tuberculosis.
 41 (3) "Offense involving the transmission of a bodily fluid" means
 42 any offense (including a delinquent act that would be a crime if

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1 committed by an adult) in which a bodily fluid is transmitted from
 2 the defendant to the victim in connection with the commission of
 3 the offense.

4 (c) This subsection applies only to a defendant who has been
 5 charged with a potentially disease transmitting offense. At the request
 6 of an alleged victim of the offense, the parent, guardian, or custodian
 7 of an alleged victim who is less than eighteen (18) years of age, or the
 8 parent, guardian, or custodian of an alleged victim who is an
 9 endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney
 10 shall petition a court to order a defendant charged with the commission
 11 of a potentially disease transmitting offense to submit to a screening
 12 test to determine whether the defendant is infected with a dangerous
 13 disease. In the petition, the prosecuting attorney must set forth
 14 information demonstrating that the defendant has committed a
 15 potentially disease transmitting offense. The court shall set the matter
 16 for hearing not later than forty-eight (48) hours after the prosecuting
 17 attorney files a petition under this subsection. The alleged victim, the
 18 parent, guardian, or custodian of an alleged victim who is less than
 19 eighteen (18) years of age, and the parent, guardian, or custodian of an
 20 alleged victim who is an endangered adult (as defined in IC 12-10-3-2)
 21 are entitled to receive notice of the hearing and are entitled to attend
 22 the hearing. The defendant and the defendant's counsel are entitled to
 23 receive notice of the hearing and are entitled to attend the hearing. If,
 24 following the hearing, the court finds probable cause to believe that the
 25 defendant has committed a potentially disease transmitting offense, the
 26 court may order the defendant to submit to a screening test for one (1)
 27 or more dangerous diseases. If the defendant is charged with
 28 ~~committing battery by body waste (IC 35-42-2-6);~~
 29 **(IC 35-42-2-1(b)(2))**, the court may limit testing under this subsection
 30 to a test only for human immunodeficiency virus (HIV). However, the
 31 court may order additional testing for human immunodeficiency virus
 32 (HIV) as may be medically appropriate. The court shall take actions to
 33 ensure the confidentiality of evidence introduced at the hearing.

34 (d) This subsection applies only to a defendant who has been
 35 charged with an offense involving the transmission of a bodily fluid. At
 36 the request of an alleged victim of the offense, the parent, guardian, or
 37 custodian of an alleged victim who is less than eighteen (18) years of
 38 age, or the parent, guardian, or custodian of an alleged victim who is
 39 an endangered adult (as defined in IC 12-10-3-2), the prosecuting
 40 attorney shall petition a court to order a defendant charged with the
 41 commission of an offense involving the transmission of a bodily fluid
 42 to submit to a screening test to determine whether the defendant is

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1 infected with a dangerous disease. In the petition, the prosecuting
2 attorney must set forth information demonstrating that:

3 (1) the defendant has committed an offense; and

4 (2) a bodily fluid was transmitted from the defendant to the victim
5 in connection with the commission of the offense.

6 The court shall set the matter for hearing not later than forty-eight (48)
7 hours after the prosecuting attorney files a petition under this
8 subsection. The alleged victim of the offense, the parent, guardian, or
9 custodian of an alleged victim who is less than eighteen (18) years of
10 age, and the parent, guardian, or custodian of an alleged victim who is
11 an endangered adult (as defined in IC 12-10-3-2) are entitled to receive
12 notice of the hearing and are entitled to attend the hearing. The
13 defendant and the defendant's counsel are entitled to receive notice of
14 the hearing and are entitled to attend the hearing. If, following the
15 hearing, the court finds probable cause to believe that the defendant has
16 committed an offense and that a bodily fluid was transmitted from the
17 defendant to the alleged victim in connection with the commission of
18 the offense, the court may order the defendant to submit to a screening
19 test for one (1) or more dangerous diseases. If the defendant is charged
20 with ~~committing battery by body waste (IC 35-42-2-6);~~
21 **(IC 35-42-2-1(b)(2))** the court may limit testing under this subsection
22 to a test only for human immunodeficiency virus (HIV). However, the
23 court may order additional testing for human immunodeficiency virus
24 (HIV) as may be medically appropriate. The court shall take actions to
25 ensure the confidentiality of evidence introduced at the hearing.

26 (e) The testimonial privileges applying to communication between
27 a husband and wife and between a health care provider and the health
28 care provider's patient are not sufficient grounds for not testifying or
29 providing other information at a hearing conducted in accordance with
30 this section.

31 (f) A health care provider (as defined in IC 16-18-2-163) who
32 discloses information that must be disclosed to comply with this
33 section is immune from civil and criminal liability under Indiana
34 statutes that protect patient privacy and confidentiality.

35 (g) The results of a screening test conducted under this section shall
36 be kept confidential if the defendant ordered to submit to the screening
37 test under this section has not been convicted of the potentially disease
38 transmitting offense or offense involving the transmission of a bodily
39 fluid with which the defendant is charged. The results may not be made
40 available to any person or public or private agency other than the
41 following:

42 (1) The defendant and the defendant's counsel.

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- 1 (2) The prosecuting attorney.
- 2 (3) The department of correction or the penal facility, juvenile
- 3 detention facility, or secure private facility where the defendant
- 4 is housed.
- 5 (4) The alleged victim or the parent, guardian, or custodian of an
- 6 alleged victim who is less than eighteen (18) years of age, or the
- 7 parent, guardian, or custodian of an alleged victim who is an
- 8 endangered adult (as defined in IC 12-10-3-2), and the alleged
- 9 victim's counsel.

10 The results of a screening test conducted under this section may not be
 11 admitted against a defendant in a criminal proceeding or against a child
 12 in a juvenile delinquency proceeding.

13 (h) As soon as practicable after a screening test ordered under this
 14 section has been conducted, the alleged victim or the parent, guardian,
 15 or custodian of an alleged victim who is less than eighteen (18) years
 16 of age, or the parent, guardian, or custodian of an alleged victim who
 17 is an endangered adult (as defined in IC 12-10-3-2), and the victim's
 18 counsel shall be notified of the results of the test.

19 (i) An alleged victim may disclose the results of a screening test to
 20 which a defendant is ordered to submit under this section to an
 21 individual or organization to protect the health and safety of or to seek
 22 compensation for:

- 23 (1) the alleged victim;
- 24 (2) the alleged victim's sexual partner; or
- 25 (3) the alleged victim's family.

26 (j) The court shall order a petition filed and any order entered under
 27 this section sealed.

28 (k) A person that knowingly or intentionally:
 29 (1) receives notification or disclosure of the results of a screening
 30 test under this section; and
 31 (2) discloses the results of the screening test in violation of this
 32 section;

33 commits a Class B misdemeanor.

34 SECTION 241. IC 16-41-12-15, AS AMENDED BY P.L.59-2012,
 35 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2014]: Sec. 15. (a) A blood center shall require a blood donor
 37 to provide to the blood center the following information:

- 38 (1) Name.
- 39 (2) Address.
- 40 (3) Date of birth.

41 (b) A blood center shall request a blood donor to provide the blood
 42 donor's Social Security number.

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1 (c) A blood center shall report the name and address of a blood
2 donor to the state department when a confirmatory test of the blood
3 donor's blood confirms the presence of antibodies to the human
4 immunodeficiency virus (HIV).

5 (d) A blood center shall provide to a blood donor information to
6 enable the blood donor to give informed consent to the procedures
7 required by this chapter or IC 16-36. The information required by this
8 subsection must be in the following form:

9 NOTICE

10 (1) This blood center performs a screening test for the human
11 immunodeficiency virus (HIV) on every donor's blood.

12 (2) This blood center reports to the state department of health the
13 name and address of a blood donor when a confirmatory test of
14 the blood donor's blood confirms the presence of antibodies to the
15 human immunodeficiency virus (HIV).

16 (3) A person who recklessly, knowingly, or intentionally donates
17 (excluding self-donations for stem cell transplantation), sells, or
18 transfers blood or a blood component that contains antibodies for
19 the human immunodeficiency virus (HIV) commits transferring
20 contaminated blood, a ~~Class E~~ **Level 5** felony. The offense is a
21 ~~Class A~~ **Level 4** felony if the offense results in the transmission
22 of the virus to another person.

23 SECTION 242. IC 16-41-14-13 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. A practitioner shall
25 provide information to a semen donor to enable the semen donor to
26 give informed consent to the procedures required by this chapter. The
27 information required by this section must be in the following form:

28 NOTICE

29 (1) This facility performs a screening test for the human
30 immunodeficiency virus (HIV) on every donor's blood.

31 (2) This facility reports to the state department of health the name
32 and address of a semen donor or recipient when a confirmatory
33 test of the semen donor's blood or the recipient's blood confirms
34 the presence of antibodies to the human immunodeficiency virus
35 (HIV).

36 (3) A person who, for the purpose of artificial insemination,
37 recklessly, knowingly, or intentionally donates, sells, or transfers
38 semen that contains antibodies for the human immunodeficiency
39 virus (HIV) commits transferring contaminated semen, a ~~Class E~~
40 **Level 5** felony. The offense is a ~~Class A~~ **Level 4** felony if the
41 offense results in the transmission of the virus to another person.

42 SECTION 243. IC 16-41-14-17 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) This section
 2 does not apply to a person who transfers for research purposes semen
 3 that contains antibodies for the human immunodeficiency virus (HIV).
 4 (b) A person who, for the purpose of artificial insemination,
 5 recklessly, knowingly, or intentionally donates, sells, or transfers semen
 6 that contains antibodies for the human immunodeficiency virus (HIV)
 7 commits transferring contaminated semen, a ~~Class C~~ **Level 5** felony.
 8 The offense is a ~~Class A~~ **Level 4** felony if the offense results in the
 9 transmission of the virus to another person.
 10 SECTION 244. IC 16-41-22-21 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. A person who
 12 knowingly violates section 5 of this chapter or violates a condition on
 13 which the person is granted a license commits a ~~Class D~~ **Level 6**
 14 felony.
 15 SECTION 245. IC 16-42-1-16 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A person may
 17 not engage in any of the following acts:
 18 (1) The sale in intrastate commerce of a food, drug, device, or
 19 cosmetic that is adulterated or misbranded.
 20 (2) The adulteration or misbranding of a food, drug, device, or
 21 cosmetic in intrastate commerce.
 22 (3) The receipt in intrastate commerce of a food, drug, device, or
 23 cosmetic that is adulterated or misbranded, and the sale of those
 24 items in intrastate commerce for pay or otherwise.
 25 (4) The sale of any article in violation of ~~IC 16-42-1-6~~, **section 6**
 26 **of this chapter**, IC 16-42-3-7, IC 16-42-3-8, IC 16-42-3-9, or
 27 IC 16-42-3-10.
 28 (5) The refusal to permit access to or copying of any record as
 29 required by section 12 of this chapter.
 30 (6) The refusal to permit entry or inspection and collecting of
 31 samples as authorized by section 10 or 13 of this chapter.
 32 (7) The use, without proper authority, of any mark, stamp, tag,
 33 label, or other identification device authorized or required by
 34 rules adopted under this chapter or IC 16-42-2 through
 35 IC 16-42-4.
 36 (8) The use by any person to the person's own advantage, or the
 37 revelation, other than to the state health commissioner or the state
 38 health commissioner's authorized representative or to the courts
 39 when relevant in any judicial proceeding, any information
 40 acquired under authority of section 13 of this chapter or
 41 IC 16-42-3-7 through IC 16-42-3-10 concerning any method or
 42 process that as a trade secret is entitled to protection.

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1 (9) The alteration, mutilation, destruction, obliteration, or removal
 2 of the whole or any part of the labeling of, or the doing of any
 3 other act with respect to a food, drug, device, or cosmetic if the
 4 act is done while the article is held for sale and results in the
 5 article being misbranded.
 6 (10) The use on the labeling of any drug or in any advertising
 7 relating to the drug of any representation or suggestion that an
 8 application with respect to the drug is effective under
 9 IC 16-42-3-7 and IC 16-42-3-8 unless the drug complies with
 10 those sections.
 11 (11) The removal or disposal of a detained or embargoed article
 12 in violation of this chapter.
 13 (12) The giving of a guaranty or undertaking in intrastate
 14 commerce referred to in subsection (c) that is false.
 15 (b) A person who violates subsection (a) commits a Class A
 16 misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the
 17 offense is committed with intent to defraud or mislead.
 18 (c) It is a defense for a person accused of violating subsection (a)(1)
 19 or subsection (a)(3) if the person establishes a guaranty or undertaking
 20 signed by and containing the name and address of the person residing
 21 in the United States from whom the accused person received in good
 22 faith the article to the effect that the article is not adulterated or
 23 misbranded within the meaning of this article or the Federal Act.
 24 (d) In addition to the remedies provided in this article, the state
 25 health commissioner or the commissioner's legally authorized agent
 26 may apply to the circuit or superior court for a temporary or permanent
 27 injunction restraining any person from violating any provision of this
 28 section.
 29 SECTION 246. IC 16-42-19-27, AS AMENDED BY P.L.2-2005,
 30 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2014]: Sec. 27. (a) A person who knowingly violates this
 32 chapter, except sections 24 and 25(b) of this chapter, commits a ~~Class~~
 33 ~~D~~ **Level 6** felony. However, the offense is a ~~Class E~~ **Level 5** felony if
 34 the person has a prior conviction under this subsection or
 35 IC 16-6-8-10(a) before its repeal.
 36 (b) A person who violates section 24 of this chapter commits a Class
 37 B misdemeanor.
 38 (c) A person who violates section 25(b) of this chapter commits
 39 dealing in an anabolic steroid, a ~~Class E~~ **Level 5** felony. However, the
 40 offense is a ~~Class B~~ **Level 4** felony if the person delivered the anabolic
 41 steroid to a person who is:
 42 (1) less than eighteen (18) years of age; and

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- 1 (2) at least three (3) years younger than the delivering person.
 2 SECTION 247. IC 20-26-5-11, AS ADDED BY P.L.1-2005,
 3 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2014]: Sec. 11. (a) This section applies to:
 5 (1) a school corporation; and
 6 (2) an entity:
 7 (A) with which the school corporation contracts for services;
 8 and
 9 (B) that has employees who are likely to have direct, ongoing
 10 contact with children within the scope of the employees'
 11 employment.
 12 (b) A school corporation or entity may use information obtained
 13 under section 10 of this chapter concerning an individual's conviction
 14 for one (1) of the following offenses as grounds to not employ or
 15 contract with the individual:
 16 (1) Murder (IC 35-42-1-1).
 17 (2) Causing suicide (IC 35-42-1-2).
 18 (3) Assisting suicide (IC 35-42-1-2.5).
 19 (4) Voluntary manslaughter (IC 35-42-1-3).
 20 (5) Reckless homicide (IC 35-42-1-5).
 21 (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from
 22 the date the individual was discharged from probation,
 23 imprisonment, or parole, whichever is later.
 24 (7) Aggravated battery (IC 35-42-2-1.5).
 25 (8) Kidnapping (IC 35-42-3-2).
 26 (9) Criminal confinement (IC 35-42-3-3).
 27 (10) A sex offense under IC 35-42-4.
 28 (11) Carjacking (IC 35-42-5-2) (**repealed**).
 29 (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed
 30 from the date the individual was discharged from probation,
 31 imprisonment, or parole, whichever is later.
 32 (13) Incest (IC 35-46-1-3).
 33 (14) Neglect of a dependent as a Class B felony (**for a crime**
 34 **committed before July 1, 2014) or a Level 1 felony or Level 3**
 35 **felony (for a crime committed after June 30, 2014)**
 36 (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the
 37 date the individual was discharged from probation, imprisonment,
 38 or parole, whichever is later.
 39 (15) Child selling (IC 35-46-1-4(d)).
 40 (16) Contributing to the delinquency of a minor (IC 35-46-1-8),
 41 unless ten (10) years have elapsed from the date the individual
 42 was discharged from probation, imprisonment, or parole,

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1 whichever is later.
2 (17) An offense involving a weapon under IC 35-47 or
3 IC 35-47.5, unless ten (10) years have elapsed from the date the
4 individual was discharged from probation, imprisonment, or
5 parole, whichever is later.
6 (18) An offense relating to controlled substances under
7 IC 35-48-4, unless ten (10) years have elapsed from the date the
8 individual was discharged from probation, imprisonment, or
9 parole, whichever is later.
10 (19) An offense relating to material or a performance that is
11 harmful to minors or obscene under IC 35-49-3, unless ten (10)
12 years have elapsed from the date the individual was discharged
13 from probation, imprisonment, or parole, whichever is later.
14 (20) An offense relating to operating a motor vehicle while
15 intoxicated under IC 9-30-5, unless five (5) years have elapsed
16 from the date the individual was discharged from probation,
17 imprisonment, or parole, whichever is later.
18 (21) An offense that is substantially equivalent to any of the
19 offenses listed in this subsection in which the judgment of
20 conviction was entered under the law of any other jurisdiction.
21 (c) An individual employed by a school corporation or an entity
22 described in subsection (a) shall notify the governing body of the
23 school corporation, if during the course of the individual's employment,
24 the individual is convicted in Indiana or another jurisdiction of an
25 offense described in subsection (b).
26 SECTION 248. IC 20-28-5-8, AS AMENDED BY P.L.78-2012,
27 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2014]: Sec. 8. (a) This section applies when a prosecuting
29 attorney knows that a licensed employee of a public school or a
30 nonpublic school has been convicted of an offense listed in subsection
31 (c). The prosecuting attorney shall immediately give written notice of
32 the conviction to the following:
33 (1) The state superintendent.
34 (2) Except as provided in subdivision (3), the superintendent of
35 the school corporation that employs the licensed employee or the
36 equivalent authority if a nonpublic school employs the licensed
37 employee.
38 (3) The presiding officer of the governing body of the school
39 corporation that employs the licensed employee, if the convicted
40 licensed employee is the superintendent of the school corporation.
41 (b) The superintendent of a school corporation, presiding officer of
42 the governing body, or equivalent authority for a nonpublic school shall

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1 immediately notify the state superintendent when the individual knows
 2 that a current or former licensed employee of the public school or
 3 nonpublic school has been convicted of an offense listed in subsection
 4 (c), or when the governing body or equivalent authority for a nonpublic
 5 school takes any final action in relation to an employee who engaged
 6 in any offense listed in subsection (c).

7 (c) The department, after holding a hearing on the matter, shall
 8 permanently revoke the license of a person who is known by the
 9 department to have been convicted of any of the following felonies:

- 10 (1) Kidnapping (IC 35-42-3-2).
 11 (2) Criminal confinement (IC 35-42-3-3).
 12 (3) Rape (IC 35-42-4-1).
 13 (4) Criminal deviate conduct (IC 35-42-4-2) **(repealed)**.
 14 (5) Child molesting (IC 35-42-4-3).
 15 (6) Child exploitation (IC 35-42-4-4(b)).
 16 (7) Vicarious sexual gratification (IC 35-42-4-5).
 17 (8) Child solicitation (IC 35-42-4-6).
 18 (9) Child seduction (IC 35-42-4-7).
 19 (10) Sexual misconduct with a minor (IC 35-42-4-9).
 20 (11) Incest (IC 35-46-1-3).
 21 (12) Dealing in or manufacturing cocaine or a narcotic drug
 22 (IC 35-48-4-1).
 23 (13) Dealing in methamphetamine (IC 35-48-4-1.1).
 24 (14) Dealing in a schedule I, II, or III controlled substance
 25 (IC 35-48-4-2).
 26 (15) Dealing in a schedule IV controlled substance
 27 (IC 35-48-4-3).
 28 (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
 29 (17) Dealing in a counterfeit substance (IC 35-48-4-5).
 30 (18) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic
 31 drug (IC 35-48-4-10(b)).
 32 (19) Possession of child pornography (IC 35-42-4-4(c)).
 33 (20) Homicide (IC 35-42-1).
 34 (21) Voluntary manslaughter (IC 35-42-1-3).
 35 (22) Reckless homicide (IC 35-42-1-5).
 36 (23) Battery as any of the following:
 37 (A) A Class A felony (for a crime committed before July 1,
 38 2014) or a Level 2 felony (for a crime committed after June
 39 30, 2014). (~~IC 35-42-2-1(a)(5)~~).
 40 (B) A Class B felony (for a crime committed before July 1,
 41 2014) or a Level 3 felony (for a crime committed after June
 42 30, 2014). (~~IC 35-42-2-1(a)(4)~~).

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1 (C) A Class C felony (for a crime committed before July 1,
 2 2014) or a Level 5 felony (for a crime committed after June
 3 30, 2014). (~~IC 35-42-2-1(a)(3)~~);
 4 (24) Aggravated battery (IC 35-42-2-1.5).
 5 (25) Robbery (IC 35-42-5-1).
 6 (26) Carjacking (IC 35-42-5-2) (repealed).
 7 (27) Arson as a Class A felony or a Class B felony (for a crime
 8 committed before July 1, 2014) or as a Level 2, Level 3, or
 9 Level 4 felony (for a crime committed after June 30, 2014)
 10 (IC 35-43-1-1(a)).
 11 (28) Burglary as a Class A felony or a Class B felony (for a crime
 12 committed before July 1, 2014) or as a Level 1, Level 2, Level
 13 3, or Level 4 felony (for a crime committed after June 30,
 14 2014) (IC 35-43-2-1).
 15 (29) Attempt under IC 35-41-5-1 to commit an offense listed in
 16 subdivisions (1) through (28).
 17 (30) Conspiracy under IC 35-41-5-2 to commit an offense listed
 18 in subdivisions (1) through (28).
 19 (d) The department, after holding a hearing on the matter, shall
 20 permanently revoke the license of a person who is known by the
 21 department to have been convicted of a federal offense or an offense in
 22 another state that is comparable to a felony listed in subsection (c).
 23 (e) A license may be suspended by the state superintendent as
 24 specified in IC 20-28-7.5.
 25 (f) The department shall develop a data base of information on
 26 school corporation employees who have been reported to the
 27 department under this section.
 28 SECTION 249. IC 21-18.5-6-25, AS ADDED BY P.L.107-2012,
 29 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2014]: Sec. 25. (a) Except as provided in subsection (b), a
 31 person who knowingly, intentionally, or recklessly violates this chapter
 32 commits a Class B misdemeanor.
 33 (b) A person who, with intent to defraud, represents the person to be
 34 an agent of a postsecondary credit bearing proprietary educational
 35 institution commits a ~~Class C~~ Level 5 felony.
 36 SECTION 250. IC 22-4.1-21-38, AS ADDED BY P.L.107-2012,
 37 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2014]: Sec. 38. (a) Except as provided in subsection (b), a
 39 person who knowingly, intentionally, or recklessly violates this chapter
 40 commits a Class B misdemeanor.
 41 (b) A person who, with intent to defraud, represents the person to be
 42 an agent of a postsecondary proprietary educational institution commits

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1 a ~~Class C~~ **Level 5** felony.

2 SECTION 251. IC 22-5-5-1 IS AMENDED TO READ AS

3 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The employment

4 contract of a person who:

5 (1) works with children; and

6 (2) is convicted of:

7 (A) rape (IC 35-42-4-1), if the victim is less than eighteen (18)

8 years of age;

9 (B) criminal deviate conduct (IC 35-42-4-2) (**repealed**), if the

10 victim is less than eighteen (18) years of age;

11 (C) child molesting (IC 35-42-4-3);

12 (D) child exploitation (IC 35-42-4-4(b));

13 (E) vicarious sexual gratification (IC 35-42-4-5);

14 (F) child solicitation (IC 35-42-4-6);

15 (G) child seduction (IC 35-42-4-7); or

16 (H) incest (IC 35-46-1-3), if the victim is less than eighteen

17 (18) years of age;

18 may be canceled by the person's employer.

19 SECTION 252. IC 22-11-14-6, AS AMENDED BY P.L.187-2006,

20 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

21 JULY 1, 2014]: Sec. 6. (a) A person who recklessly, knowingly, or

22 intentionally violates section 2(f), 4.5, 5(c), 5(d), 7, 8(a), 8(c), 8(d), 10,

23 or 11(c) of this chapter commits a Class A misdemeanor.

24 (b) A person who ignites, discharges, or uses consumer fireworks at

25 a site other than:

26 (1) a special discharge location;

27 (2) the property of the person; or

28 (3) the property of another who has given permission to use the

29 consumer fireworks;

30 commits a Class C infraction. However, if a person recklessly,

31 knowingly, or intentionally takes an action described in this subsection

32 within five (5) years after the person previously took an action

33 described in this subsection, whether or not there has been a judgment

34 that the person committed an infraction in taking the previous action,

35 the person commits a Class C misdemeanor.

36 (c) A person less than eighteen (18) years of age who possesses or

37 uses a firework when an adult is not present and responsible at the

38 location of the possession or use commits a Class C infraction.

39 However, if a person possesses or uses a firework when an adult is not

40 present and responsible at the location of the possession or use within

41 five (5) years after a previous possession or use by the person as

42 described in this subsection, whether or not there has been a judgment

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1 that the person committed an infraction in the previous possession or
2 use, the person commits a delinquent act under IC 31-37.

3 (d) A person who ignites, discharges, or uses consumer fireworks:
4 (1) after 11 p.m. except on a holiday (as defined in IC 1-1-9-1(a))
5 or December 31, on which dates consumer fireworks may not be
6 ignited, discharged, or used after midnight; or
7 (2) before 9 a.m.;

8 commits a Class C infraction. However, if a person recklessly,
9 knowingly, or intentionally takes an action described in this subsection
10 within five (5) years after the person previously took an action
11 described in this subsection, whether or not there has been a judgment
12 that the person committed an infraction in taking the previous action,
13 the person commits a Class C misdemeanor.

14 (e) A person who recklessly, knowingly, or intentionally uses
15 consumer fireworks and the violation causes harm to the property of a
16 person commits a Class A misdemeanor.

17 (f) A person who recklessly, knowingly, or intentionally uses
18 consumer fireworks and the violation results in serious bodily injury to
19 a person commits a ~~Class D~~ **Level 6** felony.

20 (g) A person who recklessly, knowingly, or intentionally uses
21 consumer fireworks and the violation results in the death of a person
22 commits a ~~Class E~~ **Level 5** felony.

23 (h) A person who knowingly or intentionally fails to collect or remit
24 to the state the public safety fees due under section 12 of this chapter
25 commits a ~~Class D~~ **Level 6** felony.

26 SECTION 253. IC 22-11-14.5-10 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A person who
28 causes serious bodily injury to a person as a result of a knowing or an
29 intentional violation of a rule adopted under this chapter commits a
30 ~~Class D~~ **Level 6** felony.

31 SECTION 254. IC 22-11-14.5-11 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. A person who
33 causes the death of a person as a result of a reckless violation of a rule
34 adopted under this chapter commits a ~~Class D~~ **Level 6** felony.

35 SECTION 255. IC 22-11-14.5-12 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. A person who
37 causes the death of a person as a result of a knowing or an intentional
38 violation of a rule adopted under this chapter commits a ~~Class E~~ **Level**
39 **5** felony.

40 SECTION 256. IC 22-11-17-4, AS AMENDED BY P.L.114-2012,
41 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2014]: Sec. 4. An owner of a public building commits a ~~Class~~

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1 **⊖ Level 6** felony if:

2 (1) the owner knowingly or intentionally violates section 2 of this

3 chapter; and

4 (2) bodily injury (as defined by IC 35-31.5-2-29) or a loss of life

5 occurs to a person lawfully in the public building as a result of a

6 fire in the building.

7 SECTION 257. IC 22-11-18-5, AS AMENDED BY P.L.17-2008,

8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

9 JULY 1, 2014]: Sec. 5. (a) An owner of a hotel or motel who violates

10 this chapter commits a Class A infraction, except as provided by

11 subsection (b).

12 (b) An owner of a hotel or motel commits a ~~Class~~ **⊖ Level 6** felony

13 if:

14 (1) the owner knowingly or intentionally violates section 3 of this

15 chapter; and

16 (2) bodily injury or loss of life occurs as a result of a fire in the

17 building.

18 (c) Except as provided in section 5.5 of this chapter, a person who

19 violates section 3.5 of this chapter commits a Class D infraction.

20 SECTION 258. IC 22-15-5-16, AS AMENDED BY P.L.78-2012,

21 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

22 JULY 1, 2014]: Sec. 16. (a) A practitioner shall comply with the

23 standards established under this licensing program. A practitioner is

24 subject to the exercise of the disciplinary sanctions under subsection

25 (b) if the department finds that a practitioner has:

26 (1) engaged in or knowingly cooperated in fraud or material

27 deception in order to obtain a license to practice, including

28 cheating on a licensing examination;

29 (2) engaged in fraud or material deception in the course of

30 professional services or activities;

31 (3) advertised services or goods in a false or misleading manner;

32 (4) falsified or knowingly allowed another person to falsify

33 attendance records or certificates of completion of continuing

34 education courses provided under this chapter;

35 (5) been convicted of a crime that has a direct bearing on the

36 practitioner's ability to continue to practice competently;

37 (6) knowingly violated a state statute or rule or federal statute or

38 regulation regulating the profession for which the practitioner is

39 licensed;

40 (7) continued to practice although the practitioner has become

41 unfit to practice due to:

42 (A) professional incompetence;

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- 1 (B) failure to keep abreast of current professional theory or
- 2 practice;
- 3 (C) physical or mental disability; or
- 4 (D) addiction to, abuse of, or severe dependency on alcohol or
- 5 other drugs that endanger the public by impairing a
- 6 practitioner's ability to practice safely;
- 7 (8) engaged in a course of lewd or immoral conduct in connection
- 8 with the delivery of services to the public;
- 9 (9) allowed the practitioner's name or a license issued under this
- 10 chapter to be used in connection with an individual or business
- 11 who renders services beyond the scope of that individual's or
- 12 business's training, experience, or competence;
- 13 (10) had disciplinary action taken against the practitioner or the
- 14 practitioner's license to practice in another state or jurisdiction on
- 15 grounds similar to those under this chapter;
- 16 (11) assisted another person in committing an act that would
- 17 constitute a ground for disciplinary sanction under this chapter;
- 18 or
- 19 (12) allowed a license issued by the department to be:
- 20 (A) used by another person; or
- 21 (B) displayed to the public when the license has expired, is
- 22 inactive, is invalid, or has been revoked or suspended.
- 23 For purposes of subdivision (10), a certified copy of a record of
- 24 disciplinary action constitutes prima facie evidence of a disciplinary
- 25 action in another jurisdiction.
- 26 (b) The department may impose one (1) or more of the following
- 27 sanctions if the department finds that a practitioner is subject to
- 28 disciplinary sanctions under subsection (a):
- 29 (1) Permanent revocation of a practitioner's license.
- 30 (2) Suspension of a practitioner's license.
- 31 (3) Censure of a practitioner.
- 32 (4) Issuance of a letter of reprimand.
- 33 (5) Assess a civil penalty against the practitioner in accordance
- 34 with the following:
- 35 (A) The civil penalty may not be more than one thousand
- 36 dollars (\$1,000) for each violation listed in subsection (a),
- 37 except for a finding of incompetency due to a physical or
- 38 mental disability.
- 39 (B) When imposing a civil penalty, the department shall
- 40 consider a practitioner's ability to pay the amount assessed. If
- 41 the practitioner fails to pay the civil penalty within the time
- 42 specified by the department, the department may suspend the

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1 practitioner's license without additional proceedings. However,
2 a suspension may not be imposed if the sole basis for the
3 suspension is the practitioner's inability to pay a civil penalty.

4 (6) Place a practitioner on probation status and require the
5 practitioner to:

6 (A) report regularly to the department upon the matters that
7 are the basis of probation;

8 (B) limit practice to those areas prescribed by the department;

9 (C) continue or renew professional education approved by the
10 department until a satisfactory degree of skill has been attained
11 in those areas that are the basis of the probation; or

12 (D) perform or refrain from performing any acts, including
13 community restitution or service without compensation, that
14 the department considers appropriate to the public interest or
15 to the rehabilitation or treatment of the practitioner.

16 The department may withdraw or modify this probation if the
17 department finds after a hearing that the deficiency that required
18 disciplinary action has been remedied or that changed
19 circumstances warrant a modification of the order.

20 (c) If an applicant or a practitioner has engaged in or knowingly
21 cooperated in fraud or material deception to obtain a license to
22 practice, including cheating on the licensing examination, the
23 department may rescind the license if it has been granted, void the
24 examination or other fraudulent or deceptive material, and prohibit the
25 applicant from reapplying for the license for a length of time
26 established by the department.

27 (d) The department may deny licensure to an applicant who has had
28 disciplinary action taken against the applicant or the applicant's license
29 to practice in another state or jurisdiction or who has practiced without
30 a license in violation of the law. A certified copy of the record of
31 disciplinary action is conclusive evidence of the other jurisdiction's
32 disciplinary action.

33 (e) The department may order a practitioner to submit to a
34 reasonable physical or mental examination if the practitioner's physical
35 or mental capacity to practice safely and competently is at issue in a
36 disciplinary proceeding. Failure to comply with a department order to
37 submit to a physical or mental examination makes a practitioner liable
38 to temporary suspension under subsection (j).

39 (f) Except as provided under subsection (g) or (h), a license may not
40 be denied, revoked, or suspended because the applicant or holder has
41 been convicted of an offense. The acts from which the applicant's or
42 holder's conviction resulted may, however, be considered as to whether

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1 the applicant or holder should be entrusted to serve the public in a
2 specific capacity.

3 (g) The department may deny, suspend, or revoke a license issued
4 under this chapter if the individual who holds the license is convicted
5 of any of the following:

- 6 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 7 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 8 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 9 (4) Fraudulently obtaining a controlled substance under
10 IC 35-48-4-7(b) **(for a crime committed before July 1, 2014) or**
11 **IC 35-48-4-7(c) (for a crime committed after June 30, 2014).**
- 12 (5) Manufacture of paraphernalia as a Class D **felony (for a**
13 **crime committed before July 1, 2014) or a Level 6 felony (for**
14 **a crime committed after June 30, 2014)** under
15 IC 35-48-4-8.1(b).
- 16 (6) Dealing in paraphernalia as a Class D **felony (for a crime**
17 **committed before July 1, 2014) or a Level 6 felony (for a crime**
18 **committed after June 30, 2014)** under IC 35-48-4-8.5(b).
- 19 (7) Possession of paraphernalia as a Class D **felony (for a crime**
20 **committed before July 1, 2014) or a Level 6 felony (for a crime**
21 **committed after June 30, 2014)** under IC 35-48-4-8.3(b).
- 22 (8) Possession of marijuana, hash oil, hashish, salvia, or a
23 synthetic drug as a Class D **felony (for a crime committed**
24 **before July 1, 2014) or a Level 6 felony (for a crime committed**
25 **after June 30, 2014)** under IC 35-48-4-11.
- 26 (9) Maintaining a common nuisance under IC 35-48-4-13.
- 27 (10) An offense relating to registration, labeling, and prescription
28 forms under IC 35-48-4-14.
- 29 (11) Conspiracy under IC 35-41-5-2 to commit an offense listed
30 in subdivisions (1) through (10).
- 31 (12) Attempt under IC 35-41-5-1 to commit an offense listed in
32 subdivisions (1) through (10).
- 33 (13) An offense in any other jurisdiction in which the elements of
34 the offense for which the conviction was entered are substantially
35 similar to the elements of an offense described in subdivisions (1)
36 through (12).

37 (h) The department shall deny, revoke, or suspend a license issued
38 under this chapter if the individual who holds the license is convicted
39 of any of the following:

- 40 (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
- 41 (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- 42 (3) Dealing in a schedule I, II, or III controlled substance under

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- 1 IC 35-48-4-2.
 2 (4) Dealing in a schedule IV controlled substance under
 3 IC 35-48-4-3.
 4 (5) Dealing in a schedule V controlled substance under
 5 IC 35-48-4-4.
 6 (6) Dealing in a substance represented to be a controlled
 7 substance under IC 35-48-4-4.5.
 8 (7) Knowingly or intentionally manufacturing, advertising,
 9 distributing, or possessing with intent to manufacture, advertise,
 10 or distribute a substance represented to be a controlled substance
 11 under IC 35-48-4-4.6.
 12 (8) Dealing in a counterfeit substance under IC 35-48-4-5.
 13 (9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic
 14 drug under IC 35-48-4-10(b).
 15 (10) Conspiracy under IC 35-41-5-2 to commit an offense listed
 16 in subdivisions (1) through (9).
 17 (11) Attempt under IC 35-41-5-1 to commit an offense listed in
 18 subdivisions (1) through (9).
 19 (12) An offense in any other jurisdiction in which the elements of
 20 the offense for which the conviction was entered are substantially
 21 similar to the elements of an offense described in subdivisions (1)
 22 through (11).
 23 (13) A violation of any federal or state drug law or rule related to
 24 wholesale legend drug distributors licensed under IC 25-26-14.
 25 (i) A decision of the department under subsections (b) through (h)
 26 may be appealed to the commission under IC 4-21.5-3-7.
 27 (j) The department may temporarily suspend a practitioner's license
 28 under IC 4-21.5-4 before a final adjudication or during the appeals
 29 process if the department finds that a practitioner represents a clear and
 30 immediate danger to the public's health, safety, or property if the
 31 practitioner is allowed to continue to practice.
 32 (k) On receipt of a complaint or an information alleging that a
 33 person licensed under this chapter has engaged in or is engaging in a
 34 practice that jeopardizes the public health, safety, or welfare, the
 35 department shall initiate an investigation against the person.
 36 (l) Any complaint filed with the office of the attorney general
 37 alleging a violation of this licensing program shall be referred to the
 38 department for summary review and for its general information and any
 39 authorized action at the time of the filing.
 40 (m) The department shall conduct a fact finding investigation as the
 41 department considers proper in relation to the complaint.
 42 (n) The department may reinstate a license that has been suspended

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1 under this section if, after a hearing, the department is satisfied that the
 2 applicant is able to practice with reasonable skill, safety, and
 3 competency to the public. As a condition of reinstatement, the
 4 department may impose disciplinary or corrective measures authorized
 5 under this chapter.

6 (o) The department may not reinstate a license that has been
 7 revoked under this chapter. An individual whose license has been
 8 revoked under this chapter may not apply for a new license until seven
 9 (7) years after the date of revocation.

10 (p) The department shall seek to achieve consistency in the
 11 application of sanctions authorized in this chapter. Significant
 12 departures from prior decisions involving similar conduct must be
 13 explained in the department's findings or orders.

14 (q) A practitioner may petition the department to accept the
 15 surrender of the practitioner's license instead of having a hearing before
 16 the commission. The practitioner may not surrender the practitioner's
 17 license without the written approval of the department, and the
 18 department may impose any conditions appropriate to the surrender or
 19 reinstatement of a surrendered license.

20 (r) A practitioner who has been subjected to disciplinary sanctions
 21 may be required by the commission to pay the costs of the proceeding.
 22 The practitioner's ability to pay shall be considered when costs are
 23 assessed. If the practitioner fails to pay the costs, a suspension may not
 24 be imposed solely upon the practitioner's inability to pay the amount
 25 assessed. The costs are limited to costs for the following:

- 26 (1) Court reporters.
- 27 (2) Transcripts.
- 28 (3) Certification of documents.
- 29 (4) Photo duplication.
- 30 (5) Witness attendance and mileage fees.
- 31 (6) Postage.
- 32 (7) Expert witnesses.
- 33 (8) Depositions.
- 34 (9) Notarizations.

35 SECTION 259. IC 23-2-2.5-37 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 37. A person who
 37 knowingly violates this chapter commits a ~~Class C~~ **Level 5** felony.

38 SECTION 260. IC 23-2-5-16, AS AMENDED BY P.L.156-2009,
 39 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2014]: Sec. 16. (a) Except as provided in subsection (b), a
 41 person who knowingly violates this chapter commits a ~~Class C~~ **Level**
 42 **5** felony.

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1 (b) A person who knowingly violates this chapter commits a ~~Class~~
2 **B Level 4** felony if the person damaged by the violation is at least sixty
3 (60) years of age.

4 (c) A person commits a ~~Class E~~ **Level 5** felony if the person
5 knowingly makes or causes to be made:

6 (1) in any document filed with or sent to the commissioner or the
7 securities division; or

8 (2) in any proceeding, investigation, or examination under this
9 chapter;

10 any statement that is, at the time and in the light of the circumstances
11 under which it is made, false or misleading in any material respect.

12 SECTION 261. IC 23-2-6-33 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 33. (a) A person who
14 knowingly violates:

15 (1) this chapter; or

16 (2) any rule or order issued or adopted by the commissioner under
17 this chapter;

18 commits a ~~Class E~~ **Level 5** felony.

19 (b) A person who violates a rule or an order issued or adopted under
20 this chapter may be assessed a civil penalty of up to ten thousand
21 dollars (\$10,000).

22 (c) The commissioner may refer any evidence concerning violations
23 of this chapter or violations of any rule or order issued or adopted by
24 the commissioner to any prosecuting attorney in Indiana.

25 SECTION 262. IC 23-14-31-52 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 52. (a) Except as
27 provided in subsections (b), (c), and (d), a person that knowingly or
28 intentionally violates this chapter commits a Class B misdemeanor.

29 (b) A person that knowingly or intentionally:

30 (1) performs a cremation without receipt of a cremation
31 authorization form signed by an authorizing agent;

32 (2) signs a cremation authorization form that the individual knows
33 contains false or incorrect information; or

34 (3) violates a cremation procedure under sections 36 through 42
35 of this chapter;

36 commits a ~~Class D~~ **Level 6** felony.

37 (c) A crematory authority that knowingly represents to an
38 authorizing agent or the agent's designee that a temporary container or
39 urn contains the cremated remains of a specific decedent when the
40 container or urn does not commits a ~~Class D~~ **Level 6** felony.

41 (d) A person:

42 (1) who:

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1 (A) professes to the public to be a crematory authority; or
 2 (B) operates a building or structure in Indiana as a crematory;
 3 without being registered under section 22 of this chapter; or
 4 (2) who fails to file an annual report required under section 24 of
 5 this chapter;
 6 commits a Class A misdemeanor.

7 SECTION 263. IC 23-14-48-9, AS AMENDED BY P.L.113-2007,
 8 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2014]: Sec. 9. (a) Except as provided in subsections (b) and
 10 (c), a person who knowingly violates this chapter commits a Class A
 11 misdemeanor.

12 (b) A person who makes a false or fraudulent representation as to
 13 the existence, amount, investment, control, or condition of a perpetual
 14 care fund of a cemetery for the purpose of inducing another to purchase
 15 any burial right commits a Class C infraction.

16 (c) A person who knowingly or intentionally uses funds in a
 17 perpetual care fund or an endowment care fund established under this
 18 chapter for purposes other than the perpetual care of the cemetery for
 19 which the perpetual care fund or endowment fund was established
 20 commits a ~~Class C~~ **Level 5** felony.

21 SECTION 264. IC 23-19-5-8, AS AMENDED BY P.L.156-2009,
 22 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2014]: Sec. 8. (a) A person who knowingly violates this
 24 article, or a rule adopted under this article, except section 4 of this
 25 chapter or the notice filing requirements of IC 23-19-3-2 or
 26 IC 23-19-4-5, commits a ~~Class C~~ **Level 5** felony.

27 (b) A person who knowingly violates section 1 of this chapter
 28 commits a ~~Class B~~ **Level 4** felony if the person harmed, defrauded,
 29 misled, or deceived by the violation is at least sixty (60) years of age.

30 (c) A person who knowingly violates section 1 of this chapter:
 31 (1) while using or taking advantage of; or
 32 (2) in connection with;
 33 a relationship that is based on religious affiliation or worship commits
 34 a ~~Class B~~ **Level 4** felony.

35 (d) It is the duty of a prosecuting attorney, as well as of the attorney
 36 general, to assist the commissioner upon the commissioner's request in
 37 the prosecution to final judgment of a violation of the penal provisions
 38 of this article. If the commissioner determines that an action based on
 39 the securities division's investigations is meritorious:

40 (1) the commissioner or a designee empowered by the
 41 commissioner shall refer the facts drawn from the investigation to
 42 the prosecuting attorney of the judicial circuit in which the crime

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1 may have been committed;

2 (2) the commissioner and the securities division shall assist the

3 prosecuting attorney in prosecuting an action under this section,

4 which may include a securities division attorney serving as a

5 special deputy prosecutor appointed by the prosecuting attorney;

6 (3) a prosecuting attorney to whom facts concerning fraud are

7 referred under subdivision (1) may refer the matter to the attorney

8 general;

9 (4) if a matter has been referred to the attorney general under

10 subdivision (3), the attorney general may:

11 (A) file an information in a court with jurisdiction over the

12 matter in the county in which the offense is alleged to have

13 been committed; and

14 (B) prosecute the alleged offense; and

15 (5) if a matter has been referred to the attorney general under

16 subdivision (3), the commissioner and the securities division shall

17 assist the attorney general in prosecuting an action under this

18 section, which may include a securities division attorney serving

19 as a special deputy attorney general appointed by the attorney

20 general.

21 (e) This article does not limit the power of this state to punish a

22 person for conduct that constitutes a crime under other laws of this

23 state.

24 SECTION 265. IC 23-20-1-31, AS ADDED BY P.L.114-2010,

25 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

26 JULY 1, 2014]: Sec. 31. A person commits a ~~Class C~~ **Level 5** felony if

27 the person knowingly makes or causes to be made:

28 (1) in any document filed with or sent to the securities

29 commissioner or the division; or

30 (2) in any proceeding, investigation, or examination;

31 under this chapter any statement that is, at the time and in the light of

32 the circumstances under which it is made, false or misleading in any

33 material respect.

34 SECTION 266. IC 24-1-1-3 IS AMENDED TO READ AS

35 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who

36 knowingly violates this chapter commits a ~~Class C~~ **Level 5** felony.

37 SECTION 267. IC 24-1-4-3 IS AMENDED TO READ AS

38 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who

39 knowingly violates this chapter commits a ~~Class C~~ **Level 5** felony.

40 SECTION 268. IC 24-3-4-17 IS AMENDED TO READ AS

41 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. A person who:

42 (1) knowingly sells, distributes, or transports more than twelve

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1 thousand (12,000) cigarettes in violation of section 8 or 9 of this
 2 chapter; and
 3 (2) has previously been convicted of an offense under section 15
 4 or 16 of this chapter;
 5 commits a ~~Class D~~ **Level 6** felony.

6 SECTION 269. IC 24-4-12-11 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. A person who
 8 violates this chapter commits:

- 9 (1) a Class B misdemeanor on the first violation;
- 10 (2) a Class A misdemeanor on the second violation; and
- 11 (3) a ~~Class D~~ **Level 6** felony on the third and any subsequent
 12 violation.

13 SECTION 270. IC 24-4-18-6, AS ADDED BY P.L.69-2012,
 14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2014]: Sec. 6. (a) A criminal history provider may provide
 16 only criminal history information that relates to a conviction.

17 (b) A criminal history provider may not provide information relating
 18 to the following:

- 19 (1) An infraction, an arrest, or a charge that did not result in a
 20 conviction.
- 21 (2) A record that has been expunged.
- 22 (3) A record that is restricted by a court or the rules of a court.
- 23 (4) A record indicating a conviction of a **Class D felony (for a**
 24 **crime committed before July 1, 2014) or a Level 6 felony (for**
 25 **a crime committed after June 30, 2014)** if the **Class D felony or**
 26 **Level 6** felony conviction:
 27 (A) has been entered as a Class A misdemeanor conviction; or
 28 (B) has been converted to a Class A misdemeanor conviction.
- 29 (5) A record that the criminal history provider knows is
 30 inaccurate.

31 SECTION 271. IC 24-5-8-19 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. A person who fails
 33 to comply with section 4 of this chapter commits a ~~Class D~~ **Level 6**
 34 felony.

35 SECTION 272. IC 24-5-12-22 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. A seller who fails
 37 to comply with sections 10 through 16 of this chapter commits a ~~Class~~
 38 **Level 6** felony.

39 SECTION 273. IC 24-8-6-1 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who
 41 knowingly or intentionally violates this article commits a ~~Class D~~
 42 **Level 6** felony.

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1 SECTION 274. IC 25-1-1.1-2, AS AMENDED BY P.L.78-2012,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 2. Notwithstanding IC 25-1-7, a board, a
4 commission, or a committee may suspend, deny, or revoke a license or
5 certificate issued under this title by the board, the commission, or the
6 committee without an investigation by the office of the attorney general
7 if the individual who holds the license or certificate is convicted of any
8 of the following and the board, commission, or committee determines,
9 after the individual has appeared in person, that the offense affects the
10 individual's ability to perform the duties of the profession:

- 11 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 12 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 13 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 14 (4) Fraudulently obtaining a controlled substance under
- 15 ~~IC 35-48-4-7(b).~~ **IC 35-48-4-7(c).**
- 16 (5) Manufacture of paraphernalia as a Class D **felony (for a**
- 17 **crime committed before July 1, 2014) or a Level 6 felony (for**
- 18 **a crime committed after June 30, 2014)** under
- 19 IC 35-48-4-8.1(b).
- 20 (6) Dealing in paraphernalia as a Class D **felony (for a crime**
- 21 **committed before July 1, 2014) or a Level 6 felony (for a crime**
- 22 **committed after June 30, 2014)** under IC 35-48-4-8.5(b).
- 23 (7) Possession of paraphernalia as a Class D **felony (for a crime**
- 24 **committed before July 1, 2014) or a Level 6 felony (for a crime**
- 25 **committed after June 30, 2014)** under IC 35-48-4-8.3(b).
- 26 (8) Possession of marijuana, hash oil, hashish, salvia, or a
- 27 synthetic drug as a Class D **felony (for a crime committed**
- 28 **before July 1, 2014) or a Level 6 felony (for a crime committed**
- 29 **after June 30, 2014)** under IC 35-48-4-11.
- 30 (9) Maintaining a common nuisance under IC 35-48-4-13.
- 31 (10) An offense relating to registration, labeling, and prescription
- 32 forms under IC 35-48-4-14.
- 33 (11) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 34 in subdivisions (1) through (10).
- 35 (12) Attempt under IC 35-41-5-1 to commit an offense listed in
- 36 subdivisions (1) through (10).
- 37 (13) A sex crime under IC 35-42-4.
- 38 (14) A felony that reflects adversely on the individual's fitness to
- 39 hold a professional license.
- 40 (15) An offense in any other jurisdiction in which the elements of
- 41 the offense for which the conviction was entered are substantially
- 42 similar to the elements of an offense described in this section.

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1 SECTION 275. IC 25-5.2-2-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) An agency
3 contract must be in a record, signed or otherwise authenticated by the
4 parties.

5 (b) An agency contract must contain the following:

6 (1) The amount and method of calculating the consideration to be
7 paid by the student athlete for services to be provided by the
8 athlete agent under the contract and any other consideration the
9 athlete agent has received or will receive from any other source
10 for entering into the contract or for providing the services.

11 (2) The name of any person not listed in the application for
12 registration or renewal of registration who will be compensated
13 because the student athlete signed the agency contract.

14 (3) A description of any expenses that the student athlete agrees
15 to reimburse.

16 (4) A description of the services to be provided to the student
17 athlete.

18 (5) The duration of the contract.

19 (6) The date of execution.

20 (c) An agency contract must contain, in close proximity to the
21 signature of the student athlete, a conspicuous notice in boldface type
22 in capital letters stating:

23 **WARNING TO STUDENT ATHLETE**

24 **IF YOU SIGN THIS CONTRACT:**

25 (1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS
26 A STUDENT ATHLETE IN YOUR SPORT;

27 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, BOTH YOU
28 AND YOUR ATHLETE AGENT MUST GIVE TO YOUR
29 ATHLETIC DIRECTOR THE TEN (10) DAY NOTICE
30 REQUIRED BY IC 25-5.2-2-9 ~~AND IC 35-46-4-4~~ BEFORE
31 EXECUTING THIS CONTRACT; AND

32 (3) YOU MAY CANCEL THIS CONTRACT WITHIN
33 FOURTEEN (14) DAYS AFTER SIGNING IT.
34 CANCELLATION OF THIS CONTRACT MAY NOT
35 REINSTATE YOUR ELIGIBILITY.

36 (d) An agency contract that does not conform to this section is
37 voidable by the student athlete. If a student athlete voids an agency
38 contract, the student athlete is not required to pay any consideration
39 under the contract or to return any consideration received from the
40 athlete agent to induce the student athlete to enter into the contract.

41 (e) The athlete agent shall give a record of the signed or otherwise
42 authenticated agency contract to the student athlete at the time of

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1 execution.
 2 SECTION 276. IC 25-5.2-2-9 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) At least ten (10)
 4 days before a student athlete enters into an agency contract, the athlete
 5 agent shall give in a record ~~the notice required by IC 35-46-4-4~~ of the
 6 existence of the contract to the athletic director of the educational
 7 institution at which the student athlete is enrolled or the athlete agent
 8 has reasonable grounds to believe the student athlete intends to enroll.

9 (b) At least ten (10) days before entering into an agency contract,
 10 the student athlete shall inform the athletic director of the educational
 11 institution at which the student athlete is enrolled or intends to enroll
 12 that the student athlete intends to enter into an agency contract.

13 SECTION 277. IC 25-5.2-2-12 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) An athlete agent
 15 who, with the intent to induce a student athlete to enter into an agency
 16 contract:

- 17 (1) gives any materially false or misleading information or makes
- 18 a materially false promise or representation;
- 19 (2) furnishes anything of value to a student athlete before the
- 20 student athlete enters into the agency contract; or
- 21 (3) furnishes anything of value to any individual other than the
- 22 student athlete or another registered athlete agent;
- 23 commits a ~~Class D~~ **Level 6** felony.

- 24 (b) An athlete agent who intentionally:
 - 25 (1) initiates contact with a student athlete unless registered under
 - 26 this article;
 - 27 (2) refuses or fails to retain or permit inspection of the records
 - 28 required to be retained by section 11 of this chapter;
 - 29 (3) fails to register when required by section 2 of this chapter;
 - 30 (4) provides materially false or misleading information in an
 - 31 application for registration or renewal of registration;
 - 32 (5) predates or postdates an agency contract; or
 - 33 (6) fails to notify a student athlete before the student athlete signs
 - 34 or otherwise authenticates an agency contract for a particular
 - 35 sport that the signing or authentication may make the student
 - 36 athlete ineligible to participate as a student athlete in that sport;
 - 37 commits a ~~Class D~~ **Level 6** felony.

38 SECTION 278. IC 25-14-1-25, AS AMENDED BY P.L.103-2011,
 39 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2014]: Sec. 25. (a) It is a ~~Class D~~ **Level 6** felony for a person
 41 to do any of the following:

- 42 (1) Practice dentistry not being at the time a dentist duly licensed

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1 to practice as such in this state under this chapter.

2 (2) Employ, hire, or procure one who is not duly licensed as a
3 dentist to practice dentistry, but a person practiced upon by an
4 unlicensed dentist does not violate this section.

5 (b) It is a Class B misdemeanor for a person to do any of the
6 following:

7 (1) Sell or barter, or offer to sell or barter, or, not being lawfully
8 authorized so to do, issue or confer, or offer to issue or confer, any
9 dental degree, license, or any diploma or document conferring, or
10 purporting to confer, any dental degree or license, or any
11 certificate or transcript made, or purporting to be made, under this
12 chapter.

13 (2) Purchase, or procure by barter, any diploma, license,
14 certificate, or transcript, with intent that it be used as evidence of
15 the qualifications to practice dentistry of any person other than the
16 one upon, or to whom, it was lawfully conferred or issued, or in
17 fraud of the laws regulating the practice.

18 (3) Use any diploma, certificate, or transcript which has been
19 purchased, fraudulently issued, counterfeited, or materially
20 altered, either as a license or color of license, to practice dentistry,
21 or in order to procure registration as a dentist.

22 (4) Practice dentistry under a false name, under a name intended
23 to mislead the public, under the license of another person of the
24 same name, or hold the person out to the public under such a
25 name as a practitioner of dentistry.

26 (5) Assume the title or degree of "Bachelor of Dental Surgery",
27 append the letters "B.D.S.", "D.D.S.", "M.D.S.", or "D.M.D.", to
28 the person's name, or make use of the same, or prefix to **his the**
29 **person's** name the title of "Doctor", or any abbreviation thereof,
30 not having had duly conferred upon the person by diploma from
31 some college, school, or board of examiners legally empowered
32 to confer the same, the right to assume such a title.

33 (6) Assume any title or append or prefix any words to the person's
34 name, with intent to represent falsely that the person has received
35 a dental degree or license.

36 (7) Not having been licensed to practice dentistry under the laws
37 of this state, represent that the person is entitled so to practice (a
38 dental licensee may use the prefix "Doctor" or "Dr." to **his the**
39 **person's** name).

40 (8) Falsely personate another at any examination to ascertain the
41 preliminary professional education of candidates for dental
42 certificates, dental degrees, or dental licenses or knowingly avail

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1 the person of the benefit of false personation.
2 ~~(8)~~ **(9)** Otherwise violate this chapter.
3 (c) Each date that a person violates this section constitutes a
4 separate offense.
5 SECTION 279. IC 25-22.5-1-1.1, AS AMENDED BY P.L.90-2007,
6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2014]: Sec. 1.1. As used in this article:
8 (a) "Practice of medicine or osteopathic medicine" means any one
9 (1) or a combination of the following:
10 (1) Holding oneself out to the public as being engaged in:
11 (A) the diagnosis, treatment, correction, or prevention of any
12 disease, ailment, defect, injury, infirmity, deformity, pain, or
13 other condition of human beings;
14 (B) the suggestion, recommendation, or prescription or
15 administration of any form of treatment, without limitation;
16 (C) the performing of any kind of surgical operation upon a
17 human being, including tattooing (except for ~~tattooing~~
18 **providing a tattoo** as defined in ~~IC 35-42-2-7~~;
19 **IC 35-45-21-4(a)**), in which human tissue is cut, burned, or
20 vaporized by the use of any mechanical means, laser, or
21 ionizing radiation, or the penetration of the skin or body orifice
22 by any means, for the intended palliation, relief, or cure; or
23 (D) the prevention of any physical, mental, or functional
24 ailment or defect of any person.
25 (2) The maintenance of an office or a place of business for the
26 reception, examination, or treatment of persons suffering from
27 disease, ailment, defect, injury, infirmity, deformity, pain, or other
28 conditions of body or mind.
29 (3) Attaching the designation "doctor of medicine", "M.D.",
30 "doctor of osteopathy", "D.O.", "osteopathic medical physician",
31 "physician", "surgeon", or "physician and surgeon", either alone
32 or in connection with other words, or any other words or
33 abbreviations to a name, indicating or inducing others to believe
34 that the person is engaged in the practice of medicine or
35 osteopathic medicine (as defined in this section).
36 (4) Providing diagnostic or treatment services to a person in
37 Indiana when the diagnostic or treatment services:
38 (A) are transmitted through electronic communications; and
39 (B) are on a regular, routine, and nonepisodic basis or under
40 an oral or written agreement to regularly provide medical
41 services.
42 In addition to the exceptions described in section 2 of this chapter,

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1 a nonresident physician who is located outside Indiana does not
 2 practice medicine or osteopathy in Indiana by providing a second
 3 opinion to a licensee or diagnostic or treatment services to a
 4 patient in Indiana following medical care originally provided to
 5 the patient while outside Indiana.

6 (b) "Board" refers to the medical licensing board of Indiana.

7 (c) "Diagnose or diagnosis" means to examine a patient, parts of a
 8 patient's body, substances taken or removed from a patient's body, or
 9 materials produced by a patient's body to determine the source or
 10 nature of a disease or other physical or mental condition, or to hold
 11 oneself out or represent that a person is a physician and is so examining
 12 a patient. It is not necessary that the examination be made in the
 13 presence of the patient; it may be made on information supplied either
 14 directly or indirectly by the patient.

15 (d) "Drug or medicine" means any medicine, compound, or
 16 chemical or biological preparation intended for internal or external use
 17 of humans, and all substances intended to be used for the diagnosis,
 18 cure, mitigation, or prevention of diseases or abnormalities of humans,
 19 which are recognized in the latest editions published of the United
 20 States Pharmacopoeia or National Formulary, or otherwise established
 21 as a drug or medicine.

22 (e) "Licensee" means any individual holding a valid unlimited
 23 license issued by the board under this article.

24 (f) "Prescribe or prescription" means to direct, order, or designate
 25 the use of or manner of using a drug, medicine, or treatment, by spoken
 26 or written words or other means.

27 (g) "Physician" means any person who holds the degree of doctor of
 28 medicine or doctor of osteopathy or its equivalent and who holds a
 29 valid unlimited license to practice medicine or osteopathic medicine in
 30 Indiana.

31 (h) "Medical school" means a nationally accredited college of
 32 medicine or of osteopathic medicine approved by the board.

33 (i) "Physician assistant" means an individual who:

- 34 (1) is supervised by a physician;
- 35 (2) graduated from a physician assistant program accredited by an
 36 accrediting agency; ~~(as defined in IC 25-27.5-2-4.5);~~
- 37 (3) passed the examination administered by the National
 38 Commission on Certification of Physician Assistants (NCCPA)
 39 and maintains certification; and
- 40 (4) has been licensed by the physician assistant committee under
 41 IC 25-27.5.

42 (j) "Agency" refers to the Indiana professional licensing agency

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1 under IC 25-1-5.
2 SECTION 280. IC 25-22.5-8-2, AS AMENDED BY P.L.90-2007,
3 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2014]: Sec. 2. (a) A person who violates this article by
5 unlawfully practicing medicine or osteopathic medicine commits a
6 ~~Class C~~ **Level 5** felony.
7 (b) A person who practices midwifery without the license required
8 under this article commits a ~~Class D~~ **Level 6** felony.
9 (c) A person who acts as a physician assistant without the license
10 required under IC 25-27.5 commits a ~~Class D~~ **Level 6** felony.
11 SECTION 281. IC 25-26-13-29 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) It is unlawful:
13 (1) For any person to display or permit to be displayed, a
14 pharmacy permit in any facility or place of business other than
15 that for which it was issued.
16 (2) For any person to accept a prescription for filling or
17 compounding at any place or facility for which there is not a valid
18 pharmacy permit.
19 (3) For any person to operate a pharmacy or to take, assume,
20 exhibit, display, or advertise by any medium, the title "drugs",
21 "prescriptions", "medicine", "drug store", "pharmacy", or
22 "apothecary shop", or any combination of such titles or any other
23 title, symbol, term, or description of like import intended to cause
24 the public to believe that it is a pharmacy unless ~~he~~ **the person**
25 holds a valid pharmacy permit.
26 (4) For any person to engage or offer to engage in the practice of
27 pharmacy or to hold himself ~~or herself~~ out as a pharmacist
28 without a valid pharmacist's license that is classified as active by
29 the board.
30 (b) A person who violates a provision of subsection (a) ~~of this~~
31 ~~section~~ commits a ~~Class D~~ **Level 6** felony.
32 (c) Nothing in this chapter shall apply to, nor in any manner
33 interfere with the business of a general merchant in selling and
34 distributing nonnarcotic, nonprescription medicines or drugs which are
35 prepackaged, fully prepared by the manufacturer for use by the
36 consumer, and labeled in accordance with the requirements of the state
37 and federal food and drug acts.
38 SECTION 282. IC 25-26-14-23 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. A person that
40 knowingly purchases or receives a legend drug from any source other
41 than a person licensed under this chapter, including a wholesale
42 distributor, manufacturer, pharmacy distributor, or pharmacy commits

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1 a Class A misdemeanor. A subsequent unrelated violation of this
2 section is a ~~Class D~~ **Level 6** felony.

3 SECTION 283. IC 25-26-14-25 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. A wholesale drug
5 distributor that fails to allow an authorized person to enter and inspect
6 a facility as provided in section 19 of this chapter commits a Class A
7 misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the
8 person has a prior unrelated conviction for an offense under this
9 section.

10 SECTION 284. IC 25-26-14-26, AS AMENDED BY P.L.212-2005,
11 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2014]: Sec. 26. (a) A person who knowingly or intentionally
13 engages in the wholesale distribution of a legend drug without a license
14 issued under this chapter commits a ~~Class D~~ **Level 6** felony.

15 (b) A person who engages in the wholesale distribution of a legend
16 drug and:

- 17 (1) who, with intent to defraud or deceive:
 - 18 (A) fails to obtain or deliver to another person a complete and
 - 19 accurate required pedigree concerning a legend drug before:
 - 20 (i) obtaining the legend drug from another person; or
 - 21 (ii) transferring the legend drug to another person; or
 - 22 (B) falsely swears or certifies that the person has authenticated
 - 23 any documents related to the wholesale distribution of legend
 - 24 drugs;
- 25 (2) who knowingly or intentionally:
 - 26 (A) destroys, alters, conceals, or fails to maintain a complete
 - 27 and accurate required pedigree concerning a legend drug in the
 - 28 person's possession;
 - 29 (B) purchases or receives legend drugs from a person not
 - 30 authorized to distribute legend drugs in wholesale distribution;
 - 31 (C) sells, barter, brokers, or transfers a legend drug to a
 - 32 person not authorized to purchase the legend drug in the
 - 33 jurisdiction in which the person receives the legend drug in a
 - 34 wholesale distribution;
 - 35 (D) forges, counterfeits, or falsely creates a pedigree;
 - 36 (E) falsely represents a factual matter contained in a pedigree;
 - 37 or
 - 38 (F) fails to record material information required to be recorded
 - 39 in a pedigree; or
- 40 (3) who:
 - 41 (A) possesses a required pedigree concerning a legend drug;
 - 42 (B) knowingly or intentionally fails to authenticate the matters

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1 contained in the pedigree as required; and
2 (C) distributes or attempts to further distribute the legend
3 drug;
4 commits a ~~Class D~~ **Level 6** felony.

5 SECTION 285. IC 25-26-14-27, AS AMENDED BY P.L.98-2006,
6 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2014]: Sec. 27. A wholesale drug distributor that fails to
8 comply with the conditions and requirements described in section 17,
9 17.2, 17.8, 17.9, or 20 of this chapter commits a ~~Class D~~ **Level 6**
10 felony.

11 SECTION 286. IC 25-26-19-9 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) An individual
13 may not practice as a pharmacy technician unless the individual is
14 certified under this chapter.

15 (b) An individual may not act as a pharmacy technician in training
16 unless the individual has obtained a permit under this chapter or the
17 individual is acting as a pharmacy technician in training during the
18 period permitted under section 6(b) of this chapter.

19 (c) An individual who knowingly violates this section commits a
20 ~~Class D~~ **Level 6** felony.

21 SECTION 287. IC 25-29-9-1 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person that
23 knowingly engages or aids and abets another person, in the practice of
24 podiatric medicine without a license issued under this article commits
25 unauthorized practice of podiatric medicine, a ~~Class D~~ **Level 6** felony.

26 (b) A person who otherwise violates this article commits a Class C
27 misdemeanor.

28 SECTION 288. IC 25-36.5-1-10 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A person who:

30 (1) engages in business as a timber buyer without securing a
31 registration or in violation of this chapter; or

32 (2) refuses to permit inspection of the person's premises, books,
33 accounts, or records as provided in this chapter;

34 commits a Class A misdemeanor. However, the offense is a ~~Class D~~
35 **Level 6** felony if the person has a prior unrelated conviction for an
36 offense under this section.

37 SECTION 289. IC 26-3-2-1 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A warehouseman, or
39 any officer, agent, or servant of a warehouseman, who issues a receipt,
40 knowing that the goods for which the receipt is issued have not been
41 actually received by the warehouseman, or are not under his actual
42 control at the time of issuing the receipt, commits a ~~Class D~~ **Level 6**

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1 felony.

2 SECTION 290. IC 26-3-2-3 IS AMENDED TO READ AS

3 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A warehouseman, or

4 any officer, agent, or servant of a warehouseman, who issues a

5 duplicate or additional negotiable receipt for goods, knowing that a

6 former negotiable receipt for the same goods or any part of them is

7 outstanding and uncanceled, without plainly placing upon the face

8 thereof the word "Duplicate," except in case of a lost, stolen, or

9 destroyed receipt, commits a ~~Class D~~ **Level 6** felony.

10 SECTION 291. IC 26-3-7-34 IS AMENDED TO READ AS

11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 34. (a) A person who

12 knowingly or intentionally violates or fails to comply with this chapter

13 commits a Class A misdemeanor. Each day a person violates this

14 chapter constitutes a separate violation.

15 (b) A person who knowingly or intentionally issues a receipt or

16 ticket, knowing that the grain for which the receipt or ticket is issued

17 has not been actually received at the licensed warehouse, commits a

18 Class A misdemeanor. A person who issues a duplicate, or additional

19 negotiable receipt for grain, knowing that a former negotiable receipt

20 for the same grain or any part of the grain is outstanding and

21 uncanceled, except in the case of a lost, stolen, or destroyed receipt, as

22 provided in section 24 of this chapter, commits a Class A

23 misdemeanor. A person who fraudulently represents, alters, or

24 counterfeits any license provided for in this chapter commits a ~~Class D~~

25 **Level 6** felony.

26 (c) Except in case of sale or other disposition of the grain in lawful

27 enforcement of the lien on grain that attaches under this chapter or on

28 a licensee's lawful termination of storage, shipping, or handling

29 agreements, or except as permitted by the rules adopted by the director

30 under IC 4-22-2 to effectuate the purposes of this chapter:

31 (1) a person who knowingly or intentionally delivers grain out of

32 a licensed facility, knowing that a negotiable receipt, the

33 negotiation of which would transfer the right of possession of the

34 grain is outstanding and uncanceled, without obtaining the

35 possession of the receipt at or before the time of delivery,

36 commits a ~~Class D~~ **Level 6** felony; and

37 (2) a person who knowingly or intentionally delivers grain out of

38 a licensed facility, knowing that a non-negotiable receipt or ticket

39 is outstanding and uncanceled, without the prior written approval

40 of the person lawfully entitled to delivery under the

41 non-negotiable receipt or ticket and without delivery being shown

42 on the appropriate records of the licensee, commits a ~~Class D~~

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- 1 **Level 6 felony.**
- 2 (d) A person who fraudulently issues a receipt, a ticket, or a weight
- 3 or grade certificate, knowing that it contains a false statement, or who
- 4 issues a receipt for grain owned solely or jointly by the person and does
- 5 not state the fact of the person's ownership in the receipt, commits a
- 6 Class A misdemeanor.
- 7 (e) A person who recklessly changes a receipt or ticket subsequent
- 8 to issuance, except for notation by the licensee of partial delivery,
- 9 commits a Class B misdemeanor.
- 10 (f) A person who knowingly or intentionally deposits grain to which
- 11 the person does not have title or upon which there is a lien or mortgage
- 12 and who accepts for the grain a receipt or ticket, without disclosing the
- 13 lack of title or the existence of the lien or mortgage, commits a ~~Class~~
- 14 **Level 6 felony.**
- 15 (g) A person commits a Class A misdemeanor who knowingly or
- 16 intentionally:
 - 17 (1) engages in the business of being a grain buyer or operates a
 - 18 warehouse without a valid license issued by the director;
 - 19 (2) engages in the business of being a grain buyer or operates a
 - 20 warehouse without a sufficient cash deposit, letter of credit, or
 - 21 surety bond on file with and in a form approved by the director;
 - 22 or
 - 23 (3) engages in the business of being a grain buyer or operates a
 - 24 warehouse while in violation of the rules adopted by the director.
- 25 (h) A person commits a Class A misdemeanor who willfully makes
- 26 or causes to be made a false entry or statement of fact in an application
- 27 or report filed with the director.
- 28 (i) A person who is not in compliance with section 3(a)(11) of this
- 29 chapter may be subject to a fine imposed by the agency of not more
- 30 than twenty thousand dollars (\$20,000), or the suspension of the grain
- 31 buyer's license for not more than five (5) years, or both.
- 32 (j) The director may suspend or revoke the license of a licensee that
- 33 uses an unlicensed facility to store or handle grain or commits another
- 34 violation of this chapter.
- 35 SECTION 292. IC 27-1-3-20 IS AMENDED TO READ AS
- 36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. (a) The
- 37 commissioner may issue a certificate of authority to any company when
- 38 it shall have complied with the requirements of the laws of this state so
- 39 as to entitle it to do business herein. The certificate shall be issued
- 40 under the seal of the department authorizing and empowering the
- 41 company to make the kind or kinds of insurance specified in the
- 42 certificate. No certificate of authority shall be issued until the

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commissioner has found that:

- (1) the company has submitted a sound plan of operation; and
- (2) the general character and experience of the incorporators, directors, and proposed officers is such as to assure reasonable promise of a successful operation, based on the fact that such persons are of known good character and that there is no good reason to believe that they are affiliated, directly or indirectly, through ownership, control, management, reinsurance transactions, or other insurance or business relations with any person or persons known to have been involved in the improper manipulation of assets, accounts, or reinsurance.

No certificate of authority shall be denied, however, under subdivision (1) or (2) until notice, hearing, and right of appeal has been given as provided in IC 4-21.5.

(b) Every company possessing a certificate of authority shall notify the commissioner of the election or appointment of every new director or principal officer, within thirty (30) days thereafter. If in the commissioner's opinion such a new principal officer or director does not meet the standards set forth in this section, ~~he~~ **the commissioner** shall request that the company effect the removal of such persons from office. If such removal is not accomplished as promptly as under the circumstances and in the opinion of the commissioner is possible, then upon notice to both the company and such principal officer or director and after notice, hearing, and right of appeal pursuant to IC 4-21.5, and after a finding that such person is incompetent or untrustworthy or of known bad character, the commissioner may order the removal of such person from office and may, unless such removal is promptly accomplished, suspend the company's certificate of authority until there is compliance with such order.

(c) No company shall transact any business of insurance or hold itself out as a company in the business of insurance in Indiana until it shall have received a certificate of authority as prescribed in this section.

(d) No company shall make, issue, deliver, sell, or advertise any kind or kinds of insurance not specified in the company's certificate of authority.

(e) Notwithstanding IC 27-1-2-4, a director or officer of a company who knowingly, intentionally, or recklessly violates subsection (c) or (d) commits a ~~Class D~~ **Level 6** felony.

(f) The commissioner shall impose a civil penalty of not more than twenty-five thousand dollars (\$25,000) on a director or officer of a company that violates subsection (c) or (d). The amount imposed must

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1 be proportionate to the costs incurred by the department of insurance,
2 other governmental entities, and the courts in regulating the activity of
3 the director, officer, or company who violates subsection (c) or (d). A
4 civil penalty imposed under this subsection may be enforced in the
5 same manner as a civil judgment.

6 SECTION 293. IC 27-5.1-2-39 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 39. A director, an
8 officer, a member, an insurance producer, or an employee of a farm
9 mutual insurance company who knowingly or intentionally, directly or
10 indirectly, uses or employs, or allows another person to use or employ,
11 money, funds, securities, or assets of the farm mutual insurance
12 company for private profit or gain commits a ~~Class C~~ **Level 5** felony.

13 SECTION 294. IC 27-10-4-5 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A bail agent who
15 knowingly or intentionally executes a bail bond without collecting in
16 full a premium for the bail bond, at the premium rate as filed with and
17 approved by the commissioner, commits a ~~Class D~~ **Level 6** felony.

18 SECTION 295. IC 27-10-4-6 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person may not
20 give or receive anything of value in exchange for the apprehension or
21 surrender of a defendant unless the payment is made:

- 22 (1) to a law enforcement agency for actual expenses incurred in
- 23 the apprehension or surrender, or both, of the defendant, or other
- 24 lawful fees; or
- 25 (2) to a bail agent or recovery agent properly licensed under this
- 26 article.

27 (b) A bail agent or recovery agent who knowingly or intentionally
28 gives or offers to give anything of value to any law enforcement officer,
29 officer of the court, or other public servant, except as permitted by
30 subsection (a), commits a ~~Class D~~ **Level 6** felony.

31 (c) A person who recklessly violates this section, except as provided
32 in subsection (b), commits a Class B misdemeanor.

33 SECTION 296. IC 28-5-1-8, AS AMENDED BY P.L.217-2007,
34 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2014]: Sec. 8. (a) Except as otherwise provided in subsections
36 (c), (d), and (e), the total obligation of any person, firm, limited liability
37 company, or corporation to any industrial loan and investment
38 company shall at no time exceed fifteen percent (15%) of the amount
39 of the capital and surplus of the company.

40 (b) The term "obligations" as used in this section means the direct
41 liability of the maker or acceptor of paper discounted with or sold to
42 any such company, and the liability of the indorser, drawer or guarantor

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1 who obtains a loan from, or discounts paper with or sells paper under
2 the person's guaranty to any such company, and, in the case of
3 obligations of a copartnership or association, includes only those
4 obligations of the several members thereof directly related to the
5 copartnership or association, and, in the case of obligations of a
6 corporation, includes all obligations of all subsidiaries thereof in which
7 such corporation owns or controls a majority interest.

8 (c) Subsection (a) does not apply to the following:

9 (1) Obligations arising out of the discount of commercial or
10 business paper actually owned by the person, firm, limited
11 liability company, or corporation negotiating such paper.

12 (2) Obligations of the United States or any instrumentality thereof
13 or of this state, or of any municipal corporation or taxing district
14 thereof, or obligations fully insured by the federal housing
15 administrator as to principal; however, the department may, under
16 such rules and regulations as it may prescribe, limit the total
17 amount that may be invested by any industrial loan and
18 investment company in any one (1) obligation or in any class of
19 obligations described in subdivisions (1) and (2).

20 (3) Obligations arising out of the agreement to repurchase, or the
21 guaranty or endorsement of, retail installment sales contracts by
22 a retail seller or subsequent assignee. However, this subdivision
23 does not apply in any case where such company purchasing such
24 paper does not become the absolute owner, or in any case where
25 installment payments are collected by a prior owner of the paper,
26 or by a retail seller of the goods represented thereby.

27 (4) Obligations arising out of the agreement to repurchase, or the
28 guaranty or indorsement of, title-retaining real estate installment
29 sales contracts by a seller, or subsequent assignees; however, this
30 subdivision does not apply in any case where such company
31 purchasing such contracts does not become the absolute owner,
32 or in any case where installment payments are collected by a prior
33 owner of the contracts or by a seller of such contracts.

34 (5) Obligations of the borrower arising out of loans in which the
35 borrower has no personal liability but which are secured by
36 bailment leases or the rentals due and to become due thereunder;
37 and the rights of the lessor in said leases and the property being
38 leased thereunder, and which loans are to be repaid out of said
39 rentals due and to become due under said leases; or obligations
40 arising out of the guaranty, endorsement, or assignment of
41 bailment leases or the rentals due and to become due thereunder
42 by the lessor. However, this subdivision does not apply in any

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1 such case where such company does not have the right or does not
 2 actually collect the rentals due or to become due thereunder.

3 (d) Obligations to an industrial loan and investment company of any
 4 subsidiary or subsidiaries of the company engaged in business for the
 5 purpose provided in section 6(a)(15) of this chapter shall at no time
 6 exceed in the case of one (1) subsidiary ten percent (10%) of the capital
 7 and surplus of the company or, in the case of more than one (1)
 8 subsidiary, in the aggregate twenty percent (20%) of the capital and
 9 surplus of the company unless in either case the department shall
 10 approve a larger percentage.

11 (e) Obligations to an industrial loan and investment company of any
 12 subsidiary or subsidiaries of the company engaged in business for the
 13 purpose provided in section 6(a)(14) of this chapter shall at no time
 14 exceed in the aggregate thirty percent (30%) of the amount of the
 15 capital and surplus of the company or such larger sum as the
 16 department may approve.

17 (f) Except as otherwise provided in this subsection and in section 9
 18 of this chapter, no loan shall be made, directly or indirectly, by any
 19 industrial loan and investment company, to any active executive
 20 officer, agent, or employee thereof. The board of directors or executive
 21 committee of any industrial loan and investment company may, by
 22 resolution, duly entered in the records of the proceedings of the board
 23 or committee, authorize loans to or extend lines of credit to:

24 (1) any active executive officer, agent, or employee of such
 25 industrial loan and investment company in any amount not
 26 exceeding, at any one (1) time outstanding:

27 (A) ten thousand dollars (\$10,000); plus
 28 (B) ten thousand dollars (\$10,000) which may be used for the
 29 sole purpose of educating the children of such active executive
 30 officer, agent, or employee as hereinafter provided; or

31 (2) directors not holding any office in such industrial loan and
 32 investment company, and not acting as an agent or employee
 33 thereof.

34 The board or committee may likewise authorize loans to or extend lines
 35 of credit to firms, limited liability companies, or corporations in which
 36 active executive officers, agents or employees or directors may be
 37 partners, members, or stockholders, but the total amount of the
 38 obligations of all such active executive officers, agents, or employees,
 39 and directors, or other firms, limited liability companies, or
 40 corporations in which such active executive officers, agents,
 41 employees, and directors are partners, members, or stockholders, shall
 42 not at any time exceed fifteen percent (15%) of the total resources of

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1 the industrial loan and investment company at the time any such loan
 2 or extension of credit is made. Loans and lines of credit permitted by
 3 this subsection shall be made only on authorization by a majority of all
 4 of the directors or members of the executive committee of such
 5 industrial loan and investment company, and by the affirmative vote of
 6 all directors or members of the executive committee present at the
 7 meeting, and such authorization may be general and need not be given
 8 for each loan or line of credit extended. However, such general
 9 authorization shall be voted upon at least annually. When a line of
 10 credit has been extended pursuant to this subsection to any such active
 11 executive officer, agent, or employee or to any such director, or to any
 12 firm, corporation, limited liability company, or partnership in which an
 13 active executive officer, agent, employee, or director may be a partner,
 14 member, or stockholder, any notes or other instruments evidencing an
 15 indebtedness to the industrial loan and investment company, and any
 16 renewals or extensions thereof, need not be authorized as otherwise
 17 required by this subsection if such loan, or any renewal or any
 18 extension thereof, is within the terms of the authorization of the line of
 19 credit theretofore extended by the directors or executive committee to
 20 such active executive officer, agent, or employee, or to such director,
 21 or to any firm, corporation, limited liability company, or partnership in
 22 which any active executive officer, agent, employee, or director may be
 23 a partner, member or stockholder. The department, under such general
 24 rules and regulations as it may prescribe, which shall apply to all
 25 industrial loan and investment companies alike, may require full
 26 collateral security for all loans of the types permitted by this subsection
 27 and, for the purpose of providing that such security may be adequate,
 28 may specify the types thereof that may be pledged. Subject to section
 29 9 of this chapter, the limitations of this subsection shall not apply to a
 30 loan by an industrial loan and investment company to an active
 31 executive officer, agent, or employee thereof made upon the security
 32 of real estate whereupon such active executive officer, agent, or
 33 employee maintains the person's actual residence. The term "actual
 34 residence" includes a two-family dwelling unit if one (1) of such units
 35 is occupied by the active executive officer, agent, or employee of the
 36 industrial loan and investment company.

37 (g) An officer or director of any industrial loan and investment
 38 company who knowingly violates subsection (f) commits a **Class B**
 39 **Level 4** felony.

40 SECTION 297. IC 28-8-4-58 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 58. (a) A person who

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1 knowingly or intentionally violates a provision of this chapter for which
2 a penalty is not specifically provided commits a Class A misdemeanor.

3 (b) A person who knowingly or intentionally makes a material, false
4 statement in a document filed or required to be filed under this chapter,
5 with the intent to deceive the recipient of the document, commits a
6 **Class C Level 5** felony.

7 (c) A person who knowingly or intentionally fails to file a document
8 required to be filed under this chapter commits a **Class C Level 5**
9 felony.

10 SECTION 298. IC 28-11-4-11, AS AMENDED BY P.L.35-2010,
11 SECTION 203, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2014]: Sec. 11. An individual who:

- 13 (1) is suspended or prohibited from participating in the conduct
- 14 of the affairs of a financial institution under section 6 or 7 of this
- 15 chapter; and
- 16 (2) after the suspension or prohibition knowingly or intentionally
- 17 participates, directly or indirectly, in the management of the
- 18 financial institution;

19 commits a **Class D Level 6** felony.

20 SECTION 299. IC 29-3-7-7, AS ADDED BY P.L.131-2009,
21 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2014]: Sec. 7. A court may not appoint a person to serve as
23 the guardian or permit a person to continue to serve as a guardian if the
24 person:

- 25 (1) is a sexually violent predator (as described in IC 35-38-1-7.5);
- 26 (2) was at least eighteen (18) years of age at the time of the
- 27 offense and was convicted of child molesting (IC 35-42-4-3) or
- 28 sexual misconduct with a minor (IC 35-42-4-9) against a child
- 29 less than sixteen (16) years of age:
 - 30 (A) by using or threatening the use of deadly force;
 - 31 (B) while armed with a deadly weapon; or
 - 32 (C) that resulted in serious bodily injury; or
- 33 (3) was less than eighteen (18) years of age at the time of the
- 34 offense and was convicted as an adult of:
 - 35 (A) an offense described in:
 - 36 (i) IC 35-42-4-1;
 - 37 (ii) IC 35-42-4-2 (**repealed**);
 - 38 (iii) IC 35-42-4-3 as a Class A or Class B felony (**for crimes**
 - 39 **committed before July 1, 2014**) or as a **Level 2 or Level**
 - 40 **4 felony (for crimes committed after June 30, 2014)**;
 - 41 (iv) IC 35-42-4-5(a)(1);
 - 42 (v) IC 35-42-4-5(a)(2);

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- 1 (vi) IC 35-42-4-5(a)(3);
- 2 (vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony (**for**
- 3 **crimes committed before July 1, 2014) or as a Level 2,**
- 4 **Level 3, or Level 4 felony (for crimes committed after**
- 5 **June 30, 2014);**
- 6 (viii) IC 35-42-4-5(b)(2); or
- 7 (ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony (**for**
- 8 **crimes committed before July 1, 2014) or as a Level 2,**
- 9 **Level 3, or Level 4 felony (for crimes committed after**
- 10 **June 30, 2014);**
- 11 (B) an attempt or conspiracy to commit a crime listed in clause
- 12 (A); or
- 13 (C) a crime under the laws of another jurisdiction, including a
- 14 military court, that is substantially equivalent to any of the
- 15 offenses listed in clauses (A) and (B).

16 SECTION 300. IC 30-2-9-7, AS AMENDED BY P.L.61-2008,
 17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2014]: Sec. 7. (a) Except as provided in subsection (b) or (c),
 19 a person who violates this chapter or makes any false and fraudulent
 20 report required under this chapter commits a Class B misdemeanor.

21 (b) A person who knowingly or intentionally uses or disburses funds
 22 in a funeral trust established under this chapter for purposes other than
 23 the purposes required under this chapter commits a ~~Class C~~ **Level 5**
 24 felony.

25 (c) Except as authorized in an agreement described in section 4 of
 26 this chapter permitting the early withdrawal of funds, a trustee that
 27 disburses funds in a funeral trust established under this chapter without
 28 verifying:

- 29 (1) the death of the individual for whom services are to be
- 30 provided under the contract; and
- 31 (2) that the beneficiary fully performed all funeral and burial
- 32 services provided for in the contract;

33 through the use of documentation required under rules adopted by the
 34 state board of funeral and cemetery service established by IC 25-15-9-1
 35 commits a Class A infraction.

36 SECTION 301. IC 30-2-10-9, AS AMENDED BY P.L.1-2009,
 37 SECTION 152, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) Except as provided in
 39 subsections (b) and (c), a person who knowingly violates this chapter
 40 commits a Class A misdemeanor.

41 (b) A person who knowingly or intentionally uses or disburses funds
 42 in a funeral trust established under this chapter for purposes other than

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1 the purposes required under this chapter commits a ~~Class C~~ **Level 5**
2 felony.

3 (c) A trustee that disburses funds in a funeral trust established under
4 this chapter without verifying:

5 (1) the death of the individual for whom services are to be
6 provided under the contract; and

7 (2) that the beneficiary fully performed all funeral and burial
8 services provided for in the contract;

9 through the use of documentation required under rules adopted by the
10 state board of funeral and cemetery service established by IC 25-15-9-1
11 commits a Class A infraction.

12 SECTION 302. IC 30-2-13-38, AS AMENDED BY P.L.143-2009,
13 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2014]: Sec. 38. (a) A seller who violates a provision of this
15 chapter commits an uncured deceptive act (as defined in
16 IC 24-5-0.5-2).

17 (b) A person doing business as a sole proprietor, a firm, a limited
18 liability company, a corporation, an association, or a partnership, but
19 not acting as a seller that:

20 (1) sells or advertises prepaid services or merchandise or services
21 or merchandise (as defined in section 8 of this chapter) and fails
22 to obtain the certificate of authority required by section 33 of this
23 chapter; or

24 (2) sells or advertises prepaid services or merchandise or services
25 or merchandise (as defined in section 8 of this chapter) after the
26 entity's certificate of authority has:

27 (A) expired; or

28 (B) been rescinded, revoked, or suspended by the board;

29 commits a Class A misdemeanor. Each act committed in violation of
30 this subsection constitutes a separate offense.

31 (c) The following may maintain an action to enjoin an individual or
32 entity from continuing to violate this section:

33 (1) The board.

34 (2) The attorney general.

35 (3) The prosecuting attorney of a county in which a violation
36 occurs.

37 (d) A purchaser has a private right of action against a seller who
38 commits an uncured deceptive act.

39 (e) A trustee or escrow agent, acting as a fiduciary, that disburses
40 funds in a trust or escrow account established under this chapter
41 without verifying that the seller has delivered the services or
42 merchandise for which the funds were deposited through the use of

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1 documentation required under rules adopted by the state board of
2 funeral and cemetery service established by IC 25-15-9-1 commits a
3 Class A infraction.

4 (f) A person who knowingly or intentionally uses or disburses funds
5 in a trust or escrow account established under this chapter for purposes
6 other than the purposes required under this chapter commits a ~~Class C~~
7 **Level 5** felony.

8 SECTION 303. IC 31-11-11-1 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who
10 knowingly furnishes false information to a clerk of the circuit court
11 when the person applies for a marriage license under IC 31-11-4
12 commits a ~~Class D~~ **Level 6** felony.

13 SECTION 304. IC 31-11-11-2 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who
15 knowingly furnishes false information in a verified written consent
16 under IC 31-11-2 commits a ~~Class D~~ **Level 6** felony.

17 SECTION 305. IC 31-11-11-3, AS AMENDED BY P.L.41-2005,
18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2014]: Sec. 3. An applicant for a marriage license who
20 knowingly furnishes false information concerning the applicant's
21 physical condition to the clerk of a circuit court commits a ~~Class D~~
22 **Level 6** felony.

23 SECTION 306. IC 31-19-9-10 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A court shall
25 determine that consent to adoption is not required from a parent if:

- 26 (1) the parent is convicted of and incarcerated at the time of the
27 filing of a petition for adoption for:
 - 28 (A) murder (IC 35-42-1-1);
 - 29 (B) causing suicide (IC 35-42-1-2);
 - 30 (C) voluntary manslaughter (IC 35-42-1-3);
 - 31 (D) rape (IC 35-42-4-1);
 - 32 (E) criminal deviate conduct (IC 35-42-4-2) (**repealed**);
 - 33 (F) child molesting (**IC 35-42-4-3**) as a:
 - 34 (i) Class A or Class B felony, (~~IC 35-42-4-3~~); **for a crime**
35 **committed before July 1, 2014; or**
 - 36 (ii) **Level 1, Level 2, Level 3, or Level 4 felony, for a**
37 **crime committed after June 30, 2014;**
 - 38 (G) incest (**IC 35-46-1-3**) as a:
 - 39 (i) Class B felony, (~~IC 35-46-1-3~~); **for a crime committed**
40 **before July 1, 2014; or**
 - 41 (ii) **Level 4 felony, for a crime committed after June 30,**
42 **2014);**

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- 1 (H) neglect of a dependent (**IC 35-46-1-4**) as a:
- 2 (i) Class B felony, (~~IC 35-46-1-4~~); **for a crime committed**
- 3 **before July 1, 2014; or**
- 4 (ii) **Level 1 or Level 3 felony, for a crime committed after**
- 5 **June 30, 2014;**
- 6 (I) battery (**IC 35-42-2-1**) of a child as a:
- 7 (i) Class C felony, (~~IC 35-42-2-1(a)(3)~~); **for a crime**
- 8 **committed before July 1, 2014; or**
- 9 (ii) **Level 5 felony, for a crime committed after June 30,**
- 10 **2014);**
- 11 (J) battery (**IC 35-42-2-1**) as a:
- 12 (i) Class A felony (~~IC 35-42-2-1(a)(5)~~) or Class B felony,
- 13 (~~IC 35-42-2-1(a)(4)~~); **for a crime committed before July**
- 14 **1, 2014; or**
- 15 (ii) **Level 2 or Level 3 felony, for a crime committed after**
- 16 **June 30, 2014); or**
- 17 (K) an attempt under IC 35-41-5-1 to commit an offense
- 18 described in clauses (A) through (J);
- 19 (2) the child or the child's sibling, half-blood sibling, or
- 20 step-sibling of the parent's current marriage is the victim of the
- 21 offense; and
- 22 (3) after notice to the parent and a hearing, the court determines
- 23 that dispensing with the parent's consent to adoption is in the
- 24 child's best interests.
- 25 SECTION 307. IC 31-19-11-1, AS AMENDED BY P.L.128-2012,
- 26 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 JULY 1, 2014]: Sec. 1. (a) Whenever the court has heard the evidence
- 28 and finds that:
- 29 (1) the adoption requested is in the best interest of the child;
- 30 (2) the petitioner or petitioners for adoption are of sufficient
- 31 ability to rear the child and furnish suitable support and
- 32 education;
- 33 (3) the report of the investigation and recommendation under
- 34 IC 31-19-8-5 has been filed;
- 35 (4) the attorney or agency arranging an adoption has filed with the
- 36 court an affidavit prepared by the state department of health under
- 37 IC 31-19-5-16 indicating whether a man is entitled to notice of the
- 38 adoption because the man has registered with the putative father
- 39 registry in accordance with IC 31-19-5;
- 40 (5) proper notice arising under subdivision (4), if notice is
- 41 necessary, of the adoption has been given;

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- 1 (6) the attorney or agency has filed with the court an affidavit
- 2 prepared by the state department of health under:
- 3 (A) IC 31-19-6 indicating whether a record of a paternity
- 4 determination; or
- 5 (B) IC 16-37-2-2(g) indicating whether a paternity affidavit
- 6 executed under IC 16-37-2-2.1;
- 7 has been filed in relation to the child;
- 8 (7) proper consent, if consent is necessary, to the adoption has
- 9 been given;
- 10 (8) the petitioner for adoption is not prohibited from adopting the
- 11 child as the result of an inappropriate criminal history described
- 12 in subsection (c) or (d); and
- 13 (9) the person, licensed child placing agency, or local office that
- 14 has placed the child for adoption has provided the documents and
- 15 other information required under IC 31-19-17 to the prospective
- 16 adoptive parents;

17 the court shall grant the petition for adoption and enter an adoption
18 decree.

19 (b) A court may not grant an adoption unless the state department
20 of health's affidavit under IC 31-19-5-16 is filed with the court as
21 provided under subsection (a)(4).

22 (c) A juvenile adjudication for an act listed in subdivisions (1)
23 through (21) that would be a felony if committed by an adult, a
24 conviction of a misdemeanor related to the health and safety of a child,
25 or a conviction of a felony not listed in subdivisions (1) through (21)
26 by a petitioner for adoption is a permissible basis for the court to deny
27 the petition for adoption. In addition, the court may not grant an
28 adoption if a petitioner for adoption has been convicted of any of the
29 felonies described as follows:

- 30 (1) Murder (IC 35-42-1-1).
- 31 (2) Causing suicide (IC 35-42-1-2).
- 32 (3) Assisting suicide (IC 35-42-1-2.5).
- 33 (4) Voluntary manslaughter (IC 35-42-1-3).
- 34 (5) Reckless homicide (IC 35-42-1-5).
- 35 (6) Battery as a felony (IC 35-42-2-1).
- 36 (7) Domestic battery (IC 35-42-2-1.3).
- 37 (8) Aggravated battery (IC 35-42-2-1.5).
- 38 (9) Kidnapping (IC 35-42-3-2).
- 39 (10) Criminal confinement (IC 35-42-3-3).
- 40 (11) A felony sex offense under IC 35-42-4.
- 41 (12) Carjacking (IC 35-42-5-2) **(repealed)**.
- 42 (13) Arson (IC 35-43-1-1).

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- 1 (14) Incest (IC 35-46-1-3).
- 2 (15) Neglect of a dependent (IC 35-46-1-4(a)(1) and
- 3 IC 35-46-1-4(a)(2)).
- 4 (16) Child selling (IC 35-46-1-4(d)).
- 5 (17) A felony involving a weapon under IC 35-47 or IC 35-47.5.
- 6 (18) A felony relating to controlled substances under IC 35-48-4.
- 7 (19) An offense relating to material or a performance that is
- 8 harmful to minors or obscene under IC 35-49-3.
- 9 (20) A felony under IC 9-30-5.
- 10 (21) A felony under the laws of another jurisdiction, including a
- 11 military court, that is substantially equivalent to any of the
- 12 offenses listed in subdivisions (1) through (20).

13 However, the court is not prohibited from granting an adoption based
 14 upon a felony conviction under subdivision (6), (10), (12), (13), (17),
 15 (18), or (20) or its equivalent under subdivision (21), if the date of the
 16 conviction did not occur within the immediately preceding five (5) year
 17 period.

18 (d) A court may not grant an adoption if the petitioner is a sex or
 19 violent offender (as defined in IC 11-8-8-5) or a sexually violent
 20 predator (as defined in IC 35-38-1-7.5).

21 SECTION 308. IC 31-19-29-5, AS AMENDED BY P.L.128-2012,
 22 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2014]: Sec. 5. (a) A child with special needs resident in this
 24 state who is the subject of an adoption assistance agreement with
 25 another state shall be entitled to receive a medical assistance
 26 identification from this state upon the filing in the local office for the
 27 county in which the child resides of a certified copy of the adoption
 28 assistance agreement obtained from the adoption assistance state. In
 29 accordance with rules of the department, the adoptive parents shall be
 30 required at least annually to show that the agreement is still in force or
 31 has been renewed.

32 (b) The department shall consider the holder of a medical assistance
 33 identification pursuant to this section as any other holder of a medical
 34 assistance identification under the laws of this state and shall process
 35 and make payment on claims on account of such holder in the same
 36 manner and pursuant to the same conditions and procedures as for
 37 other recipients of medical assistance.

38 (c) The department shall provide coverage and benefits for a child
 39 who is in another state and who is covered by an adoption assistance
 40 agreement made by the department for the coverage or benefits, if any,
 41 not provided by the residence state. To this end, the adoptive parents
 42 acting for the child may submit evidence of payment for services or

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1 benefit amounts not payable in the residence state and shall be
 2 reimbursed therefor. However, there shall be no reimbursement for
 3 services or benefit amounts covered under any insurance or other third
 4 party medical contract or arrangement held by the child or the adoptive
 5 parents. The department shall adopt rules implementing this
 6 subsection. The additional coverages and benefit amounts provided
 7 pursuant to this subsection shall be for services to the cost of which
 8 there is no federal contribution, or which, if federally aided, are not
 9 provided by the residence state. Among other things, such rules shall
 10 include procedures to be followed in obtaining prior approvals for
 11 services in those instances where required for the assistance.

12 (d) A person who submits any claim for payment or reimbursement
 13 for services or benefits pursuant to this section or makes any statement
 14 in connection therewith, which claim or statement the maker knows or
 15 should know to be false, misleading, or fraudulent commits a ~~Class D~~
 16 **Level 6** felony.

17 (e) The provisions of this section shall apply only to medical
 18 assistance for children under adoption assistance agreements from
 19 states that have entered into a compact with this state under which the
 20 other state provides medical assistance to children with special needs
 21 under adoption assistance agreements made by this state. All other
 22 children entitled to medical assistance pursuant to adoption assistance
 23 agreements entered into by this state shall be eligible to receive it in
 24 accordance with the laws and procedures applicable thereto.

25 SECTION 309. IC 31-27-4-13, AS AMENDED BY P.L.128-2012,
 26 SECTION 110, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) The department shall deny
 28 a license when an applicant fails to meet the requirements for a license.
 29 The department shall deny a license to an applicant who has been
 30 convicted of any of the following felonies:

- 31 (1) Murder (IC 35-42-1-1).
- 32 (2) Causing suicide (IC 35-42-1-2).
- 33 (3) Assisting suicide (IC 35-42-1-2.5).
- 34 (4) Voluntary manslaughter (IC 35-42-1-3).
- 35 (5) Reckless homicide (IC 35-42-1-5).
- 36 (6) Battery (IC 35-42-2-1) within the past five (5) years.
- 37 (7) Domestic battery (IC 35-42-2-1.3).
- 38 (8) Aggravated battery (IC 35-42-2-1.5).
- 39 (9) Kidnapping (IC 35-42-3-2).
- 40 (10) Criminal confinement (IC 35-42-3-3) within the past five (5)
 41 years.
- 42 (11) A felony sex offense under IC 35-42-4.



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- 1 (12) Carjacking (IC 35-42-5-2) **(repealed)** within the past five (5)
- 2 years.
- 3 (13) Arson (IC 35-43-1-1) within the past five (5) years.
- 4 (14) Incest (IC 35-46-1-3).
- 5 (15) Neglect of a dependent (IC 35-46-1-4(a)(1) and
- 6 IC 35-46-1-4(a)(2)).
- 7 (16) Child selling (IC 35-46-1-4(d)).
- 8 (17) A felony involving a weapon under IC 35-47 or IC 35-47.5
- 9 within the past five (5) years.
- 10 (18) A felony relating to controlled substances under IC 35-48-4
- 11 within the past five (5) years.
- 12 (19) An offense relating to material or a performance that is
- 13 harmful to minors or obscene under IC 35-49-3.
- 14 (20) A felony under IC 9-30-5.
- 15 (21) A felony that is substantially equivalent to a felony listed in
- 16 subdivisions (1) through ~~(20)~~ **(19)** for which the conviction was
- 17 entered in another state.
- 18 (b) The department may deny a license to an applicant who:
- 19 (1) has been convicted of a felony that is not listed in subsection
- 20 (a); or
- 21 (2) has had a juvenile adjudication for an act listed in subsection
- 22 (a) that, if committed by an adult, would be a felony.
- 23 (c) The department shall send written notice by certified mail that
- 24 the application has been denied and give the reasons for the denial.
- 25 (d) An administrative hearing concerning the denial of a license
- 26 shall be provided upon written request by the applicant. The request
- 27 must be made not more than thirty (30) days after receiving the written
- 28 notice under subsection (c).
- 29 (e) An administrative hearing shall be held in accordance with
- 30 IC 4-21.5-3.
- 31 SECTION 310. IC 31-30-1-2.5, AS AMENDED BY P.L.131-2009,
- 32 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 33 JULY 1, 2014]: Sec. 2.5. A juvenile court may not appoint a person to
- 34 serve as the guardian or custodian of a child or permit a person to
- 35 continue to serve as a guardian or custodian of a child if the person:
- 36 (1) is a sexually violent predator (as described in IC 35-38-1-7.5);
- 37 (2) was at least eighteen (18) years of age at the time of the
- 38 offense and committed child molesting (IC 35-42-4-3) or sexual
- 39 misconduct with a minor (IC 35-42-4-9) against a child less than
- 40 sixteen (16) years of age:
- 41 (A) by using or threatening the use of deadly force;
- 42 (B) while armed with a deadly weapon; or

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- 1 (C) that resulted in serious bodily injury; or
- 2 (3) was less than eighteen (18) years of age at the time of the
- 3 offense but was tried and convicted as an adult of:
- 4 (A) an offense described in:
 - 5 (i) IC 35-42-4-1;
 - 6 (ii) IC 35-42-4-2 **(repealed)**;
 - 7 (iii) IC 35-42-4-3 as a Class A or Class B felony **(for crimes**
 - 8 **committed before July 1, 2014) or as a Level 1, Level 2,**
 - 9 **or Level 3 felony (for crimes committed after June 30,**
 - 10 **2014)**;
 - 11 (iv) IC 35-42-4-5(a)(1);
 - 12 (v) IC 35-42-4-5(a)(2);
 - 13 (vi) IC 35-42-4-5(a)(3);
 - 14 (vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony **(for**
 - 15 **crimes committed before July 1, 2014) or as a Level 2,**
 - 16 **Level 3, or Level 4 felony (for crimes committed after**
 - 17 **June 30, 2014)**;
 - 18 (viii) IC 35-42-4-5(b)(2); or
 - 19 (ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony **(for**
 - 20 **crimes committed before July 1, 2014) or as a Level 1,**
 - 21 **Level 2, or Level 3 felony (for crimes committed after**
 - 22 **June 30, 2014)**;
 - 23 (B) an attempt or conspiracy to commit a crime listed in clause
 - 24 (A); or
 - 25 (C) a crime under the laws of another jurisdiction, including a
 - 26 military court, that is substantially equivalent to any of the
 - 27 offenses listed in clauses (A) and (B).
 - 28 SECTION 311. IC 31-30-1-4, AS AMENDED BY P.L.67-2008,
 - 29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 - 30 JULY 1, 2014]: Sec. 4. (a) The juvenile court does not have jurisdiction
 - 31 over an individual for an alleged violation of:
 - 32 (1) IC 35-41-5-1(a) (attempted murder);
 - 33 (2) IC 35-42-1-1 (murder);
 - 34 (3) IC 35-42-3-2 (kidnapping);
 - 35 (4) IC 35-42-4-1 (rape);
 - 36 (5) IC 35-42-4-2 (criminal deviate conduct) **(repealed)**;
 - 37 (6) IC 35-42-5-1 (robbery) if:
 - 38 (A) the robbery was committed while armed with a deadly
 - 39 weapon; or
 - 40 (B) the robbery results in bodily injury or serious bodily
 - 41 injury;
 - 42 (7) IC 35-42-5-2 (carjacking) **(repealed)**;

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1 (8) IC 35-45-9-3 (criminal gang activity);
 2 (9) IC 35-45-9-4 (criminal gang intimidation);
 3 (10) IC 35-47-2-1 (carrying a handgun without a license), if
 4 charged as a felony;
 5 (11) IC 35-47-10 (children and firearms), if charged as a felony;
 6 (12) IC 35-47-5-4.1 (dealing in a sawed-off shotgun); or
 7 (13) any offense that may be joined under IC 35-34-1-9(a)(2) with
 8 any crime listed in subdivisions (1) through ~~(12)~~; **(11)**;
 9 if the individual was at least sixteen (16) years of age at the time of the
 10 alleged violation.

11 (b) The juvenile court does not have jurisdiction for an alleged
 12 violation of manufacturing or dealing in cocaine or a narcotic drug
 13 (IC 35-48-4-1), dealing in methamphetamine (IC 35-48-4-1.1), dealing
 14 in a schedule I, II, or III controlled substance (IC 35-48-4-2), or dealing
 15 in a schedule IV controlled substance (IC 35-48-4-3), if:

16 (1) the individual has a prior unrelated conviction under
 17 IC 35-48-4-1, IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3; or
 18 (2) the individual has a prior unrelated juvenile adjudication that,
 19 if committed by an adult, would be a crime under IC 35-48-4-1,
 20 IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3;
 21 and the individual was at least sixteen (16) years of age at the time of
 22 the alleged violation.

23 (c) Once an individual described in subsection (a) or (b) has been
 24 charged with any crime listed in subsection (a) or (b), the court having
 25 adult criminal jurisdiction shall retain jurisdiction over the case even
 26 if the individual pleads guilty to or is convicted of a lesser included
 27 offense. A plea of guilty to or a conviction of a lesser included offense
 28 does not vest jurisdiction in the juvenile court.

29 SECTION 312. IC 31-30-3-5 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. Except for those
 31 cases in which the juvenile court has no jurisdiction in accordance with
 32 IC 31-30-1-4, the court shall, upon motion of the prosecuting attorney
 33 and after full investigation and hearing, waive jurisdiction if it finds
 34 that:

35 (1) the child is charged with an act that, if committed by an adult,
 36 would be:

37 (A) a ~~Class A or Class B~~ **Level 1 felony, Level 2 felony,**
 38 **Level 3 felony, or Level 4** felony, except a felony defined by
 39 IC 35-48-4;

40 (B) involuntary manslaughter as a ~~Class C~~ **Level 5** felony
 41 under IC 35-42-1-4; or

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1 (C) reckless homicide as a ~~Class E~~ **Level 5** felony under
 2 IC 35-42-1-5;
 3 (2) there is probable cause to believe that the child has committed
 4 the act; and
 5 (3) the child was at least sixteen (16) years of age when the act
 6 charged was allegedly committed;
 7 unless it would be in the best interests of the child and of the safety and
 8 welfare of the community for the child to remain within the juvenile
 9 justice system.

10 SECTION 313. IC 31-33-22-3, AS AMENDED BY P.L.131-2009,
 11 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2014]: Sec. 3. (a) A person who intentionally communicates
 13 to:

14 (1) a law enforcement agency; or
 15 (2) the department;
 16 a report of child abuse or neglect knowing the report to be false
 17 commits a Class A misdemeanor. However, the offense is a ~~Class D~~
 18 **Level 6** felony if the person has a previous unrelated conviction for
 19 making a report of child abuse or neglect knowing the report to be
 20 false.

21 (b) A person who intentionally communicates to:
 22 (1) a law enforcement agency; or
 23 (2) the department;
 24 a report of child abuse or neglect knowing the report to be false is
 25 liable to the person accused of child abuse or neglect for actual
 26 damages. The finder of fact may award punitive damages and attorney's
 27 fees in an amount determined by the finder of fact against the person.

28 (c) The director or the director's designee shall, after review by the
 29 department's attorney, notify the prosecuting attorney whenever the
 30 director or the director's designee and the department's attorney have
 31 reason to believe that a person has violated this section.

32 (d) A person who:
 33 (1) has reason to believe that the person is a victim of a false
 34 report of child abuse or neglect under this section; and
 35 (2) is not named in a pending criminal charge or under assessment
 36 relating to the report;
 37 may file a complaint with the prosecuting attorney. The prosecuting
 38 attorney shall review the relevant child abuse or neglect records of the
 39 department and any other relevant evidence.

40 SECTION 314. IC 31-34-1-3 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A child is a child

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- 1 in need of services if, before the child becomes eighteen (18) years of
 2 age:
- 3 (1) the child is the victim of a sex offense under:
- 4 (A) IC 35-42-4-1;
- 5 (B) IC 35-42-4-2 (**repealed**);
- 6 (C) IC 35-42-4-3;
- 7 (D) IC 35-42-4-4;
- 8 (E) IC 35-42-4-7;
- 9 (F) IC 35-42-4-9;
- 10 (G) IC 35-45-4-1;
- 11 (H) IC 35-45-4-2;
- 12 (I) IC 35-46-1-3; or
- 13 (J) the law of another jurisdiction, including a military court,
 14 that is substantially equivalent to any of the offenses listed in
 15 clauses (A) through (I); and
- 16 (2) the child needs care, treatment, or rehabilitation that:
- 17 (A) the child is not receiving; and
- 18 (B) is unlikely to be provided or accepted without the coercive
 19 intervention of the court.
- 20 (b) A child is a child in need of services if, before the child becomes
 21 eighteen (18) years of age:
- 22 (1) the child lives in the same household as another child who is
 23 the victim of a sex offense under:
- 24 (A) IC 35-42-4-1;
- 25 (B) IC 35-42-4-2 (**repealed**);
- 26 (C) IC 35-42-4-3;
- 27 (D) IC 35-42-4-4;
- 28 (E) IC 35-42-4-7;
- 29 (F) IC 35-42-4-9;
- 30 (G) IC 35-45-4-1;
- 31 (H) IC 35-45-4-2;
- 32 (I) IC 35-46-1-3; or
- 33 (J) the law of another jurisdiction, including a military court,
 34 that is substantially equivalent to any of the offenses listed in
 35 clauses (A) through (I);
- 36 (2) the child lives in the same household as the adult who
 37 committed the sex offense under subdivision (1) and the sex
 38 offense resulted in a conviction or a judgment under
 39 IC 31-34-11-2;
- 40 (3) the child needs care, treatment, or rehabilitation that:
- 41 (A) the child is not receiving; and

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- 1 (B) is unlikely to be provided or accepted without the coercive
- 2 intervention of the court; and
- 3 (4) a caseworker assigned to provide services to the child:
- 4 (A) places the child in a program of informal adjustment or
- 5 other family or rehabilitative services based upon the existence
- 6 of the circumstances described in subdivisions (1) and (2) and
- 7 the assigned caseworker subsequently determines further
- 8 intervention is necessary; or
- 9 (B) determines that a program of informal adjustment or other
- 10 family or rehabilitative services is inappropriate.

11 SECTION 315. IC 31-34-2.3-8, AS ADDED BY P.L.52-2007,
 12 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2014]: Sec. 8. An alleged perpetrator of child abuse who
 14 knowingly or intentionally returns to a child's residence in violation of
 15 a child protective order issued under section 2 or 5 of this chapter
 16 commits a Class A misdemeanor. However, the offense is a ~~Class B~~
 17 **Level 6** felony if the alleged perpetrator has a prior unrelated
 18 conviction under this section.

19 SECTION 316. IC 31-34-4-2, AS AMENDED BY P.L.128-2012,
 20 SECTION 159, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) If a child alleged to be a child
 22 in need of services is taken into custody under an order of the court
 23 under this chapter and the court orders out-of-home placement, the
 24 department is responsible for that placement and care and must
 25 consider placing the child with a:

- 26 (1) suitable and willing blood or an adoptive relative caretaker,
- 27 including a grandparent, an aunt, an uncle, or an adult sibling;
- 28 (2) de facto custodian; or
- 29 (3) stepparent;

30 before considering any other out-of-home placement.

31 (b) Before the department places a child in need of services with a
 32 blood relative or an adoptive relative caretaker, a de facto custodian, or
 33 a stepparent, the department shall complete an evaluation based on a
 34 home visit of the relative's home.

35 (c) Except as provided in subsection (e), before placing a child in
 36 need of services in an out-of-home placement, including placement
 37 with a blood or an adoptive relative caretaker, a de facto custodian, or
 38 a stepparent, the department shall conduct a criminal history check of
 39 each person who is currently residing in the location designated as the
 40 out-of-home placement.

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1 (d) Except as provided in subsection (f), the department may not
 2 make an out-of-home placement if a person described in subsection (c)
 3 has:

4 (1) committed an act resulting in a substantiated report of child
 5 abuse or neglect; or

6 (2) been convicted of a felony listed in IC 31-27-4-13 or had a
 7 juvenile adjudication for an act that would be a felony listed in
 8 IC 31-27-4-13 if committed by an adult.

9 (e) The department is not required to conduct a criminal history
 10 check under subsection (c) if the department makes an out-of-home
 11 placement to an entity or a facility that is not a residence (as defined in
 12 IC 3-5-2-42.5) or that is licensed by the state.

13 (f) A court may order or the department may approve an
 14 out-of-home placement if:

15 (1) a person described in subsection (c) has:

16 (A) committed an act resulting in a substantiated report of
 17 child abuse or neglect;

18 (B) been convicted of:

19 (i) battery (IC 35-42-2-1) as a felony;

20 (ii) criminal confinement (IC 35-42-3-3) as a felony;

21 (iii) carjacking (IC 35-42-5-2) (**repealed**) as a felony;

22 (iv) arson (IC 35-43-1-1) as a felony;

23 (v) a felony involving a weapon under IC 35-47 or
 24 IC 35-47.5;

25 (vi) a felony relating to controlled substances under
 26 IC 35-48-4;

27 (vii) a felony under IC 9-30-5; or

28 (viii) a felony that is substantially equivalent to a felony
 29 listed in items (i) through ~~(vii)~~ (vi) for which the conviction
 30 was entered in another state;

31 if the conviction did not occur within the past five (5) years; or

32 (C) had a juvenile adjudication for an act listed in
 33 IC 31-27-4-13(a) that, if committed by an adult, would be a
 34 felony; and

35 (2) the person's commission of the offense, delinquent act, or act
 36 of abuse or neglect described in subdivision (1) is not relevant to
 37 the person's present ability to care for a child, and the placement
 38 is in the best interest of the child.

39 However, a court or the department may not make an out-of-home
 40 placement if the person has been convicted of a felony listed in
 41 IC 31-27-4-13 that is not specifically excluded under subdivision
 42 (1)(B).

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1 (g) In considering the placement under subsection (f), the court or
2 the department shall consider the following:

3 (1) The length of time since the person committed the offense,
4 delinquent act, or abuse or neglect.

5 (2) The severity of the offense, delinquent act, or abuse or neglect.

6 (3) Evidence of the person's rehabilitation, including the person's
7 cooperation with a treatment plan, if applicable.

8 SECTION 317. IC 31-34-20-1.5, AS AMENDED BY P.L.128-2012,
9 SECTION 165, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) Except as provided in
11 subsection (d), the juvenile court may not enter a dispositional decree
12 approving or ordering placement of a child in another home under
13 section 1(a)(3) of this chapter or awarding wardship to the department
14 that will place the child in another home under section 1(a)(4) of this
15 chapter if a person who is currently residing in the home in which the
16 child would be placed under section 1(a)(3) or 1(a)(4) of this chapter
17 has committed an act resulting in a substantiated report of child abuse
18 or neglect, has a juvenile adjudication for an act that would be a felony
19 listed in IC 31-27-4-13 if committed by an adult, or has a conviction for
20 a felony listed in IC 31-27-4-13.

21 (b) The department or caseworker who prepared the predispositional
22 report shall conduct a criminal history check (as defined in
23 IC 31-9-2-22.5) to determine if a person described in subsection (a) has
24 committed an act resulting in a substantiated report of child abuse or
25 neglect, has a juvenile adjudication for an act that would be a felony
26 listed in IC 31-27-4-13 if committed by an adult, or has a conviction for
27 a felony listed in IC 31-27-4-13. However, the department or
28 caseworker is not required to conduct a criminal history check under
29 this section if criminal history information under IC 31-34-4-2 or
30 IC 31-34-18-6.1 establishes whether a person described in subsection
31 (a) has committed an act resulting in a substantiated report of child
32 abuse or neglect, has a juvenile adjudication for an act that would be
33 a felony listed in IC 31-27-4-13(a) if committed by an adult, or has a
34 conviction for a felony listed in IC 31-27-4-13(a).

35 (c) The department or caseworker is not required to conduct a
36 criminal history check under this section if:

37 (1) the department or caseworker is considering only an
38 out-of-home placement to an entity or a facility that:

39 (A) is not a residence (as defined in IC 3-5-2-42.5); or

40 (B) is licensed by the state; or

41 (2) placement under this section is undetermined at the time the
42 predispositional report is prepared.

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1 (d) A juvenile court may enter a dispositional decree that approves
 2 placement of a child in another home or award wardship to the
 3 department that will place the child in a home with a person described
 4 in subsection (a) if:

5 (1) the person described in subsection (a) has:

6 (A) committed an act resulting in a substantiated report of
 7 child abuse or neglect;

8 (B) been convicted of:

9 (i) battery (IC 35-42-2-1) as a felony;

10 (ii) criminal confinement (IC 35-42-3-3) as a felony;

11 (iii) carjacking (IC 35-42-5-2) (**repealed**) as a felony;

12 (iv) arson (IC 35-43-1-1) as a felony;

13 (v) a felony involving a weapon under IC 35-47 or
 14 IC 35-47.5;

15 (vi) a felony relating to controlled substances under
 16 IC 35-48-4;

17 (vii) a felony under IC 9-30-5; or

18 (viii) a felony that is substantially equivalent to a felony
 19 listed in items (i) through ~~(vii)~~ (vi) for which the conviction
 20 was entered in another state;

21 if the conviction did not occur within the past five (5) years; or

22 (C) had a juvenile adjudication for an act listed in
 23 IC 31-27-4-13(a) that, if committed by an adult, would be a
 24 felony; and

25 (2) the person's commission of the offense, delinquent act, or act
 26 of abuse or neglect described in subdivision (1) is not relevant to
 27 the person's present ability to care for a child, and placing a child
 28 in another home or awarding wardship to the department is in the
 29 best interest of the child.

30 However, a court may not enter a dispositional decree that approves
 31 placement of a child in another home or awards wardship to the
 32 department if the person has been convicted of a felony listed in
 33 IC 31-27-4-13(a) that is not specifically excluded under subdivision
 34 (1)(B).

35 (e) In considering the placement under subsection (d), the court
 36 shall consider the following:

37 (1) The length of time since the person committed the offense,
 38 delinquent act, or act that resulted in the substantiated report of
 39 abuse or neglect.

40 (2) The severity of the offense, delinquent act, or abuse or neglect.

41 (3) Evidence of the person's rehabilitation, including the person's
 42 cooperation with a treatment plan, if applicable.

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1 SECTION 318. IC 31-34-21-5.6 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5.6. (a) A court may
 3 make a finding described in this section at any phase of a child in need
 4 of services proceeding.

5 (b) Reasonable efforts to reunify a child with the child's parent,
 6 guardian, or custodian or preserve a child's family as described in
 7 section 5.5 of this chapter are not required if the court finds any of the
 8 following:

9 (1) A parent, guardian, or custodian of a child who is a child in
 10 need of services has been convicted of:

11 (A) an offense described in IC 31-35-3-4(1)(B) or
 12 IC 31-35-3-4(1)(D) through IC 31-35-3-4(1)(J) against a
 13 victim who is:

14 (i) a child described in IC 31-35-3-4(2); or

15 (ii) a parent of the child; or

16 (B) a comparable offense as described in clause (A) in any
 17 other state, territory, or country by a court of competent
 18 jurisdiction.

19 (2) A parent, guardian, or custodian of a child who is a child in
 20 need of services:

21 (A) has been convicted of:

22 (i) the murder (IC 35-42-1-1) or voluntary manslaughter
 23 (IC 35-42-1-3) of a victim who is a child described in
 24 IC 31-35-3-4(2)(B) or a parent of the child; or

25 (ii) a comparable offense described in item (i) in any other
 26 state, territory, or country; or

27 (B) has been convicted of:

28 (i) aiding, inducing, or causing another person;

29 (ii) attempting; or

30 (iii) conspiring with another person;

31 to commit an offense described in clause (A).

32 (3) A parent, guardian, or custodian of a child who is a child in
 33 need of services has been convicted of:

34 (A) battery (~~IC 35-42-2-1(a)(5)~~) as a Class A felony **(for a**
 35 **crime committed before July 1, 2014) or Level 2 felony (for**
 36 **a crime committed after June 30, 2014);**

37 (B) battery (~~IC 35-42-2-1(a)(4)~~) as a Class B felony **(for a**
 38 **crime committed before July 1, 2014) or Level 3 or Level**
 39 **4 felony (for a crime committed after June 30, 2014);**

40 (C) battery (~~IC 35-42-2-1(a)(3)~~) as a Class C felony **(for a**
 41 **crime committed before July 1, 2014) or Level 5 felony (for**
 42 **a crime committed after June 30, 2014);**

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1 (D) aggravated battery (IC 35-42-2-1.5);
 2 (E) criminal recklessness (IC 35-42-2-2) as a Class C **felony**
 3 **(for a crime committed before July 1, 2014) or a Level 5**
 4 **felony (for a crime committed after June 30, 2014);**
 5 (F) neglect of a dependent (IC 35-46-1-4) as a Class B **felony**
 6 **(for a crime committed before July 1, 2014) or a Level 1 or**
 7 **Level 3 felony (for a crime committed after June 30, 2014);**
 8 or
 9 (G) a comparable offense described in clauses (A) through (F)
 10 in another state, territory, or country;
 11 against a child described in IC 31-35-3-4(2)(B).

12 (4) The parental rights of a parent with respect to a biological or
 13 adoptive sibling of a child who is a child in need of services have
 14 been involuntarily terminated by a court under:

- 15 (A) IC 31-35-2 (involuntary termination involving a
 16 delinquent child or a child in need of services);
- 17 (B) IC 31-35-3 (involuntary termination involving an
 18 individual convicted of a criminal offense); or
- 19 (C) any comparable law described in clause (A) or (B) in any
 20 other state, territory, or country.

21 (5) The child is an abandoned infant, provided that the court:
 22 (A) has appointed a guardian ad litem or court appointed
 23 special advocate for the child; and
 24 (B) after receiving a written report and recommendation from
 25 the guardian ad litem or court appointed special advocate, and
 26 after a hearing, finds that reasonable efforts to locate the
 27 child's parents or reunify the child's family would not be in the
 28 best interests of the child.

29 SECTION 319. IC 31-34-21-7.5, AS AMENDED BY P.L.128-2012,
 30 SECTION 169, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2014]: Sec. 7.5. (a) Except as provided in
 32 subsection (d), the juvenile court may not approve a permanency plan
 33 under subsection (c)(1)(D), (c)(1)(E), or (c)(1)(F) if a person who is
 34 currently residing with a person described in subsection (c)(1)(D) or
 35 (c)(1)(E) or in a residence in which the child would be placed under
 36 subsection (c)(1)(F) has committed an act resulting in a substantiated
 37 report of child abuse or neglect, has a juvenile adjudication for an act
 38 that would be a felony listed in IC 31-27-4-13 if committed by an adult,
 39 or has a conviction for a felony listed in IC 31-27-4-13.

40 (b) Before requesting juvenile court approval of a permanency plan,
 41 the department shall conduct a criminal history check (as defined in
 42 IC 31-9-2-22.5) to determine if a person described in subsection (a) has

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1 committed an act resulting in a substantiated report of child abuse or
 2 neglect, has a juvenile adjudication for an act that would be a felony
 3 listed in IC 31-27-4-13 if committed by an adult, or has a conviction for
 4 a felony listed in IC 31-27-4-13. However, the department is not
 5 required to conduct a criminal history check under this section if
 6 criminal history information under IC 31-34-4-2, IC 31-34-18-6.1, or
 7 IC 31-34-20-1.5 establishes whether a person described in subsection
 8 (a) has committed an act resulting in a substantiated report of child
 9 abuse or neglect, has a juvenile adjudication for an act that would be
 10 a felony listed in IC 31-27-4-13 if committed by an adult, or has a
 11 conviction for a felony listed in IC 31-27-4-13.

12 (c) A permanency plan under this chapter includes the following:

13 (1) The intended permanent or long term arrangements for care
 14 and custody of the child that may include any of the following
 15 arrangements that the department or the court considers most
 16 appropriate and consistent with the best interests of the child:

17 (A) Return to or continuation of existing custodial care within
 18 the home of the child's parent, guardian, or custodian or
 19 placement of the child with the child's noncustodial parent.

20 (B) Initiation of a proceeding for termination of the
 21 parent-child relationship under IC 31-35.

22 (C) Placement of the child for adoption.

23 (D) Placement of the child with a responsible person,
 24 including:

25 (i) an adult sibling;

26 (ii) a grandparent;

27 (iii) an aunt;

28 (iv) an uncle; or

29 (v) another relative;

30 who is able and willing to act as the child's permanent
 31 custodian and carry out the responsibilities required by the
 32 permanency plan.

33 (E) Appointment of a legal guardian. The legal guardian
 34 appointed under this section is a caretaker in a judicially
 35 created relationship between the child and caretaker that is
 36 intended to be permanent and self-sustaining as evidenced by
 37 the transfer to the caretaker of the following parental rights
 38 with respect to the child:

39 (i) Care, custody, and control of the child.

40 (ii) Decision making concerning the child's upbringing.

41 (F) Placement of the child in another planned, permanent
 42 living arrangement.

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- 1 (2) A time schedule for implementing the applicable provisions
 2 of the permanency plan.
 3 (3) Provisions for temporary or interim arrangements for care and
 4 custody of the child, pending completion of implementation of the
 5 permanency plan.
 6 (4) Other items required to be included in a case plan under
 7 IC 31-34-15 or federal law, consistent with the permanent or long
 8 term arrangements described by the permanency plan.
 9 (d) A juvenile court may approve a permanency plan if:
 10 (1) a person described in subsection (a) has:
 11 (A) committed an act resulting in a substantiated report of
 12 child abuse or neglect;
 13 (B) been convicted of:
 14 (i) battery (IC 35-42-2-1);
 15 (ii) criminal confinement (IC 35-42-3-3) as a felony;
 16 (iii) carjacking (IC 35-42-5-2) **(repealed)**;
 17 (iv) arson (IC 35-43-1-1) as a felony;
 18 (v) a felony involving a weapon under IC 35-47 or a felony
 19 involving controlled explosives under IC 35-47.5;
 20 (vi) a felony relating to controlled substances under
 21 IC 35-48-4;
 22 (vii) a felony under IC 9-30-5; or
 23 (viii) a felony that is substantially equivalent to a felony
 24 listed in items (i) through ~~(vii)~~ (vi) for which the conviction
 25 was entered in another state;
 26 if the conviction did not occur within the past five (5) years; or
 27 (C) had a juvenile adjudication for an act listed in
 28 IC 31-27-4-13(a) that, if committed by an adult, would be a
 29 felony; and
 30 (2) the person's commission of the offense, delinquent act, or act
 31 of abuse or neglect described in subdivision (1) is not relevant to
 32 the person's present ability to care for a child, and that approval
 33 of the permanency plan is in the best interest of the child.
 34 However, a court may not approve a permanency plan if the person has
 35 been convicted of a felony listed in IC 31-27-4-13 that is not
 36 specifically excluded under subdivision (1)(B), or has a juvenile
 37 adjudication for an act that would be a felony listed in IC 31-27-4-13
 38 if committed by an adult that is not specifically excluded under
 39 subdivision (1)(B).
 40 (e) In making its written finding under subsection (d), the court shall
 41 consider the following:

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- 1 (1) The length of time since the person committed the offense,
- 2 delinquent act, or act that resulted in the substantiated report of
- 3 abuse or neglect.
- 4 (2) The severity of the offense, delinquent act, or abuse or neglect.
- 5 (3) Evidence of the person's rehabilitation, including the person's
- 6 cooperation with a treatment plan, if applicable.

7 SECTION 320. IC 31-35-3-4, AS AMENDED BY P.L.146-2008,
 8 SECTION 618, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2014]: Sec. 4. If:

- 10 (1) an individual is convicted of the offense of:
 - 11 (A) murder (IC 35-42-1-1);
 - 12 (B) causing suicide (IC 35-42-1-2);
 - 13 (C) voluntary manslaughter (IC 35-42-1-3);
 - 14 (D) involuntary manslaughter (IC 35-42-1-4);
 - 15 (E) rape (IC 35-42-4-1);
 - 16 (F) criminal deviate conduct (IC 35-42-4-2) **(repealed)**;
 - 17 (G) child molesting (IC 35-42-4-3);
 - 18 (H) child exploitation (IC 35-42-4-4);
 - 19 (I) sexual misconduct with a minor (IC 35-42-4-9); or
 - 20 (J) incest (IC 35-46-1-3); and
- 21 (2) the victim of the offense:
 - 22 (A) was less than sixteen (16) years of age at the time of the
 - 23 offense; and
 - 24 (B) is:
 - 25 (i) the individual's biological or adoptive child; or
 - 26 (ii) the child of a spouse of the individual who has
 - 27 committed the offense;

28 the attorney for the department, the child's guardian ad litem, or the
 29 court appointed special advocate may file a petition with the juvenile
 30 or probate court to terminate the parent-child relationship of the
 31 individual who has committed the offense with the victim of the
 32 offense, the victim's siblings, or any biological or adoptive child of that
 33 individual.

34 SECTION 321. IC 31-37-4-3, AS AMENDED BY P.L.126-2012,
 35 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2014]: Sec. 3. (a) This section applies if a child is arrested or
 37 taken into custody for allegedly committing an act that would be any of
 38 the following crimes if committed by an adult:

- 39 (1) Murder (IC 35-42-1-1).
- 40 (2) Attempted murder (IC 35-41-5-1).
- 41 (3) Voluntary manslaughter (IC 35-42-1-3).
- 42 (4) Involuntary manslaughter (IC 35-42-1-4).

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- 1 (5) Reckless homicide (IC 35-42-1-5).
 2 (6) Aggravated battery (IC 35-42-2-1.5).
 3 (7) Battery (IC 35-42-2-1).
 4 (8) Kidnapping (IC 35-42-3-2).
 5 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
 6 (10) Sexual misconduct with a minor (IC 35-42-4-9).
 7 (11) Incest (IC 35-46-1-3).
 8 (12) Robbery as a ~~Class A~~ **Level 2 felony** or a ~~Class B~~ **Level 3**
 9 **felony** (IC 35-42-5-1).
 10 (13) Burglary as a ~~Class A~~ **Level 1 felony, Level 2 felony, Level**
 11 **3 felony, or a Class B Level 4 felony** (IC 35-43-2-1).
 12 ~~(14) Carjacking (IC 35-42-5-2).~~
 13 ~~(15)~~ **(14)** Assisting a criminal as a ~~Class C~~ **Level 5 felony**
 14 **(IC 35-44.1-2-5).**
 15 ~~(16)~~ **(15)** Escape (IC 35-44.1-3-4) as a ~~Class B~~ **Level 4 felony or**
 16 **Class C Level 5 felony.**
 17 ~~(17)~~ **(16)** Trafficking with an inmate as a ~~Class C~~ **Level 5 felony**
 18 **(IC 35-44.1-3-5).**
 19 ~~(18)~~ **(17)** Causing death when operating a vehicle (IC 9-30-5-5).
 20 ~~(19)~~ **(18)** Criminal confinement (IC 35-42-3-3) as a ~~Class B~~ **Level**
 21 **2 or Level 3 felony.**
 22 ~~(20)~~ **(19)** Arson (IC 35-43-1-1) as a ~~Class A or Class B~~ **Level 2**
 23 **felony, Level 3 felony, or Level 4 felony.**
 24 ~~(21)~~ **(20)** Possession, use, or manufacture of a weapon of mass
 25 **destruction (IC 35-47-12-1).**
 26 ~~(22)~~ **(21)** Terroristic mischief (IC 35-47-12-3) as a ~~Class B~~ **Level**
 27 **2 or Level 3 felony.**
 28 ~~(23)~~ **(22)** Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
 29 ~~(24)~~ **(23)** A violation of IC 35-47.5 (controlled explosives) as a
 30 ~~Class A or Class B~~ **Level 2 felony, Level 3 felony, or Level 4**
 31 **felony.**
 32 ~~(25)~~ **(24)** A controlled substances offense under IC 35-48.
 33 ~~(26)~~ **(25)** A criminal gang offense under IC 35-45-9.
 34 (b) If a child is taken into custody under this chapter for a crime or
 35 act listed in subsection (a), the law enforcement agency that employs
 36 the law enforcement officer who takes the child into custody shall
 37 notify the chief administrative officer of the primary or secondary
 38 school, including a public or nonpublic school, in which the child is
 39 enrolled or, if the child is enrolled in a public school, the
 40 superintendent of the school district in which the child is enrolled:
 41 (1) that the child was taken into custody; and
 42 (2) of the reason why the child was taken into custody.



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1 (c) The notification under subsection (b) must occur within
2 forty-eight (48) hours after the child is taken into custody.

3 (d) A law enforcement agency may not disclose information that is
4 confidential under state or federal law to a school or school district
5 under this section.

6 SECTION 322. IC 31-37-5-3 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) If a child is not
8 taken into custody under an order of the court, the law enforcement
9 officer may release the child or may release the child to the child's
10 parent, guardian, or custodian upon the person's written promise to
11 bring the child before the juvenile court at a time specified. Subject to
12 subsection (c), the law enforcement officer may place the child in
13 detention if the law enforcement officer reasonably believes that:

14 (1) the child is unlikely to appear before the juvenile court for
15 subsequent proceedings;

16 (2) the child has committed an act that would be murder or a
17 ~~Class A or Class B~~ **Level 1 felony, Level 2 felony, Level 3**
18 **felony, or Level 4** felony if committed by an adult;

19 (3) detention is essential to protect the child or the community;

20 (4) the parent, guardian, or custodian:

21 (A) cannot be located; or

22 (B) is unable or unwilling to take custody of the child; or

23 (5) the child has a reasonable basis for requesting that the child
24 not be released.

25 (b) If a child is detained for a reason specified in subsection (a)(4)
26 or (a)(5), the child shall be detained under IC 31-37-7-1.

27 (c) Unless a law enforcement officer determines that detention is
28 essential to protect a child or the community, the law enforcement
29 officer who detains a child for a violation of the curfew law under
30 IC 31-37-3 shall make a good faith effort to release the child to the
31 child's parent, guardian, or custodian within a reasonable time after the
32 child is detained.

33 SECTION 323. IC 31-37-5-5 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) If the child was
35 not taken into custody under an order of the court, an intake officer
36 shall investigate the reasons for the child's detention. The intake officer
37 shall release the child to the child's parent, guardian, or custodian upon
38 the person's written promise to bring the child before the juvenile court
39 at a time specified. However, the intake officer may place the child in
40 detention if the intake officer reasonably believes that the child is a
41 delinquent child and that:

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- 1 (1) the child is unlikely to appear before the juvenile court for
- 2 subsequent proceedings;
- 3 (2) the child has committed an act that would be murder or a
- 4 **Class A or Class B Level 1 felony, Level 2 felony, Level 3**
- 5 **felony, or Level 4** felony if committed by an adult;
- 6 (3) detention is essential to protect the child or the community;
- 7 (4) the parent, guardian, or custodian:
- 8 (A) cannot be located; or
- 9 (B) is unable or unwilling to take custody of the child; or
- 10 (5) the child has a reasonable basis for requesting that the child
- 11 not be released.

12 (b) If a child is detained for a reason specified in subsection (a)(4)

13 or (a)(5), the child shall be detained under IC 31-37-7-1.

14 SECTION 324. IC 31-37-19-6.5, AS AMENDED BY P.L. 162-2011,

15 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

16 JULY 1, 2014]: Sec. 6.5. (a) Except as provided in subsection (d), the

17 juvenile court may not enter a dispositional decree approving

18 placement of a child in another home under section ~~1(3)~~ **1(a)(3)** or

19 6(b)(2)(D) of this chapter or awarding wardship to a person or facility

20 that results in a placement with a person under section ~~1(4)~~ **1(a)(4)** or

21 6(b)(2)(E) of this chapter if a person who is currently residing in the

22 home in which the child would be placed under section ~~1(3)~~, ~~1(4)~~,

23 **1(a)(3), 1(a)(4)**, 6(b)(2)(D), or 6(b)(2)(E) of this chapter has committed

24 an act resulting in a substantiated report of child abuse or neglect, has

25 a juvenile adjudication for an act that would be a felony listed in

26 IC 31-27-4-13 if committed by an adult, or has a conviction for a felony

27 listed in IC 31-27-4-13.

28 (b) The juvenile probation officer who prepared the predispositional

29 report shall conduct a criminal history check (as defined in

30 IC 31-9-2-22.5) to determine if a person described in subsection (a) has

31 committed an act resulting in a substantiated report of child abuse or

32 neglect, has a juvenile adjudication for an act that would be a felony

33 listed in IC 31-27-4-13 if committed by an adult, or has a conviction for

34 a felony listed in IC 31-27-4-13. However, the probation officer is not

35 required to conduct a criminal history check under this section if

36 criminal history information obtained under IC 31-37-17-6.1

37 establishes whether a person described in subsection (a) has committed

38 an act resulting in a substantiated report of child abuse or neglect, has

39 a juvenile adjudication for an act that would be a felony listed in

40 IC 31-27-4-13 if committed by an adult, or has a conviction for a felony

41 listed in IC 31-27-4-13.

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1 (c) The juvenile probation officer is not required to conduct a
2 criminal history check under this section if:

3 (1) the probation officer is considering only an out-of-home
4 placement to an entity or a facility that:

5 (A) is not a residence (as defined in IC 3-5-2-42.5); or

6 (B) is licensed by the state; or

7 (2) placement under this section is undetermined at the time the
8 predispositional report is prepared.

9 (d) The juvenile court may enter a dispositional decree approving
10 placement of a child in another home under section ~~†(3)~~ **1(a)(3)** or
11 6(b)(2)(D) of this chapter or awarding wardship to a person or facility
12 that results in a placement with a person under section ~~†(4)~~ **1(a)(4)** or
13 6(b)(2)(E) of this chapter if:

14 (1) a person described in subsection (a) has:

15 (A) committed an act resulting in a substantiated report of
16 child abuse or neglect;

17 (B) been convicted of:

18 (i) battery (IC 35-42-2-1) as a felony;

19 (ii) criminal confinement (IC 35-42-3-3) as a felony;

20 (iii) carjacking (IC 35-42-5-2) (**repealed**) as a felony;

21 (iv) arson (IC 35-43-1-1) as a felony;

22 (v) a felony involving a weapon under IC 35-47 or
23 IC 35-47.5;

24 (vi) a felony relating to controlled substances under
25 IC 35-48-4; or

26 (vii) a felony that is substantially equivalent to a felony
27 listed in items (i) through ~~(vi)~~ (v) for which the conviction
28 was entered in another state;

29 if the conviction did not occur within the past five (5) years; or

30 (C) had a juvenile adjudication for an act listed in
31 IC 31-27-4-13(a) that, if committed by an adult, would be a
32 felony; and

33 (2) the person's commission of the offense, delinquent act, or act
34 of abuse or neglect described in subdivision (1) is not relevant to
35 the person's present ability to care for a child, and placing the
36 child in another home is in the best interest of the child.

37 However, a court may not enter a dispositional decree placing a child
38 in another home under section ~~†(3)~~ **1(a)(3)** or 6(b)(2)(D) of this chapter
39 or awarding wardship to a person or facility under this subsection if a
40 person with whom the child is or will be placed has been convicted of
41 a felony listed in IC 31-27-4-13 that is not specifically excluded under
42 subdivision (1)(B).

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1 (e) In considering the placement under subsection (d), the court
2 shall consider the following:

- 3 (1) The length of time since the person committed the offense,
4 delinquent act, or act that resulted in the substantiated report of
5 abuse or neglect.
- 6 (2) The severity of the offense, delinquent act, or abuse or neglect.
- 7 (3) Evidence of the person's rehabilitation, including the person's
8 cooperation with a treatment plan, if applicable.

9 SECTION 325. IC 31-37-19-9, AS AMENDED BY P.L.173-2006,
10 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2014]: Sec. 9. (a) This section applies if a child is a delinquent
12 child under IC 31-37-1.

13 (b) After a juvenile court makes a determination under IC 11-8-8-5,
14 the juvenile court may, in addition to an order under section 6 of this
15 chapter, and if the child:

- 16 (1) is at least thirteen (13) years of age and less than sixteen (16)
17 years of age; and
- 18 (2) committed an act that, if committed by an adult, would be:
19 (A) murder (IC 35-42-1-1);
20 (B) kidnapping (IC 35-42-3-2);
21 (C) rape (IC 35-42-4-1);
22 (D) criminal deviate conduct (IC 35-42-4-2) **(repealed)**; or
23 (E) robbery (IC 35-42-5-1) if the robbery was committed while
24 armed with a deadly weapon or if the robbery resulted in
25 bodily injury or serious bodily injury;

26 order wardship of the child to the department of correction for a fixed
27 period that is not longer than the date the child becomes eighteen (18)
28 years of age, subject to IC 11-10-2-10.

29 (c) Notwithstanding IC 11-10-2-5, the department of correction may
30 not reduce the period ordered under this section (or
31 IC 31-6-4-15.9(b)(8) before its repeal).

32 SECTION 326. IC 31-37-19-10 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) This section
34 applies to a child who:

- 35 (1) is adjudicated a delinquent child for an act that if committed
36 by an adult would be:
37 (A) a felony against a person;
38 (B) a ~~Class A or Class B~~ **Level 1, Level 2, Level 3, or Level**
39 **4** felony that is a controlled substances offense under
40 IC 35-48-4-1 through IC 35-48-4-5; or
41 (C) burglary as a ~~Class A or Class B~~ **Level 1, Level 2, Level**
42 **3, or Level 4** felony under IC 35-43-2-1;

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1 (2) is at least fourteen (14) years of age at the time the child
2 committed the act for which the child is being placed; and
3 (3) has two (2) unrelated prior adjudications of delinquency for
4 acts that would be felonies if committed by an adult.

5 (b) A court may place the child in a facility authorized under this
6 chapter for not more than two (2) years.

7 (c) Notwithstanding IC 11-10-2-5, the department of correction may
8 not reduce the period ordered under this section (or IC 31-6-4-15.9(n)
9 before its repeal).

10 SECTION 327. IC 32-28-3-15 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. A person who
12 knowingly or intentionally:

13 (1) performs labor, supplies services, or furnishes material or
14 machinery in the:

- 15 (A) construction;
- 16 (B) repair; or
- 17 (C) remodeling;

18 of a building, structure, or other work;

19 (2) accepts payment for the labor, services, material, or machinery
20 furnished and supplied;

21 (3) at the time of receiving the payment, knows that the person is
22 indebted to another for:

- 23 (A) labor, including the cost of renting or leasing construction
24 and other equipment and tools, whether or not an operator is
25 also provided by the lessor;
- 26 (B) services;
- 27 (C) material; or
- 28 (D) machinery;

29 used or employed in the construction, repair, or remodeling;

30 (4) fails:

- 31 (A) at the time of receiving the payment; and
- 32 (B) with intent to defraud;

33 to notify in writing the person from whom the payment was
34 received of the existence of the outstanding indebtedness; and

35 (5) causes the person from whom the payment was received to
36 suffer a loss by failing under subdivision (4) to notify the person
37 of the existence of the outstanding indebtedness;

38 commits a ~~Class D~~ **Level 6** felony.

39 SECTION 328. IC 32-32-3-1 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Before a
41 developer may offer to sell any time shares or camping club

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1 memberships in this state, the developer must register with the division
2 under this section.

3 (b) A person who applies for registration under this section shall
4 submit an application in the manner provided by the division and shall
5 disclose the following information under oath:

6 (1) The names and addresses of all officers, project managers,
7 marketing agencies, advertising agencies, and exchange
8 companies who are actively involved in soliciting or selling time
9 share units or camping club memberships.

10 (2) The name and address of each person who owns an interest of
11 ten percent (10%) or more in the registrant, except for reporting
12 companies under the Securities Exchange Act of 1934.

13 (3) A copy of the document in which the time share project or
14 camping club project is created.

15 (4) A preliminary title report for the time share project or camping
16 club project and copies of the documents listed as exceptions in
17 the report showing any encumbrances.

18 (5) Copies of and instructions for escrow agreements, deeds, and
19 sales contracts.

20 (6) Documents that show the current assessments for property
21 taxes on the time share project or camping club project.

22 (7) A copy of bylaws or similar instrument that creates any
23 community ownership relationship.

24 (8) Copies of all documents that will be given to a participant who
25 is interested in participating in a program for the exchange of
26 occupancy rights among time share participants or camping club
27 members, and copies of the documents that show acceptance of
28 the time share or camping club membership in the program.

29 (c) A developer who knowingly or intentionally offers to sell any
30 time shares or camping club memberships in this state before
31 registering with the division under this section commits a ~~Class D~~
32 **Level 6** felony.

33 SECTION 329. IC 32-34-9-13 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) If timber
35 prepared for market is found on any of the streams of Indiana, the
36 timber shall be held and disposed of as provided in this chapter. The
37 finder of the timber shall receive as compensation for the finder's
38 services only the fees provided for in section 2 of this chapter.

39 (b) A person who knowingly violates this section commits a ~~Class~~
40 **Level 6** felony.

41 SECTION 330. IC 32-36-1-8, AS AMENDED BY P.L.149-2012,
42 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2014]: Sec. 8. (a) A person may not use an aspect of a
2 personality's right of publicity for a commercial purpose during the
3 personality's lifetime or for one hundred (100) years after the date of
4 the personality's death without having obtained previous written
5 consent from a person specified in section 17 of this chapter. If a
6 personality is deceased, the following apply to the rights described in
7 this subsection:

8 (1) The rights apply to the personality whether the personality
9 died before, on, or after July 1, 1994.

10 (2) If the personality died before July 1, 1994, the rights are
11 considered to have existed on and after the date the personality
12 died.

13 (3) Consistent with section 1(a) of this chapter, a claim for a
14 violation of a personality's right of publicity may not be asserted
15 under this chapter unless the alleged act or event of violation
16 occurs within Indiana.

17 (4) A claim for a violation of a personality's right of publicity may
18 not be asserted under this chapter unless the alleged act or event
19 of violation occurs after June 30, 1994.

20 (b) A written consent solicited or negotiated by an athlete agent (as
21 defined in IC 25-5.2-1-2) from a student athlete (as defined in
22 IC 25-5.2-1-2) is void if the athlete agent obtained the consent as the
23 result of an agency contract that:

24 (1) was void under IC 25-5.2-2-2 or under the law of the state
25 where the agency contract was entered into; **or**

26 (2) was voided by the student athlete under IC 25-5.2-2-8 or a
27 similar law in the state where the agency contract was entered
28 into. **or**

29 (3) was entered into without the notice required under
30 IC 35-46-4-4 or a similar law in the state where the agency
31 contract was entered into.

32 (c) A written consent for an endorsement contract (as defined in
33 IC 35-46-4-1.5) is void if notice is not given as required by
34 IC 35-46-4-4 or a similar law in the state where the endorsement
35 contract is entered into.

36 SECTION 331. IC 33-28-3-8, AS AMENDED BY P.L.201-2011,
37 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2014]: Sec. 8. (a) The minor offenses and violations docket
39 has jurisdiction over the following:

40 (1) All ~~Class D~~ **Level 6** felony cases.

41 (2) All misdemeanor cases.

42 (3) All infraction cases.

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1 (4) All ordinance violation cases.
2 (b) The court shall establish a traffic violations bureau in the
3 manner prescribed by IC 34-28-5-7 through IC 34-28-5-9.
4 SECTION 332. IC 33-29-2-8 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The minor
6 offenses and violations docket has jurisdiction over the following:
7 (1) All ~~Class D~~ **Level 6** felony cases.
8 (2) All misdemeanor cases.
9 (3) All infraction cases.
10 (4) All ordinance violation cases.
11 (b) The court shall establish a traffic violations bureau in the
12 manner prescribed by IC 34-28-5-7 through IC 34-28-5-13.
13 SECTION 333. IC 33-31-2-7, AS ADDED BY P.L.201-2011,
14 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2014]: Sec. 7. (a) The minor offenses and violations docket
16 has jurisdiction over the following:
17 (1) All ~~Class D~~ **Level 6** felony cases.
18 (2) All misdemeanor cases.
19 (3) All infraction cases.
20 (4) All ordinance violation cases.
21 (b) The court shall establish a traffic violations bureau in the
22 manner prescribed by IC 34-28-5-7 through IC 34-28-5-9.
23 SECTION 334. IC 33-37-5-12 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. The court shall
25 order a person to pay a child abuse prevention fee of one hundred
26 dollars (\$100) to the clerk in each criminal action in which:
27 (1) the person is found to have committed the offense of:
28 (A) murder (IC 35-42-1-1);
29 (B) causing suicide (IC 35-42-1-2);
30 (C) voluntary manslaughter (IC 35-42-1-3);
31 (D) reckless homicide (IC 35-42-1-5);
32 (E) battery (IC 35-42-2-1);
33 (F) rape (IC 35-42-4-1);
34 (G) criminal deviate conduct (IC 35-42-4-2) (**repealed**);
35 (H) child molesting (IC 35-42-4-3);
36 (I) child exploitation (IC 35-42-4-4);
37 (J) vicarious sexual gratification (IC 35-42-4-5);
38 (K) child solicitation (IC 35-42-4-6);
39 (L) incest (IC 35-46-1-3);
40 (M) neglect of a dependent (IC 35-46-1-4);
41 (N) child selling (IC 35-46-1-4); or
42 (O) child seduction (IC 35-42-4-7); and

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1 (2) the victim of the offense is less than eighteen (18) years of
 2 age.
 3 SECTION 335. IC 33-37-5-23 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) This section
 5 applies to criminal actions.
 6 (b) The court shall assess a sexual assault victims assistance fee of
 7 at least two hundred fifty dollars (\$250) and not more than one
 8 thousand dollars (\$1,000) against an individual convicted in Indiana of
 9 any of the following offenses:
 10 (1) Rape (IC 35-42-4-1).
 11 (2) Criminal deviate conduct (IC 35-42-4-2) **(repealed)**.
 12 (3) Child molesting (IC 35-42-4-3).
 13 (4) Child exploitation (IC 35-42-4-4(b)).
 14 (5) Vicarious sexual gratification (IC 35-42-4-5).
 15 (6) Child solicitation (IC 35-42-4-6).
 16 (7) Child seduction (IC 35-42-4-7).
 17 (8) Sexual battery (IC 35-42-4-8).
 18 (9) Sexual misconduct with a minor as a ~~Class A or Class B Level~~
 19 **1 felony or Level 4** felony (IC 35-42-4-9).
 20 (10) Incest (IC 35-46-1-3).
 21 SECTION 336. IC 33-39-1-8, AS AMENDED BY P.L.125-2012,
 22 SECTION 410, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) After June 30, 2005, this
 24 section does not apply to a person who:
 25 (1) holds a commercial driver's license; and
 26 (2) has been charged with an offense involving the operation of
 27 a motor vehicle in accordance with the federal Motor Carrier
 28 Safety Improvement Act of 1999 (MCSIA) (Public Law
 29 106-159.113 Stat. 1748).
 30 (b) This section does not apply to a person arrested for or charged
 31 with:
 32 (1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or
 33 (2) if a person was arrested or charged with an offense under
 34 IC 9-30-5-1 through IC 9-30-5-5, an offense involving:
 35 (A) intoxication; or
 36 (B) the operation of a vehicle;
 37 if the offense involving intoxication or the operation of a vehicle was
 38 part of the same episode of criminal conduct as the offense under
 39 IC 9-30-5-1 through IC 9-30-5-5.
 40 (c) This section does not apply to a person:
 41 (1) who is arrested for or charged with an offense under:

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- 1 (A) IC 7.1-5-7-7(a), if the alleged offense occurred while the
- 2 person was operating a motor vehicle;
- 3 (B) IC 9-30-4-8(a), if the alleged offense occurred while the
- 4 person was operating a motor vehicle;
- 5 (C) IC 35-42-2-2(c)(1);
- 6 (D) ~~IC 35-42-2-4(b)(1)~~; **IC 35-44.1-2-13(b)(1)**; or
- 7 (E) IC 35-43-1-2(a), if the alleged offense occurred while the
- 8 person was operating a motor vehicle; and
- 9 (2) who held a probationary license (as defined in
- 10 IC 9-24-11-3.3(b)) and was less than eighteen (18) years of age at
- 11 the time of the alleged offense.
- 12 (d) A prosecuting attorney may withhold prosecution against an
- 13 accused person if:
- 14 (1) the person is charged with a misdemeanor;
- 15 (2) the person agrees to conditions of a pretrial diversion program
- 16 offered by the prosecuting attorney;
- 17 (3) the terms of the agreement are recorded in an instrument
- 18 signed by the person and the prosecuting attorney and filed in the
- 19 court in which the charge is pending; and
- 20 (4) the prosecuting attorney electronically transmits information
- 21 required by the prosecuting attorneys council concerning the
- 22 withheld prosecution to the prosecuting attorneys council, in a
- 23 manner and format designated by the prosecuting attorneys
- 24 council.
- 25 (e) An agreement under subsection (d) may include conditions that
- 26 the person:
- 27 (1) pay to the clerk of the court an initial user's fee and monthly
- 28 user's fees in the amounts specified in IC 33-37-4-1;
- 29 (2) work faithfully at a suitable employment or faithfully pursue
- 30 a course of study or career and technical education that will equip
- 31 the person for suitable employment;
- 32 (3) undergo available medical treatment or counseling and remain
- 33 in a specified facility required for that purpose;
- 34 (4) support the person's dependents and meet other family
- 35 responsibilities;
- 36 (5) make restitution or reparation to the victim of the crime for the
- 37 damage or injury that was sustained;
- 38 (6) refrain from harassing, intimidating, threatening, or having
- 39 any direct or indirect contact with the victim or a witness;
- 40 (7) report to the prosecuting attorney at reasonable times;

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1 (8) answer all reasonable inquiries by the prosecuting attorney
 2 and promptly notify the prosecuting attorney of any change in
 3 address or employment; and
 4 (9) participate in dispute resolution either under IC 34-57-3 or a
 5 program established by the prosecuting attorney.

6 (f) An agreement under subsection (d)(2) may include other
 7 provisions reasonably related to the defendant's rehabilitation, if
 8 approved by the court.

9 (g) The prosecuting attorney shall notify the victim when
 10 prosecution is withheld under this section.

11 (h) All money collected by the clerk as user's fees under this section
 12 shall be deposited in the appropriate user fee fund under IC 33-37-8.

13 (i) If a court withholds prosecution under this section and the terms
 14 of the agreement contain conditions described in subsection (e)(6):

- 15 (1) the clerk of the court shall comply with IC 5-2-9; and
- 16 (2) the prosecuting attorney shall file a confidential form
- 17 prescribed or approved by the division of state court
- 18 administration with the clerk.

19 SECTION 337. IC 33-39-1-9 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. A prosecuting
 21 attorney who charges a person with committing any of the following
 22 shall inform the person's employer of the charge, unless the prosecuting
 23 attorney determines that the person charged does not work with
 24 children:

- 25 (1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)
- 26 years of age.
- 27 (2) Criminal deviate conduct (IC 35-42-4-2) (**repealed**), if the
- 28 victim is less than eighteen (18) years of age.
- 29 (3) Child molesting (IC 35-42-4-3).
- 30 (4) Child exploitation (IC 35-42-4-4(b)).
- 31 (5) Vicarious sexual gratification (IC 35-42-4-5).
- 32 (6) Child solicitation (IC 35-42-4-6).
- 33 (7) Child seduction (IC 35-42-4-7).
- 34 (8) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)
- 35 years of age.

36 SECTION 338. IC 33-42-4-2 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person authorized
 38 to administer oaths or take acknowledgments who, with intent to
 39 defraud:

- 40 (1) affixes the person's signature to a blank form of affidavit or
- 41 certificate of acknowledgment; and

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1 (2) delivers that form to another person, with intent that it be used
 2 as an affidavit or acknowledgment;
 3 commits a ~~Class D~~ **Level 6** felony.

4 SECTION 339. IC 33-42-4-3 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who
 6 knowingly uses a form that was delivered to the person in violation of
 7 section 2 of this chapter commits a ~~Class D~~ **Level 6** felony.

8 SECTION 340. IC 34-6-2-63 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 63. "Illegal drug market
 10 target community", for purposes of IC 34-24-4, means the following
 11 areas where a person participates in the illegal drug market:

12 (1) The county in which the person's place of participation is
 13 located if the person violates a statute concerning possession or
 14 dealing of an illegal drug that is punishable as a ~~Class D~~ **Level 6**
 15 felony.

16 (2) The county described in subdivision (1) plus all counties with
 17 a border contiguous to the county if the person violates a statute
 18 concerning possession or dealing of an illegal drug that is
 19 punishable as a ~~Class E~~ **Level 5** felony.

20 (3) The counties described in subdivision (2) plus all counties
 21 with a border contiguous to those counties if the person violates
 22 a statute concerning possession or dealing of an illegal drug that
 23 is punishable as a ~~Class B~~ **Level 3 or Level 4** felony.

24 (4) Indiana if the person violates a statute in Indiana concerning
 25 possession or dealing of an illegal drug that is punishable as a
 26 ~~Class A~~ **Level 1 or Level 2** felony.

27 SECTION 341. IC 34-12-2-8 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. A person who
 29 knowingly violates section 3, 4, 5, or 7 of this chapter commits a ~~Class~~
 30 ~~D~~ **Level 6** felony.

31 SECTION 342. IC 34-24-1-1, AS AMENDED BY P.L.125-2012,
 32 SECTION 411, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The following may be seized:

34 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used
 35 or are intended for use by the person or persons in possession of
 36 them to transport or in any manner to facilitate the transportation
 37 of the following:

38 (A) A controlled substance for the purpose of committing,
 39 attempting to commit, or conspiring to commit any of the
 40 following:

41 (i) Dealing in or manufacturing cocaine or a narcotic drug
 42 (IC 35-48-4-1).

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- 1 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
- 2 (iii) Dealing in a schedule I, II, or III controlled substance
- 3 (IC 35-48-4-2).
- 4 (iv) Dealing in a schedule IV controlled substance
- 5 (IC 35-48-4-3).
- 6 (v) Dealing in a schedule V controlled substance
- 7 (IC 35-48-4-4).
- 8 (vi) Dealing in a counterfeit substance (IC 35-48-4-5).
- 9 (vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
- 10 (viii) Possession of methamphetamine (IC 35-48-4-6.1).
- 11 (ix) Dealing in paraphernalia (IC 35-48-4-8.5).
- 12 (x) Dealing in marijuana, hash oil, hashish, salvia, or a
- 13 synthetic cannabinoid (IC 35-48-4-10).
- 14 (B) Any stolen (IC 35-43-4-2) or converted property
- 15 (IC 35-43-4-3) if the retail or repurchase value of that property
- 16 is one hundred dollars (\$100) or more.
- 17 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
- 18 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of
- 19 mass destruction (as defined in IC 35-31.5-2-354) used to
- 20 commit, used in an attempt to commit, or used in a conspiracy
- 21 to commit an offense under IC 35-47 as part of or in
- 22 furtherance of an act of terrorism (as defined by
- 23 IC 35-31.5-2-329).
- 24 (2) All money, negotiable instruments, securities, weapons,
- 25 communications devices, or any property used to commit, used in
- 26 an attempt to commit, or used in a conspiracy to commit an
- 27 offense under IC 35-47 as part of or in furtherance of an act of
- 28 terrorism or commonly used as consideration for a violation of
- 29 IC 35-48-4 (other than items subject to forfeiture under
- 30 IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):
- 31 (A) furnished or intended to be furnished by any person in
- 32 exchange for an act that is in violation of a criminal statute;
- 33 (B) used to facilitate any violation of a criminal statute; or
- 34 (C) traceable as proceeds of the violation of a criminal statute.
- 35 (3) Any portion of real or personal property purchased with
- 36 money that is traceable as a proceed of a violation of a criminal
- 37 statute.
- 38 (4) A vehicle that is used by a person to:
- 39 (A) commit, attempt to commit, or conspire to commit;
- 40 (B) facilitate the commission of; or
- 41 (C) escape from the commission of;

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- 1 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal
 2 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
 3 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
 4 under IC 35-47 as part of or in furtherance of an act of terrorism.
 5 (5) Real property owned by a person who uses it to commit any of
 6 the following as a ~~Class A felony~~, a ~~Class B felony~~, **Level 1**,
 7 **Level 2**, **Level 3**, **Level 4** or a ~~Class C~~ **Level 5** felony:
 8 (A) Dealing in or manufacturing cocaine or a narcotic drug
 9 (IC 35-48-4-1).
 10 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
 11 (C) Dealing in a schedule I, II, or III controlled substance
 12 (IC 35-48-4-2).
 13 (D) Dealing in a schedule IV controlled substance
 14 (IC 35-48-4-3).
 15 (E) Dealing in marijuana, hash oil, hashish, salvia, or a
 16 synthetic cannabinoid (IC 35-48-4-10).
 17 (6) Equipment and recordings used by a person to commit fraud
 18 under IC 35-43-5-4(10).
 19 (7) Recordings sold, rented, transported, or possessed by a person
 20 in violation of IC 24-4-10.
 21 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as
 22 defined by IC 35-45-6-1) that is the object of a corrupt business
 23 influence violation (IC 35-45-6-2).
 24 (9) Unlawful telecommunications devices (as defined in
 25 IC 35-45-13-6) and plans, instructions, or publications used to
 26 commit an offense under IC 35-45-13.
 27 (10) Any equipment, including computer equipment and cellular
 28 telephones, used for or intended for use in preparing,
 29 photographing, recording, videotaping, digitizing, printing,
 30 copying, or disseminating matter in violation of IC 35-42-4.
 31 (11) Destructive devices used, possessed, transported, or sold in
 32 violation of IC 35-47.5.
 33 (12) Tobacco products that are sold in violation of IC 24-3-5,
 34 tobacco products that a person attempts to sell in violation of
 35 IC 24-3-5, and other personal property owned and used by a
 36 person to facilitate a violation of IC 24-3-5.
 37 (13) Property used by a person to commit counterfeiting or
 38 forgery in violation of IC 35-43-5-2.
 39 (14) After December 31, 2005, if a person is convicted of an
 40 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
 41 following real or personal property:

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- 1 (A) Property used or intended to be used to commit, facilitate,
- 2 or promote the commission of the offense.
- 3 (B) Property constituting, derived from, or traceable to the
- 4 gross proceeds that the person obtained directly or indirectly
- 5 as a result of the offense.
- 6 (15) Except as provided in subsection (e), a vehicle used by a
- 7 person who operates the vehicle:
- 8 (A) while intoxicated, in violation of IC 9-30-5-1 through
- 9 IC 9-30-5-5, if in the previous five (5) years the person has two
- 10 (2) or more prior unrelated convictions:
- 11 (i) for operating a motor vehicle while intoxicated in
- 12 violation of IC 9-30-5-1 through IC 9-30-5-5; or
- 13 (ii) for an offense that is substantially similar to IC 9-30-5-1
- 14 through IC 9-30-5-5 in another jurisdiction; or
- 15 (B) on a highway while the person's driving privileges are
- 16 suspended in violation of IC 9-24-19-2 through IC 9-24-19-4,
- 17 if in the previous five (5) years the person has two (2) or more
- 18 prior unrelated convictions:
- 19 (i) for operating a vehicle while intoxicated in violation of
- 20 IC 9-30-5-1 through IC 9-30-5-5; or
- 21 (ii) for an offense that is substantially similar to IC 9-30-5-1
- 22 through IC 9-30-5-5 in another jurisdiction.
- 23 If a court orders the seizure of a vehicle under this subdivision,
- 24 the court shall transmit an order to the bureau of motor vehicles
- 25 recommending that the bureau not permit a vehicle to be
- 26 registered in the name of the person whose vehicle was seized
- 27 until the person possesses a current driving license (as defined in
- 28 IC 9-13-2-41).
- 29 (16) The following real or personal property:
- 30 (A) Property used or intended to be used to commit, facilitate,
- 31 or promote the commission of an offense specified in
- 32 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or
- 33 IC 30-2-13-38(f).
- 34 (B) Property constituting, derived from, or traceable to the
- 35 gross proceeds that a person obtains directly or indirectly as a
- 36 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
- 37 IC 30-2-10-9(b), or IC 30-2-13-38(f).
- 38 (b) A vehicle used by any person as a common or contract carrier in
- 39 the transaction of business as a common or contract carrier is not
- 40 subject to seizure under this section, unless it can be proven by a
- 41 preponderance of the evidence that the owner of the vehicle knowingly

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1 permitted the vehicle to be used to engage in conduct that subjects it to
 2 seizure under subsection (a).
 3 (c) Equipment under subsection (a)(10) may not be seized unless it
 4 can be proven by a preponderance of the evidence that the owner of the
 5 equipment knowingly permitted the equipment to be used to engage in
 6 conduct that subjects it to seizure under subsection (a)(10).
 7 (d) Money, negotiable instruments, securities, weapons,
 8 communications devices, or any property commonly used as
 9 consideration for a violation of IC 35-48-4 found near or on a person
 10 who is committing, attempting to commit, or conspiring to commit any
 11 of the following offenses shall be admitted into evidence in an action
 12 under this chapter as prima facie evidence that the money, negotiable
 13 instrument, security, or other thing of value is property that has been
 14 used or was to have been used to facilitate the violation of a criminal
 15 statute or is the proceeds of the violation of a criminal statute:
 16 (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
 17 narcotic drug).
 18 (2) IC 35-48-4-1.1 (dealing in methamphetamine).
 19 (3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
 20 substance).
 21 (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
 22 (5) IC 35-48-4-4 (dealing in a schedule V controlled substance)
 23 as a ~~Class B~~ **Level 4** felony.
 24 (6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
 25 ~~Class A felony, Class B Level 3, Level 4, felony,~~ or ~~Class C~~
 26 **Level 5** felony.
 27 (7) IC 35-48-4-6.1 (possession of methamphetamine) as a ~~Class~~
 28 ~~A felony, Class B felony,~~ **Level 3, Level 4,** or ~~Class C Level 5~~
 29 **Level 5** felony.
 30 (8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, salvia,
 31 or a synthetic cannabinoid) as a ~~Class C~~ **Level 5** felony.
 32 (e) A vehicle operated by a person who is not:
 33 (1) an owner of the vehicle; or
 34 (2) the spouse of the person who owns the vehicle;
 35 is not subject to seizure under subsection (a)(15) unless it can be
 36 proven by a preponderance of the evidence that the owner of the
 37 vehicle knowingly permitted the vehicle to be used to engage in
 38 conduct that subjects it to seizure under subsection (a)(15).
 39 SECTION 343. IC 34-30-2-150 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 150. ~~IC 35-42-2-2~~
 41 **IC 35-42-2-2.5** (Concerning persons for reporting or participating in
 42 proceedings concerning hazing).

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1 SECTION 344. IC 35-31.5-2-13 IS REPEALED [EFFECTIVE
2 JULY 1, 2014]. ~~Sec. 13. "Agent contract", for purposes of IC 35-46-4,~~
3 ~~has the meaning set forth in IC 35-46-4-1.~~

4 SECTION 345. IC 35-31.5-2-27.5 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2014]: **Sec. 27.5. "Benefit, promote, or**
7 **further the interests of a criminal gang", for purposes of**
8 **IC 35-45-9-3, has the meaning set forth in IC 35-45-9-3(a).**

9 SECTION 346. IC 35-31.5-2-28.5 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2014]: **Sec. 28.5. "Body fluid", for purposes**
12 **of IC 35-45-16-2, has the meaning set forth in IC 35-45-16-2(a).**

13 SECTION 347. IC 35-31.5-2-30, AS ADDED BY P.L.114-2012,
14 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2014]: ~~Sec. 30. "Body piercing", for purposes of IC 35-42-2-7,~~
16 ~~IC 35-45-21-4, has the meaning set forth in IC 35-42-2-7(b).~~
17 **IC 35-45-21-4(b).**

18 SECTION 348. IC 35-31.5-2-39, AS ADDED BY P.L.114-2012,
19 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2014]: ~~Sec. 39. "Child care provider", for purposes of~~
21 ~~IC 35-42-1-4, IC 35-46-1-4.1, has the meaning set forth in~~
22 ~~IC 35-42-1-4(a).~~ **IC 35-46-1-4.1(a).**

23 SECTION 349. IC 35-31.5-2-43 IS REPEALED [EFFECTIVE
24 JULY 1, 2014]. ~~Sec. 43. "Class D felony conviction", for purposes of~~
25 ~~IC 35-50-2, has the meaning set forth in IC 35-50-2-1(a).~~

26 SECTION 350. IC 35-31.5-2-52, AS ADDED BY P.L.114-2012,
27 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2014]: ~~Sec. 52. "Component", for purposes of IC 35-42-1-7,~~
29 ~~IC 35-45-21-1, has the meaning set forth in IC 35-42-1-7(a).~~
30 **IC 35-45-21-1(a).**

31 SECTION 351. IC 35-31.5-2-52.7 IS ADDED TO THE INDIANA
32 CODE AS A NEW SECTION TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2014]: **Sec. 52.7. (a) "Computer**
34 **contaminant", for purposes of IC 35-43-1-8, means a set of**
35 **computer instructions designed to modify, damage, destroy,**
36 **record, or transmit information within a computer, computer**
37 **system, or computer network without the intent or permission of**
38 **the owner of the information.**

39 **(b) The term includes a computer program (commonly referred**
40 **to as a virus or worm) that is:**

- 41 **(1) self-replicating or self-propagating; and**
42 **(2) designed to:**

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- 1 (A) contaminate other computer programs or computer
- 2 data;
- 3 (B) consume computer resources;
- 4 (C) modify, destroy, record, or transmit data; or
- 5 (D) otherwise take control of the normal operation of a
- 6 computer, computer system, or computer network.

7 SECTION 352. IC 35-31.5-2-53, AS ADDED BY P.L.114-2012,
 8 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2014]: Sec. 53. (a) **Except as provided in subsection (b),**
 10 "computer network" for purposes of ~~IC 35-43-1-4~~, has the meaning set
 11 forth in ~~IC 35-43-1-4(a)~~: **means a system that provides**
 12 **communications between one (1) or more computer systems and**
 13 **the system's input or output devices, including display terminals**
 14 **and printers that are connected by telecommunication facilities.**

15 (b) "Computer network", for purposes of IC 35-43-2-3, has the
 16 meaning set forth in IC 35-43-2-3(a).

17 SECTION 353. IC 35-31.5-2-54, AS ADDED BY P.L.114-2012,
 18 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2014]: Sec. 54. "Computer program", for purposes of
 20 ~~IC 35-43-1-4~~, has the meaning set forth in ~~IC 35-43-1-4(a)~~: **this**
 21 **chapter and IC 35-43-1-7, means a set of instructions or statements**
 22 **and related data that, when executed in actual or modified form,**
 23 **causes a computer, computer system, or computer network to**
 24 **perform specified functions.**

25 SECTION 354. IC 35-31.5-2-55, AS ADDED BY P.L.114-2012,
 26 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2014]: Sec. 55. (a) **Except as provided in subsection (b),**
 28 "computer system" for purposes of ~~IC 35-43-1-4~~, has the meaning set
 29 forth in ~~IC 35-43-1-4(a)~~: **means a device or collection of devices**
 30 **(including support devices):**

- 31 (1) **one (1) or more of which contain a computer program, a**
- 32 **electronic instruction, or input data and output data; and**
- 33 (2) **that performs functions, including arithmetic, data**
- 34 **storage, retrieval, communication, or control functions.**

35 **The term does not include a calculator that is not programmable**
 36 **and that is not capable of being used in conjunction with external**
 37 **files.**

38 (b) "Computer system", for purposes of IC 35-43-2-3, has the
 39 meaning set forth in IC 35-43-2-3(a).

40 SECTION 355. IC 35-31.5-2-55.2 IS ADDED TO THE INDIANA
 41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2014]: **Sec. 55.2. "Computer system services"**

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1 includes computer time, data processing or storage functions, or
2 other uses of a computer, computer system, or computer network.

3 SECTION 356. IC 35-31.5-2-72 IS REPEALED [EFFECTIVE
4 JULY 1, 2014]. Sec. 72. "Credit restricted felon" means a person who
5 has been convicted of at least one (1) of the following offenses:

6 (1) Child molesting involving sexual intercourse or deviate sexual
7 conduct (IC 35-42-4-3(a)), if:

8 (A) the offense is committed by a person at least twenty-one
9 (21) years of age; and

10 (B) the victim is less than twelve (12) years of age.

11 (2) Child molesting (IC 35-42-4-3) resulting in serious bodily
12 injury or death.

13 (3) Murder (IC 35-42-1-1), if:

14 (A) the person killed the victim while committing or
15 attempting to commit child molesting (IC 35-42-4-3);

16 (B) the victim was the victim of a sex crime under IC 35-42-4
17 for which the person was convicted; or

18 (C) the victim of the murder was listed by the state or known
19 by the person to be a witness against the person in a
20 prosecution for a sex crime under IC 35-42-4 and the person
21 committed the murder with the intent to prevent the victim
22 from testifying.

23 SECTION 357. IC 35-31.5-2-84, AS ADDED BY P.L.114-2012,
24 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2014]: Sec. 84. "Data", for purposes of IC 35-43-1-4, has the
26 meaning set forth in IC 35-43-1-4(a). **this chapter and IC 35-43-1-7,**
27 **means a representation of information, knowledge, facts, concepts,**
28 **computer software, computer programs, or instructions that may**
29 **be:**

30 (1) in any form;

31 (2) in storage media or stored in the memory of a computer;
32 or

33 (3) in transit or presented on a display device.

34 SECTION 358. IC 35-31.5-2-91, AS ADDED BY P.L.126-2012,
35 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2014]: Sec. 91. "Designated offense", for purposes of
37 IC 35-33.5, means the following:

38 (1) A Class A, Class B, or Class C felony, **for a crime committed**
39 **before July 1, 2014, or a Level 1, Level 2, Level 3, Level 4, or**
40 **Level 5 felony, for a crime committed after June 30, 2014,** that
41 is a controlled substance offense (IC 35-48-4).

42 (2) Murder (IC 35-42-1-1).

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- 1 (3) Kidnapping (IC 35-42-3-2).
- 2 (4) Criminal confinement (IC 35-42-3-3).
- 3 (5) Robbery (IC 35-42-5-1).
- 4 (6) Arson (IC 35-43-1-1).
- 5 (7) Child solicitation (IC 35-42-4-6).
- 6 (8) Human and sexual trafficking crimes under IC 35-42-3.5.
- 7 (9) Escape as a Class B felony or Class C felony, **for a crime**
- 8 **committed before July 1, 2014, or a Level 4 felony or Level 5**
- 9 **felony, for a crime committed after June 30, 2014**
- 10 (IC 35-44.1-3-4).
- 11 (10) An offense that relates to a weapon of mass destruction (as
- 12 defined in section 354 of this chapter).
- 13 (11) An attempt or conspiracy to commit an offense described in
- 14 subdivisions (1) through (10).
- 15 (12) An offense under the law of the United States or in another
- 16 state or country that is substantially similar to an offense
- 17 described in subdivisions (1) through (11).
- 18 SECTION 359. IC 35-31.5-2-104, AS ADDED BY P.L.114-2012,
- 19 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2014]: Sec. 104. (a) "Drug", for purposes of IC 35-48, has the
- 21 meaning set forth in IC 35-48-1-16.
- 22 (b) "Drug", for purposes of ~~IC 35-50-2-10~~, has the meaning set forth
- 23 in ~~IC 35-50-2-10(a)(1)~~.
- 24 SECTION 360. IC 35-31.5-2-117 IS REPEALED [EFFECTIVE
- 25 JULY 1, 2014]. Sec. 117. "Endorsement contract", for purposes of
- 26 ~~IC 35-46-4~~, has the meaning set forth in ~~IC 35-46-4-1.5~~.
- 27 SECTION 361. IC 35-31.5-2-117.5 IS ADDED TO THE INDIANA
- 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 29 [EFFECTIVE JULY 1, 2014]: Sec. 117.5. "Enhancing
- 30 **circumstance", for purposes of IC 35-48, has the meaning set forth**
- 31 **in IC 35-48-1-16.5.**
- 32 SECTION 362. IC 35-31.5-2-132, AS ADDED BY P.L.114-2012,
- 33 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 JULY 1, 2014]: Sec. 132. "Fetus", for purposes of IC 35-42-1-4, has the
- 35 meaning set forth in ~~IC 35-42-1-4(b)~~. **IC 35-42-1-4(a).**
- 36 SECTION 363. IC 35-31.5-2-135, AS ADDED BY P.L.114-2012,
- 37 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2014]: Sec. 135. (a) "Firefighter", for purposes of
- 39 ~~IC 35-42-2-6~~, has the meaning set forth in ~~IC 35-42-2-6(b)~~.
- 40 (b) "Firefighter", for purposes of ~~IC 35-44-4~~, **IC 35-44.1-4**, has the
- 41 meaning set forth in ~~IC 35-44-4-3~~. **IC 35-44.1-4-3.**

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1 SECTION 364. IC 35-31.5-2-136 IS REPEALED [EFFECTIVE
2 JULY 1, 2014]. ~~Sec. 136. "First responder", for purposes of~~
3 ~~IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(c).~~

4 SECTION 365. IC 35-31.5-2-169.5 IS ADDED TO THE INDIANA
5 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
6 [EFFECTIVE JULY 1, 2014]: **Sec. 169.5. "Infectious hepatitis", for**
7 **purposes of IC 35-45-16-2, has the meaning set forth in**
8 **IC 35-45-16-2(b).**

9 SECTION 366. IC 35-31.5-2-186.5 IS ADDED TO THE INDIANA
10 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
11 [EFFECTIVE JULY 1, 2014]: **Sec. 186.5. "Level 6 felony**
12 **conviction", for purposes of IC 35-50-2, has the meaning set forth**
13 **in IC 35-50-2-1(a).**

14 SECTION 367. IC 35-31.5-2-187 IS REPEALED [EFFECTIVE
15 JULY 1, 2014]. ~~Sec. 187. "Licensed health professional", for purposes~~
16 ~~of IC 35-42-2-8, has the meaning set forth in IC 35-42-2-8(a)(2).~~

17 SECTION 368. IC 35-31.5-2-204.5 IS ADDED TO THE INDIANA
18 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
19 [EFFECTIVE JULY 1, 2014]: **Sec. 204.5. "Moderate bodily injury"**
20 **means any impairment of physical condition that includes**
21 **substantial pain.**

22 SECTION 369. IC 35-31.5-2-216, AS ADDED BY P.L.114-2012,
23 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2014]: Sec. 216. "Offense relating to a criminal sexual act"
25 means the following:

- 26 (1) Rape (IC 35-42-4-1).
- 27 (2) Criminal deviate conduct (IC 35-42-4-2) **(repealed).**
- 28 (3) Child molesting (IC 35-42-4-3).
- 29 (4) Child seduction (IC 35-42-4-7).
- 30 (5) Prostitution (IC 35-45-4-2).
- 31 (6) Patronizing a prostitute (IC 35-45-4-3).
- 32 (7) Incest (IC 35-46-1-3).
- 33 (8) Sexual misconduct with a minor under IC 35-42-4-9(a).

34 SECTION 370. IC 35-31.5-2-242, AS ADDED BY P.L.114-2012,
35 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2014]: Sec. 242. (a) ~~"Practitioner", for purposes of~~
37 ~~IC 35-42-2-8, has the meaning set forth in IC 35-42-2-8(a)(3).~~

38 ~~(b) (a) Except as provided in subsection (c); (b), "practitioner", for~~
39 ~~purposes of IC 35-48, has the meaning set forth in IC 35-48-1-24.~~

40 ~~(c) (b) "Practitioner", for purposes of IC 35-48-7, has the meaning~~
41 ~~set forth in IC 35-48-7-5.8.~~

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1 SECTION 371. IC 35-31.5-2-249 IS REPEALED [EFFECTIVE
2 JULY 1, 2014]. ~~Sec. 249. "Professional sports services contract", for~~
3 ~~purposes of IC 35-46-4, has the meaning set forth in IC 35-46-4-2.~~

4 SECTION 372. IC 35-31.5-2-253, AS ADDED BY P.L.114-2012,
5 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2014]: Sec. 253. (a) Except as provided in subsection (c),
7 "property" means anything of value. The term includes:

- 8 (1) a gain or advantage or anything that might reasonably be
- 9 regarded as such by the beneficiary;
- 10 (2) real property, personal property, money, labor, and services;
- 11 (3) intangibles;
- 12 (4) commercial instruments;
- 13 (5) written instruments concerning labor, services, or property;
- 14 (6) written instruments otherwise of value to the owner, such as
- 15 a public record, deed, will, credit card, or letter of credit;
- 16 (7) a signature to a written instrument;
- 17 (8) extension of credit;
- 18 (9) trade secrets;
- 19 (10) contract rights, choses-in-action, and other interests in or
- 20 claims to wealth;
- 21 (11) electricity, gas, oil, and water;
- 22 (12) captured or domestic animals, birds, and fish;
- 23 (13) food and drink; ~~and~~
- 24 (14) human remains; **and**
- 25 **(15) data.**

26 (b) Property is that "of another person" if the other person has a
27 possessory or proprietary interest in it, even if an accused person also
28 has an interest in that property.

29 (c) "Property", for purposes of IC 35-47.5, has the meaning set forth
30 in IC 35-47.5-2-12.

31 SECTION 373. IC 35-31.5-2-264.5 IS ADDED TO THE INDIANA
32 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2014]: **Sec. 264.5. "Purpose of increasing a**
34 **person's own standing or position within a criminal gang", for**
35 **purposes of IC 35-45-9-3, has the meaning set forth in**
36 **IC 35-45-9-3(b).**

37 SECTION 374. IC 35-31.5-2-280.5 IS ADDED TO THE INDIANA
38 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2014]: **Sec. 280.5. "Sale to a minor", for**
40 **purposes of IC 35-48, means delivery or financing the delivery of**
41 **a drug to a person less than eighteen (18) years of age and at least**

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1 **three (3) years junior to the person making the delivery or**
2 **financing.**

3 SECTION 375. IC 35-31.5-2-315 IS REPEALED [EFFECTIVE
4 JULY 1, 2014]. ~~Sec. 315: "Student athlete", for purposes of IC 35-46-4,~~
5 ~~has the meaning set forth in IC 35-46-4-3.~~

6 SECTION 376. IC 35-31.5-2-317 IS REPEALED [EFFECTIVE
7 JULY 1, 2014]. ~~Sec. 317: "Substance offense", for purposes of~~
8 ~~IC 35-50-2-10; has the meaning set forth in IC 35-50-2-10(a)(2).~~

9 SECTION 377. IC 35-31.5-2-325, AS ADDED BY P.L.114-2012,
10 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2014]: Sec. 325. "Tattoo", for purposes of ~~IC 35-42-2-7,~~
12 **IC 35-45-21-4**, has the meaning set forth in ~~IC 35-42-2-7(a).~~
13 **IC 35-45-21-4(a).**

14 SECTION 378. IC 35-33-9-1 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person convicted
16 of an offense who has appealed or desires to appeal the conviction may
17 file a petition to be admitted to bail pending appeal. The person may be
18 admitted to bail pending appeal at the discretion of the court in which
19 the case was tried, but ~~he the person~~ may not be admitted to ~~it~~ **bail** if
20 ~~he the person~~ has been convicted of a Class A **felony (for a crime**
21 **committed before July 1, 2014) or a Level 1 or Level 2 felony (for**
22 **a crime committed after June 30, 2014)**, or a felony for which the
23 court may not suspend the sentence under IC 35-50-2-2.

24 SECTION 379. IC 35-33.5-5-5 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) This section does
26 not apply to a person who makes an interception authorized under
27 federal law.

28 (b) A person who knowingly or intentionally intercepts a
29 communication in violation of this article commits unlawful
30 interception, a ~~Class C~~ **Level 5** felony.

31 (c) A person who, by virtue of the person's employment or official
32 capacity in the criminal justice system, knowingly or intentionally uses
33 or discloses the contents of an interception in violation of this article
34 commits unlawful use or disclosure of an interception, a ~~Class C~~ **Level**
35 **5** felony.

36 SECTION 380. IC 35-34-1-5, AS AMENDED BY P.L.178-2007,
37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2014]: Sec. 5. (a) An indictment or information which charges
39 the commission of an offense may not be dismissed but may be
40 amended on motion by the prosecuting attorney at any time because of
41 any immaterial defect, including:

- 42 (1) any miswriting, misspelling, or grammatical error;

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- 1 (2) any misjoinder of parties defendant or offenses charged;
 2 (3) the presence of any unnecessary repugnant allegation;
 3 (4) the failure to negate any exception, excuse, or provision
 4 contained in the statute defining the offense;
 5 (5) the use of alternative or disjunctive allegations as to the acts,
 6 means, intents, or results charged;
 7 (6) any mistake in the name of the court or county in the title of
 8 the action, or the statutory provision alleged to have been
 9 violated;
 10 (7) the failure to state the time or place at which the offense was
 11 committed where the time or place is not of the essence of the
 12 offense;
 13 (8) the failure to state an amount of value or price of any matter
 14 where that value or price is not of the essence of the offense; or
 15 (9) any other defect which does not prejudice the substantial
 16 rights of the defendant.

17 (b) The indictment or information may be amended in matters of
 18 substance and the names of material witnesses may be added, by the
 19 prosecuting attorney, upon giving written notice to the defendant at any
 20 time:

21 (1) up to:

22 (A) thirty (30) days if the defendant is charged with a felony;

23 or

24 (B) fifteen (15) days if the defendant is charged only with one

25 (1) or more misdemeanors;

26 before the omnibus date; or

27 (2) before the commencement of trial;

28 if the amendment does not prejudice the substantial rights of the
 29 defendant. When the information or indictment is amended, it shall be
 30 signed by the prosecuting attorney or a deputy prosecuting attorney.

31 (c) Upon motion of the prosecuting attorney, the court may, at any
 32 time before, during, or after the trial, permit an amendment to the
 33 indictment or information in respect to any defect, imperfection, or
 34 omission in form which does not prejudice the substantial rights of the
 35 defendant.

36 (d) Before amendment of any indictment or information other than
 37 amendment as provided in subsection (b), ~~of this section~~, the court
 38 shall give all parties adequate notice of the intended amendment and
 39 an opportunity to be heard. Upon permitting such amendment, the court
 40 shall, upon motion by the defendant, order any continuance of the
 41 proceedings which may be necessary to accord the defendant adequate
 42 opportunity to prepare ~~his~~ **the defendant's** defense.



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1 (e) An amendment of an indictment or information to include a
 2 habitual offender charge under IC 35-50-2-8 ~~IC 35-50-2-8.5, or~~
 3 ~~IC 35-50-2-10~~ must be made not later than ten (10) days after the
 4 omnibus date. However, upon a showing of good cause, the court may
 5 permit the filing of a habitual offender charge at any time before the
 6 commencement of the trial.

7 SECTION 381. IC 35-36-6-11, AS AMENDED BY P.L.118-2007,
 8 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2014]: Sec. 11. (a) In any criminal proceeding wherein the
 10 defendant is charged with murder, ~~or a Class A Level 1 felony, or a~~
 11 **Level 2 felony**, to be tried before a jury in which a motion for a change
 12 of venue from the county is filed, the court may recognize but decline
 13 to grant the motion, and order that the jury be drawn from the residents
 14 of a county other than the county in which the court is located.

15 (b) Pursuant to an order under this section, the court may convene
 16 in any county in the state for purposes of jury selection. The venire may
 17 be drawn by the jury administrator of a court in the jurors' home
 18 county, or may be drawn by the court itself by random selection.

19 (c) After a jury is selected, the trial shall be held in the county of the
 20 court's location. The verdict of the jury and the judgment based upon
 21 it have the same validity and effect as if the jury had been drawn from
 22 the county of the court's location.

23 SECTION 382. IC 35-37-1-1 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The jury venire
 25 called by a court may be used in civil or criminal cases.

26 (b) If a defendant is charged with:

27 (1) murder ~~or a Class A Level 1, Level 2, Level 3, felony, a Class~~
 28 **B Level 4, felony**, or a ~~Class E Level 5~~ felony, the jury shall
 29 consist of twelve (12) qualified jurors unless the defendant and
 30 prosecuting attorney agree to a lesser number; or

31 (2) any other crime, the jury shall consist of six (6) qualified
 32 jurors.

33 SECTION 383. IC 35-37-1-3 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) In prosecutions
 35 for murder where the death penalty is sought, the defendant may
 36 challenge, peremptorily, twenty (20) jurors.

37 (b) In prosecutions for murder, where the death penalty is not
 38 sought, and ~~Class A, Class B, Level 1, Level 2, Level 3, Level 4, or~~
 39 **Class E Level 5** felonies, the defendant may challenge, peremptorily,
 40 ten (10) jurors.

41 (c) In prosecutions for all other crimes, the defendant may
 42 challenge, peremptorily, five (5) jurors.



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1 (d) When several defendants are tried together, they must join in
2 their challenges.

3 SECTION 384. IC 35-38-1-1.5 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) A court may
5 enter judgment of conviction as a ~~Class D Level 6~~ felony with the
6 express provision that the conviction will be converted to a conviction
7 as a Class A misdemeanor within three (3) years if the person fulfills
8 certain conditions. A court may enter a judgment of conviction as a
9 ~~Class D Level 6~~ felony with the express provision that the conviction
10 will be converted to a conviction as a Class A misdemeanor only if the
11 person pleads guilty to a ~~Class D Level 6~~ felony that qualifies for
12 consideration as a Class A misdemeanor under IC 35-50-2-7, and the
13 following conditions are met:

14 (1) The prosecuting attorney consents.

15 (2) The person agrees to the conditions set by the court.

16 (b) For a judgment of conviction to be entered under subsection (a),
17 the court, the prosecuting attorney, and the person must all agree to the
18 conditions set by the court under subsection (a).

19 (c) The court is not required to convert a judgment of conviction
20 entered as a ~~Class D Level 6~~ felony to a Class A misdemeanor if, after
21 a hearing, the court finds:

22 (1) the person has violated a condition set by the court under
23 subsection (a); or

24 (2) the period that the conditions set by the court under subsection
25 (a) are in effect expires before the person successfully completes
26 each condition.

27 However, the court may not convert a judgment of conviction entered
28 as a ~~Class D Level 6~~ felony to a Class A misdemeanor if the person
29 commits a new offense before the conditions set by the court under
30 subsection (a) expire.

31 (d) The court shall enter judgment of conviction as a Class A
32 misdemeanor if the person fulfills the conditions set by the court under
33 subsection (a).

34 (e) The entry of a judgment of conviction under this section does not
35 affect the application of any statute requiring the suspension of a
36 person's driving privileges.

37 (f) This section may not be construed to diminish or alter the rights
38 of a victim (as defined in IC 35-40-4-8) in a sentencing proceeding
39 under this chapter.

40 SECTION 385. IC 35-38-1-7.5, AS AMENDED BY P.L.216-2007,
41 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2014]: Sec. 7.5. (a) As used in this section, "sexually violent

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1 predator" means a person who suffers from a mental abnormality or
 2 personality disorder that makes the individual likely to repeatedly
 3 commit a sex offense (as defined in IC 11-8-8-5.2). The term includes
 4 a person convicted in another jurisdiction who is identified as a
 5 sexually violent predator under IC 11-8-8-20. The term does not
 6 include a person no longer considered a sexually violent predator under
 7 subsection (g).

8 (b) A person who:

9 (1) being at least eighteen (18) years of age, commits an offense
 10 described in:

11 (A) IC 35-42-4-1;

12 (B) IC 35-42-4-2 (**repealed**);

13 (C) IC 35-42-4-3 as a Class A or Class B **felony (for a crime**
 14 **committed before July 1, 2014) or a Level 1, Level 2, Level**
 15 **3, or Level 4 felony (for a crime committed after June 30,**
 16 **2014);**

17 (D) IC 35-42-4-5(a)(1);

18 (E) IC 35-42-4-5(a)(2);

19 (F) IC 35-42-4-5(a)(3);

20 (G) IC 35-42-4-5(b)(1) as a Class A or Class B **felony (for a**
 21 **crime committed before July 1, 2014) or Level 2, Level 3,**
 22 **or Level 4 felony (for a crime committed after June 30,**
 23 **2014);**

24 (H) IC 35-42-4-5(b)(2);

25 (I) IC 35-42-4-5(b)(3) as a Class A or Class B **felony (for a**
 26 **crime committed before July 1, 2014) or a Level 2, Level 3,**
 27 **or Level 4 felony (for a crime committed after June 30,**
 28 **2014);**

29 (J) an attempt or conspiracy to commit a crime listed in
 30 clauses (A) through (I); or

31 (K) a crime under the laws of another jurisdiction, including
 32 a military court, that is substantially equivalent to any of the
 33 offenses listed in clauses (A) through (J);

34 (2) commits a sex offense (as defined in IC 11-8-8-5.2) while
 35 having a previous unrelated conviction for a sex offense for which
 36 the person is required to register as a sex or violent offender under
 37 IC 11-8-8;

38 (3) commits a sex offense (as defined in IC 11-8-8-5.2) while
 39 having had a previous unrelated adjudication as a delinquent child
 40 for an act that would be a sex offense if committed by an adult, if,
 41 after considering expert testimony, a court finds by clear and

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1 convincing evidence that the person is likely to commit an
2 additional sex offense; or

3 (4) commits a sex offense (as defined in IC 11-8-8-5.2) while
4 having had a previous unrelated adjudication as a delinquent child
5 for an act that would be a sex offense if committed by an adult, if
6 the person was required to register as a sex or violent offender
7 under IC 11-8-8-5(b)(2);

8 is a sexually violent predator. Except as provided in subsection (g) or
9 (h), a person is a sexually violent predator by operation of law if an
10 offense committed by the person satisfies the conditions set forth in
11 subdivision (1) or (2) and the person was released from incarceration,
12 secure detention, or probation for the offense after June 30, 1994.

13 (c) This section applies whenever a court sentences a person or a
14 juvenile court issues a dispositional decree for a sex offense (as defined
15 in IC 11-8-8-5.2) for which the person is required to register with the
16 local law enforcement authority under IC 11-8-8.

17 (d) At the sentencing hearing, the court shall indicate on the record
18 whether the person has been convicted of an offense that makes the
19 person a sexually violent predator under subsection (b).

20 (e) If a person is not a sexually violent predator under subsection
21 (b), the prosecuting attorney may request the court to conduct a hearing
22 to determine whether the person (including a child adjudicated to be a
23 delinquent child) is a sexually violent predator under subsection (a). If
24 the court grants the motion, the court shall appoint two (2)
25 psychologists or psychiatrists who have expertise in criminal
26 behavioral disorders to evaluate the person and testify at the hearing.
27 After conducting the hearing and considering the testimony of the two
28 (2) psychologists or psychiatrists, the court shall determine whether the
29 person is a sexually violent predator under subsection (a). A hearing
30 conducted under this subsection may be combined with the person's
31 sentencing hearing.

32 (f) If a person is a sexually violent predator:

33 (1) the person is required to register with the local law
34 enforcement authority as provided in IC 11-8-8; and

35 (2) the court shall send notice to the department of correction.

36 (g) This subsection does not apply to a person who has two (2) or
37 more unrelated convictions for an offense described in IC 11-8-8-4.5
38 for which the person is required to register under IC 11-8-8. A person
39 who is a sexually violent predator may petition the court to consider
40 whether the person should no longer be considered a sexually violent
41 predator. The person may file a petition under this subsection not
42 earlier than ten (10) years after:

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- 1 (1) the sentencing court or juvenile court makes its determination
 2 under subsection (e); or
 3 (2) the person is released from incarceration or secure detention.
 4 A person may file a petition under this subsection not more than one
 5 (1) time per year. A court may dismiss a petition filed under this
 6 subsection or conduct a hearing to determine if the person should no
 7 longer be considered a sexually violent predator. If the court conducts
 8 a hearing, the court shall appoint two (2) psychologists or psychiatrists
 9 who have expertise in criminal behavioral disorders to evaluate the
 10 person and testify at the hearing. After conducting the hearing and
 11 considering the testimony of the two (2) psychologists or psychiatrists,
 12 the court shall determine whether the person should no longer be
 13 considered a sexually violent predator under subsection (a). If a court
 14 finds that the person should no longer be considered a sexually violent
 15 predator, the court shall send notice to the department of correction that
 16 the person is no longer considered a sexually violent predator.
 17 Notwithstanding any other law, a condition imposed on a person due
 18 to the person's status as a sexually violent predator, including lifetime
 19 parole or GPS monitoring, does not apply to a person no longer
 20 considered a sexually violent predator.
 21 (h) A person is not a sexually violent predator by operation of law
 22 under subsection (b)(1) if all of the following conditions are met:
 23 (1) The victim was not less than twelve (12) years of age at the
 24 time the offense was committed.
 25 (2) The person is not more than four (4) years older than the
 26 victim.
 27 (3) The relationship between the person and the victim was a
 28 dating relationship or an ongoing personal relationship. The term
 29 "ongoing personal relationship" does not include a family
 30 relationship.
 31 (4) The offense committed by the person was not any of the
 32 following:
 33 (A) Rape (IC 35-42-4-1).
 34 (B) Criminal deviate conduct (IC 35-42-4-2) **(repealed)**.
 35 (C) An offense committed by using or threatening the use of
 36 deadly force or while armed with a deadly weapon.
 37 (D) An offense that results in serious bodily injury.
 38 (E) An offense that is facilitated by furnishing the victim,
 39 without the victim's knowledge, with a drug (as defined in
 40 IC 16-42-19-2(1)) or a controlled substance (as defined in
 41 IC 35-48-1-9) or knowing that the victim was furnished with

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1 the drug or controlled substance without the victim's
2 knowledge.

3 (5) The person has not committed another sex offense (as defined
4 in IC 11-8-8-5.2) (including a delinquent act that would be a sex
5 offense if committed by an adult) against any other person.

6 (6) The person did not have a position of authority or substantial
7 influence over the victim.

8 (7) The court finds that the person should not be considered a
9 sexually violent predator.

10 SECTION 386. IC 35-38-1-7.8 IS REPEALED [EFFECTIVE JULY
11 1, 2014]. Sec. 7.8. (a) ~~At the time of sentencing, a court shall determine~~
12 ~~whether a person is a credit restricted felon (as defined in~~
13 ~~IC 35-31.5-2-72).~~

14 (b) ~~A determination under subsection (a) must be based upon:~~

15 (1) ~~evidence admitted at trial that is relevant to the credit~~
16 ~~restricted status;~~

17 (2) ~~evidence introduced at the sentencing hearing; or~~

18 (3) ~~a factual basis provided as part of a guilty plea.~~

19 (c) ~~Upon determining that a defendant is a credit restricted felon, a~~
20 ~~court shall advise the defendant of the consequences of this~~
21 ~~determination.~~

22 SECTION 387. IC 35-38-1-8 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Except as
24 provided in subsection (c), a defendant convicted of a felony may not
25 be sentenced before a written presentence report is prepared by a
26 probation officer and considered by the sentencing court. Delay of
27 sentence until a presentence report is prepared does not constitute an
28 indefinite postponement or suspension of sentence.

29 (b) A victim present at sentencing in a felony or misdemeanor case
30 shall be advised by the court of a victim's right to make a statement
31 concerning the crime and the sentence.

32 (c) A court may sentence a person convicted of a ~~Class D~~ **Level 6**
33 felony without considering a written presentence report prepared by a
34 probation officer. However, if a defendant is committed to the
35 department of correction or a community corrections program under
36 IC 35-38-2.6, the probation officer shall prepare a report that meets the
37 requirements of section 9 of this chapter to be sent with the offender to
38 the department in lieu of the presentence investigation report required
39 by section 14 of this chapter.

40 SECTION 388. IC 35-38-1-24 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 24. (a) This section
42 applies to a person if the most serious offense for which the person is

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1 committed is a Class C or Class D felony **(for a crime committed**
 2 **before July 1, 2014) or a Level 5 or Level 6 felony (for a crime**
 3 **committed after June 30, 2014).**

4 (b) Not later than forty-five (45) days after receiving a notice under
 5 IC 11-10-11.5-2, the sentencing court may order the department of
 6 correction to retain control over a person until the person completes the
 7 person's fixed term of imprisonment, less the credit time the person has
 8 earned with respect to the term, if the court makes specific findings that
 9 support a determination:

10 (1) that placement of the person in a community transition
 11 program:

12 (A) places the person in danger of serious bodily injury or
 13 death; or

14 (B) represents a substantial threat to the safety of others; or

15 (2) of other good cause.

16 If the court issues an order under this section, the department of
 17 correction may not assign a person to a community transition program.

18 (c) The court may make a determination under this section without
 19 a hearing. The court shall consider any written statement presented to
 20 the court by a victim of the offender's crime or by an offender under
 21 IC 11-10-11.5-4.5. The court in its discretion may consider statements
 22 submitted by a victim after the time allowed for the submission of
 23 statements under IC 11-10-11.5-4.5.

24 (d) The court shall make written findings for a determination under
 25 this section, whether or not a hearing was held.

26 (e) Not later than five (5) days after making a determination under
 27 this section, the court shall send a copy of the order to the:

28 (1) prosecuting attorney where the person's case originated; and

29 (2) department of correction.

30 SECTION 389. IC 35-38-1-25 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. (a) This section
 32 applies to a person if the most serious offense for which the person is
 33 committed is murder, a Class A felony, or a Class B **felony (for a**
 34 **crime committed before July 1, 2014), or a Level 1, Level 2, Level**
 35 **3, or Level 4 felony (for a crime committed after June 30, 2014).**

36 (b) A sentencing court may sentence a person or modify the
 37 sentence of a person to assign the person to a community transition
 38 program for any period that begins after the person's community
 39 transition program commencement date (as defined in IC 11-8-1-5.6)
 40 and ends when the person completes the person's fixed term of
 41 imprisonment, less the credit time the person has earned with respect
 42 to the term, if the court makes specific findings of fact that support a

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1 determination that it is in the best interests of justice to make the
 2 assignment. The order may include any other condition that the court
 3 could impose if the court had placed the person on probation under
 4 IC 35-38-2 or in a community corrections program under IC 35-38-2.6.

5 (c) The court may make a determination under this section without
 6 a hearing. The court shall consider any written statement presented to
 7 the court by a victim of the offender's crime or by an offender under
 8 IC 11-10-11.5-4.5. The court in its discretion may consider statements
 9 submitted by a victim after the time allowed for the submission of
 10 statements under IC 11-10-11.5-4.5.

11 (d) The court shall make written findings for a determination under
 12 this section, whether or not a hearing was held.

13 (e) Not later than five (5) days after making a determination under
 14 this section, the court shall send a copy of the order to the:

- 15 (1) prosecuting attorney where the person's case originated; and
- 16 (2) department of correction.

17 SECTION 390. IC 35-38-1-31, AS ADDED BY P.L.147-2012,
 18 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2014]: Sec. 31. (a) If a court imposes on a person convicted
 20 of a felony a sentence that involves a commitment to the department of
 21 correction, the court shall complete an abstract of judgment in an
 22 electronic format approved by the department of correction and the
 23 division of state court administration. The abstract of judgment must
 24 include, but not be limited to:

- 25 (1) each offense the person is convicted of; **and**
- 26 (2) the sentence, including whether the sentence includes a
 27 suspended sentence, probation, or direct commitment to
 28 community corrections. **and**
- 29 ~~(3) whether the person is a credit restricted felon.~~

30 (b) If a person convicted of a felony is committed to the department
 31 of correction by a court as a result of a violation of the terms of
 32 probation or other community placement, the court shall state in the
 33 abstract of judgment the specific reasons for revocation if probation,
 34 parole, or a community corrections placement has been revoked.

35 SECTION 391. IC 35-38-1-32 IS ADDED TO THE INDIANA
 36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2014]: **Sec. 32. (a) This section does not apply**
 38 **to a person convicted of a crime under:**

- 39 (1) **IC 35-42-4;**
- 40 (2) **a Level 1 felony; or**
- 41 (3) **a Level 2 felony.**

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1 (b) This section applies only to sentences imposed after June 30,
2 2014.

3 (c) If a court imposes a sentence on a person that involves a
4 commitment to the department of correction, the court shall
5 suspend at least six (6) months and not more than two (2) years of
6 the sentence and require the person to serve the suspended period:

7 (1) on probation; or

8 (2) in a problem solving court program under IC 33-23-16.

9 (d) If a person violates a condition of probation or a problem
10 solving court program, the court may order the person to serve the
11 remainder of the person's sentence as part of a commitment to the
12 department of correction or a community corrections program
13 under IC 35-38-2.6.

14 SECTION 392. IC 35-38-2-2.5, AS AMENDED BY P.L.216-2007,
15 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2014]: Sec. 2.5. (a) As used in this section, "offender" means
17 an individual convicted of a sex offense.

18 (b) As used in this section, "sex offense" means any of the
19 following:

20 (1) Rape (IC 35-42-4-1).

21 (2) Criminal deviate conduct (IC 35-42-4-2) **(repealed)**.

22 (3) Child molesting (IC 35-42-4-3).

23 (4) Child exploitation (IC 35-42-4-4(b)).

24 (5) Vicarious sexual gratification (IC 35-42-4-5).

25 (6) Child solicitation (IC 35-42-4-6).

26 (7) Child seduction (IC 35-42-4-7).

27 (8) Sexual battery (IC 35-42-4-8).

28 (9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

29 (10) Incest (IC 35-46-1-3).

30 (c) A condition of remaining on probation or parole after conviction
31 for a sex offense is that the offender not reside within one (1) mile of
32 the residence of the victim of the offender's sex offense.

33 (d) An offender:

34 (1) who will be placed on probation shall provide the sentencing
35 court and the probation department with the address where the
36 offender intends to reside during the period of probation:

37 (A) at the time of sentencing if the offender will be placed on
38 probation without first being incarcerated; or

39 (B) before the offender's release from incarceration if the
40 offender will be placed on probation after completing a term
41 of incarceration; or

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1 (2) who will be placed on parole shall provide the parole board
 2 with the address where the offender intends to reside during the
 3 period of parole.

4 (e) An offender, while on probation or parole, may not establish a
 5 new residence within one (1) mile of the residence of the victim of the
 6 offender's sex offense unless the offender first obtains a waiver from
 7 the:

- 8 (1) court, if the offender is placed on probation; or
 9 (2) parole board, if the offender is placed on parole;
 10 for the change of address under subsection (f).

11 (f) The court or parole board may waive the requirement set forth in
 12 subsection (c) only if the court or parole board, at a hearing at which
 13 the offender is present and of which the prosecuting attorney has been
 14 notified, determines that:

- 15 (1) the offender has successfully completed a sex offender
 16 treatment program during the period of probation or parole;
 17 (2) the offender is in compliance with all terms of the offender's
 18 probation or parole; and
 19 (3) good cause exists to allow the offender to reside within one (1)
 20 mile of the residence of the victim of the offender's sex offense.

21 However, the court or parole board may not grant a waiver under this
 22 subsection if the offender is a sexually violent predator under
 23 IC 35-38-1-7.5 or if the offender is an offender against children under
 24 IC 35-42-4-11.

25 (g) If the court or parole board grants a waiver under subsection (f),
 26 the court or parole board shall state in writing the reasons for granting
 27 the waiver. The court's written statement of its reasons shall be
 28 incorporated into the record.

29 (h) The address of the victim of the offender's sex offense is
 30 confidential even if the court or parole board grants a waiver under
 31 subsection (f).

32 SECTION 393. IC 35-38-2.6-1, AS AMENDED BY P.L.151-2006,
 33 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2014]: Sec. 1. (a) Except as provided in subsection (b), this
 35 chapter applies to the sentencing of a person convicted of:

- 36 (1) a felony whenever any part of the sentence may not be
 37 suspended under IC 35-50-2-2 or IC 35-50-2-2.1;
 38 (2) a misdemeanor whenever any part of the sentence may not be
 39 suspended; or
 40 (3) an offense described in ~~IC 35-50-2-2(b)(4)(R)~~
 41 **IC 35-50-2-2(b)(3)(R)** (operating a vehicle while intoxicated with
 42 at least two (2) prior unrelated convictions), if the person:

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- 1 (A) is required to serve the nonsuspendible part of the
 2 sentence in a community corrections:
 3 (i) work release program; or
 4 (ii) program that uses electronic monitoring as a part of the
 5 person's supervision; and
 6 (B) participates in a court approved substance abuse program.
- 7 (b) This chapter does not apply to persons convicted of any of the
 8 following:
 9 (1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.
 10 (2) Except as provided in subsection (a)(3), any of the felonies
 11 listed in ~~IC 35-50-2-2(b)(4)~~. **IC 35-50-2-2(b)(3)**.
 12 (3) An offense under IC 9-30-5-4.
 13 (4) An offense under IC 9-30-5-5.
- 14 SECTION 394. IC 35-38-3-5 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The department,
 16 after diagnosis and classification, shall:
 17 (1) determine the degree of security (maximum, medium, or
 18 minimum) to which a convicted person will be assigned;
 19 (2) for each offender convicted of a Class D felony whose
 20 sentence for the Class D felony is nonsuspendible under
 21 ~~IC 35-50-2-2(b)(3)~~ due to a prior unrelated Class E or Class D
 22 felony, determine whether the offender is an appropriate
 23 candidate for home detention under IC 35-38-2.5;
 24 (3) (2) for each offender convicted of a Class D felony (for a
 25 crime committed before July 1, 2014) or a Level 6 felony (for
 26 a crime committed after June 30, 2014) whose sentence for the
 27 Class D felony or Level 6 felony is nonsuspendible at the time
 28 of the offense under:
 29 (A) IC 35-50-2-2.1(a)(1)(B);
 30 (B) IC 35-50-2-2.1(a)(1)(C); or
 31 (C) IC 35-50-2-2.1(a)(2);
 32 determine whether the offender is an appropriate candidate for
 33 home detention under IC 35-38-2.5;
 34 (3) (3) for each offender:
 35 (A) committed to the department because the offender has
 36 been convicted for the first time of a Class E Level 5 or a
 37 Class D Level 6 felony; and
 38 (B) whose sentence may be suspended;
 39 determine whether the offender is an appropriate candidate for
 40 home detention under IC 35-38-2.5;

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1 ~~(5)~~ **(4)** notify the trial court and prosecuting attorney if the degree
 2 of security assigned differs from the court's recommendations;
 3 and
 4 ~~(6)~~ **(5)** petition the sentencing court under IC 35-38-1-21 for
 5 review of the sentence of an offender who is not a habitual
 6 offender sentenced under IC 35-50-2-8 or IC 35-50-2-10
 7 **(repealed)**, and who the department has determined under
 8 subdivision (2) ~~or subdivision (3)~~; to be an appropriate candidate
 9 for home detention.

10 (b) The department may change the degree of security to which the
 11 person is assigned. However, if the person is changed to a lesser degree
 12 security during the first two (2) years of the commitment, the
 13 department shall notify the trial court and the prosecuting attorney not
 14 less than thirty (30) days before the effective date of the changed
 15 security assignment.

16 SECTION 395. IC 35-38-7-1 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter applies
 18 only to an offense that is any of the following:

- 19 (1) Murder.
 20 (2) A Class A **felony (for a crime committed before July 1,**
 21 **2014) or a Level 1 felony (for a crime committed after June**
 22 **30, 2014).**
 23 (3) A Class B **felony (for a crime committed before July 1,**
 24 **2014) or a Level 2 felony (for a crime committed after June**
 25 **30, 2014).**
 26 (4) A Class C **felony (for a crime committed before July 1,**
 27 **2014) or a Level 3 felony (for a crime committed after June**
 28 **30, 2014).**
 29 (5) A **Level 4 felony (for a crime committed after June 30,**
 30 **2014).**
 31 (6) A **Level 5 felony (for a crime committed after June 30,**
 32 **2014).**

33 SECTION 396. IC 35-38-8-2, AS ADDED BY P.L.194-2011,
 34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2014]: Sec. 2. This chapter applies only to a person:

- 36 (1) convicted of a misdemeanor or a Class D **felony (for a crime**
 37 **committed before July 1, 2014) or Level 6 felony (for a crime**
 38 **committed after June 30, 2014)** that did not result in injury to a
 39 person; or
 40 (2) adjudicated a delinquent child for committing an offense that,
 41 if committed by an adult, would be a misdemeanor or a Class D
 42 **or Level 6** felony that did not result in injury to a person.

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1 SECTION 397. IC 35-38-8-4, AS ADDED BY P.L.194-2011,
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2014]: Sec. 4. The court shall grant a petition under this
 4 chapter if the court finds:

5 (1) the person is:

6 (A) not a sex or violent offender; or

7 (B) a sex or violent offender, but the offender's status as a sex
 8 or violent offender is solely due to the offender's conviction for
 9 sexual misconduct with a minor (IC 35-42-4-9) and the
 10 offender proved that the defense described in IC 35-42-4-9(e)
 11 applies to the offender;

12 (2) the person was:

13 (A) convicted of a misdemeanor or a Class D **felony (for a**
 14 **crime committed before July 1, 2014) or Level 6 felony (for**
 15 **a crime committed after June 30, 2014)** that did not result in
 16 injury to a person; or

17 (B) adjudicated a delinquent child for committing an offense
 18 that, if committed by an adult, would be a misdemeanor or a
 19 Class D **felony or Level 6** felony not resulting in injury to a
 20 person;

21 (3) eight (8) years have passed since the person completed the
 22 person's sentence and satisfied any other obligation imposed on
 23 the person as part of the sentence; and

24 (4) the person has not been convicted of a felony since the person
 25 completed the person's sentence and satisfied any other obligation
 26 imposed on the person as part of the sentence.

27 SECTION 398. IC 35-38-8-5, AS ADDED BY P.L.194-2011,
 28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2014]: Sec. 5. If the court grants the petition of a person under
 30 this chapter, the court shall do the following:

31 (1) Order:

32 (A) the department of correction; and

33 (B) each:

34 (i) law enforcement agency; and

35 (ii) other person;

36 who incarcerated, provided treatment for, or provided other
 37 services for the person under an order of the court;

38 to prohibit the release of the person's records or information
 39 relating to the misdemeanor, nonviolent Class D **felony,**
 40 **nonviolent Level 6** felony, or juvenile adjudication described in
 41 section 2 of this chapter, in the person's records to a noncriminal
 42 justice agency without a court order.

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- 1 (2) Order any:
 2 (A) state;
 3 (B) regional; or
 4 (C) local;
 5 central repository for criminal history information to prohibit the
 6 release of the person's records or information relating to the
 7 misdemeanor, nonviolent Class D **felony, nonviolent Level 6**
 8 **felony, or juvenile adjudication described in section 2 of this**
 9 **chapter, in the person's records to a noncriminal justice agency**
 10 **without a court order.**
 11 SECTION 399. IC 35-41-4-2, AS AMENDED BY P.L.143-2009,
 12 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2014]: Sec. 2. (a) Except as otherwise provided in this section,
 14 a prosecution for an offense is barred unless it is commenced:
 15 (1) within five (5) years after the commission of the offense, in
 16 the case of a Class B, Class C, or Class D **felony (for a crime**
 17 **committed before July 1, 2014) or a Level 3, Level 4, Level 5,**
 18 **or Level 6 felony (for a crime committed after June 30, 2014);**
 19 or
 20 (2) within two (2) years after the commission of the offense, in the
 21 case of a misdemeanor.
 22 (b) A prosecution for a Class B or Class C **felony (for a crime**
 23 **committed before July 1, 2014) or a Level 3, Level 4, or Level 5**
 24 **felony (for a crime committed after June 30, 2014)** that would
 25 otherwise be barred under this section may be commenced within one
 26 (1) year after the earlier of the date on which the state:
 27 (1) first discovers evidence sufficient to charge the offender with
 28 the offense through DNA (deoxyribonucleic acid) analysis; or
 29 (2) could have discovered evidence sufficient to charge the
 30 offender with the offense through DNA (deoxyribonucleic acid)
 31 analysis by the exercise of due diligence.
 32 (c) A prosecution for a Class A **felony (for a crime committed**
 33 **before July 1, 2014) or a Level 1 felony or Level 2 felony (for a**
 34 **crime committed after June 30, 2014)** may be commenced at any
 35 time.
 36 (d) A prosecution for murder may be commenced:
 37 (1) at any time; and
 38 (2) regardless of the amount of time that passes between:
 39 (A) the date a person allegedly commits the elements of
 40 murder; and
 41 (B) the date the alleged victim of the murder dies.

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1 (e) A prosecution for the following offenses is barred unless
 2 commenced before the date that the alleged victim of the offense
 3 reaches thirty-one (31) years of age:

- 4 (1) IC 35-42-4-3(a) (Child molesting).
 5 (2) IC 35-42-4-5 (Vicarious sexual gratification).
 6 (3) IC 35-42-4-6 (Child solicitation).
 7 (4) IC 35-42-4-7 (Child seduction).
 8 (5) IC 35-46-1-3 (Incest).

9 (f) A prosecution for forgery of an instrument for payment of
 10 money, or for the uttering of a forged instrument, under IC 35-43-5-2,
 11 is barred unless it is commenced within five (5) years after the maturity
 12 of the instrument.

13 (g) If a complaint, indictment, or information is dismissed because
 14 of an error, defect, insufficiency, or irregularity, a new prosecution may
 15 be commenced within ninety (90) days after the dismissal even if the
 16 period of limitation has expired at the time of dismissal, or will expire
 17 within ninety (90) days after the dismissal.

18 (h) The period within which a prosecution must be commenced does
 19 not include any period in which:

- 20 (1) the accused person is not usually and publicly resident in
 21 Indiana or so conceals himself or herself that process cannot be
 22 served;
 23 (2) the accused person conceals evidence of the offense, and
 24 evidence sufficient to charge the person with that offense is
 25 unknown to the prosecuting authority and could not have been
 26 discovered by that authority by exercise of due diligence; or
 27 (3) the accused person is a person elected or appointed to office
 28 under statute or constitution, if the offense charged is theft or
 29 conversion of public funds or bribery while in public office.

30 (i) For purposes of tolling the period of limitation only, a
 31 prosecution is considered commenced on the earliest of these dates:

- 32 (1) The date of filing of an indictment, information, or complaint
 33 before a court having jurisdiction.
 34 (2) The date of issuance of a valid arrest warrant.
 35 (3) The date of arrest of the accused person by a law enforcement
 36 officer without a warrant, if the officer has authority to make the
 37 arrest.

38 (j) A prosecution is considered timely commenced for any offense
 39 to which the defendant enters a plea of guilty, notwithstanding that the
 40 period of limitation has expired.

41 (k) The following apply to the specified offenses:

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1 (1) A prosecution for an offense under IC 30-2-9-7(b) (misuse of
2 funeral trust funds) is barred unless commenced within five (5)
3 years after the date of death of the settlor (as described in
4 IC 30-2-9).

5 (2) A prosecution for an offense under IC 30-2-10-9(b) (misuse
6 of funeral trust funds) is barred unless commenced within five (5)
7 years after the date of death of the settlor (as described in
8 IC 30-2-10).

9 (3) A prosecution for an offense under IC 30-2-13-38(f) (misuse
10 of funeral trust or escrow account funds) is barred unless
11 commenced within five (5) years after the date of death of the
12 purchaser (as defined in IC 30-2-13-9).

13 (1) A prosecution for an offense under IC 23-14-48-9 is barred
14 unless commenced within five (5) years after the earlier of the date on
15 which the state:

16 (1) first discovers evidence sufficient to charge the offender with
17 the offense; or

18 (2) could have discovered evidence sufficient to charge the
19 offender with the offense by the exercise of due diligence.

20 SECTION 400. IC 35-41-5-1 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person
22 attempts to commit a crime when, acting with the culpability required
23 for commission of the crime, ~~he~~ **the person** engages in conduct that
24 constitutes a substantial step toward commission of the crime. An
25 attempt to commit a crime is a felony or misdemeanor of the same ~~class~~
26 **level** as the crime attempted. However, an attempt to commit murder
27 is a ~~Class A~~ **Level 2** felony.

28 (b) It is no defense that, because of a misapprehension of the
29 circumstances, it would have been impossible for the accused person
30 to commit the crime attempted.

31 SECTION 401. IC 35-41-5-2 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person
33 conspires to commit a felony when, with intent to commit the felony,
34 ~~he~~ **the person** agrees with another person to commit the felony. A
35 conspiracy to commit a felony is a felony of the same ~~class~~ **level** as the
36 underlying felony. However, a conspiracy to commit murder is: ~~a Class~~
37 **A felony.**

38 (1) **a Level 2 felony if the conspiracy does not result in the**
39 **death of a person; and**

40 (2) **a Level 1 felony if the conspiracy results in the death of**
41 **another person.**

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1 (b) The state must allege and prove that either the person or the
2 person with whom he **or she** agreed performed an overt act in
3 furtherance of the agreement.

4 (c) It is no defense that the person with whom the accused person is
5 alleged to have conspired:

- 6 (1) has not been prosecuted;
- 7 (2) has not been convicted;
- 8 (3) has been acquitted;
- 9 (4) has been convicted of a different crime;
- 10 (5) cannot be prosecuted for any reason; or
- 11 (6) lacked the capacity to commit the crime.

12 SECTION 402. IC 35-42-1-1, AS AMENDED BY P.L.1-2007,
13 SECTION 230, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who:

- 15 (1) knowingly or intentionally kills another human being;
- 16 (2) kills another human being while committing or attempting to
- 17 commit arson, burglary, child molesting, consumer product
- 18 tampering, criminal deviate conduct (**before its repeal**),
- 19 kidnapping, rape, robbery, human trafficking, promotion of
- 20 human trafficking, sexual trafficking of a minor, or carjacking
- 21 (**before its repeal**);
- 22 (3) kills another human being while committing or attempting to
- 23 commit:
- 24 (A) dealing in or manufacturing cocaine or a narcotic drug
- 25 (IC 35-48-4-1);
- 26 (B) dealing in or manufacturing methamphetamine
- 27 (IC 35-48-4-1.1);
- 28 (C) dealing in a schedule I, II, or III controlled substance
- 29 (IC 35-48-4-2);
- 30 (D) dealing in a schedule IV controlled substance
- 31 (IC 35-48-4-3); or
- 32 (E) dealing in a schedule V controlled substance; or
- 33 (4) knowingly or intentionally kills a fetus that has attained
- 34 viability (as defined in IC 16-18-2-365);

35 commits murder, a felony.

36 SECTION 403. IC 35-42-1-2 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who
38 intentionally causes another human being, by force, duress, or
39 deception, to commit suicide commits causing suicide, a ~~Class B Level~~
40 3 felony.

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1 SECTION 404. IC 35-42-1-2.5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) This section
 3 does not apply to the following:

4 (1) A licensed health care provider who administers, prescribes,
 5 or dispenses medications or procedures to relieve a person's pain
 6 or discomfort, even if the medication or procedure may hasten or
 7 increase the risk of death, unless such medications or procedures
 8 are intended to cause death.

9 (2) The withholding or withdrawing of medical treatment or
 10 life-prolonging procedures by a licensed health care provider,
 11 including pursuant to IC 16-36-4 (living wills and life-prolonging
 12 procedures), IC 16-36-1 (health care consent), or IC 30-5 (power
 13 of attorney).

14 (b) A person who has knowledge that another person intends to
 15 commit or attempt to commit suicide and who intentionally does either
 16 of the following commits assisting suicide, a ~~Class C~~ **Level 5** felony:

17 (1) Provides the physical means by which the other person
 18 attempts or commits suicide.

19 (2) Participates in a physical act by which the other person
 20 attempts or commits suicide.

21 SECTION 405. IC 35-42-1-3 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who
 23 knowingly or intentionally:

24 (1) kills another human being; or

25 (2) kills a fetus that has attained viability (as defined in
 26 IC 16-18-2-365);

27 while acting under sudden heat commits voluntary manslaughter, a
 28 **Class B Level 2** felony. ~~However, the offense is a Class A felony if it~~
 29 ~~is committed by means of a deadly weapon:~~

30 (b) The existence of sudden heat is a mitigating factor that reduces
 31 what otherwise would be murder under section 1(1) of this chapter to
 32 voluntary manslaughter.

33 SECTION 406. IC 35-42-1-4, AS AMENDED BY P.L.7-2010,
 34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2014]: Sec. 4. ~~(a) As used in this section, "child care provider"~~
 36 ~~means a person who provides child care in or on behalf of:~~

37 ~~(1) a child care center (as defined in IC 12-7-2-28.4); or~~

38 ~~(2) a child care home (as defined in IC 12-7-2-28.6);~~

39 ~~regardless of whether the child care center or child care home is~~
 40 ~~licensed.~~

41 ~~(b)~~ **(a)** As used in this section, "fetus" means a fetus that has
 42 attained viability (as defined in IC 16-18-2-365).

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1 (e) (b) A person who kills another human being while committing
2 or attempting to commit:

- 3 (1) a ~~Class E or Class D~~ **Level 5 or Level 6** felony that inherently
4 poses a risk of serious bodily injury;
5 (2) a Class A misdemeanor that inherently poses a risk of serious
6 bodily injury; or
7 (3) battery;

8 commits involuntary manslaughter, a ~~Class E~~ **Level 5** felony. ~~However,~~
9 ~~if the killing results from the operation of a vehicle, the offense is a~~
10 ~~Class D felony.~~

11 (d) (c) A person who kills a fetus while committing or attempting to
12 commit:

- 13 (1) a ~~Class E or Class D~~ **Level 5 or Level 6** felony that inherently
14 poses a risk of serious bodily injury;
15 (2) a Class A misdemeanor that inherently poses a risk of serious
16 bodily injury;
17 (3) battery; or
18 (4) a violation of IC 9-30-5-1 through IC 9-30-5-5 (operating a
19 vehicle while intoxicated);

20 commits involuntary manslaughter, a ~~Class E~~ **Level 5** felony. ~~However,~~
21 ~~if the killing results from the operation of a vehicle, the offense is a~~
22 ~~Class D felony.~~

23 (e) If:

- 24 (1) a child care provider recklessly supervises a child; and
25 (2) the child dies as a result of the child care provider's reckless
26 supervision;

27 the child care provider commits involuntary manslaughter, a ~~Class D~~
28 ~~felony.~~

29 SECTION 407. IC 35-42-1-5 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A person who
31 recklessly kills another human being commits reckless homicide, a
32 ~~Class E~~ **Level 5** felony.

33 SECTION 408. IC 35-42-1-6, AS AMENDED BY P.L.40-2009,
34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2014]: Sec. 6. A person who knowingly or intentionally
36 terminates a human pregnancy with an intention other than to produce
37 a live birth or to remove a dead fetus commits feticide, a ~~Class B~~ **Level**
38 **3** felony. This section does not apply to an abortion performed in
39 compliance with:

- 40 (1) IC 16-34; or
41 (2) IC 35-1-58.5 (before its repeal).

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1 SECTION 409. IC 35-42-1-7 IS REPEALED [EFFECTIVE JULY
2 1, 2014]. Sec. 7: (a) As used in this section, "component" means
3 plasma, platelets, or serum of a human being.

4 (b) A person who recklessly, knowingly, or intentionally donates,
5 sells, or transfers blood; a blood component; or semen for artificial
6 insemination (as defined in IC 16-41-14-2) that contains the human
7 immunodeficiency virus (HIV) commits transferring contaminated
8 body fluids; a Class C felony.

9 (c) However, the offense is a Class A felony if it results in the
10 transmission of the human immunodeficiency virus (HIV) to any
11 person other than the defendant.

12 (d) This section does not apply to:

13 (1) a person who, for reasons of privacy, donates, sells, or
14 transfers blood or a blood component at a blood center (as defined
15 in IC 16-41-12-3) after the person has notified the blood center
16 that the blood or blood component must be disposed of and may
17 not be used for any purpose;

18 (2) a person who transfers blood; a blood component; semen; or
19 another body fluid that contains the human immunodeficiency
20 virus (HIV) for research purposes; or

21 (3) a person who is an autologous blood donor for stem cell
22 transplantation.

23 SECTION 410. IC 35-42-1-8 IS REPEALED [EFFECTIVE JULY
24 1, 2014]. Sec. 8: (a) The sale or distribution of:

25 (1) diagnostic testing equipment or apparatus; or

26 (2) a blood collection kit;

27 intended for home use to diagnose or confirm human
28 immunodeficiency virus (HIV) infection or disease is prohibited unless
29 the testing equipment, apparatus, or kit has been approved for such use
30 by the federal Food and Drug Administration.

31 (b) A person who violates this section commits a Class A
32 misdemeanor.

33 SECTION 411. IC 35-42-1-9 IS REPEALED [EFFECTIVE JULY
34 1, 2014]. Sec. 9: (a) Except as provided in this section, a person who
35 recklessly violates or fails to comply with IC 16-41-7 commits a Class
36 B misdemeanor.

37 (b) A person who knowingly or intentionally violates or fails to
38 comply with IC 16-41-7-1 commits a Class D felony.

39 (c) Each day a violation described in this section continues
40 constitutes a separate offense.

41 SECTION 412. IC 35-42-2-1, AS AMENDED BY P.L.114-2012,
42 SECTION 137, IS AMENDED TO READ AS FOLLOWS

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- 1 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) As used in this section,
 2 "public safety official" means:
 3 (1) a law enforcement officer, including an alcoholic beverage
 4 enforcement officer;
 5 (2) an employee of a penal facility or a juvenile detention
 6 facility (as defined in IC 31-9-2-71);
 7 (3) an employee of the department of correction;
 8 (4) a probation officer;
 9 (5) a parole officer;
 10 (6) a community corrections worker;
 11 (7) a home detention officer; or
 12 (8) a department of child services employee.
 13 (a) (b) Except as provided in subsections (c) through (j), a person
 14 who knowingly or intentionally:
 15 (1) touches another person in a rude, insolent, or angry manner;
 16 or
 17 (2) in a rude, insolent, or angry manner places any bodily
 18 fluid or waste on another person;
 19 commits battery, a Class B misdemeanor.
 20 (c) The offense described in subsection (b)(1) or (b)(2) is a Class
 21 A misdemeanor if it results in bodily injury to any other person.
 22 (d) The offense described in subsection (b)(1) or (b)(2) is a Level
 23 6 felony if one (1) or more of the following apply:
 24 (1) The offense results in moderate bodily injury to any other
 25 person.
 26 (2) The offense is committed against a public safety official
 27 while the official is engaged in the official's official duty.
 28 (3) The offense is committed against a person less than
 29 fourteen (14) years of age and is committed by a person at
 30 least eighteen (18) years of age.
 31 (4) The offense is committed against a person of any age who
 32 has a mental or physical disability and is committed by a
 33 person having the care of the person with the mental or
 34 physical disability, whether the care is assumed voluntarily or
 35 because of a legal obligation.
 36 (5) The offense is committed against an endangered adult (as
 37 defined in IC 12-10-3-2).
 38 (6) The offense is committed against a family or household
 39 member (as defined in IC 35-31.5-2-128) if the person who
 40 committed the offense:
 41 (A) is at least eighteen (18) years of age; and

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- 1 **(B) committed the offense in the physical presence of a**
 2 **child less than sixteen (16) years of age, knowing that the**
 3 **child was present and might be able to see or hear the**
 4 **offense.**
- 5 **(e) The offense described in subsection (b)(2) is a Level 6 felony**
 6 **if the person knew or recklessly failed to know that the bodily fluid**
 7 **or waste placed on another person was infected with hepatitis,**
 8 **tuberculosis, or human immunodeficiency virus.**
- 9 **(f) The offense described in subsection (b)(1) or (b)(2) is a Level**
 10 **5 felony if one (1) or more of the following apply:**
- 11 **(1) The offense results in serious bodily injury to another**
 12 **person.**
- 13 **(2) The offense is committed with a deadly weapon.**
- 14 **(3) The offense results in bodily injury to a pregnant woman**
 15 **if the person knew of the pregnancy.**
- 16 **(4) The person has a previous conviction for battery against**
 17 **the same victim.**
- 18 **(5) The offense results in bodily injury to one (1) or more of**
 19 **the following:**
- 20 **(A) A public safety official while the official is engaged in**
 21 **the official's official duties.**
- 22 **(B) A person less than fourteen (14) years of age if the**
 23 **offense is committed by a person at least eighteen (18)**
 24 **years of age.**
- 25 **(C) A person who has a mental or physical disability if the**
 26 **offense is committed by an individual having care of the**
 27 **person with the disability, regardless of whether the care**
 28 **is assumed voluntarily or because of a legal obligation.**
- 29 **(D) An endangered adult (as defined in IC 12-10-3-2).**
- 30 **(g) The offense described in subsection (b)(2) is a Level 5 felony**
 31 **if:**
- 32 **(1) the person knew or recklessly failed to know that the**
 33 **bodily fluid or waste placed on another person was infected**
 34 **with hepatitis, tuberculosis, or human immunodeficiency**
 35 **virus; and**
- 36 **(2) the person placed the bodily fluid or waste on a public**
 37 **safety official.**
- 38 **(h) The offense described in subsection (b)(1) or (b)(2) is a Level**
 39 **4 felony if it results in serious bodily injury to an endangered adult**
 40 **(as defined in IC 12-10-3-2).**
- 41 **(i) The offense described in subsection (b)(1) or (b)(2) is a Level**
 42 **3 felony if it results in serious bodily injury to a person less than**

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1 fourteen (14) years of age if the offense is committed by a person
2 at least eighteen (18) years of age.

3 (j) The offense described in subsection (b)(1) or (b)(2) is a Level
4 2 felony if it results in the death of one (1) or more of the following:

5 (1) A person less than fourteen (14) years of age if the offense
6 is committed by a person at least eighteen (18) years of age.

7 (2) An endangered adult (as defined in IC 12-10-3-2).

8 However, the offense is:

9 (†) a Class A misdemeanor if:

10 (A) it results in bodily injury to any other person;

11 (B) it is committed against a law enforcement officer or
12 against a person summoned and directed by the officer while
13 the officer is engaged in the execution of the officer's official
14 duty;

15 (C) it is committed against an employee of a penal facility or
16 a juvenile detention facility (as defined in IC 31-9-2-71) while
17 the employee is engaged in the execution of the employee's
18 official duty;

19 (D) it is committed against a firefighter (as defined in
20 IC 9-18-34-1) while the firefighter is engaged in the execution
21 of the firefighter's official duty;

22 (E) it is committed against a community policing volunteer:

23 (i) while the volunteer is performing the duties described in
24 IC 35-31.5-2-49; or

25 (ii) because the person is a community policing volunteer;
26 or

27 (F) it is committed against the state chemist or the state
28 chemist's agent while the state chemist or the state chemist's
29 agent is performing a duty under IC 15-16-5;

30 (2) a Class D felony if it results in bodily injury to:

31 (A) a law enforcement officer or a person summoned and
32 directed by a law enforcement officer while the officer is
33 engaged in the execution of the officer's official duty;

34 (B) a person less than fourteen (14) years of age and is
35 committed by a person at least eighteen (18) years of age;

36 (C) a person of any age who has a mental or physical disability
37 and is committed by a person having the care of the person
38 with a mental or physical disability, whether the care is
39 assumed voluntarily or because of a legal obligation;

40 (D) the other person and the person who commits the battery
41 was previously convicted of a battery in which the victim was
42 the other person;

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- 1 (E) an endangered adult (as defined in IC 12-10-3-2);
 2 (F) an employee of the department of correction while the
 3 employee is engaged in the execution of the employee's
 4 official duty;
 5 (G) an employee of a school corporation while the employee
 6 is engaged in the execution of the employee's official duty;
 7 (H) a correctional professional while the correctional
 8 professional is engaged in the execution of the correctional
 9 professional's official duty;
 10 (I) a person who is a health care provider (as defined in
 11 IC 16-18-2-163) while the health care provider is engaged in
 12 the execution of the health care provider's official duty;
 13 (J) an employee of a penal facility or a juvenile detention
 14 facility (as defined in IC 31-9-2-71) while the employee is
 15 engaged in the execution of the employee's official duty;
 16 (K) a firefighter (as defined in IC 9-18-34-1) while the
 17 firefighter is engaged in the execution of the firefighter's
 18 official duty;
 19 (L) a community policing volunteer:
 20 (i) while the volunteer is performing the duties described in
 21 IC 35-31.5-2-49; or
 22 (ii) because the person is a community policing volunteer;
 23 (M) a family or household member (as defined in
 24 IC 35-31.5-2-128) if the person who committed the offense:
 25 (i) is at least eighteen (18) years of age; and
 26 (ii) committed the offense in the physical presence of a child
 27 less than sixteen (16) years of age, knowing that the child
 28 was present and might be able to see or hear the offense; or
 29 (N) a department of child services employee while the
 30 employee is engaged in the execution of the employee's
 31 official duty;
 32 (3) a Class E felony if it results in serious bodily injury to any
 33 other person or if it is committed by means of a deadly weapon;
 34 (4) a Class B felony if it results in serious bodily injury to a
 35 person less than fourteen (14) years of age and is committed by a
 36 person at least eighteen (18) years of age;
 37 (5) a Class A felony if it results in the death of a person less than
 38 fourteen (14) years of age and is committed by a person at least
 39 eighteen (18) years of age;
 40 (6) a Class E felony if it results in serious bodily injury to an
 41 endangered adult (as defined in IC 12-10-3-2);

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1 (7) a Class B felony if it results in the death of an endangered
2 adult (as defined in IC 12-10-3-2); and

3 (8) a Class C felony if it results in bodily injury to a pregnant
4 woman and the person knew the woman was pregnant.

5 (b) For purposes of this section:

6 (1) "law enforcement officer" includes an alcoholic beverage
7 enforcement officer; and

8 (2) "correctional professional" means a:

9 (A) probation officer;

10 (B) parole officer;

11 (C) community corrections worker; or

12 (D) home detention officer.

13 SECTION 413. IC 35-42-2-1.3, AS AMENDED BY P.L.6-2012,
14 SECTION 225, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2014]: Sec. 1.3. (a) A person who knowingly or
16 intentionally touches an individual who:

17 (1) is or was a spouse of the other person;

18 (2) is or was living as if a spouse of the other person as provided
19 in subsection (c); or

20 (3) has a child in common with the other person;

21 in a rude, insolent, or angry manner that results in bodily injury to the
22 person described in subdivision (1), (2), or (3) commits domestic
23 battery, a Class A misdemeanor.

24 (b) However, the offense under subsection (a) is a ~~Class D~~ **Level 6**
25 felony if the person who committed the offense:

26 (1) has a previous, unrelated conviction:

27 (A) under this section (or IC 35-42-2-1(a)(2)(E) before that
28 provision was removed by P.L.188-1999, SECTION 5); or

29 (B) in any other jurisdiction, including a military court, in
30 which the elements of the crime for which the conviction was
31 entered are substantially similar to the elements described in
32 this section; or

33 (2) committed the offense in the physical presence of a child less
34 than sixteen (16) years of age, knowing that the child was present
35 and might be able to see or hear the offense.

36 (c) In considering whether a person is or was living as a spouse of
37 another individual for purposes of subsection (a)(2), the court shall
38 review:

39 (1) the duration of the relationship;

40 (2) the frequency of contact;

41 (3) the financial interdependence;

42 (4) whether the two (2) individuals are raising children together;

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- 1 (5) whether the two (2) individuals have engaged in tasks directed
 2 toward maintaining a common household; and
 3 (6) other factors the court considers relevant.

4 SECTION 414. IC 35-42-2-1.5 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. A person who
 6 knowingly or intentionally inflicts injury on a person that creates a
 7 substantial risk of death or causes:

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

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

16 SECTION 415. IC 35-42-2-2, AS AMENDED BY P.L.75-2006,
 17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2014]: Sec. 2. ~~(a)~~ As used in this section, "hazing" means
 19 forcing or requiring another person:

- 20 ~~(1)~~ with or without the consent of the other person; and
 21 ~~(2)~~ as a condition of association with a group or organization;
 22 to perform an act that creates a substantial risk of bodily injury:

23 ~~(b)~~ (a) A person who recklessly, knowingly, or intentionally
 24 performs

- 25 ~~(1)~~ an act that creates a substantial risk of bodily injury to another
 26 person ~~or~~
 27 ~~(2)~~ hazing;

28 commits criminal recklessness. Except as provided in subsection ~~(c)~~;
 29 ~~(b)~~, criminal recklessness is a Class B misdemeanor.

30 ~~(c)~~ ~~(b)~~ The offense of criminal recklessness as defined in subsection
 31 ~~(b)~~ (a) is:

- 32 ~~(1)~~ a Class A misdemeanor if the conduct includes the use of a
 33 vehicle;
 34 ~~(2)~~ (1) a ~~Class D Level 6~~ felony if:

- 35 (A) it is committed while armed with a deadly weapon; or
 36 (B) the person committed aggressive driving (as defined in
 37 IC 9-21-8-55) that results in serious bodily injury to another
 38 person; or

39 ~~(3)~~ (2) a Class E Level 5 felony if:

- 40 (A) it is committed by shooting a firearm into an inhabited
 41 dwelling or other building or place where people are likely to
 42 gather; or

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- 1 (B) the person committed aggressive driving (as defined in
2 IC 9-21-8-55) that results in the death of another person.
- 3 (d) A person who recklessly, knowingly, or intentionally:
4 (1) inflicts serious bodily injury on another person; or
5 (2) performs hazing that results in serious bodily injury to a
6 person;
7 commits criminal recklessness, a Class D felony. However, the offense
8 is a Class E felony if committed by means of a deadly weapon.
- 9 (e) A person, other than a person who has committed an offense
10 under this section or a delinquent act that would be an offense under
11 this section if the violator was an adult, who:
12 (1) makes a report of hazing in good faith;
13 (2) participates in good faith in a judicial proceeding resulting
14 from a report of hazing;
15 (3) employs a reporting or participating person described in
16 subdivision (1) or (2); or
17 (4) supervises a reporting or participating person described in
18 subdivision (1) or (2);
19 is not liable for civil damages or criminal penalties that might
20 otherwise be imposed because of the report or participation.
- 21 (f) A person described in subsection (e)(1) or (e)(2) is presumed to
22 act in good faith.
- 23 (g) A person described in subsection (e)(1) or (e)(2) may not be
24 treated as acting in bad faith solely because the person did not have
25 probable cause to believe that a person committed:
26 (1) an offense under this section; or
27 (2) a delinquent act that would be an offense under this section if
28 the offender was an adult.
- 29 SECTION 416. IC 35-42-2-2.5 IS ADDED TO THE INDIANA
30 CODE AS A NEW SECTION TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2014]: **Sec. 2.5. (a) As used in this section,**
32 **"hazing" means forcing or requiring another person:**
33 **(1) with or without the consent of the other person; and**
34 **(2) as a condition of association with a group or organization;**
35 **to perform an act that creates a substantial risk of bodily injury.**
36 **(b) A person who knowingly or intentionally performs hazing**
37 **commits a Class B misdemeanor. However, the offense is a Level**
38 **6 felony if it results in serious bodily injury to another person, and**
39 **a Level 5 felony if it is committed by means of a deadly weapon.**
40 **(c) A person, other than a person who has committed an offense**
41 **under this section or a delinquent act that would be an offense**
42 **under this section if the violator were an adult, who:**

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- 1 **(1) makes a report of hazing in good faith;**
 2 **(2) participates in good faith in a judicial proceeding resulting**
 3 **from a report of hazing;**
 4 **(3) employs a reporting or participating person described in**
 5 **subdivision (1) or (2); or**
 6 **(4) supervises a reporting or participating person described**
 7 **in subdivision (1) or (2);**

8 **is not liable for civil damages or criminal penalties that might**
 9 **otherwise be imposed because of the report or participation.**

10 **(d) A person described in subsection (c)(1) or (c)(2) is presumed**
 11 **to act in good faith.**

12 **(e) A person described in subsection (c)(1) or (c)(2) may not be**
 13 **treated as acting in bad faith solely because the person did not have**
 14 **probable cause to believe that a person committed:**

- 15 **(1) an offense under this section; or**
 16 **(2) a delinquent act that would be an offense under this**
 17 **section if the offender were an adult.**

18 SECTION 417. IC 35-42-2-3 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who
 20 recklessly, knowingly, or intentionally engages in conduct that is likely
 21 to provoke a reasonable ~~man~~ **person** to commit battery commits
 22 provocation, a Class C infraction.

23 SECTION 418. IC 35-42-2-4 IS REPEALED [EFFECTIVE JULY
 24 1, 2014]. Sec. 4. ~~(a) A person who recklessly, knowingly, or~~
 25 ~~intentionally obstructs vehicular or pedestrian traffic commits~~
 26 ~~obstruction of traffic; a Class B misdemeanor.~~

27 **(b) The offense described in subsection (a) is:**

- 28 **(1) a Class A misdemeanor if the offense includes the use of a**
 29 **motor vehicle; and**
 30 **(2) a Class D felony if the offense results in serious bodily injury.**

31 SECTION 419. IC 35-42-2-5 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As used in this
 33 section, "overpass" means a bridge or other structure designed to carry
 34 vehicular or pedestrian traffic over any roadway, railroad track, or
 35 waterway.

36 **(b) A person who knowingly, intentionally, or recklessly:**

- 37 **(1) drops, causes to drop, or throws an object from an overpass;**
 38 **or**
 39 **(2) with intent that the object fall, places on an overpass an object**
 40 **that falls off the overpass;**

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1 causing bodily injury to another person commits overpass mischief, a
 2 **Class C Level 5** felony. However, the offense is a **Class B Level 4**
 3 felony if it results in serious bodily injury to another person.

4 SECTION 420. IC 35-42-2-5.5 IS REPEALED [EFFECTIVE JULY
 5 1, 2014]. Sec. 5.5: A person who recklessly, knowingly, or
 6 intentionally:

7 (1) removes an appurtenance from a railroad signal system;
 8 resulting in damage or impairment of the operation of the railroad
 9 signal system, including a train control system, centralized
 10 dispatching system, or highway-railroad grade crossing warning
 11 signal on a railroad owned, leased, or operated by a railroad
 12 carrier without consent of the railroad carrier involved;

13 (2) tampers with or obstructs a switch, a frog, a rail, a roadbed, a
 14 crosstie, a viaduct, a bridge, a trestle, a culvert, an embankment,
 15 a structure, or an appliance pertaining to or connected with a
 16 railroad carrier without consent of the railroad carrier involved;
 17 or

18 (3) steals, removes, alters, or interferes with a journal bearing, a
 19 brass, a waste, a packing, a triple valve, a pressure cock, a brake,
 20 an air hose, or another part of the operating mechanism of a
 21 locomotive, an engine, a tender, a coach, a car, a caboose, or a
 22 motor car used or capable of being used by a railroad carrier in
 23 Indiana without consent of the railroad carrier;

24 commits railroad mischief, a **Class D** felony. However, the offense is
 25 a **Class C** felony if it results in serious bodily injury to another person
 26 and a **Class B** felony if it results in the death of another person.

27 SECTION 421. IC 35-42-2-6 IS REPEALED [EFFECTIVE JULY
 28 1, 2014]. Sec. 6: (a) As used in this section, "corrections officer"
 29 includes a person employed by:

30 (1) the department of correction;

31 (2) a law enforcement agency;

32 (3) a probation department;

33 (4) a county jail; or

34 (5) a circuit, superior, county, probate, city, or town court.

35 (b) As used in this section, "firefighter" means a person who is a:

36 (1) full-time, salaried firefighter;

37 (2) part-time, paid firefighter; or

38 (3) volunteer firefighter (as defined in IC 36-8-12-2).

39 (c) As used in this section, "emergency medical responder" means
 40 a person who:

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1 (1) is certified under IC 16-31 and who meets the Indiana
2 emergency medical services commission's standards for
3 emergency medical responder certification; and

4 (2) responds to an incident requiring emergency medical services.

5 (d) As used in this section, "human immunodeficiency virus (HIV)"
6 includes acquired immune deficiency syndrome (AIDS) and AIDS
7 related complex.

8 (e) A person who knowingly or intentionally in a rude, insolent, or
9 angry manner places blood or another body fluid or waste on a law
10 enforcement officer, firefighter, emergency medical responder,
11 corrections officer, or department of child services employee, identified
12 as such and while engaged in the performance of official duties, or
13 coerces another person to place blood or another body fluid or waste on
14 the law enforcement officer, firefighter, emergency medical responder,
15 corrections officer, or department of child services employee, commits
16 battery by body waste, a Class D felony. However, the offense is:

17 (1) a Class E felony if the person knew or recklessly failed to
18 know that the blood, bodily fluid, or waste was infected with:

19 (A) hepatitis B or hepatitis C;

20 (B) HIV; or

21 (C) tuberculosis;

22 (2) a Class B felony if:

23 (A) the person knew or recklessly failed to know that the
24 blood, bodily fluid, or waste was infected with hepatitis B or
25 hepatitis C and the offense results in the transmission of
26 hepatitis B or hepatitis C to the other person; or

27 (B) the person knew or recklessly failed to know that the
28 blood, bodily fluid, or waste was infected with tuberculosis
29 and the offense results in the transmission of tuberculosis to
30 the other person; and

31 (3) a Class A felony if:

32 (A) the person knew or recklessly failed to know that the
33 blood, bodily fluid, or waste was infected with HIV; and

34 (B) the offense results in the transmission of HIV to the other
35 person.

36 (f) A person who knowingly or intentionally in a rude, an insolent,
37 or an angry manner places human blood, semen, urine, or fecal waste
38 on another person commits battery by body waste, a Class A
39 misdemeanor. However, the offense is:

40 (1) a Class D felony if the person knew or recklessly failed to
41 know that the blood, semen, urine, or fecal waste was infected
42 with:

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- 1 (A) hepatitis B or hepatitis C;
 2 (B) HIV; or
 3 (C) tuberculosis;
 4 (2) a Class E felony if:
 5 (A) the person knew or recklessly failed to know that the
 6 blood; semen; urine; or fecal waste was infected with hepatitis
 7 B or hepatitis C and the offense results in the transmission of
 8 hepatitis B or hepatitis C to the other person; or
 9 (B) the person knew or recklessly failed to know that the
 10 blood; semen; urine; or fecal waste was infected with
 11 tuberculosis and the offense results in the transmission of
 12 tuberculosis to the other person; and
 13 (3) a Class B felony if:
 14 (A) the person knew or recklessly failed to know that the
 15 blood; semen; urine; or fecal waste was infected with HIV; and
 16 (B) the offense results in the transmission of HIV to the other
 17 person.
 18 SECTION 422. IC 35-42-2-7 IS REPEALED [EFFECTIVE JULY
 19 1, 2014]. Sec. 7: (a) As used in this section; "tattoo" means:
 20 (1) any indelible design; letter; scroll; figure; symbol; or other
 21 mark placed with the aid of needles or other instruments; or
 22 (2) any design; letter; scroll; figure; or symbol done by scarring;
 23 upon or under the skin.
 24 (b) As used in this section; "body piercing" means the perforation
 25 of any human body part other than an earlobe for the purpose of
 26 inserting jewelry or other decoration or for some other nonmedical
 27 purpose.
 28 (c) Except as provided in subsection (e); a person who provides a
 29 tattoo to a person who is less than eighteen (18) years of age commits
 30 tattooing a minor; a Class A misdemeanor.
 31 (d) This subsection does not apply to an act of a health care
 32 professional (as defined in IC 16-27-2-1) licensed under IC 25 when
 33 the act is performed in the course of the health care professional's
 34 practice. Except as provided in subsection (e); a person who performs
 35 body piercing upon a person who is less than eighteen (18) years of age
 36 commits body piercing a minor; a Class A misdemeanor.
 37 (e) A person may provide a tattoo to a person who is less than
 38 eighteen (18) years of age or perform body piercing upon a person who
 39 is less than eighteen (18) years of age if a parent or legal guardian of
 40 the person receiving the tattoo or undergoing the body piercing:
 41 (1) is present at the time the tattoo is provided or the body
 42 piercing is performed; and

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- 1 (2) provides written permission for the person to receive the tattoo
 2 or undergo the body piercing.
- 3 (f) Notwithstanding IC 36-1-3-8(a), a unit (as defined in
 4 IC 36-1-2-23) may adopt an ordinance that is at least as restrictive or
 5 more restrictive than this section or a rule adopted under
 6 IC 16-19-3-4.1 or IC 16-19-3-4.2.
- 7 SECTION 423. IC 35-42-2-8 IS REPEALED [EFFECTIVE JULY
 8 1, 2014]. Sec. 8: (a) The following definitions apply throughout this
 9 section:
- 10 (1) "Health care provider" refers to a health care provider (as
 11 defined in IC 16-18-2-163(a), IC 16-18-2-163(b), or
 12 IC 16-18-2-163(c)) or a qualified medication aide as described in
 13 IC 16-28-1-11.
- 14 (2) "Licensed health professional" has the meaning set forth in
 15 IC 25-23-1-27.1.
- 16 (3) "Practitioner" has the meaning set forth in IC 16-42-19-5.
 17 However, the term does not include a veterinarian.
- 18 (4) "Prescription drug" has the meaning set forth in
 19 IC 35-48-1-25.
- 20 (b) A person who knowingly or intentionally physically interrupts;
 21 obstructs; or alters the delivery or administration of a prescription drug:
 22 (1) prescribed or ordered by a practitioner for a person who is a
 23 patient of the practitioner; and
 24 (2) without the prescription or order of a practitioner;
 25 commits interference with medical services; a Class A misdemeanor.
 26 However, the offense is a Class D felony if the offense results in bodily
 27 injury to the patient.
- 28 (c) However, an offense described in subsection (b) is:
 29 (1) a Class E felony if it is committed by a person who is a
 30 licensed health care provider or licensed health professional;
 31 (2) a Class B felony if it results in serious bodily injury to the
 32 patient; and
 33 (3) a Class A felony if it results in the death of the patient.
- 34 (d) A person is justified in engaging in conduct otherwise prohibited
 35 under this section if the conduct was performed by:
 36 (1) a health care provider or licensed health professional who
 37 acted in good faith within the scope of the person's practice or
 38 employment; or
 39 (2) a person who was rendering emergency care at the scene of an
 40 emergency or accident in a good faith attempt to avoid or
 41 minimize serious bodily injury to the patient.

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1 SECTION 424. IC 35-42-2-9, AS ADDED BY P.L.129-2006,
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2014]: Sec. 9. (a) This section does not apply to a medical
 4 procedure.

5 (b) A person who, in a rude, angry, or insolent manner, knowingly
 6 or intentionally:

7 (1) applies pressure to the throat or neck of another person; or

8 (2) obstructs the nose or mouth of the another person;

9 in a manner that impedes the normal breathing or the blood circulation
 10 of the other person commits strangulation, a ~~Class D~~ **Level 6** felony.

11 SECTION 425. IC 35-42-3-2 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. ~~(a) A person who~~
 13 ~~knowingly or intentionally confines another person:~~

14 ~~(1) with intent to obtain ransom;~~

15 ~~(2) while hijacking a vehicle;~~

16 ~~(3) with intent to obtain the release, or intent to aid in the escape;~~
 17 ~~of any person from lawful detention; or~~

18 ~~(4) with intent to use the person confined as a shield or hostage;~~
 19 ~~commits kidnapping; a Class A felony.~~

20 ~~(b) (a) A person who knowingly or intentionally removes another~~
 21 ~~person, by fraud, enticement, force, or threat of force, from one place~~
 22 ~~to another commits kidnapping. Except as provided in subsection~~
 23 ~~(b), the offense of kidnapping is a Level 6 felony.~~

24 ~~(b) The offense described in subsection (a) is:~~

25 ~~(1) a Level 5 felony if:~~

26 ~~(A) the person removed is less than fourteen (14) years of~~
 27 ~~age and is not the removing person's child;~~

28 ~~(B) it is committed by using a vehicle; or~~

29 ~~(C) it results in bodily injury to a person other than the~~
 30 ~~removing person;~~

31 ~~(2) a Level 3 felony if it:~~

32 ~~(A) is committed while armed with a deadly weapon;~~

33 ~~(B) results in serious bodily injury to a person other than~~
 34 ~~the removing person; or~~

35 ~~(C) is committed on an aircraft; and~~

36 ~~(3) a Level 2 felony if it is committed:~~

37 ~~(A) with intent to obtain ransom;~~

38 ~~(B) while hijacking a vehicle;~~

39 ~~(C) with intent to obtain the release, or intent to aid in the~~
 40 ~~escape, of any person from lawful incarceration; or~~

41 ~~(D) with intent to use the person removed as a shield or~~
 42 ~~hostage.~~

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- 1 (1) with intent to obtain ransom;
- 2 (2) while hijacking a vehicle;
- 3 (3) with intent to obtain the release, or intent to aid in the escape;
- 4 of any person from lawful detention; or
- 5 (4) with intent to use the person removed as a shield or hostage;
- 6 commits kidnapping; a Class A felony.

7 SECTION 426. IC 35-42-3-3, AS AMENDED BY P.L.70-2006,
 8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2014]: Sec. 3. (a) A person who knowingly or intentionally
 10 (1) confines another person without the other person's consent or
 11 (2) removes another person, by fraud, enticement, force, or threat
 12 of force, from one (1) place to another;

13 commits criminal confinement. Except as provided in subsection (b),
 14 the offense of criminal confinement is a ~~Class D~~ **Level 6** felony.

15 (b) The offense of criminal confinement defined in subsection (a)
 16 is:

- 17 (1) a ~~Class E~~ **Level 5** felony if:
 - 18 (A) the person confined or removed is less than fourteen (14)
 - 19 years of age and is not the confining or removing person's
 - 20 child;
 - 21 (B) it is committed by using a vehicle; or
 - 22 (C) it results in bodily injury to a person other than the
 - 23 confining or removing person; and
- 24 (2) a ~~Class B~~ **Level 3** felony if it:
 - 25 (A) is committed while armed with a deadly weapon;
 - 26 (B) results in serious bodily injury to a person other than the
 - 27 confining or removing person; or
 - 28 (C) is committed on an aircraft; and
- 29 (3) a **Level 2** felony if it is committed:
 - 30 (A) with intent to obtain ransom;
 - 31 (B) while hijacking a vehicle;
 - 32 (C) with intent to obtain the release, or intent to aid in the
 - 33 escape, of any person from lawful incarceration; or
 - 34 (D) with intent to use the person confined as a shield or
 - 35 hostage.

36 SECTION 427. IC 35-42-3-4, AS AMENDED BY P.L.164-2007,
 37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2014]: Sec. 4. (a) A person who, with the intent to deprive
 39 another person of child custody rights, knowingly or intentionally:

- 40 (1) removes another person who is less than eighteen (18) years
- 41 of age to a place outside Indiana when the removal violates a
- 42 child custody order of a court; or

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1 (2) violates a child custody order of a court by failing to return a
2 person who is less than eighteen (18) years of age to Indiana;
3 commits interference with custody, a ~~Class D~~ **Level 6** felony. However,
4 the offense is a ~~Class E~~ **Level 5** felony if the other person is less than
5 fourteen (14) years of age and is not the person's child, and a ~~Class B~~
6 **Level 4** felony if the offense is committed while armed with a deadly
7 weapon or results in serious bodily injury to another person.

8 (b) A person who with the intent to deprive another person of
9 custody or parenting time rights:

- 10 (1) knowingly or intentionally takes;
- 11 (2) knowingly or intentionally detains; or
- 12 (3) knowingly or intentionally conceals;

13 a person who is less than eighteen (18) years of age commits
14 interference with custody, a Class C misdemeanor. However, the
15 offense is a Class B misdemeanor if the taking, concealment, or
16 detention is in violation of a court order.

17 (c) With respect to a violation of this section, a court may consider
18 as a mitigating circumstance the accused person's return of the other
19 person in accordance with the child custody order or parenting time
20 order within seven (7) days after the removal.

21 (d) The offenses described in this section continue as long as the
22 child is concealed or detained or both.

23 (e) If a person is convicted of an offense under this section, a court
24 may impose against the defendant reasonable costs incurred by a parent
25 or guardian of the child because of the taking, detention, or
26 concealment of the child.

27 ~~(g)~~ **(f)** It is a defense to a prosecution under this section that the
28 accused person:

- 29 (1) was threatened; or
- 30 (2) reasonably believed the child was threatened;

31 which resulted in the child not being timely returned to the other parent
32 resulting in a violation of a child custody order.

33 SECTION 428. IC 35-42-3.5-1, AS AMENDED BY P.L.72-2012,
34 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2014]: Sec. 1. (a) A person who, by force, threat of force, or
36 fraud, knowingly or intentionally recruits, harbors, or transports
37 another person:

- 38 (1) to engage the other person in:
 - 39 (A) forced labor; or
 - 40 (B) involuntary servitude; or
- 41 (2) to force the other person into:
 - 42 (A) marriage;

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1 (B) prostitution; or
 2 (C) participating in sexual conduct (as defined by
 3 IC 35-42-4-4);
 4 commits promotion of human trafficking, a **Class B Level 4** felony.
 5 (b) A person who knowingly or intentionally recruits, harbors, or
 6 transports a child less than sixteen (16) years of age with the intent of:
 7 (1) engaging the child in:
 8 (A) forced labor; or
 9 (B) involuntary servitude; or
 10 (2) inducing or causing the child to:
 11 (A) engage in prostitution; or
 12 (B) participate in sexual conduct (as defined by IC 35-42-4-4);
 13 commits promotion of human trafficking of a minor, a **Class B Level**
 14 **3** felony. Except as provided in subsection (e), it is not a defense to a
 15 prosecution under this subsection that the child consented to engage in
 16 prostitution or to participate in sexual conduct.
 17 (c) A person who is at least eighteen (18) years of age who
 18 knowingly or intentionally sells or transfers custody of a child less than
 19 sixteen (16) years of age for the purpose of prostitution or participating
 20 in sexual conduct (as defined by IC 35-42-4-4) commits sexual
 21 trafficking of a minor, a **Class A Level 2** felony.
 22 (d) A person who knowingly or intentionally pays, offers to pay, or
 23 agrees to pay money or other property to another person for an
 24 individual who the person knows has been forced into:
 25 (1) forced labor;
 26 (2) involuntary servitude; or
 27 (3) prostitution;
 28 commits human trafficking, a **Class C Level 5** felony.
 29 (e) It is a defense to a prosecution under subsection (b)(2)(B) if:
 30 (1) the child is at least fourteen (14) years of age but less than
 31 sixteen (16) years of age and the person is less than eighteen (18)
 32 years of age; or
 33 (2) all the following apply:
 34 (A) The person is not more than four (4) years older than the
 35 victim.
 36 (B) The relationship between the person and the victim was a
 37 dating relationship or an ongoing personal relationship. The
 38 term "ongoing personal relationship" does not include a family
 39 relationship.
 40 (C) The crime:
 41 (i) was not committed by a person who is at least twenty-one
 42 (21) years of age;

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- 1 (ii) was not committed by using or threatening the use of
- 2 deadly force;
- 3 (iii) was not committed while armed with a deadly weapon;
- 4 (iv) did not result in serious bodily injury;
- 5 (v) was not facilitated by furnishing the victim, without the
- 6 victim's knowledge, with a drug (as defined in
- 7 IC 16-42-19-2(1)) or a controlled substance (as defined in
- 8 IC 35-48-1-9) or knowing that the victim was furnished with
- 9 the drug or controlled substance without the victim's
- 10 knowledge; and
- 11 (vi) was not committed by a person having a position of
- 12 authority or substantial influence over the victim.

13 (D) The person has not committed another sex offense (as
 14 defined in IC 11-8-8-5.2), including a delinquent act that
 15 would be a sex offense if committed by an adult, against any
 16 other person.

17 SECTION 429. IC 35-42-4-1 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as
 19 provided in subsection (b), a person who knowingly or intentionally has
 20 sexual intercourse with a member of the opposite sex **or knowingly or**
 21 **intentionally causes another person to perform or submit to**
 22 **deviate sexual conduct** when:

- 23 (1) the other person is compelled by force or imminent threat of
- 24 force;
- 25 (2) the other person is unaware that the sexual intercourse **or**
- 26 **deviate sexual conduct** is occurring; or
- 27 (3) the other person is so mentally disabled or deficient that
- 28 consent to sexual intercourse **or deviate sexual conduct** cannot
- 29 be given;

30 commits rape, a **Class B Level 3** felony.

31 (b) An offense described in subsection (a) is a **Class A Level 1**
 32 felony if:

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

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1 SECTION 430. IC 35-42-4-2 IS REPEALED [EFFECTIVE JULY
2 1, 2014]. Sec. 2: (a) A person who knowingly or intentionally causes
3 another person to perform or submit to deviate sexual conduct when:

4 (1) the other person is compelled by force or imminent threat of
5 force;

6 (2) the other person is unaware that the conduct is occurring; or

7 (3) the other person is so mentally disabled or deficient that
8 consent to the conduct cannot be given;

9 commits criminal deviate conduct, a Class B felony:

10 (b) An offense described in subsection (a) is a Class A felony if:

11 (1) it is committed by using or threatening the use of deadly force;

12 (2) it is committed while armed with a deadly weapon;

13 (3) it results in serious bodily injury to any person other than a
14 defendant; or

15 (4) the commission of the offense is facilitated by furnishing the
16 victim, without the victim's knowledge, with a drug (as defined in
17 IC 16-42-19-2(1)) or a controlled substance (as defined in
18 IC 35-48-1-9) or knowing that the victim was furnished with the
19 drug or controlled substance without the victim's knowledge.

20 SECTION 431. IC 35-42-4-3, AS AMENDED BY P.L.216-2007,
21 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2014]: Sec. 3. (a) A person who, with a child under fourteen
23 (14) years of age, performs or submits to sexual intercourse or deviate
24 sexual conduct commits child molesting, a Class B Level 3 felony.
25 However, the offense is a Class A Level 1 felony if:

26 (1) it is committed by a person at least twenty-one (21) years of
27 age;

28 (2) it is committed by using or threatening the use of deadly force
29 or while armed with a deadly weapon;

30 (3) it results in serious bodily injury; or

31 (4) the commission of the offense is facilitated by furnishing the
32 victim, without the victim's knowledge, with a drug (as defined in
33 IC 16-42-19-2(1)) or a controlled substance (as defined in
34 IC 35-48-1-9) or knowing that the victim was furnished with the
35 drug or controlled substance without the victim's knowledge.

36 (b) A person who, with a child under fourteen (14) years of age,
37 performs or submits to any fondling or touching, of either the child or
38 the older person, with intent to arouse or to satisfy the sexual desires of
39 either the child or the older person, commits child molesting, a Class
40 B Level 4 felony. However, the offense is a Class A Level 2 felony if:

41 (1) it is committed by using or threatening the use of deadly force;

42 (2) it is committed while armed with a deadly weapon; or

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1 (3) the commission of the offense is facilitated by furnishing the
2 victim, without the victim's knowledge, with a drug (as defined in
3 IC 16-42-19-2(1)) or a controlled substance (as defined in
4 IC 35-48-1-9) or knowing that the victim was furnished with the
5 drug or controlled substance without the victim's knowledge.

6 (c) It is a defense that the accused person reasonably believed that
7 the child was sixteen (16) years of age or older at the time of the
8 conduct, unless:

9 (1) the offense is committed by using or threatening the use of
10 deadly force or while armed with a deadly weapon;

11 (2) the offense results in serious bodily injury; or

12 (3) the commission of the offense is facilitated by furnishing the
13 victim, without the victim's knowledge, with a drug (as defined in
14 IC 16-42-19-2(1)) or a controlled substance (as defined in
15 IC 35-48-1-9) or knowing that the victim was furnished with the
16 drug or controlled substance without the victim's knowledge.

17 SECTION 432. IC 35-42-4-4, AS AMENDED BY P.L.6-2012,
18 SECTION 226, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The following definitions
20 apply throughout this section:

21 (1) "Disseminate" means to transfer possession for free or for a
22 consideration.

23 (2) "Matter" has the same meaning as in IC 35-49-1-3.

24 (3) "Performance" has the same meaning as in IC 35-49-1-7.

25 (4) "Sexual conduct" means sexual intercourse, deviate sexual
26 conduct, exhibition of the uncovered genitals intended to satisfy
27 or arouse the sexual desires of any person, sadomasochistic abuse,
28 sexual intercourse or deviate sexual conduct with an animal, or
29 any fondling or touching of a child by another person or of
30 another person by a child intended to arouse or satisfy the sexual
31 desires of either the child or the other person.

32 (b) A person who knowingly or intentionally:

33 (1) manages, produces, sponsors, presents, exhibits, photographs,
34 films, videotapes, or creates a digitized image of any performance
35 or incident that includes sexual conduct by a child under eighteen
36 (18) years of age;

37 (2) disseminates, exhibits to another person, offers to disseminate
38 or exhibit to another person, or sends or brings into Indiana for
39 dissemination or exhibition matter that depicts or describes sexual
40 conduct by a child under eighteen (18) years of age; or

41 (3) makes available to another person a computer, knowing that
42 the computer's fixed drive or peripheral device contains matter

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1 that depicts or describes sexual conduct by a child less than
2 eighteen (18) years of age;

3 commits child exploitation, a ~~Class C~~ **Level 5** felony.

4 (c) A person who knowingly or intentionally possesses:

- 5 (1) a picture;
6 (2) a drawing;
7 (3) a photograph;
8 (4) a negative image;
9 (5) undeveloped film;
10 (6) a motion picture;
11 (7) a videotape;
12 (8) a digitized image; or
13 (9) any pictorial representation;

14 that depicts or describes sexual conduct by a child who the person
15 knows is less than sixteen (16) years of age or who appears to be less
16 than sixteen (16) years of age, and that lacks serious literary, artistic,
17 political, or scientific value commits possession of child pornography,
18 a ~~Class D~~ **Level 6** felony.

19 (d) Subsections (b) and (c) do not apply to a bona fide school,
20 museum, or public library that qualifies for certain property tax
21 exemptions under IC 6-1.1-10, or to an employee of such a school,
22 museum, or public library acting within the scope of the employee's
23 employment when the possession of the listed materials is for
24 legitimate scientific or educational purposes.

25 (e) It is a defense to a prosecution under this section that:

- 26 (1) the person is a school employee; and
27 (2) the acts constituting the elements of the offense were
28 performed solely within the scope of the person's employment as
29 a school employee.

30 (f) Except as provided in subsection (g), it is a defense to a
31 prosecution under subsection (b)(1), subsection (b)(2), or subsection
32 (c) if all of the following apply:

- 33 (1) A cellular telephone, another wireless or cellular
34 communications device, or a social networking web site was used
35 to possess, produce, or disseminate the image.
36 (2) The defendant is not more than four (4) years older or younger
37 than the person who is depicted in the image or who received the
38 image.
39 (3) The relationship between the defendant and the person who
40 received the image or who is depicted in the image was a dating
41 relationship or an ongoing personal relationship. For purposes of

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1 this subdivision, the term "ongoing personal relationship" does
2 not include a family relationship.

3 (4) The crime was committed by a person less than twenty-two
4 (22) years of age.

5 (5) The person receiving the image or who is depicted in the
6 image acquiesced in the defendant's conduct.

7 (g) The defense to a prosecution described in subsection (f) does not
8 apply if:

9 (1) the person who receives the image disseminates it to a person
10 other than the person:

11 (A) who sent the image; or

12 (B) who is depicted in the image;

13 (2) the image is of a person other than the person who sent the
14 image or received the image; or

15 (3) the dissemination of the image violates:

16 (A) a protective order to prevent domestic or family violence
17 issued under IC 34-26-5 (or, if the order involved a family or
18 household member, under IC 34-26-2 or IC 34-4-5.1-5 before
19 their repeal);

20 (B) an ex parte protective order issued under IC 34-26-5 (or,
21 if the order involved a family or household member, an
22 emergency order issued under IC 34-26-2 or IC 34-4-5.1
23 before their repeal);

24 (C) a workplace violence restraining order issued under
25 IC 34-26-6;

26 (D) a no contact order in a dispositional decree issued under
27 IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or
28 IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an
29 order issued under IC 31-32-13 (or IC 31-6-7-14 before its
30 repeal) that orders the person to refrain from direct or indirect

31 contact with a child in need of services or a delinquent child;

32 (E) a no contact order issued as a condition of pretrial release,
33 including release on bail or personal recognizance, or pretrial
34 diversion, and including a no contact order issued under
35 IC 35-33-8-3.6;

36 (F) a no contact order issued as a condition of probation;

37 (G) a protective order to prevent domestic or family violence
38 issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2
39 before their repeal);

40 (H) a protective order to prevent domestic or family violence
41 issued under IC 31-14-16-1 in a paternity action;

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- 1 (I) a no contact order issued under IC 31-34-25 in a child in
- 2 need of services proceeding or under IC 31-37-25 in a juvenile
- 3 delinquency proceeding;
- 4 (J) an order issued in another state that is substantially similar
- 5 to an order described in clauses (A) through (I);
- 6 (K) an order that is substantially similar to an order described
- 7 in clauses (A) through (I) and is issued by an Indian:
- 8 (i) tribe;
- 9 (ii) band;
- 10 (iii) pueblo;
- 11 (iv) nation; or
- 12 (v) organized group or community, including an Alaska
- 13 Native village or regional or village corporation as defined
- 14 in or established under the Alaska Native Claims Settlement
- 15 Act (43 U.S.C. 1601 et seq.);
- 16 that is recognized as eligible for the special programs and
- 17 services provided by the United States to Indians because of
- 18 their special status as Indians;
- 19 (L) an order issued under IC 35-33-8-3.2; or
- 20 (M) an order issued under IC 35-38-1-30.

21 SECTION 433. IC 35-42-4-5 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person
 23 eighteen (18) years of age or older who knowingly or intentionally
 24 directs, aids, induces, or causes a child under the age of sixteen (16) to
 25 touch or fondle himself **or herself** or another child under the age of
 26 sixteen (16) with intent to arouse or satisfy the sexual desires of a child
 27 or the older person commits vicarious sexual gratification, a ~~Class D~~
 28 **Level 5** felony. However, the offense is:

- 29 (1) a ~~Class E~~ **Level 4** felony if a child involved in the offense is
- 30 under the age of fourteen (14); **and**
- 31 (2) a ~~Class B~~ **Level 3** felony if:
- 32 (A) the offense is committed by using or threatening the use of
- 33 deadly force or while armed with a deadly weapon; **or**
- 34 (B) the commission of the offense is facilitated by furnishing
- 35 the victim, without the victim's knowledge, with a drug (as
- 36 defined in IC 16-42-19-2(1)) or a controlled substance (as
- 37 defined in IC 35-48-1-9) or knowing that the victim was
- 38 furnished with the drug or controlled substance without the
- 39 victim's knowledge; **and or**
- 40 (3) (C) a ~~Class A~~ **felony** if it **the commission of the offense**
- 41 results in serious bodily injury.

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1 (b) A person eighteen (18) years of age or older who knowingly or
 2 intentionally directs, aids, induces, or causes a child under the age of
 3 sixteen (16) to:

- 4 (1) engage in sexual intercourse with another child under sixteen
 5 (16) years of age;
 6 (2) engage in sexual conduct with an animal other than a human
 7 being; or
 8 (3) engage in deviate sexual conduct with another person;

9 with intent to arouse or satisfy the sexual desires of a child or the older
 10 person commits vicarious sexual gratification, a **Class E Level 4**
 11 felony. However, the offense is a **Class B Level 3** felony if any child
 12 involved in the offense is less than fourteen (14) years of age, and **it the**
 13 **offense** is a **Class A Level 2** felony if the offense is committed by using
 14 or threatening the use of deadly force, if **it the offense** is committed
 15 while armed with a deadly weapon, if **it the offense** results in serious
 16 bodily injury, or if the commission of the offense is facilitated by
 17 furnishing the victim, without the victim's knowledge, with a drug (as
 18 defined in IC 16-42-19-2(1)) or a controlled substance (as defined in
 19 IC 35-48-1-9) or knowing that the victim was furnished with the drug
 20 or controlled substance without the victim's knowledge.

21 (c) A person eighteen (18) years of age or older who knowingly or
 22 intentionally:

- 23 (1) engages in sexual intercourse;
 24 (2) engages in deviate sexual conduct; or
 25 (3) touches or fondles the person's own body;

26 in the presence of a child less than fourteen (14) years of age with the
 27 intent to arouse or satisfy the sexual desires of the child or the older
 28 person commits performing sexual conduct in the presence of a minor,
 29 a **Class D Level 6** felony.

30 SECTION 434. IC 35-42-4-6, AS AMENDED BY P.L.216-2007,
 31 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2014]: Sec. 6. (a) As used in this section, "solicit" means to
 33 command, authorize, urge, incite, request, or advise an individual:

- 34 (1) in person;
 35 (2) by telephone **or wireless device**;
 36 (3) in writing;
 37 (4) by using a computer network (as defined in IC 35-43-2-3(a));
 38 (5) by advertisement of any kind; or
 39 (6) by any other means;

40 to perform an act described in subsection (b) or (c).

41 (b) A person eighteen (18) years of age or older who knowingly or
 42 intentionally solicits a child under fourteen (14) years of age, or an

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1 individual the person believes to be a child under fourteen (14) years
2 of age, to engage in:

- 3 (1) sexual intercourse;
4 (2) deviate sexual conduct; or
5 (3) any fondling or touching intended to arouse or satisfy the
6 sexual desires of either the child or the older person;

7 commits child solicitation, a ~~Class D Level 5~~ felony. ~~However, the~~
8 ~~offense is a Class E felony if it is committed by using a computer~~
9 ~~network (as defined in IC 35-43-2-3(a)), and a Class B felony if the~~
10 ~~person commits the offense by using a computer network (as defined~~
11 ~~in IC 35-43-2-3(a)) and has a previous unrelated conviction for~~
12 ~~committing the offense by using a computer network (as defined in~~
13 ~~IC 35-43-2-3(a)).~~

14 (c) A person at least twenty-one (21) years of age who knowingly or
15 intentionally solicits a child at least fourteen (14) years of age but less
16 than sixteen (16) years of age, or an individual the person believes to
17 be a child at least fourteen (14) years of age but less than sixteen (16)
18 years of age, to engage in:

- 19 (1) sexual intercourse;
20 (2) deviate sexual conduct; or
21 (3) any fondling or touching intended to arouse or satisfy the
22 sexual desires of either the child or the older person;

23 commits child solicitation, a ~~Class D Level 5~~ felony. ~~However, the~~
24 ~~offense is a Class E felony if it is committed by using a computer~~
25 ~~network (as defined in IC 35-43-2-3(a)), and a Class B felony if the~~
26 ~~person commits the offense by using a computer network (as defined~~
27 ~~in IC 35-43-2-3(a)) and has a previous unrelated conviction for~~
28 ~~committing the offense by using a computer network (as defined in~~
29 ~~IC 35-43-2-3(a)).~~

30 (d) In a prosecution under this section, including a prosecution for
31 attempted solicitation, the state is not required to prove that the person
32 solicited the child to engage in an act described in subsection (b) or (c)
33 at some immediate time.

34 SECTION 435. IC 35-42-4-7, AS AMENDED BY P.L.114-2012,
35 SECTION 138, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) As used in this section,
37 "adoptive parent" has the meaning set forth in IC 31-9-2-6.

38 (b) As used in this section, "adoptive grandparent" means the parent
39 of an adoptive parent.

40 (c) As used in this section, "charter school" has the meaning set
41 forth in IC 20-18-2-2.5.

42 (d) As used in this section, "child care worker" means a person who:

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- 1 (1) provides care, supervision, or instruction to a child within the
 2 scope of the person's employment in a shelter care facility;
 3 (2) is employed by a:
 4 (A) school corporation;
 5 (B) charter school;
 6 (C) nonpublic school; or
 7 (D) special education cooperative;
 8 attended by a child who is the victim of a crime under this
 9 chapter; or
 10 (3) is:
 11 (A) affiliated with a:
 12 (i) school corporation;
 13 (ii) charter school;
 14 (iii) nonpublic school; or
 15 (iv) special education cooperative;
 16 attended by a child who is the victim of a crime under this
 17 chapter, regardless of how or whether the person is
 18 compensated;
 19 (B) in a position of trust in relation to a child who attends the
 20 school or cooperative;
 21 (C) engaged in the provision of care or supervision to a child
 22 who attends the school or cooperative; and
 23 (D) at least four (4) years older than the child who is the
 24 victim of a crime under this chapter.
 25 The term does not include a student who attends the school or
 26 cooperative.
 27 (e) As used in this section, "custodian" means any person who
 28 resides with a child and is responsible for the child's welfare.
 29 (f) As used in this section, "military recruiter" means a member of
 30 the armed forces of the United States (as defined in IC 20-33-10-2) or
 31 the Indiana National Guard whose primary job function, classification,
 32 or specialty is recruiting individuals to enlist with the armed forces of
 33 the United States or the Indiana National Guard.
 34 (g) As used in this section, "nonpublic school" has the meaning set
 35 forth in IC 20-18-2-12.
 36 (h) As used in this section, "school corporation" has the meaning set
 37 forth in IC 20-18-2-16.
 38 (i) As used in this section, "special education cooperative" has the
 39 meaning set forth in IC 20-35-5-1.
 40 (j) As used in this section, "stepparent" means an individual who is
 41 married to a child's custodial or noncustodial parent and is not the
 42 child's adoptive parent.

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- 1 (k) If a person who:
- 2 (1) is at least eighteen (18) years of age; and
- 3 (2) is:
- 4 (A) the:
- 5 (i) guardian, adoptive parent, adoptive grandparent,
- 6 custodian, or stepparent of; or
- 7 (ii) child care worker for; or
- 8 (B) a military recruiter who is attempting to enlist;
- 9 a child at least sixteen (16) years of age but less than eighteen
- 10 (18) years of age;

11 ~~engages with fondles or touches~~ the child ~~in sexual intercourse;~~
 12 ~~deviate sexual conduct (as defined in IC 35-31.5-2-94); or any fondling~~
 13 ~~or touching~~ with the intent to arouse or satisfy the sexual desires of
 14 either the child or the adult, the person commits child seduction, a
 15 ~~Class D Level 6~~ felony. **However, the offense is a Level 5 felony if**
 16 **the person engages in sexual intercourse or deviate sexual conduct**
 17 **(as defined in IC 35-31.5-2-94) with the child.**

18 SECTION 436. IC 35-42-4-8, AS AMENDED BY P.L.72-2012,
 19 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2014]: Sec. 8. (a) A person who, with intent to arouse or
 21 satisfy the person's own sexual desires or the sexual desires of another
 22 person:

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

31 commits sexual battery, a ~~Class D Level 6~~ felony.

32 (b) An offense described in subsection (a) is a ~~Class E Level 4~~
 33 felony if:

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

41 SECTION 437. IC 35-42-4-9, AS AMENDED BY P.L.216-2007,
 42 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2014]: Sec. 9. (a) A person at least eighteen (18) years of age
 2 who, with a child at least fourteen (14) years of age but less than
 3 sixteen (16) years of age, performs or submits to sexual intercourse or
 4 deviate sexual conduct commits sexual misconduct with a minor, a
 5 ~~Class C~~ **Level 5** felony. However, the offense is:

6 (1) a ~~Class B~~ **Level 4** felony if it is committed by a person at least
 7 twenty-one (21) years of age; and

8 (2) a ~~Class A~~ **Level 1** felony if it is committed by using or
 9 threatening the use of deadly force, if it is committed while armed
 10 with a deadly weapon, if it results in serious bodily injury, or if
 11 the commission of the offense is facilitated by furnishing the
 12 victim, without the victim's knowledge, with a drug (as defined in
 13 IC 16-42-19-2(1)) or a controlled substance (as defined in
 14 IC 35-48-1-9) or knowing that the victim was furnished with the
 15 drug or controlled substance without the victim's knowledge.

16 (b) A person at least eighteen (18) years of age who, with a child at
 17 least fourteen (14) years of age but less than sixteen (16) years of age,
 18 performs or submits to any fondling or touching, of either the child or
 19 the older person, with intent to arouse or to satisfy the sexual desires of
 20 either the child or the older person, commits sexual misconduct with
 21 a minor, a ~~Class D~~ **Level 6** felony. However, the offense is:

22 (1) a ~~Class E~~ **Level 5** felony if it is committed by a person at least
 23 twenty-one (21) years of age; and

24 (2) a ~~Class B~~ **Level 2** felony if it is committed by using or
 25 threatening the use of deadly force, while armed with a deadly
 26 weapon, or if the commission of the offense is facilitated by
 27 furnishing the victim, without the victim's knowledge, with a drug
 28 (as defined in IC 16-42-19-2(1)) or a controlled substance (as
 29 defined in IC 35-48-1-9) or knowing that the victim was furnished
 30 with the drug or controlled substance without the victim's
 31 knowledge.

32 (c) It is a defense that the accused person reasonably believed that
 33 the child was at least sixteen (16) years of age at the time of the
 34 conduct. However, this subsection does not apply to an offense
 35 described in subsection (a)(2) or (b)(2).

36 (d) It is a defense that the child is or has ever been married.
 37 However, this subsection does not apply to an offense described in
 38 subsection (a)(2) or (b)(2).

39 (e) It is a defense to a prosecution under this section if all the
 40 following apply:

41 (1) The person is not more than four (4) years older than the
 42 victim.

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1 (2) The relationship between the person and the victim was a
 2 dating relationship or an ongoing personal relationship. The term
 3 "ongoing personal relationship" does not include a family
 4 relationship.

5 (3) The crime:

6 (A) was not committed by a person who is at least twenty-one
 7 (21) years of age;

8 (B) was not committed by using or threatening the use of
 9 deadly force;

10 (C) was not committed while armed with a deadly weapon;

11 (D) did not result in serious bodily injury;

12 (E) was not facilitated by furnishing the victim, without the
 13 victim's knowledge, with a drug (as defined in
 14 IC 16-42-19-2(1)) or a controlled substance (as defined in
 15 IC 35-48-1-9) or knowing that the victim was furnished with
 16 the drug or controlled substance without the victim's
 17 knowledge; and

18 (F) was not committed by a person having a position of
 19 authority or substantial influence over the victim.

20 (4) The person has not committed another sex offense (as defined
 21 in IC 11-8-8-5.2) (including a delinquent act that would be a sex
 22 offense if committed by an adult) against any other person.

23 SECTION 438. IC 35-42-4-10, AS AMENDED BY P.L.216-2007,
 24 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2014]: Sec. 10. (a) As used in this section, "offender against
 26 children" means a person who is an offender against children under
 27 IC 35-42-4-11.

28 (b) As used in this section, "sexually violent predator" means a
 29 person who is a sexually violent predator under IC 35-38-1-7.5.

30 (c) A sexually violent predator or an offender against children who
 31 knowingly or intentionally works for compensation or as a volunteer:

32 (1) on school property;

33 (2) at a youth program center; or

34 (3) at a public park;

35 commits unlawful employment near children by a sexual predator, a
 36 ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~ **Level 5**
 37 felony if the person has a prior unrelated conviction based on the
 38 person's failure to comply with any requirement imposed on an
 39 offender under IC 11-8-8.

40 SECTION 439. IC 35-42-4-11, AS AMENDED BY P.L.216-2007,
 41 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2014]: Sec. 11. (a) As used in this section, and except as

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1 provided in subsection (d), "offender against children" means a person
 2 required to register as a sex or violent offender under IC 11-8-8 who
 3 has been:

4 (1) found to be a sexually violent predator under IC 35-38-1-7.5;

5 or

6 (2) convicted of one (1) or more of the following offenses:

7 (A) Child molesting (IC 35-42-4-3).

8 (B) Child exploitation (IC 35-42-4-4(b)).

9 (C) Child solicitation (IC 35-42-4-6).

10 (D) Child seduction (IC 35-42-4-7).

11 (E) Kidnapping (IC 35-42-3-2), if the victim is less than
 12 eighteen (18) years of age and the person is not the child's
 13 parent or guardian.

14 (F) Attempt to commit or conspiracy to commit an offense
 15 listed in clauses (A) through (E).

16 (G) An offense in another jurisdiction that is substantially
 17 similar to an offense described in clauses (A) through (F).

18 A person is an offender against children by operation of law if the
 19 person meets the conditions described in subdivision (1) or (2) at any
 20 time.

21 (b) As used in this section, "reside" means to spend more than three

22 (3) nights in:

23 (1) a residence; or

24 (2) if the person does not reside in a residence, a particular
 25 location;

26 in any thirty (30) day period.

27 (c) An offender against children who knowingly or intentionally:

28 (1) resides within one thousand (1,000) feet of:

29 (A) school property, not including property of an institution
 30 providing post-secondary education;

31 (B) a youth program center; or

32 (C) a public park; or

33 (2) establishes a residence within one (1) mile of the residence of
 34 the victim of the offender's sex offense;

35 commits a sex offender residency offense, a ~~Class D~~ **Level 6** felony.

36 (d) This subsection does not apply to an offender against children
 37 who has two (2) or more unrelated convictions for an offense described
 38 in subsection (a). A person who is an offender against children may
 39 petition the court to consider whether the person should no longer be
 40 considered an offender against children. The person may file a petition
 41 under this subsection not earlier than ten (10) years after the person is
 42 released from incarceration, probation, or parole, whichever occurs

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1 last. A person may file a petition under this subsection not more than
 2 one (1) time per year. A court may dismiss a petition filed under this
 3 subsection or conduct a hearing to determine if the person should no
 4 longer be considered an offender against children. If the court conducts
 5 a hearing, the court shall appoint two (2) psychologists or psychiatrists
 6 who have expertise in criminal behavioral disorders to evaluate the
 7 person and testify at the hearing. After conducting the hearing and
 8 considering the testimony of the two (2) psychologists or psychiatrists,
 9 the court shall determine whether the person should no longer be
 10 considered an offender against children. If a court finds that the person
 11 should no longer be considered an offender against children, the court
 12 shall send notice to the department of correction that the person is no
 13 longer considered an offender against children.

14 SECTION 440. IC 35-42-4-12, AS ADDED BY P.L.119-2008,
 15 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2014]: Sec. 12. (a) This section does not apply to a person to
 17 whom all of the following apply:

18 (1) The person is not more than:

19 (A) four (4) years older than the victim if the offense was
 20 committed after June 30, 2007; or

21 (B) five (5) years older than the victim if the offense was
 22 committed before July 1, 2007.

23 (2) The relationship between the person and the victim was a
 24 dating relationship or an ongoing personal relationship. The term
 25 "ongoing personal relationship" does not include a family
 26 relationship.

27 (3) The crime:

28 (A) was not committed by a person who is at least twenty-one
 29 (21) years of age;

30 (B) was not committed by using or threatening the use of
 31 deadly force;

32 (C) was not committed while armed with a deadly weapon;

33 (D) did not result in serious bodily injury;

34 (E) was not facilitated by furnishing the victim, without the
 35 victim's knowledge, with a drug (as defined in
 36 IC 16-42-19-2(1)) or a controlled substance (as defined in
 37 IC 35-48-1-9) or knowing that the victim was furnished with
 38 the drug or controlled substance without the victim's
 39 knowledge; and

40 (F) was not committed by a person having a position of
 41 authority or substantial influence over the victim.

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1 (b) This section applies only to a person required to register as a sex
2 or violent offender under IC 11-8-8 who has been:

3 (1) found to be a sexually violent predator under IC 35-38-1-7.5;

4 or

5 (2) convicted of one (1) or more of the following offenses:

6 (A) Child molesting (IC 35-42-4-3).

7 (B) Child exploitation (IC 35-42-4-4(b)).

8 (C) Possession of child pornography (IC 35-42-4-4(c)).

9 (D) Vicarious sexual gratification (IC 35-42-4-5(a) or
10 IC 35-42-4-5(b)).

11 (E) Sexual conduct in the presence of a minor
12 (IC 35-42-4-5(c)).

13 (F) Child solicitation (IC 35-42-4-6).

14 (G) Child seduction (IC 35-42-4-7).

15 (H) Kidnapping (IC 35-42-3-2), if the victim is less than
16 eighteen (18) years of age and the person is not the child's
17 parent or guardian.

18 (I) Attempt to commit or conspiracy to commit an offense
19 listed in clauses (A) through (H).

20 (J) An offense in another jurisdiction that is substantially
21 similar to an offense described in clauses (A) through (H).

22 (c) As used in this section, "instant messaging or chat room
23 program" means a software program that requires a person to register
24 or create an account, a username, or a password to become a member
25 or registered user of the program and allows two (2) or more members
26 or authorized users to communicate over the Internet in real time using
27 typed text. The term does not include an electronic mail program or
28 message board program.

29 (d) As used in this section, "social networking web site" means an
30 Internet web site that:

31 (1) facilitates the social introduction between two (2) or more
32 persons;

33 (2) requires a person to register or create an account, a username,
34 or a password to become a member of the web site and to
35 communicate with other members;

36 (3) allows a member to create a web page or a personal profile;
37 and

38 (4) provides a member with the opportunity to communicate with
39 another person.

40 The term does not include an electronic mail program or message
41 board program.

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1 (e) A person described in subsection (b) who knowingly or
2 intentionally uses:

- 3 (1) a social networking web site; or
 - 4 (2) an instant messaging or chat room program;
- 5 that the offender knows allows a person who is less than eighteen (18)
6 years of age to access or use the web site or program commits a sex
7 offender Internet offense, a Class A misdemeanor. However, the
8 offense is a ~~Class D~~ **Level 6** felony if the person has a prior unrelated
9 conviction under this section.

- 10 (f) It is a defense to a prosecution under this section that the person:
- 11 (1) did not know that the web site or program allowed a person
12 who is less than eighteen (18) years of age to access or use the
13 web site or program; and
 - 14 (2) upon discovering that the web site or program allows a person
15 who is less than eighteen (18) years of age to access or use the
16 web site or program, immediately ceased further use or access of
17 the web site or program.

18 SECTION 441. IC 35-42-5-1 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who
20 knowingly or intentionally takes property from another person or from
21 the presence of another person:

- 22 (1) by using or threatening the use of force on any person; or
 - 23 (2) by putting any person in fear;
- 24 commits robbery, a ~~Class C~~ **Level 5** felony. However, the offense is a
25 ~~Class B~~ **Level 3** felony if it is committed while armed with a deadly
26 weapon or results in bodily injury to any person other than a defendant,
27 and a ~~Class A~~ **Level 2** felony if it results in serious bodily injury to any
28 person other than a defendant.

29 SECTION 442. IC 35-42-5-2 IS REPEALED [EFFECTIVE JULY
30 1, 2014]. Sec. 2: A person who knowingly or intentionally takes a
31 motor vehicle from another person or from the presence of another
32 person:

- 33 (1) by using or threatening the use of force on any person; or
 - 34 (2) by putting any person in fear;
- 35 commits carjacking, a ~~Class B~~ **Level 3** felony.

36 SECTION 443. IC 35-43-1-1 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who, by
38 means of fire, explosive, or destructive device, knowingly or
39 intentionally damages:

- 40 (1) a dwelling of another person without the other person's
41 consent;

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- 1 (2) property of any person under circumstances that endanger
 2 human life;
 3 (3) property of another person without the other person's consent
 4 if the pecuniary loss is at least five thousand dollars (\$5,000); or
 5 (4) a structure used for religious worship without the consent of
 6 the owner of the structure;
 7 commits arson, a ~~Class B Level 4~~ felony. However, the offense is a
 8 ~~Class A Level 3~~ felony if it results in ~~either~~ bodily injury ~~or to any~~
 9 ~~person other than a defendant and a Level 2 felony if it results in~~
 10 serious bodily injury to any person other than a defendant.
 11 (b) A person who commits arson for hire commits a ~~Class B Level~~
 12 ~~4~~ felony. However, the offense is:
 13 (1) a ~~Class A Level 3~~ felony if it results in bodily injury to any
 14 other person; **and**
 15 (2) **a Level 2 felony if it results in serious bodily injury to any**
 16 **other person.**
 17 (c) A person who, by means of fire, explosive, or destructive device,
 18 knowingly or intentionally damages property of any person with intent
 19 to defraud commits arson, a ~~Class C Level 5~~ felony.
 20 (d) A person who, by means of fire, explosive, or destructive device,
 21 knowingly or intentionally damages property of another person without
 22 the other person's consent so that the resulting pecuniary loss is at least
 23 two hundred fifty dollars (\$250) but less than five thousand dollars
 24 (\$5,000) commits arson, a ~~Class D Level 6~~ felony.
 25 (e) **A person who commits an offense under subsection (a), (b),**
 26 **(c), or (d) commits a separate offense for each person who suffers**
 27 **a bodily injury or serious bodily injury that is caused by the**
 28 **violation of subsection (a), (b), (c), or (d).**
 29 SECTION 444. IC 35-43-1-2, AS AMENDED BY P.L.216-2007,
 30 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2014]: Sec. 2. (a) A person who
 32 (1) recklessly, knowingly, or intentionally damages or defaces
 33 property of another person without the other person's consent ~~or~~
 34 (2) knowingly or intentionally causes another to suffer pecuniary
 35 loss by deception or by an expression of intention to injure
 36 another person or to damage the property or to impair the rights
 37 of another person;
 38 commits criminal mischief, a Class B misdemeanor. However, the
 39 offense is:
 40 (A) (1) a Class A misdemeanor if

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- 1 (i) the pecuniary loss is at least two hundred fifty dollars
- 2 (\$250) but less than two thousand five hundred dollars
- 3 (\$2,500);
- 4 (ii) the property damaged was a moving motor vehicle;
- 5 (iii) the property damaged contained data relating to a
- 6 person required to register as a sex or violent offender under
- 7 IC 11-8-8 and the person is not a sex or violent offender or
- 8 was not required to register as a sex or violent offender;
- 9 (iv) the property damaged was a locomotive, a railroad car,
- 10 a train, or equipment of a railroad company being operated
- 11 on a railroad right-of-way;
- 12 (v) the property damaged was a part of any railroad signal
- 13 system, train control system, centralized dispatching system,
- 14 or highway railroad grade crossing warning signal on a
- 15 railroad right-of-way owned, leased, or operated by a
- 16 railroad company;
- 17 (vi) the property damaged was any rail, switch, roadbed,
- 18 viaduct, bridge, trestle, culvert, or embankment on a
- 19 right-of-way owned, leased, or operated by a railroad
- 20 company; or
- 21 (vii) the property damage or defacement was caused by paint
- 22 or other markings; and
- 23 ~~(B)~~ **(2)** a ~~Class D~~ **Level 6** felony if:
 - 24 (i) ~~(A)~~ the pecuniary loss is at least two thousand five hundred
 - 25 dollars (\$2,500);
 - 26 (ii) ~~(B)~~ the damage causes a substantial interruption or
 - 27 impairment of utility service rendered to the public;
 - 28 (iii) ~~(C)~~ the damage is to a public record; or
 - 29 (iv) the property damaged contained data relating to a
 - 30 person required to register as a sex or violent offender under
 - 31 IC 11-8-8 and the person is a sex or violent offender or was
 - 32 required to register as a sex or violent offender;
 - 33 (v) the damage causes substantial interruption or impairment
 - 34 of work conducted in a scientific research facility;
 - 35 (vi) ~~(D)~~ the damage is to a law enforcement animal (as defined
 - 36 in IC 35-46-3-4.5). or
 - 37 (vii) the damage causes substantial interruption or
 - 38 impairment of work conducted in a food processing facility.
- 39 (b) A person who recklessly, knowingly, or intentionally damages:
 - 40 (1) a structure used for religious worship;
 - 41 (2) a school or community center;
 - 42 (3) the grounds:

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1 (A) adjacent to; and
 2 (B) owned or rented in common with;
 3 a structure or facility identified in subdivision (1) or (2); or
 4 (4) personal property contained in a structure or located at a
 5 facility identified in subdivision (1) or (2);
 6 without the consent of the owner, possessor, or occupant of the
 7 property that is damaged, commits institutional criminal mischief, a
 8 Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6**
 9 felony if the pecuniary loss is at least two hundred fifty dollars (\$250)
 10 but less than two thousand five hundred dollars (\$2,500), and a ~~Class~~
 11 **Level 5** felony if the pecuniary loss is at least two thousand five
 12 hundred dollars (\$2,500).
 13 (c) If a person is convicted of an offense under this section that
 14 involves the use of graffiti, the court may, in addition to any other
 15 penalty, order that the person's operator's license be suspended or
 16 invalidated by the bureau of motor vehicles for not more than one (1)
 17 year.
 18 (d) The court may rescind an order for suspension or invalidation
 19 under subsection (c) and allow the person to receive a license or permit
 20 before the period of suspension or invalidation ends if the court
 21 determines that
 22 (1) the person has removed or painted over the graffiti or has
 23 made other suitable restitution. ~~and~~
 24 (2) the person who owns the property damaged or defaced by the
 25 criminal mischief or institutional criminal mischief is satisfied
 26 with the removal, painting, or other restitution performed by the
 27 person.
 28 SECTION 445. IC 35-43-1-2.1 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.1. (a) This section
 30 does not apply to the following:
 31 (1) A person who acts in a proper and acceptable manner as
 32 authorized by IC 14-21 other than a person who disturbs the earth
 33 for an agricultural purpose under the exemption to IC 14-21 that
 34 is provided in IC 14-21-1-24.
 35 (2) A person who acts in a proper and acceptable manner as
 36 authorized by IC 23-14.
 37 (b) A person who recklessly, knowingly, or intentionally:
 38 (1) damages a cemetery, a burial ground (as defined in
 39 IC 14-21-1-3), or a facility used for memorializing the dead;
 40 (2) damages the grounds owned or rented by a cemetery or facility
 41 used for memorializing the dead; or

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1 (3) disturbs, defaces, or damages a cemetery monument, grave
 2 marker, grave artifact, grave ornamentation, or cemetery
 3 enclosure;

4 commits cemetery mischief, a Class A misdemeanor. However, the
 5 offense is a ~~Class B~~ **Level 6** felony if the pecuniary loss is at least two
 6 thousand five hundred dollars (\$2,500).

7 SECTION 446. IC 35-43-1-2.3 IS ADDED TO THE INDIANA
 8 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 9 [EFFECTIVE JULY 1, 2014]: **Sec. 2.3. A person who, without the**
 10 **consent of the owner of the property, recklessly, knowingly, or**
 11 **intentionally damages or defaces:**

12 **(1) a locomotive, a railroad car, a train, or equipment of a**
 13 **railroad company being operated on a railroad right-of-way;**

14 **(2) a part of any railroad signal system, train control system,**
 15 **centralized dispatching system, or highway railroad grade**
 16 **crossing warning signal on a railroad right-of-way owned,**
 17 **leased, or operated by a railroad company; or**

18 **(3) any rail, switch, roadbed, viaduct, bridge, trestle, culvert,**
 19 **or embankment on a right-of-way owned, leased, or operated**
 20 **by a railroad company;**

21 **commits railroad mischief, a Level 6 felony. However, the offense**
 22 **is a Level 5 felony if the offense results in serious bodily injury to**
 23 **another person and a Level 2 felony if the offense results in the**
 24 **death of another person.**

25 SECTION 447. IC 35-43-1-4 IS REPEALED [EFFECTIVE JULY
 26 1, 2014]. Sec. 4: (a) As used in this section:

27 "Computer network" and "computer system" have the meanings set
 28 forth in IC 35-43-2-3.

29 "Computer program" means an ordered set of instructions or
 30 statements that, when executed by a computer, causes the computer to
 31 process data:

32 "Data" means a representation of information, facts, knowledge,
 33 eoncepts, or instructions that:

34 (1) may take any form, including computer printouts, magnetic
 35 storage media, punched cards, or stored memory;

36 (2) has been prepared or is being prepared; and

37 (3) has been processed, is being processed, or will be processed;
 38 in a computer system or computer network:

39 (b) A person who knowingly or intentionally alters or damages a
 40 computer program or data, which comprises a part of a computer
 41 system or computer network without the consent of the owner of the

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1 computer system or computer network commits computer tampering;
2 a Class D felony. However, the offense is a:

3 (1) Class E felony if the offense is committed for the purpose of
4 terrorism; and

5 (2) Class B felony if the offense is committed for the purpose of
6 terrorism and results in serious bodily injury to a person.

7 SECTION 448. IC 35-43-1-5, AS ADDED BY P.L.231-2007,
8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2014]: Sec. 5. (a) A person who, with the intent to cause
10 serious bodily injury, tampers with a:

11 (1) water supply;

12 (2) water treatment plant (as defined in IC 13-11-2-264); or

13 (3) water distribution system (as defined in IC 13-11-2-259);

14 commits tampering with a water supply, a Class B Level 4 felony.
15 However, the offense is a Class A Level 2 felony if it results in the
16 death of any person.

17 (b) A person who recklessly, knowingly, or intentionally poisons a
18 public water supply with the intent to cause serious bodily injury
19 commits poisoning, a Class B Level 3 felony.

20 SECTION 449. IC 35-43-1-7 IS ADDED TO THE INDIANA
21 CODE AS A NEW SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A person who knowingly or
23 intentionally and who without authorization:

24 (1) modifies data, a computer program, or supporting
25 documentation;

26 (2) destroys data, a computer program, or supporting
27 documentation; or

28 (3) discloses or takes data, a computer program, or
29 supporting documentation that is:

30 (A) a trade secret (as defined in IC 24-2-3-2); or

31 (B) otherwise confidential as provided by law;

32 and that resides or exists internally or externally on a computer,
33 computer system, or computer network, commits an offense
34 against intellectual property, a Level 6 felony.

35 (b) However, the offense is a Level 5 felony if the offense is
36 committed for the purpose of devising or executing any scheme or
37 artifice to defraud or to obtain any property.

38 SECTION 450. IC 35-43-1-8 IS ADDED TO THE INDIANA
39 CODE AS A NEW SECTION TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A person who knowingly or
41 intentionally and who without authorization:

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- 1 (1) disrupts, denies, or causes the disruption or denial of
- 2 computer system services to an authorized user of the
- 3 computer system services that are:
- 4 (A) owned by;
- 5 (B) under contract to; or
- 6 (C) operated for, on behalf of, or in conjunction with;
- 7 another person in whole or part;
- 8 (2) destroys, takes, or damages equipment or supplies used or
- 9 intended to be used in a computer, computer system, or
- 10 computer network;
- 11 (3) destroys or damages a computer, computer system, or
- 12 computer network; or
- 13 (4) introduces a computer contaminant into a computer,
- 14 computer system, or computer network;

15 commits an offense against computer users, a Level 6 felony.

16 (b) However, the offense is:

17 (1) a Level 5 felony if:

18 (A) the pecuniary loss caused by the offense is at least five

19 thousand dollars (\$5,000);

20 (B) the offense was committed for the purpose of devising

21 or executing any scheme or artifice to defraud or obtain

22 property; or

23 (C) the offense interrupts or impairs:

24 (i) a governmental operation; or

25 (ii) the public communication, transportation, or supply

26 of water, gas, or another public service; and

27 (2) a Level 4 felony if the offense endangers human life.

28 SECTION 451. IC 35-43-2-1 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who breaks
30 and enters the building or structure of another person, with intent to
31 commit a felony in it, commits burglary, a ~~Class C~~ Level 5 felony.
32 However, the offense is:

33 (1) a ~~Class B~~ Level 4 felony if

34 (A) it is committed while armed with a deadly weapon; or

35 (B) the building or structure is a

36 (i) dwelling; or

37 (ii) structure used for religious worship; and

38 (2) a ~~Class A~~ Level 3 felony if it results in

39 (A) bodily injury or

40 (B) serious bodily injury;

41 to any person other than a defendant;

42 (3) a Level 2 felony if it:

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- 1 **(A) is committed while armed with a deadly weapon; or**
- 2 **(B) results in serious bodily injury to any person other**
- 3 **than a defendant; and**
- 4 **(4) a Level 1 felony if:**
- 5 **(A) the building or structure is a dwelling; and**
- 6 **(B) it results in serious bodily injury to any person other**
- 7 **than a defendant.**

8 SECTION 452. IC 35-43-2-1.5 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. A person who
 10 knowingly or intentionally breaks and enters the dwelling of another
 11 person commits residential entry, a ~~Class D~~ **Level 6** felony.

12 SECTION 453. IC 35-43-2-2, AS AMENDED BY P.L.88-2009,
 13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2014]: Sec. 2. (a) A person who:

- 15 (1) not having a contractual interest in the property, knowingly or
- 16 intentionally enters the real property of another person after
- 17 having been denied entry by the other person or that person's
- 18 agent;
- 19 (2) not having a contractual interest in the property, knowingly or
- 20 intentionally refuses to leave the real property of another person
- 21 after having been asked to leave by the other person or that
- 22 person's agent;
- 23 (3) accompanies another person in a vehicle, with knowledge that
- 24 the other person knowingly or intentionally is exerting
- 25 unauthorized control over the vehicle;
- 26 (4) knowingly or intentionally interferes with the possession or
- 27 use of the property of another person without the person's consent;
- 28 (5) not having a contractual interest in the property, knowingly or
- 29 intentionally enters the dwelling of another person without the
- 30 person's consent;
- 31 (6) knowingly or intentionally:
- 32 (A) travels by train without lawful authority or the railroad
- 33 carrier's consent; and
- 34 (B) rides on the outside of a train or inside a passenger car,
- 35 locomotive, or freight car, including a boxcar, flatbed, or
- 36 container without lawful authority or the railroad carrier's
- 37 consent;
- 38 (7) not having a contractual interest in the property, knowingly or
- 39 intentionally enters or refuses to leave the property of another
- 40 person after having been prohibited from entering or asked to
- 41 leave the property by a law enforcement officer when the property
- 42 is:

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- 1 (A) vacant or designated by a municipality or county
 2 enforcement authority to be abandoned property; and
 3 (B) subject to abatement under IC 32-30-6, IC 32-30-7,
 4 IC 32-30-8, IC 36-7-9, or IC 36-7-36; or
 5 (8) knowingly or intentionally enters the property of another
 6 person after being denied entry by a court order that has been
 7 issued to the person or issued to the general public by
 8 conspicuous posting on or around the premises in areas where a
 9 person can observe the order when the property:
 10 (A) has been designated by a municipality or county
 11 enforcement authority to be a vacant property or an abandoned
 12 property; and
 13 (B) is subject to an abatement order under IC 32-30-6,
 14 IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36;
 15 commits criminal trespass, a Class A misdemeanor. However, the
 16 offense is a ~~Class D~~ **Level 6** felony if it is committed on a scientific
 17 research facility, on a key facility, on a facility belonging to a public
 18 utility (as defined in IC 32-24-1-5.9(a)), on school property, or on a
 19 school bus or the person has a prior unrelated conviction for an offense
 20 under this section concerning the same property.
 21 (b) A person has been denied entry under subdivision (a)(1) ~~of this~~
 22 ~~section~~ when the person has been denied entry by means of:
 23 (1) personal communication, oral or written;
 24 (2) posting or exhibiting a notice at the main entrance in a manner
 25 that is either prescribed by law or likely to come to the attention
 26 of the public; or
 27 (3) a hearing authority or court order under IC 32-30-6,
 28 IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36.
 29 (c) A law enforcement officer may not deny entry to property or ask
 30 a person to leave a property under subsection (a)(7) unless there is
 31 reasonable suspicion that criminal activity has occurred or is occurring.
 32 (d) A person described in subsection (a)(7) violates subsection
 33 (a)(7) unless the person has the written permission of the owner,
 34 owner's agent, enforcement authority, or court to come onto the
 35 property for purposes of performing maintenance, repair, or demolition.
 36 (e) A person described in subsection (a)(8) violates subsection
 37 (a)(8) unless the court that issued the order denying the person entry
 38 grants permission for the person to come onto the property.
 39 (f) Subsections (a), (b), and (e) do not apply to the following:
 40 (1) A passenger on a train.
 41 (2) An employee of a railroad carrier while engaged in the
 42 performance of official duties.

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- 1 (3) A law enforcement officer, firefighter, or emergency response
 2 personnel while engaged in the performance of official duties.
 3 (4) A person going on railroad property in an emergency to rescue
 4 a person or animal from harm's way or to remove an object that
 5 the person reasonably believes poses an imminent threat to life or
 6 limb.
 7 (5) A person on the station grounds or in the depot of a railroad
 8 carrier:
 9 (A) as a passenger; or
 10 (B) for the purpose of transacting lawful business.
 11 (6) A:
 12 (A) person; or
 13 (B) person's:
 14 (i) family member;
 15 (ii) invitee;
 16 (iii) employee;
 17 (iv) agent; or
 18 (v) independent contractor;
 19 going on a railroad's right-of-way for the purpose of crossing at a
 20 private crossing site approved by the railroad carrier to obtain
 21 access to land that the person owns, leases, or operates.
 22 (7) A person having written permission from the railroad carrier
 23 to go on specified railroad property.
 24 (8) A representative of the Indiana department of transportation
 25 while engaged in the performance of official duties.
 26 (9) A representative of the federal Railroad Administration while
 27 engaged in the performance of official duties.
 28 (10) A representative of the National Transportation Safety Board
 29 while engaged in the performance of official duties.
 30 SECTION 454. IC 35-43-4-2, AS AMENDED BY P.L.158-2009,
 31 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2014]: Sec. 2. (a) A person who knowingly or intentionally
 33 exerts unauthorized control over property of another person, with intent
 34 to deprive the other person of any part of its value or use, commits
 35 theft, a ~~Class D felony~~. **Class A misdemeanor**. However, the offense
 36 is:
 37 (1) a ~~Class E Level 6~~ felony if:
 38 (A) **the value of the property is at least seven hundred fifty**
 39 **dollars (\$750) and less than fifty thousand dollars**
 40 **(\$50,000); or**
 41 (B) **the person has a prior unrelated conviction for:**
 42 (i) **theft under this section; or**

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- 1 (ii) **criminal conversion under section 3 of this chapter;**
 2 **and**
 3 **(2) a Level 5 felony if:**
 4 (†) **(A) the fair market value of the property is at least one**
 5 **hundred fifty thousand dollars (~~\$100,000~~); (\$50,000); or**
 6 (‡) **(B) the property that is the subject of the theft is a valuable**
 7 **metal (as defined in IC 25-37.5-1-1) and:**
 8 (†A) **(i) relates to transportation safety;**
 9 (†B) **(ii) relates to public safety; or**
 10 (†C) **(iii) is taken from a (†) hospital or other health care**
 11 **facility, (†ii) telecommunications provider, (†iii) public utility**
 12 **(as defined in IC 32-24-1-5.9(a)), or (†iv) key facility;**
 13 **and the absence of the property creates a substantial risk of**
 14 **bodily injury to a person.**
 15 (b) **A person who knowingly or intentionally receives, retains, or**
 16 **disposes of the property of another person that has been the subject of**
 17 **theft commits receiving stolen property, a Class D felony. However, the**
 18 **offense is a Class E felony if:**
 19 (†) **the fair market value of the property is at least one hundred**
 20 **thousand dollars (~~\$100,000~~); or**
 21 (‡) **the property that is the subject of the theft is a valuable metal**
 22 **(as defined in IC 25-37.5-1-1) and:**
 23 (A) **relates to transportation safety;**
 24 (B) **relates to public safety; or**
 25 (C) **is taken from a:**
 26 (i) **hospital or other health care facility;**
 27 (ii) **telecommunications provider;**
 28 (iii) **public utility (as defined in IC 32-24-1-5.9(a)); or**
 29 (iv) **key facility;**
 30 **and the absence of the property creates a substantial risk of bodily**
 31 **injury to a person.**
 32 (b) **In determining the value of property under this section, acts**
 33 **of theft committed in a single episode of criminal conduct (as**
 34 **defined in IC 35-50-1-2(b)) may be charged in a single count.**
 35 (c) **For purposes of this section, "the value of property" means:**
 36 (1) **the fair market value of the property at the time and place**
 37 **the offense was committed; or**
 38 (2) **if the fair market value of the property cannot be**
 39 **satisfactorily determined, the cost to replace the property**
 40 **within a reasonable time after the offense was committed.**
 41 **A price tag or price marking on property displayed or offered for**
 42 **sale constitutes prima facie evidence of the value of the property.**

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1 SECTION 455. IC 35-43-4-2.3 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.3. (a) As used in this
 3 section, "dealer" means a person who buys or sells, or offers to buy or
 4 sell, personal property. The term does not include the original retailer
 5 of personal property.

6 (b) A dealer who recklessly, knowingly, or intentionally buys or
 7 sells personal property in which the identification number or
 8 manufacturer's serial number has been removed, altered, obliterated, or
 9 defaced commits dealing in altered property, a Class A misdemeanor.
 10 However, the offense is a ~~Class D~~ **Level 6** felony if the dealer has a
 11 prior conviction of an offense under this chapter or if the fair market
 12 value of the property is at least one thousand dollars (\$1,000).

13 SECTION 456. IC 35-43-4-2.5 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) As used in this
 15 section, "motor vehicle" has the meaning set forth in IC 9-13-2-105(a).

16 (b) A person who knowingly or intentionally exerts unauthorized
 17 control over the motor vehicle of another person, with intent to deprive
 18 the owner of:

19 (1) the vehicle's value or use; or

20 (2) a component part (as defined in IC 9-13-2-34) of the vehicle;
 21 commits auto theft, a ~~Class D~~ **Level 6** felony. However, the offense is
 22 a ~~Class E~~ **Level 5** felony if the person has a prior conviction of an
 23 offense under this subsection or subsection (c).

24 (c) A person who knowingly or intentionally receives, retains, or
 25 disposes of a motor vehicle or any part of a motor vehicle of another
 26 person that has been the subject of theft commits receiving stolen auto
 27 parts, a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class E~~
 28 **Level 5** felony if the person has a prior conviction of an offense under
 29 this subsection or subsection (b).

30 SECTION 457. IC 35-43-4-2.7, AS ADDED BY P.L.143-2005,
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2014]: Sec. 2.7. (a) This section does not apply to the
 33 following:

34 (1) A public safety officer (as defined in IC 35-47-4.5-3) or state
 35 police motor carrier inspector acting within the scope of the
 36 officer's or inspector's duties.

37 (2) A motor vehicle that must be moved because the motor
 38 vehicle is abandoned, inoperable, or improperly parked.

39 (3) An employee or agent of an entity that possesses a valid lien
 40 on a motor vehicle who is expressly authorized by the lienholder
 41 to repossess the motor vehicle based upon the failure of the owner

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- 1 or lessee of the motor vehicle to abide by the terms and conditions
2 of the loan or lease agreement.
- 3 (b) As used in this section, "authorized operator" means a person
4 who is authorized to operate a motor vehicle by an owner or a lessee of
5 the motor vehicle.
- 6 (c) As used in this section, "motor vehicle" has the meaning set forth
7 in IC 9-13-2-105(a).
- 8 (d) A person who:
9 (1) enters a motor vehicle knowing that the person does not have
10 the permission of an owner, a lessee, or an authorized operator of
11 the motor vehicle to enter the motor vehicle; and
12 (2) does not have a contractual interest in the motor vehicle;
13 commits unauthorized entry of a motor vehicle, a Class B
14 misdemeanor.
- 15 (e) The offense under subsection (d) is:
16 (1) a Class A misdemeanor if the motor vehicle has visible
17 steering column damage or ignition switch alteration as a result
18 of an act described in subsection (d)(1); or
19 (2) a ~~Class D~~ **Level 6** felony if a person occupies the motor
20 vehicle while the motor vehicle is used to further the commission
21 of a crime, if the person knew or should have known that a person
22 intended to use the motor vehicle in the commission of a crime.
- 23 (f) It is a defense to a prosecution under this section that the accused
24 person reasonably believed that the person's entry into the vehicle was
25 necessary to prevent bodily injury or property damage.
- 26 (g) There is a rebuttable presumption that the person did not have
27 the permission of an owner, a lessee, or an authorized operator of the
28 motor vehicle to enter the motor vehicle if the motor vehicle has visible
29 steering column damage or ignition switch alteration.
- 30 SECTION 458. IC 35-43-4-3, AS AMENDED BY P.L.227-2011,
31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2014]: Sec. 3. (a) A person who knowingly or intentionally
33 exerts unauthorized control over property of another person commits
34 criminal conversion, a Class A misdemeanor.
- 35 (b) The offense under subsection (a) is a ~~Class D~~ **Level 6** felony if
36 committed by a person who exerts unauthorized control over the motor
37 vehicle of another person with the intent to use the motor vehicle to
38 assist the person in the commission of a crime.
- 39 (c) The offense under subsection (a) is a ~~Class E~~ **Level 5** felony if:
40 (1) committed by a person who exerts unauthorized control over
41 the motor vehicle of another person; and

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- 1 (2) the person uses the motor vehicle to assist the person in the
- 2 commission of a felony.
- 3 (d) The offense under subsection (a) is a ~~Class D~~ **Level 6** felony if:
- 4 (1) the person acquires the property by lease;
- 5 (2) the property is a motor vehicle;
- 6 (3) the person signs a written agreement to return the property to
- 7 a specified location within a specified time; and
- 8 (4) the person fails to return the property:
- 9 (A) within thirty (30) days after the specified time; or
- 10 (B) within three (3) days after a written demand for return of
- 11 the property is either:
- 12 (i) personally served on the person; or
- 13 (ii) sent by registered mail to the person's address that is
- 14 provided by the person in the written agreement.

15 SECTION 459. IC 35-43-4-8, AS AMENDED BY P.L.125-2012,
 16 SECTION 414, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A conviction for an offense
 18 under section 2 of this chapter or section 3 of this chapter that involves
 19 exerting unauthorized control over gasoline or motor vehicle fuel:

- 20 (1) by operation of a motor vehicle to leave the premises of a
- 21 establishment at which gasoline or motor vehicle fuel is offered
- 22 for sale after the gasoline or motor vehicle fuel has been
- 23 dispensed into the fuel tank of the motor vehicle; and
- 24 (2) without payment or authorization of payment by a credit card,
- 25 debit card, charge card, or similar method of payment;

26 shall result in the suspension of the driving privileges of the person.

- 27 (b) The court imposing a sentence for a violation under subsection
- 28 (a) shall issue an order to the bureau of motor vehicles:

- 29 (1) stating that the person has been convicted of an offense under
- 30 section 2 of this chapter or section 3 of this chapter involving the
- 31 unauthorized taking of gasoline or motor vehicle fuel; and
- 32 (2) ordering the suspension of the person's driving privileges
- 33 under IC 9-30-13-8.

34 The suspension of a person's driving privileges under this section is in
 35 addition to other penalties prescribed by IC 35-50-3-2 for a Class A
 36 misdemeanor or by IC 35-50-2-7 for a ~~Class D~~ **Level 6** felony.

37 SECTION 460. IC 35-43-5-2, AS AMENDED BY P.L.106-2006,
 38 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2014]: Sec. 2. (a) A person who knowingly or intentionally:

- 40 (1) makes or utters a written instrument in such a manner that it
- 41 purports to have been made:
- 42 (A) by another person;

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- 1 (B) at another time;
 2 (C) with different provisions; or
 3 (D) by authority of one who did not give authority; or
 4 (2) possesses more than one (1) written instrument knowing that
 5 the written instruments were made in a manner that they purport
 6 to have been made:
 7 (A) by another person;
 8 (B) at another time;
 9 (C) with different provisions; or
 10 (D) by authority of one who did not give authority;
 11 commits counterfeiting, a ~~Class D~~ **Level 6** felony.
 12 **(b) A person who, with intent to defraud:**
 13 **(1) makes or delivers to another person:**
 14 **(A) a false sales receipt;**
 15 **(B) a duplicate of a sales receipt; or**
 16 **(C) a label or other item with a false universal product**
 17 **code (UPC) or other product identification code; or**
 18 **(2) places a false universal product code (UPC) or another**
 19 **product identification code on property displayed or offered**
 20 **for sale;**
 21 **commits making or delivering a false sales document, a Level 6**
 22 **felony.**
 23 **(c) A person who, with intent to defraud, possesses:**
 24 **(1) a retail sales receipt;**
 25 **(2) a label or other item with a universal product code (UPC);**
 26 **or**
 27 **(3) a label or other item that contains a product identification**
 28 **code that applies to an item other than the item to which the**
 29 **label or other item applies;**
 30 **commits possession of a fraudulent sales document, a Class A**
 31 **misdemeanor. However, the offense is a Level 6 felony if the person**
 32 **possesses at least fifteen (15) retail sales receipts, at least fifteen**
 33 **(15) labels containing a universal product code (UPC), at least**
 34 **fifteen (15) labels containing another product identification code,**
 35 **or at least fifteen (15) of any combination of the items described in**
 36 **subdivisions (1) through (3).**
 37 ~~(b)~~ **(d) A person who, with intent to defraud, makes, utters, or**
 38 **possesses a written instrument in such a manner that it purports to have**
 39 **been made:**
 40 **(1) by another person;**
 41 **(2) at another time;**
 42 **(3) with different provisions; or**

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(4) by authority of one who did not give authority;
commits forgery, a ~~Class C~~ **Level 6** felony.

~~(c)~~ **(e)** This subsection applies to a person who applies for a driver's license (as defined in IC 9-13-2-48) **or a state identification card (as described in IC 9-24-16)**. A person who:

- (1) knowingly or intentionally uses a false or fictitious name or gives a false or fictitious address in an application for a driver's license **or a state identification card** or for a renewal or a duplicate of a driver's license **or a state identification card**; or
- (2) knowingly or intentionally makes a false statement or conceals a material fact ~~or otherwise commits fraud~~ in an application for a driver's license **or a state identification card**;

commits application fraud, a ~~Class D~~ **Level 6** felony.

~~(d)~~ This subsection applies to a person who applies for a state identification card (as issued under ~~IC 9-24-16~~): A person who:

- ~~(1)~~ knowingly or intentionally uses false information in an application for an identification card or for a renewal or duplicate of an identification card; or
- ~~(2)~~ knowingly or intentionally makes a false statement or otherwise commits fraud in an application for an identification card;

commits application fraud, a ~~Class D~~ felony.

SECTION 461. IC 35-43-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who:

- (1) being an officer, manager, or other person participating in the direction of a credit institution, knowingly or intentionally receives or permits the receipt of a deposit or other investment, knowing that the institution is insolvent;
- (2) knowingly or intentionally makes a false or misleading written statement with intent to obtain property, employment, or an educational opportunity;
- (3) misapplies entrusted property, property of a governmental entity, or property of a credit institution in a manner that the person knows is unlawful or that the person knows involves substantial risk of loss or detriment to either the owner of the property or to a person for whose benefit the property was entrusted;
- (4) knowingly or intentionally, in the regular course of business, either:
 - (A) uses or possesses for use a false weight or measure or other device for falsely determining or recording the quality or quantity of any commodity; or

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- 1 (B) sells, offers, or displays for sale or delivers less than the
 2 represented quality or quantity of any commodity;
 3 (5) with intent to defraud another person furnishing electricity,
 4 gas, water, telecommunication, or any other utility service, avoids
 5 a lawful charge for that service by scheme or device or by
 6 tampering with facilities or equipment of the person furnishing
 7 the service;
 8 (6) with intent to defraud, misrepresents the identity of the person
 9 or another person or the identity or quality of property;
 10 (7) with intent to defraud an owner of a coin machine, deposits a
 11 slug in that machine;
 12 (8) with intent to enable the person or another person to deposit
 13 a slug in a coin machine, makes, possesses, or disposes of a slug;
 14 (9) disseminates to the public an advertisement that the person
 15 knows is false, misleading, or deceptive, with intent to promote
 16 the purchase or sale of property or the acceptance of employment;
 17 (10) with intent to defraud, misrepresents a person as being a
 18 physician licensed under IC 25-22.5; ~~or~~
 19 (11) knowingly and intentionally defrauds another person
 20 furnishing cable TV service by avoiding paying compensation for
 21 that service by any scheme or device or by tampering with
 22 facilities or equipment of the person furnishing the service; ~~or~~
 23 **(12) knowingly or intentionally provides false information to**
 24 **a governmental entity to obtain a contract from the**
 25 **governmental entity;**
 26 commits deception, a Class A misdemeanor. **However, an offense**
 27 **under subdivision (12) is a Level 6 felony if the provision of false**
 28 **information results in financial loss to the governmental entity.**
 29 (b) In determining whether an advertisement is false, misleading, or
 30 deceptive under subsection (a)(9), there shall be considered, among
 31 other things, not only representations contained or suggested in the
 32 advertisement, by whatever means, including device or sound, but also
 33 the extent to which the advertisement fails to reveal material facts in
 34 the light of the representations.
 35 **(c) A person who knowingly or intentionally falsely represents:**
 36 **(1) any entity as:**
 37 **(A) a disadvantaged business enterprise (as defined in**
 38 **IC 5-16-6.5-1); or**
 39 **(B) a women-owned business enterprise (as defined in**
 40 **IC 5-16-6.5-3);**
 41 **in order to qualify for certification as such an enterprise**
 42 **under a program conducted by a public agency (as defined in**

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1 **IC 5-16-6.5-2) designed to assist disadvantaged business**
 2 **enterprises or women-owned business enterprises in obtaining**
 3 **contracts with public agencies for the provision of goods and**
 4 **services; or**
 5 **(2) an entity with which the person will subcontract all or part**
 6 **of a contract with a public agency (as defined in IC 5-16-6.5-2)**
 7 **as:**
 8 **(A) a disadvantaged business enterprise (as defined in**
 9 **IC 5-16-6.5-1); or**
 10 **(B) a women-owned enterprise (as defined in**
 11 **IC 5-16-16.5-3);**
 12 **in order to qualify for certification as an eligible bidder under**
 13 **a program that is conducted by a public agency designed to**
 14 **assist disadvantaged business enterprises or women-owned**
 15 **business enterprises in obtaining contracts with public**
 16 **agencies for the provision of goods and services;**
 17 **commits a Level 6 felony.**

18 SECTION 462. IC 35-43-5-3.5, AS AMENDED BY P.L.137-2009,
 19 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2014]: Sec. 3.5. (a) Except as provided in subsection (c), a
 21 person who knowingly or intentionally obtains, possesses, transfers, or
 22 uses the identifying information of another person, including the
 23 identifying information of a person who is deceased:
 24 (1) without the other person's consent; and
 25 (2) with intent to:
 26 (A) harm or defraud another person;
 27 (B) assume another person's identity; or
 28 (C) profess to be another person;

29 commits identity deception, a ~~Class D~~ **Level 6** felony.
 30 (b) However, the offense defined in subsection (a) is a ~~Class E~~
 31 **Level 5** felony if:

32 (1) a person obtains, possesses, transfers, or uses the identifying
 33 information of more than one hundred (100) persons;
 34 (2) the fair market value of the fraud or harm caused by the
 35 offense is at least fifty thousand dollars (\$50,000); or
 36 (3) a person obtains, possesses, transfers, or uses the identifying
 37 information of a person who is less than eighteen (18) years of
 38 age and is:
 39 (A) the person's son or daughter;
 40 (B) a dependent of the person;
 41 (C) a ward of the person; or
 42 (D) an individual for whom the person is a guardian.

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1 (c) The conduct prohibited in subsections (a) and (b) does not apply
2 to:

3 (1) a person less than twenty-one (21) years of age who uses the
4 identifying information of another person to acquire an alcoholic
5 beverage (as defined in IC 7.1-1-3-5);

6 (2) a minor (as defined in IC 35-49-1-4) who uses the identifying
7 information of another person to acquire:

8 (A) a cigarette or tobacco product (as defined in IC 6-7-2-5);

9 (B) a periodical, a videotape, or other communication medium
10 that contains or depicts nudity (as defined in IC 35-49-1-5);

11 (C) admittance to a performance (live or film) that prohibits
12 the attendance of the minor based on age; or

13 (D) an item that is prohibited by law for use or consumption by
14 a minor; or

15 (3) any person who uses the identifying information for a lawful
16 purpose.

17 (d) It is not a defense in a prosecution under subsection (a) or (b)
18 that no person was harmed or defrauded.

19 SECTION 463. IC 35-43-5-3.6 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.6. A person who
21 knowingly or intentionally obtains, possesses, transfers, or uses the
22 identifying information of another person with intent to:

23 (1) commit terrorism; or

24 (2) obtain or transport a weapon of mass destruction;
25 commits terroristic deception, a ~~Class C~~ **Level 5** felony.

26 SECTION 464. IC 35-43-5-3.8, AS ADDED BY P.L.137-2009,
27 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2014]: Sec. 3.8. (a) A person who knowingly or intentionally
29 obtains, possesses, transfers, or uses the synthetic identifying
30 information:

31 (1) with intent to harm or defraud another person;

32 (2) with intent to assume another person's identity; or

33 (3) with intent to profess to be another person;

34 commits synthetic identity deception, a ~~Class D~~ **Level 6** felony.

35 (b) The offense under subsection (a) is a ~~Class C~~ **Level 5** felony if:

36 (1) a person obtains, possesses, transfers, or uses the synthetic
37 identifying information of more than one hundred (100) persons;

38 or

39 (2) the fair market value of the fraud or harm caused by the
40 offense is at least fifty thousand dollars (\$50,000).

41 (c) The conduct prohibited in subsections (a) and (b) does not apply
42 to:

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1 (1) a person less than twenty-one (21) years of age who uses the
 2 synthetic identifying information of another person to acquire an
 3 alcoholic beverage (as defined in IC 7.1-1-3-5); or

4 (2) a minor (as defined in IC 35-49-1-4) who uses the synthetic
 5 identifying information of another person to acquire:

6 (A) a cigarette or tobacco product (as defined in IC 6-7-2-5);

7 (B) a periodical, a videotape, or other communication medium
 8 that contains or depicts nudity (as defined in IC 35-49-1-5);

9 (C) admittance to a performance (live or on film) that prohibits
 10 the attendance of the minor based on age; or

11 (D) an item that is prohibited by law for use or consumption by
 12 a minor.

13 (d) It is not a defense in a prosecution under subsection (a) or (b)
 14 that no person was harmed or defrauded.

15 SECTION 465. IC 35-43-5-4, AS AMENDED BY P.L.181-2005,
 16 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2014]: Sec. 4. A person who:

18 (1) with intent to defraud, obtains property by:

19 (A) using a credit card, knowing that the credit card was
 20 unlawfully obtained or retained;

21 (B) using a credit card, knowing that the credit card is forged,
 22 revoked, or expired;

23 (C) using, without consent, a credit card that was issued to
 24 another person;

25 (D) representing, without the consent of the credit card holder,
 26 that the person is the authorized holder of the credit card; or

27 (E) representing that the person is the authorized holder of a
 28 credit card when the card has not in fact been issued;

29 (2) being authorized by an issuer to furnish property upon
 30 presentation of a credit card, fails to furnish the property and, with
 31 intent to defraud the issuer or the credit card holder, represents in
 32 writing to the issuer that the person has furnished the property;

33 (3) being authorized by an issuer to furnish property upon
 34 presentation of a credit card, furnishes, with intent to defraud the
 35 issuer or the credit card holder, property upon presentation of a
 36 credit card, knowing that the credit card was unlawfully obtained
 37 or retained or that the credit card is forged, revoked, or expired;

38 (4) not being the issuer, knowingly or intentionally sells a credit
 39 card;

40 (5) not being the issuer, receives a credit card, knowing that the
 41 credit card was unlawfully obtained or retained or that the credit
 42 card is forged, revoked, or expired;

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- 1 (6) with intent to defraud, receives a credit card as security for
- 2 debt;
- 3 (7) receives property, knowing that the property was obtained in
- 4 violation of subdivision (1) of this section;
- 5 (8) with intent to defraud the person's creditor or purchaser,
- 6 conceals, encumbers, or transfers property;
- 7 (9) with intent to defraud, damages property; or
- 8 (10) knowingly or intentionally:
 - 9 (A) sells;
 - 10 (B) rents;
 - 11 (C) transports; or
 - 12 (D) possesses;
- 13 a recording for commercial gain or personal financial gain that
- 14 does not conspicuously display the true name and address of the
- 15 manufacturer of the recording;
- 16 commits fraud, a ~~Class D~~ **Level 6** felony.

17 SECTION 466. IC 35-43-5-4.3, AS AMENDED BY P.L.137-2009,
 18 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2014]: Sec. 4.3. (a) As used in this section, "card skimming
 20 device" means a device that is designed to read information encoded on
 21 a credit card. The term includes a device designed to read, record, or
 22 transmit information encoded on a credit card:

- 23 (1) directly from a credit card; or
- 24 (2) from another device that reads information directly from a
- 25 credit card.

26 (b) A person who possesses a card skimming device with intent to
 27 commit:

- 28 (1) identity deception (IC 35-43-5-3.5);
- 29 (2) synthetic identity deception (IC 35-43-5-3.8);
- 30 (3) fraud (IC 35-43-5-4); or
- 31 (4) terroristic deception (IC 35-43-5-3.6);

32 commits unlawful possession of a card skimming device. Unlawful
 33 possession of a card skimming device under subdivision (1), (2), or (3)
 34 is a ~~Class D~~ **Level 6** felony. Unlawful possession of a card skimming
 35 device under subdivision (4) is a ~~Class E~~ **Level 5** felony.

36 SECTION 467. IC 35-43-5-4.5, AS ADDED BY P.L.181-2005,
 37 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2014]: Sec. 4.5. (a) A person who, knowingly and with intent
 39 to defraud:

- 40 (1) makes, utters, presents, or causes to be presented to an insurer
- 41 or an insurance claimant, a claim statement that contains false,
- 42 incomplete, or misleading information concerning the claim;

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1 (2) presents, causes to be presented, or prepares with knowledge
 2 or belief that it will be presented to or by an insurer, an oral, a
 3 written, or an electronic statement that the person knows to
 4 contain materially false information as part of, in support of, or
 5 concerning a fact that is material to:
 6 (A) the rating of an insurance policy;
 7 (B) a claim for payment or benefit under an insurance policy;
 8 (C) premiums paid on an insurance policy;
 9 (D) payments made in accordance with the terms of an
 10 insurance policy;
 11 (E) an application for a certificate of authority;
 12 (F) the financial condition of an insurer; or
 13 (G) the acquisition of an insurer;
 14 or conceals any information concerning a subject set forth in
 15 clauses (A) through (G);
 16 (3) solicits or accepts new or renewal insurance risks by or for an
 17 insolvent insurer or other entity regulated under IC 27;
 18 (4) removes:
 19 (A) the assets;
 20 (B) the record of assets, transactions, and affairs; or
 21 (C) a material part of the assets or the record of assets,
 22 transactions, and affairs;
 23 of an insurer or another entity regulated under IC 27, from the
 24 home office, other place of business, or place of safekeeping of
 25 the insurer or other regulated entity, or conceals or attempts to
 26 conceal from the department of insurance assets or records
 27 referred to in clauses (A) through (B); or
 28 (5) diverts funds of an insurer or another person in connection
 29 with:
 30 (A) the transaction of insurance or reinsurance;
 31 (B) the conduct of business activities by an insurer or another
 32 entity regulated under IC 27; or
 33 (C) the formation, acquisition, or dissolution of an insurer or
 34 another entity regulated under IC 27;
 35 commits insurance fraud. Except as provided in subsection (b),
 36 insurance fraud is a ~~Class D~~ **Level 6** felony.
 37 (b) An offense described in subsection (a) is a ~~Class C~~ **Level 5**
 38 felony if:
 39 (1) the person who commits the offense has a prior unrelated
 40 conviction under this section; or
 41 (2) the:

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- 1 (A) value of property, services, or other benefits obtained or
- 2 attempted to be obtained by the person as a result of the
- 3 offense; or
- 4 (B) economic loss suffered by another person as a result of the
- 5 offense;
- 6 is at least two thousand five hundred dollars (\$2,500).

7 (c) A person who knowingly and with intent to defraud makes a
 8 material misstatement in support of an application for the issuance of
 9 an insurance policy commits insurance application fraud, a Class A
 10 misdemeanor.

11 SECTION 468. IC 35-43-5-5 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person who
 13 knowingly or intentionally issues or delivers a check, a draft, or an
 14 order on a credit institution for the payment of or to acquire money or
 15 other property, knowing that it will not be paid or honored by the credit
 16 institution upon presentment in the usual course of business, commits
 17 check deception, a Class A misdemeanor. However, the offense is:

- 18 (1) a ~~Class B~~ **Level 6** felony if the amount of the check, draft, or
- 19 order is at least ~~two thousand five hundred~~ **seventy** hundred **fifty** dollars
- 20 ~~(\$2,500)~~ **(\$750)** and less than **fifty thousand dollars (\$50,000)**;
- 21 and the property acquired by the person was a motor vehicle.
- 22 (2) a **Level 5** felony if the amount of the check, draft, or order
- 23 is at least **fifty thousand dollars (\$50,000)**.

24 (b) An unpaid and dishonored check, a draft, or an order that has the
 25 drawee's refusal to pay and reason printed, stamped, or written on or
 26 attached to it constitutes prima facie evidence:

- 27 (1) that due presentment of it was made to the drawee for payment
- 28 and dishonor thereof; and
- 29 (2) that it properly was dishonored for the reason stated.

30 (c) The fact that a person issued or delivered a check, a draft, or an
 31 order, payment of which was refused by the drawee, constitutes prima
 32 facie evidence that the person knew that it would not be paid or
 33 honored. In addition, evidence that a person had insufficient funds in
 34 or no account with a drawee credit institution constitutes prima facie
 35 evidence that the person knew that the check, draft, or order would not
 36 be paid or honored.

37 (d) The following two (2) items constitute prima facie evidence of
 38 the identity of the maker of a check, draft, or order if at the time of its
 39 acceptance they are obtained and recorded, either on the check, draft,
 40 or order itself or on file, by the payee:

- 41 (1) Name and residence, business, or mailing address of the
- 42 maker.

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- 1 (2) Motor vehicle operator's license number, Social Security
 2 number, home telephone number, or place of employment of the
 3 maker.
- 4 (e) It is a defense under subsection (a) if a person who:
 5 (1) has an account with a credit institution but does not have
 6 sufficient funds in that account; and
 7 (2) issues or delivers a check, a draft, or an order for payment on
 8 that credit institution;
 9 pays the payee or holder the amount due, together with protest fees and
 10 any service fee or charge, which may not exceed the greater of
 11 twenty-seven dollars and fifty cents (\$27.50) or five percent (5%) (but
 12 not more than two hundred fifty dollars (\$250)) of the amount due, that
 13 may be charged by the payee or holder, within ten (10) days after the
 14 date of mailing by the payee or holder of notice to the person that the
 15 check, draft, or order has not been paid by the credit institution. Notice
 16 sent in the manner set forth in IC 26-2-7-3 constitutes notice to the
 17 person that the check, draft, or order has not been paid by the credit
 18 institution. The payee or holder of a check, draft, or order that has been
 19 dishonored incurs no civil or criminal liability for sending notice under
 20 this subsection.
- 21 (f) A person does not commit a crime under subsection (a) when:
 22 (1) the payee or holder knows that the person has insufficient
 23 funds to ensure payment or that the check, draft, or order is
 24 postdated; or
 25 (2) insufficiency of funds or credit results from an adjustment to
 26 the person's account by the credit institution without notice to the
 27 person.
- 28 SECTION 469. IC 35-43-5-6.5 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6.5. (a) A person who
 30 manufactures, distributes, sells, leases, or offers for sale or lease:
 31 (1) a device; or
 32 (2) a kit of parts to construct a device;
 33 designed in whole or in part to intercept, unscramble, or decode a
 34 transmission by a cable television system with the intent that the device
 35 or kit be used to obtain cable television system services without full
 36 payment to the cable television system commits a ~~Class B~~ **Level 6**
 37 felony.
- 38 (b) The sale or distribution by a person of:
 39 (1) any device; or
 40 (2) a kit of parts to construct a device;
 41 described in subsection (a) constitutes prima facie evidence of a
 42 violation of subsection (a) if, before or at the time of sale or

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1 distribution, the person advertised or indicated that the device or the
 2 assembled kit will enable a person to receive cable television system
 3 service without making full payment to the cable television system.

4 SECTION 470. IC 35-43-5-7 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A person who
 6 knowingly or intentionally:

7 (1) obtains public relief or assistance by means of impersonation,
 8 fictitious transfer, false or misleading oral or written statement,
 9 ~~fraudulent~~ **fraudulent** conveyance, or other fraudulent means;

10 (2) acquires, possesses, uses, transfers, sells, trades, issues, or
 11 disposes of:

12 (A) an authorization document to obtain public relief or
 13 assistance; or

14 (B) public relief or assistance;

15 except as authorized by law;

16 (3) uses, transfers, acquires, issues, or possesses a blank or
 17 incomplete authorization document to participate in public relief
 18 or assistance programs, except as authorized by law;

19 (4) counterfeits or alters an authorization document to receive
 20 public relief or assistance, or knowingly uses, transfers, acquires,
 21 or possesses a counterfeit or altered authorization document to
 22 receive public relief or assistance; or

23 (5) conceals information for the purpose of receiving public relief
 24 or assistance to which he is not entitled;

25 commits welfare fraud, a Class A misdemeanor, except as provided in
 26 subsection (b).

27 (b) The offense is:

28 (1) a ~~Class D~~ **Level 6** felony if:

29 (A) the amount of public relief or assistance involved is more
 30 than ~~two~~ **seven** hundred fifty dollars (~~\$250~~) (**\$750**) but less
 31 than ~~two~~ **fifty** thousand ~~five~~ hundred dollars (~~\$2,500~~); or

32 (B) the amount involved is not more than two hundred fifty
 33 dollars (~~\$250~~) and the person has a prior conviction of welfare
 34 fraud under this section; (~~\$50,000~~); and

35 (2) a ~~Class E~~ **Level 5** felony if the amount of public relief or
 36 assistance involved is ~~two~~ **at least fifty** thousand ~~five~~ hundred
 37 dollars (~~\$2,500~~) or more, regardless of whether the person has a
 38 prior conviction of welfare fraud under this section: (~~\$50,000~~).

39 (c) Whenever a person is convicted of welfare fraud under this
 40 section, the clerk of the sentencing court shall certify to the appropriate
 41 state agency and the appropriate agency of the county of the defendant's
 42 residence:

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- 1 (1) ~~his~~ **the defendant's** conviction; and
- 2 (2) whether the defendant is placed on probation and restitution
- 3 is ordered under IC 35-38-2.

4 SECTION 471. IC 35-43-5-7.1, AS AMENDED BY P.L.1-2006,
 5 SECTION 531, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2014]: Sec. 7.1. (a) Except as provided in
 7 subsection (b), a person who knowingly or intentionally:

- 8 (1) files a Medicaid claim, including an electronic claim, in
- 9 violation of IC 12-15;
- 10 (2) obtains payment from the Medicaid program under IC 12-15
- 11 by means of a false or misleading oral or written statement or
- 12 other fraudulent means;
- 13 (3) acquires a provider number under the Medicaid program
- 14 except as authorized by law;
- 15 (4) alters with the intent to defraud or falsifies documents or
- 16 records of a provider (as defined in 42 CFR 1000.30) that are
- 17 required to be kept under the Medicaid program; or
- 18 (5) conceals information for the purpose of applying for or
- 19 receiving unauthorized payments from the Medicaid program;

20 commits Medicaid fraud, a ~~Class D felony~~. **Class A misdemeanor.**

21 (b) The offense described in subsection (a) is:

- 22 (1) **a Level 6 felony if the fair market value of the offense is at**
- 23 **least seven hundred fifty dollars (\$750) and less than fifty**
- 24 **thousand dollars (\$50,000); and**
- 25 (2) a ~~Class C~~ **Level 5** felony if the fair market value of the offense
- 26 is at least ~~one hundred fifty thousand dollars (\$100,000)~~.
- 27 **(\$50,000).**

28 SECTION 472. IC 35-43-5-7.2 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7.2. (a) Except as
 30 provided in subsection (b), a person who knowingly or intentionally:

- 31 (1) files a children's health insurance program claim, including an
- 32 electronic claim, in violation of IC 12-17.6;
- 33 (2) obtains payment from the children's health insurance program
- 34 under IC 12-17.6 by means of a false or misleading oral or written
- 35 statement or other fraudulent means;
- 36 (3) acquires a provider number under the children's health
- 37 insurance program except as authorized by law;
- 38 (4) alters with intent to defraud or falsifies documents or records
- 39 of a provider (as defined in 42 CFR 1002.301) that are required
- 40 to be kept under the children's health insurance program; or

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1 (5) conceals information for the purpose of applying for or
 2 receiving unauthorized payments from the children's health
 3 insurance program;
 4 commits insurance fraud, a ~~Class D felony~~: **Class A misdemeanor.**

5 (b) The offense described in subsection (a) is:

6 **(1) a Level 6 felony if the fair market value of the offense is at**
 7 **least seven hundred fifty dollars (\$750) and less than fifty**
 8 **thousand dollars (\$50,000); and**

9 **(2) a ~~Class E~~ Level 5 felony if the fair market value of the offense**
 10 **is at least ~~one hundred fifty thousand dollars (\$100,000)~~:**
 11 **(\$50,000).**

12 SECTION 473. IC 35-43-5-8, AS AMENDED BY P.L.57-2006,
 13 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2014]: Sec. 8. (a) A person who knowingly executes, or
 15 attempts to execute, a scheme or artifice:

16 (1) to defraud a state or federally chartered or federally insured
 17 financial institution; or

18 (2) to obtain any of the money, funds, credits, assets, securities,
 19 or other property owned by or under the custody or control of a
 20 state or federally chartered or federally insured financial
 21 institution by means of false or fraudulent pretenses,
 22 representations, or promises;

23 commits a ~~Class E~~ **Level 5** felony.

24 (b) As used in this section, the term "state or federally chartered or
 25 federally insured financial institution" means:

26 (1) an institution with accounts insured by the Federal Deposit
 27 Insurance Corporation;

28 (2) a credit union with accounts insured by the National Credit
 29 Union Administration Board;

30 (3) a federal home loan bank or a member, as defined in Section
 31 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422), as in
 32 effect on December 31, 1990, of the Federal Home Loan Bank
 33 System; or

34 (4) a bank, banking association, land bank, intermediate credit
 35 bank, bank for cooperatives, production credit association, land
 36 bank association, mortgage association, trust company, savings
 37 bank, or other banking or financial institution organized or
 38 operating under the laws of the United States or of the state.

39 The term does not include a lender licensed under IC 24-4.5.

40 SECTION 474. IC 35-43-5-9 IS REPEALED [EFFECTIVE JULY
 41 1, 2014]. ~~Sec. 9: (a) A person who knowingly or intentionally falsely~~
 42 ~~represents any entity as a disadvantaged business enterprise (as defined~~

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1 in IC 5-16-6.5-1) or a women owned business enterprise (as defined in
 2 IC 5-16-6.5-3) in order to qualify for certification as such an enterprise
 3 under a program conducted by a public agency (as defined in
 4 IC 5-16-6.5-2) designed to assist disadvantaged business enterprises or
 5 women owned business enterprises in obtaining contracts with public
 6 agencies for the provision of goods and services commits a Class D
 7 felony.

8 (b) A person who knowingly or intentionally falsely represents an
 9 entity with which the person will subcontract all or part of a contract
 10 with a public agency (as defined in IC 5-16-6.5-2) as a disadvantaged
 11 business enterprise (as defined in IC 5-16-6.5-1) or a women owned
 12 enterprise (as defined in IC 5-16-6.5-3) in order to qualify for
 13 certification as an eligible bidder under a program conducted by a
 14 public agency designed to assist disadvantaged business enterprises or
 15 women owned enterprises in obtaining contracts with public agencies
 16 for the provision of goods and services commits a Class D felony.

17 SECTION 475. IC 35-43-5-11 IS REPEALED [EFFECTIVE JULY
 18 1, 2014]. Sec. 11. A person who knowingly or intentionally provides
 19 false information to a governmental entity to obtain a contract from the
 20 governmental entity commits a Class A misdemeanor. However, the
 21 offense is a Class D felony if the provision of false information results
 22 in financial loss to the governmental entity.

23 SECTION 476. IC 35-43-5-12 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) As used in this
 25 section, "financial institution" refers to a state or federally chartered
 26 bank, savings bank, savings association, or credit union.

27 (b) A person who knowingly or intentionally obtains property,
 28 through a scheme or artifice, with intent to defraud:

29 (1) by issuing or delivering a check, a draft, an electronic debit,
 30 or an order on a financial institution:

31 (A) knowing that the check, draft, order, or electronic debit
 32 will not be paid or honored by the financial institution upon
 33 presentment in the usual course of business;

34 (B) using false or altered evidence of identity or residence;

35 (C) using a false or an altered account number; or

36 (D) using a false or an altered check, draft, order or electronic
 37 instrument;

38 (2) by:

39 (A) depositing the minimum initial deposit required to open a
 40 account; and

41 (B) either making no additional deposits or making insufficient
 42 additional deposits to insure debits to the account; or

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1 (3) by opening accounts with more than one (1) financial
 2 institution in either a consecutive or concurrent time period;
 3 commits check fraud, a ~~Class D felony~~: **Class A misdemeanor**.

4 (c) However, ~~the an~~ offense **under subsection (b)** is:

5 (1) a ~~Class C Level 6~~ felony if the person has a prior unrelated
 6 conviction under this section or the aggregate amount of property
 7 obtained is at least ~~twenty-five thousand seven hundred fifty~~
 8 dollars (~~\$25,000~~): **(\$750) and less than fifty thousand dollars**
 9 **(\$50,000); and**

10 (2) a **Level 5 felony if the aggregate amount of the property**
 11 **obtained is at least fifty thousand dollars (\$50,000).**

12 SECTION 477. IC 35-43-5-14 IS REPEALED [EFFECTIVE JULY
 13 1, 2014]. Sec. 14. (a) A person who, with intent to defraud, possesses:

14 (1) a retail sales receipt;

15 (2) a label or other item with a universal product code (UPC); or

16 (3) a label or other item that contains a product identification code
 17 that applies to an item other than the items to which the label or
 18 other item applies;

19 commits possession of a fraudulent sales document, a **Class A**
 20 **misdemeanor**:

21 (b) The offense under subsection (a) is a **Class D felony** if the
 22 person possesses at least fifteen (15):

23 (1) retail sales receipts;

24 (2) labels containing a universal product code (UPC);

25 (3) labels containing another product identification code; or

26 (4) of any combination of the items described in subdivisions (1)
 27 through (3).

28 SECTION 478. IC 35-43-5-16 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. A person who, with
 30 intent to defraud:

31 (1) makes or puts a false universal product code (UPC) or another
 32 product identification code on property displayed or offered for
 33 sale; or

34 (2) makes a false sales receipt;

35 commits making a false sales document, a **Class D Level 6** felony.

36 SECTION 479. IC 35-43-5-17 IS REPEALED [EFFECTIVE JULY
 37 1, 2014]. Sec. 17. A person who, with intent to defraud, delivers a:

38 (1) false sales receipt;

39 (2) duplicate of a sales receipt; or

40 (3) label or other item with a false universal product code (UPC)
 41 or other product identification code;

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1 to another person commits delivery of a false sales document, a Class
2 ~~D~~ felony:

3 SECTION 480. IC 35-43-5-20, AS ADDED BY P.L.81-2008,
4 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2014]: Sec. 20. (a) As used in this section, "inmate" means a
6 person who is confined in:

- 7 (1) the custody of:
8 (A) the department of correction; or
9 (B) a sheriff;
10 (2) a county jail; or
11 (3) a secure juvenile facility.

12 (b) An inmate who:

- 13 **(1) is a pretrial detainee; and**
14 **(2) with the intent of obtaining money or other property from a**
15 **person who is not an inmate, knowingly or intentionally:**

16 ~~(1)~~ **(A)** makes a misrepresentation to a person who is not an
17 inmate and obtains or attempts to obtain money or other
18 property from the person who is not an inmate; or

19 ~~(2)~~ **(B)** obtains or attempts to obtain money or other property
20 from the person who is not an inmate through a
21 misrepresentation made by another person;

22 commits inmate fraud, a ~~Class C~~ **Level 6** felony.

23 **(c) An inmate:**

24 **(1) who is incarcerated because the inmate has been:**

- 25 **(A) convicted of an offense; or**
26 **(B) adjudicated a delinquent; and**

27 **(2) who, with the intent of obtaining money or other property**
28 **from a person who is not an inmate, knowingly or**
29 **intentionally:**

30 **(A) makes a misrepresentation to a person who is not an**
31 **inmate and obtains or attempts to obtain money or other**
32 **property from the person who is not an inmate; or**

33 **(B) obtains or attempts to obtain money or other property**
34 **from the person who is not an inmate through a**
35 **misrepresentation made by another person;**

36 **commits inmate fraud, a Level 5 felony.**

37 SECTION 481. IC 35-43-6-13, AS AMENDED BY P.L.1-2007,
38 SECTION 232, IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) The offense in section 12(a)
40 of this chapter is a Class A misdemeanor:

- 41 (1) in the case of an offense under section 12(a)(1) through
42 12(a)(4) **of this chapter** or section 12(a)(6) through 12(a)(9) **of**

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- 1 **this chapter**, if the home improvement contract price is one
 2 thousand dollars (\$1,000) or more;
 3 (2) for the second or subsequent offense under this chapter or in
 4 another jurisdiction for an offense that is substantially similar to
 5 another offense described in this chapter;
 6 (3) if two (2) or more home improvement contracts exceed an
 7 aggregate amount of one thousand dollars (\$1,000) and are
 8 entered into with the same consumer by one (1) or more suppliers
 9 as part of or in furtherance of a common fraudulent scheme,
 10 design, or intention; or
 11 (4) if, in a violation of section 12(a)(5) of this chapter, the home
 12 improvement contract price is at least seven thousand dollars
 13 (\$7,000), but less than ten thousand dollars (\$10,000).
 14 (b) The offense in section 12 of this chapter is a ~~Class D~~ **Level 6**
 15 felony:
 16 (1) if, in a violation of section 12(a)(5) of this chapter, the home
 17 improvement contract price is more than ten thousand dollars
 18 (\$10,000);
 19 (2) if, in a violation of:
 20 (A) section 12(a)(1) through 12(a)(5); or
 21 (B) section 12(a)(7) through 12(a)(9);
 22 of this chapter, the consumer is at least sixty (60) years of age and
 23 the home improvement contract price is ten thousand dollars
 24 (\$10,000) or less;
 25 (3) if, in a violation of section 12(b) of this chapter, the consumer
 26 is at least sixty (60) years of age; or
 27 (4) if the home improvement supplier violates more than one (1)
 28 subdivision of section 12(a) of this chapter.
 29 (c) The offense in section 12(a) of this chapter is a ~~Class E~~ **Level 5**
 30 felony:
 31 (1) if, in a violation of:
 32 (A) section 12(a)(1) through 12(a)(5); or
 33 (B) section 12(a)(7) through 12(a)(9);
 34 of this chapter, the consumer is at least sixty (60) years of age and
 35 the home improvement contract price is more than ten thousand
 36 dollars (\$10,000); or
 37 (2) if, in a violation of:
 38 (A) section 12(a)(1) through 12(a)(4); or
 39 (B) section 12(a)(7) through 12(a)(9);
 40 of this chapter, the consumer is at least sixty (60) years of age,
 41 and two (2) or more home improvement contracts exceed an
 42 aggregate amount of one thousand dollars (\$1,000) and are

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1 entered into with the same consumer by one (1) or more suppliers
 2 as part of or in furtherance of a common fraudulent scheme,
 3 design, or intention.

4 SECTION 482. IC 35-43-8-2 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a)** A person who
 6 recklessly, knowingly, or intentionally, without claim or right or
 7 consent of the owner, drives, places, or fastens in timber a device of
 8 metal, ceramic, or other substance sufficiently hard to damage
 9 equipment used in the processing of timber into wood products, with
 10 the intent to hinder the felling, logging, or processing of timber, is
 11 ~~guilty of a crime and may be sentenced under this chapter:~~ **commits**
 12 **timber spiking, a Level 6 felony.**

13 **(b) However, the offense under subsection (a) is a Level 5 felony**
 14 **if the offense causes bodily injury to another person.**

15 **(c) In addition to a penalty imposed under subsection (a) or (b),**
 16 **the court may order a person convicted of violating this section to**
 17 **pay attorney's fees and restitution to the owner of property**
 18 **damaged because of the action of the person.**

19 SECTION 483. IC 35-43-8-3 IS REPEALED [EFFECTIVE JULY
 20 1, 2014]. Sec. 3: (a) A person who violates section 2 of this chapter
 21 commits a Class C felony if the violation causes bodily injury to
 22 another person:

23 (b) A person who violates section 2 of this chapter commits a Class
 24 D felony if the violation does not cause bodily injury to another person:

25 (c) In addition to a penalty imposed under subsection (a) or (b), the
 26 court may order a person convicted of violating section 2 of this
 27 chapter to pay attorney's fees and restitution to the owner of property
 28 damaged because of the action of the person:

29 SECTION 484. IC 35-43-9-7 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) An officer, a
 31 director, or an employee of a title insurer, an individual associated with
 32 the title insurer as an independent contractor, or a title insurance agent
 33 who knowingly or intentionally:

34 (1) converts or misappropriates money received or held in a title
 35 insurance escrow account; or

36 (2) receives or conspires to receive money described in
 37 subdivision (1);

38 commits a ~~Class D~~ **Level 6** felony, except as provided in subsection
 39 (b).

40 (b) The offense is:

41 (1) a ~~Class C~~ **Level 5** felony if the amount of money:

42 (A) converted, misappropriated, or received; or

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1 (B) for which there is a conspiracy;
 2 is more than ten thousand dollars (\$10,000) but less than one
 3 hundred thousand dollars (\$100,000); and
 4 (2) a ~~Class B~~ **Level 4** felony if the amount of money:
 5 (A) converted, misappropriated, or received; or
 6 (B) for which there is a conspiracy;
 7 is at least one hundred thousand dollars (\$100,000).

8 SECTION 485. IC 35-43-10-3, AS ADDED BY P.L.212-2005,
 9 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2014]: Sec. 3. A person who knowingly or intentionally:

- 11 (1) possesses a contraband legend drug;
 12 (2) sells, delivers, or possesses with intent to sell or deliver a
 13 contraband legend drug;
 14 (3) forges, counterfeits, or falsely creates a label for a legend drug
 15 or falsely represents a factual matter contained on a label of a
 16 legend drug; or
 17 (4) manufactures, purchases, sells, delivers, brings into Indiana,
 18 or possesses a contraband legend drug;

19 commits legend drug deception, a ~~Class D~~ **Level 6** felony.

20 SECTION 486. IC 35-43-10-4, AS ADDED BY P.L.212-2005,
 21 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2014]: Sec. 4. A person:

- 23 (1) who knowingly or intentionally manufactures, purchases,
 24 sells, delivers, brings into Indiana, or possesses a contraband
 25 legend drug; and
 26 (2) whose act under subdivision (1) results in the death of an
 27 individual;

28 commits legend drug deception resulting in death, a ~~Class A~~ **Level 2**
 29 felony.

30 SECTION 487. IC 35-44.1-1-1, AS ADDED BY P.L.126-2012,
 31 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2014]: Sec. 1. A public servant who knowingly or
 33 intentionally:

- 34 (1) commits an offense in the performance of the public servant's
 35 official duties;
 36 (2) solicits, accepts, or agrees to accept from an appointee or
 37 employee any property other than what the public servant is
 38 authorized by law to accept as a condition of continued
 39 employment;
 40 (3) acquires or divests himself or herself of a pecuniary interest in
 41 any property, transaction, or enterprise or aids another person to
 42 do so based on information obtained by virtue of the public

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1 servant's office that official action that has not been made public
2 is contemplated; or
3 (4) fails to deliver public records and property in the public
4 servant's custody to the public servant's successor in office when
5 that successor qualifies;
6 commits official misconduct, a ~~Class D~~ **Level 6** felony.
7 SECTION 488. IC 35-44.1-1-2, AS ADDED BY P.L.126-2012,
8 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2014]: Sec. 2. (a) A person who:
10 (1) confers, offers, or agrees to confer on a public servant, either
11 before or after the public servant becomes appointed, elected, or
12 qualified, any property, except property the public servant is
13 authorized by law to accept, with intent to control the
14 performance of an act related to the employment or function of
15 the public servant or because of any official act performed or to
16 be performed by the public servant, former public servant, or
17 person selected to be a public servant;
18 (2) being a public servant, solicits, accepts, or agrees to accept,
19 either before or after the person becomes appointed, elected, or
20 qualified, any property, except property the person is authorized
21 by law to accept, with intent to control the performance of an act
22 related to the person's employment or function as a public servant;
23 (3) confers, offers, or agrees to confer on a person any property,
24 except property the person is authorized by law to accept, with
25 intent to cause that person to control the performance of an act
26 related to the employment or function of a public servant;
27 (4) solicits, accepts, or agrees to accept any property, except
28 property the person is authorized by law to accept, with intent to
29 control the performance of an act related to the employment or
30 function of a public servant;
31 (5) confers, offers, or agrees to confer any property on a person
32 participating or officiating in, or connected with, an athletic
33 contest, sporting event, or exhibition, with intent that the person
34 will fail to use the person's best efforts in connection with that
35 contest, event, or exhibition;
36 (6) being a person participating in, officiating in, or connected
37 with an athletic contest, sporting event, or exhibition, solicits,
38 accepts, or agrees to accept any property with intent that the
39 person will fail to use the person's best efforts in connection with
40 that contest, event, or exhibition;

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1 (7) being a witness or informant in an official proceeding or
 2 investigation, solicits, accepts, or agrees to accept any property,
 3 with intent to:
 4 (A) withhold any testimony, information, document, or thing;
 5 (B) avoid legal process summoning the person to testify or
 6 supply evidence; or
 7 (C) absent the person from the proceeding or investigation to
 8 which the person has been legally summoned;
 9 (8) confers, offers, or agrees to confer any property on a witness
 10 or informant in an official proceeding or investigation, with intent
 11 that the witness or informant:
 12 (A) withhold any testimony, information, document, or thing;
 13 (B) avoid legal process summoning the witness or informant
 14 to testify or supply evidence; or
 15 (C) absent himself or herself from any proceeding or
 16 investigation to which the witness or informant has been
 17 legally summoned; or
 18 (9) confers or offers or agrees to confer any property on an
 19 individual for:
 20 (A) casting a ballot or refraining from casting a ballot; or
 21 (B) voting for a political party, for a candidate, or for or
 22 against a public question;
 23 in an election described in IC 3-5-1-2 or at a convention of a
 24 political party authorized under IC 3;
 25 commits bribery, a ~~Class C~~ **Level 5** felony.
 26 (b) It is not a defense that the person whom the accused person
 27 sought to control was not qualified to act in the desired way.
 28 SECTION 489. IC 35-44.1-1-3, AS ADDED BY P.L.126-2012,
 29 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2014]: Sec. 3. (a) A public servant who knowingly or
 31 intentionally:
 32 (1) hires an employee for the governmental entity that the public
 33 servant serves; and
 34 (2) fails to assign to the employee any duties, or assigns to the
 35 employee any duties not related to the operation of the
 36 governmental entity;
 37 commits ghost employment, a ~~Class D~~ **Level 6** felony.
 38 (b) A public servant who knowingly or intentionally assigns to an
 39 employee under the public servant's supervision any duties not related
 40 to the operation of the governmental entity that the public servant
 41 serves commits ghost employment, a ~~Class D~~ **Level 6** felony.

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1 (c) A person employed by a governmental entity who, knowing that
 2 the person has not been assigned any duties to perform for the entity,
 3 accepts property from the entity commits ghost employment, a ~~Class D~~
 4 **Level 6** felony.

5 (d) A person employed by a governmental entity who knowingly or
 6 intentionally accepts property from the entity for the performance of
 7 duties not related to the operation of the entity commits ghost
 8 employment, a ~~Class D~~ **Level 6** felony.

9 (e) Any person who accepts property from a governmental entity in
 10 violation of this section and any public servant who permits the
 11 payment of property in violation of this section are jointly and severally
 12 liable to the governmental entity for that property. The attorney general
 13 may bring a civil action to recover that property in the county where the
 14 governmental entity is located or the person or public servant resides.

15 (f) For the purposes of this section, an employee of a governmental
 16 entity who voluntarily performs services:

17 (1) that do not:

18 (A) promote religion;

19 (B) attempt to influence legislation or governmental policy; or

20 (C) attempt to influence elections to public office;

21 (2) for the benefit of:

22 (A) another governmental entity; or

23 (B) an organization that is exempt from federal income
 24 taxation under Section 501(c)(3) of the Internal Revenue
 25 Code;

26 (3) with the approval of the employee's supervisor; and

27 (4) in compliance with a policy or regulation that:

28 (A) is in writing;

29 (B) is issued by the executive officer of the governmental
 30 entity; and

31 (C) contains a limitation on the total time during any calendar
 32 year that the employee may spend performing the services
 33 during normal hours of employment;

34 is considered to be performing duties related to the operation of the
 35 governmental entity.

36 SECTION 490. IC 35-44.1-1-4, AS ADDED BY P.L.126-2012,
 37 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2014]: Sec. 4. (a) The following definitions apply throughout
 39 this section:

40 (1) "Dependent" means any of the following:

41 (A) The spouse of a public servant.

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- 1 (B) A child, stepchild, or adoptee (as defined in IC 31-9-2-2)
- 2 of a public servant who is:
- 3 (i) unemancipated; and
- 4 (ii) less than eighteen (18) years of age.
- 5 (C) An individual more than one-half (1/2) of whose support
- 6 is provided during a year by the public servant.
- 7 (2) "Governmental entity served by the public servant" means the
- 8 immediate governmental entity being served by a public servant.
- 9 (3) "Pecuniary interest" means an interest in a contract or
- 10 purchase if the contract or purchase will result or is intended to
- 11 result in an ascertainable increase in the income or net worth of:
- 12 (A) the public servant; or
- 13 (B) a dependent of the public servant who:
- 14 (i) is under the direct or indirect administrative control of
- 15 the public servant; or
- 16 (ii) receives a contract or purchase order that is reviewed,
- 17 approved, or directly or indirectly administered by the public
- 18 servant.
- 19 (b) A public servant who knowingly or intentionally:
- 20 (1) has a pecuniary interest in; or
- 21 (2) derives a profit from;
- 22 a contract or purchase connected with an action by the governmental
- 23 entity served by the public servant commits conflict of interest, a ~~Class~~
- 24 **Level 6** felony.
- 25 (c) It is not an offense under this section if any of the following
- 26 apply:
- 27 (1) The public servant or the public servant's dependent receives
- 28 compensation through salary or an employment contract for:
- 29 (A) services provided as a public servant; or
- 30 (B) expenses incurred by the public servant as provided by
- 31 law.
- 32 (2) The public servant's interest in the contract or purchase and all
- 33 other contracts and purchases made by the governmental entity
- 34 during the twelve (12) months before the date of the contract or
- 35 purchase was two hundred fifty dollars (\$250) or less.
- 36 (3) The contract or purchase involves utility services from a utility
- 37 whose rate structure is regulated by the state or federal
- 38 government.
- 39 (4) The public servant:
- 40 (A) acts in only an advisory capacity for a state supported
- 41 college or university; and

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- 1 (B) does not have authority to act on behalf of the college or
 2 university in a matter involving a contract or purchase.
- 3 (5) A public servant under the jurisdiction of the state ethics
 4 commission (as provided in IC 4-2-6-2.5) obtains from the state
 5 ethics commission, following full and truthful disclosure, written
 6 approval that the public servant will not or does not have a
 7 conflict of interest in connection with the contract or purchase
 8 under IC 4-2-6 and this section. The approval required under this
 9 subdivision must be:
- 10 (A) granted to the public servant before action is taken in
 11 connection with the contract or purchase by the governmental
 12 entity served; or
- 13 (B) sought by the public servant as soon as possible after the
 14 contract is executed or the purchase is made and the public
 15 servant becomes aware of the facts that give rise to a question
 16 of conflict of interest.
- 17 (6) A public servant makes a disclosure that meets the
 18 requirements of subsection (d) or (e) and is:
- 19 (A) not a member or on the staff of the governing body
 20 empowered to contract or purchase on behalf of the
 21 governmental entity, and functions and performs duties for the
 22 governmental entity unrelated to the contract or purchase;
- 23 (B) appointed by an elected public servant;
- 24 (C) employed by the governing body of a school corporation
 25 and the contract or purchase involves the employment of a
 26 dependent or the payment of fees to a dependent;
- 27 (D) elected; or
- 28 (E) a member of, or a person appointed by, the board of
 29 trustees of a state supported college or university.
- 30 (7) The public servant is a member of the governing board of, or
 31 is a physician employed or contracted by, a hospital organized or
 32 operated under IC 16-22-1 through IC 16-22-5 or IC 16-23-1.
- 33 (d) A disclosure must:
- 34 (1) be in writing;
- 35 (2) describe the contract or purchase to be made by the
 36 governmental entity;
- 37 (3) describe the pecuniary interest that the public servant has in
 38 the contract or purchase;
- 39 (4) be affirmed under penalty of perjury;
- 40 (5) be submitted to the governmental entity and be accepted by
 41 the governmental entity in a public meeting of the governmental
 42 entity before final action on the contract or purchase;

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1 (6) be filed within fifteen (15) days after final action on the
 2 contract or purchase with:
 3 (A) the state board of accounts; and
 4 (B) if the governmental entity is a governmental entity other
 5 than the state or a state supported college or university, the
 6 clerk of the circuit court in the county where the governmental
 7 entity takes final action on the contract or purchase; and
 8 (7) contain, if the public servant is appointed, the written approval
 9 of the elected public servant (if any) or the board of trustees of a
 10 state supported college or university (if any) that appointed the
 11 public servant.
 12 (e) This subsection applies only to a person who is a member of, or
 13 a person appointed by, the board of trustees of a state supported college
 14 or university. A person to whom this subsection applies complies with
 15 the disclosure requirements of this chapter with respect to the person's
 16 pecuniary interest in a particular type of contract or purchase which is
 17 made on a regular basis from a particular vendor if the individual files
 18 with the state board of accounts and the board of trustees a statement
 19 of pecuniary interest in that particular type of contract or purchase
 20 made with that particular vendor. The statement required by this
 21 subsection must be made on an annual basis.
 22 SECTION 491. IC 35-44.1-1-5, AS ADDED BY P.L.126-2012,
 23 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2014]: Sec. 5. (a) As used in this section, "pecuniary interest"
 25 has the meaning set forth in section 4(a)(3) of this chapter.
 26 (b) A person who knowingly or intentionally:
 27 (1) obtains a pecuniary interest in a contract or purchase with an
 28 agency within one (1) year after separation from employment or
 29 other service with the agency; and
 30 (2) is not a public servant for the agency but who as a public
 31 servant approved, negotiated, or prepared on behalf of the agency
 32 the terms or specifications of:
 33 (A) the contract; or
 34 (B) the purchase;
 35 commits profiteering from public service, a ~~Class D~~ **Level 6** felony.
 36 (c) This section does not apply to negotiations or other activities
 37 related to an economic development grant, loan, or loan guarantee.
 38 (d) This section does not apply if the person receives less than two
 39 hundred fifty dollars (\$250) of the profits from the contract or
 40 purchase.
 41 (e) It is a defense to a prosecution under this section that:

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- 1 (1) the person was screened from any participation in the contract
- 2 or purchase;
- 3 (2) the person has not received a part of the profits of the contract
- 4 or purchase; and
- 5 (3) notice was promptly given to the agency of the person's
- 6 interest in the contract or purchase.

7 SECTION 492. IC 35-44.1-2-1, AS ADDED BY P.L.126-2012,
 8 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2014]: Sec. 1. (a) A person who:

- 10 (1) makes a false, material statement under oath or affirmation,
- 11 knowing the statement to be false or not believing it to be true; or
- 12 (2) has knowingly made two (2) or more material statements, in
- 13 a proceeding before a court or grand jury, which are inconsistent
- 14 to the degree that one (1) of them is necessarily false;

15 commits perjury, a ~~Class D~~ **Level 6** felony.

16 (b) In a prosecution under subsection (a)(2):

- 17 (1) the indictment or information need not specify which
- 18 statement is actually false; and
- 19 (2) the falsity of a statement may be established sufficiently for
- 20 conviction by proof that the defendant made irreconcilably
- 21 contradictory statements which are material to the point in
- 22 question.

23 SECTION 493. IC 35-44.1-2-2, AS ADDED BY P.L.126-2012,
 24 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2014]: Sec. 2. (a) A person who:

26 (1) knowingly or intentionally induces, by threat, coercion, ~~or~~
 27 false statement, **or offer of goods, services, or anything of**
 28 **value**, a witness or informant in an official proceeding or
 29 investigation to:

- 30 (A) withhold or unreasonably delay in producing any
- 31 testimony, information, document, or thing;
- 32 (B) avoid legal process summoning the person to testify or
- 33 supply evidence; or
- 34 (C) absent the person from a proceeding or investigation to
- 35 which the person has been legally summoned;

36 (2) knowingly or intentionally in an official criminal proceeding
 37 or investigation:

- 38 (A) withholds or unreasonably delays in producing any
- 39 testimony, information, document, or thing after a court orders
- 40 the person to produce the testimony, information, document,
- 41 or thing;

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- 1 (B) avoids legal process summoning the person to testify or
 2 supply evidence; or
 3 (C) absents the person from a proceeding or investigation to
 4 which the person has been legally summoned;
 5 (3) alters, damages, or removes any record, document, or thing,
 6 with intent to prevent it from being produced or used as evidence
 7 in any official proceeding or investigation;
 8 (4) makes, presents, or uses a false record, document, or thing
 9 with intent that the record, document, or thing, material to the
 10 point in question, appear in evidence in an official proceeding or
 11 investigation to mislead a public servant; or
 12 (5) communicates, directly or indirectly, with a juror otherwise
 13 than as authorized by law, with intent to influence the juror
 14 regarding any matter that is or may be brought before the juror;
 15 commits obstruction of justice, a ~~Class D~~ **Level 6** felony.
 16 (b) Subsection (a)(2)(A) does not apply to:
 17 (1) a person who qualifies for a special privilege under IC 34-46-4
 18 with respect to the testimony, information, document, or thing; or
 19 (2) a person who, as:
 20 (A) an attorney;
 21 (B) a physician;
 22 (C) a member of the clergy; or
 23 (D) a husband or wife;
 24 is not required to testify under IC 34-46-3-1.
 25 SECTION 494. IC 35-44.1-2-3, AS ADDED BY P.L.126-2012,
 26 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2014]: Sec. 3. (a) As used in this section, "consumer product"
 28 has the meaning set forth in IC 35-45-8-1.
 29 (b) As used in this section, "misconduct" means a violation of a
 30 departmental rule or procedure of a law enforcement agency.
 31 (c) A person who reports, by telephone, telegraph, mail, or other
 32 written or oral communication, that:
 33 (1) the person or another person has placed or intends to place an
 34 explosive, a destructive device, or other destructive substance in
 35 a building or transportation facility;
 36 (2) there has been or there will be tampering with a consumer
 37 product introduced into commerce; or
 38 (3) there has been or will be placed or introduced a weapon of
 39 mass destruction in a building or a place of assembly;
 40 knowing the report to be false, commits false reporting, a ~~Class D~~
 41 **Level 6** felony.
 42 (d) A person who:

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- 1 (1) gives a false report of the commission of a crime or gives false
- 2 information in the official investigation of the commission of a
- 3 crime, knowing the report or information to be false;
- 4 (2) gives a false alarm of fire to the fire department of a
- 5 governmental entity, knowing the alarm to be false;
- 6 (3) makes a false request for ambulance service to an ambulance
- 7 service provider, knowing the request to be false;
- 8 (4) gives a false report concerning a missing child (as defined in
- 9 IC 10-13-5-4) or missing endangered adult (as defined in
- 10 IC 12-7-2-131.3) or gives false information in the official
- 11 investigation of a missing child or missing endangered adult
- 12 knowing the report or information to be false;
- 13 (5) makes a complaint against a law enforcement officer to the
- 14 state or municipality (as defined in IC 8-1-13-3(b)) that employs
- 15 the officer:
- 16 (A) alleging the officer engaged in misconduct while
- 17 performing the officer's duties; and
- 18 (B) knowing the complaint to be false; or
- 19 (6) makes a false report of a missing person, knowing the report
- 20 or information is false;
- 21 commits false informing, a Class B misdemeanor. However, the offense
- 22 is a Class A misdemeanor if it substantially hinders any law
- 23 enforcement process or if it results in harm to ~~an innocent~~ another
- 24 person.
- 25 SECTION 495. IC 35-44.1-2-5, AS ADDED BY P.L.126-2012,
- 26 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 JULY 1, 2014]: Sec. 5. (a) A person not standing in the relation of
- 28 parent, child, or spouse to another person who has committed a crime
- 29 or is a fugitive from justice who, with intent to hinder the apprehension
- 30 or punishment of the other person, harbors, conceals, or otherwise
- 31 assists the person commits assisting a criminal, a Class A
- 32 misdemeanor. However, the offense is:
- 33 (1) a ~~Class D~~ **Level 6** felony, if the person assisted has committed
- 34 a Class B, Class C, or Class D felony **before July 1, 2014, or a**
- 35 **Level 3, Level 4, Level 5, or Level 6 felony after June 30,**
- 36 **2014;** and
- 37 (2) a ~~Class C~~ **Level 5** felony, if the person assisted has committed
- 38 murder or **has committed** a Class A felony **before July 1, 2014,**
- 39 **or a Level 1 or Level 2 felony after June 30, 2014,** or if the
- 40 assistance was providing a deadly weapon.
- 41 (b) It is not a defense to a prosecution under this section that the
- 42 person assisted:

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- 1 (1) has not been prosecuted for the offense;
 - 2 (2) has not been convicted of the offense; or
 - 3 (3) has been acquitted of the offense by reason of insanity.
- 4 However, the acquittal of the person assisted for other reasons may be
5 a defense.

6 SECTION 496. IC 35-44.1-2-6, AS ADDED BY P.L.126-2012,
7 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2014]: Sec. 6. A person who falsely represents that the person
9 is a public servant, with intent to mislead and induce another person to
10 submit to false official authority or otherwise to act to the other
11 person's detriment in reliance on the false representation, commits
12 impersonation of a public servant, a Class A misdemeanor. However,
13 a person who falsely represents that the person is:

- 14 (1) a law enforcement officer; or
 - 15 (2) an agent or employee of the department of state revenue, and
16 collects any property from another person;
- 17 commits a ~~Class B~~ **Level 6** felony.

18 SECTION 497. IC 35-44.1-2-8, AS ADDED BY P.L.126-2012,
19 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2014]: Sec. 8. (a) A person who knowingly or intentionally
21 manufactures and sells or manufactures and offers for sale:

- 22 (1) an official badge or a replica of an official badge that is
23 currently used by a law enforcement agency or fire department of
24 the state or of a political subdivision of the state; or
 - 25 (2) a document that purports to be an official employment
26 identification that is used by a law enforcement agency or fire
27 department of the state or of a political subdivision of the state;
- 28 without the written permission of the chief executive officer of the law
29 enforcement agency commits unlawful manufacture or sale of a police
30 or fire insignia, a Class A misdemeanor.

31 (b) However, the offense described in subsection (a) is:

- 32 (1) a ~~Class B~~ **Level 6** felony if the person commits the offense
33 with the knowledge or intent that the badge or employment
34 identification will be used to further the commission of an offense
35 under ~~IC 35-44-2-3~~; **IC 35-44.1-2-6**; and
- 36 (2) a ~~Class B~~ **Level 4** felony if the person commits the offense
37 with the knowledge or intent that the badge or employment
38 identification will be used to further the commission of an offense
39 under IC 35-47-12.

40 (c) It is a defense to a prosecution under subsection (a)(1) if the area
41 of the badge or replica that is manufactured and sold or manufactured

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1 and offered for sale as measured by multiplying the greatest length of
2 the badge by the greatest width of the badge is:

- 3 (1) less than fifty percent (50%); or
4 (2) more than one hundred fifty percent (150%);

5 of the area of an official badge that is used by a law enforcement
6 agency or fire department of the state or a political subdivision of the
7 state as measured by multiplying the greatest length of the official
8 badge by the greatest width of the official badge.

9 SECTION 498. IC 35-44.1-2-9, AS ADDED BY P.L.126-2012,
10 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2014]: Sec. 9. (a) A person who, having been released from
12 lawful detention on condition that the person appear at a specified time
13 and place in connection with a charge of a crime, intentionally fails to
14 appear at that time and place commits failure to appear, a Class A
15 misdemeanor. However, the offense is a ~~Class B~~ **Level 6** felony if the
16 charge was a felony charge.

17 (b) It is no defense that the accused person was not convicted of the
18 crime with which the person was originally charged.

19 (c) This section does not apply to obligations to appear incident to
20 release under suspended sentence or on probation or parole.

21 SECTION 499. IC 35-44.1-2-13 IS ADDED TO THE INDIANA
22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2014]: **Sec. 13. (a) Except as provided in**
24 **subsection (b), a person who recklessly, knowingly, or intentionally**
25 **obstructs vehicular or pedestrian traffic commits obstruction of**
26 **traffic, a Class B misdemeanor.**

27 **(b) The offense described in subsection (a) is:**

- 28 **(1) a Class A misdemeanor if the offense includes the use of a**
29 **motor vehicle; and**
30 **(2) a Level 6 felony if the offense results in serious bodily**
31 **injury.**

32 SECTION 500. IC 35-44.1-3-1, AS ADDED BY P.L.126-2012,
33 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2014]: Sec. 1. (a) A person who knowingly or intentionally:

- 35 (1) forcibly resists, obstructs, or interferes with a law enforcement
36 officer or a person assisting the officer while the officer is
37 lawfully engaged in the execution of the officer's duties;
38 (2) forcibly resists, obstructs, or interferes with the authorized
39 service or execution of a civil or criminal process or order of a
40 court; or
41 (3) flees from a law enforcement officer after the officer has, by
42 visible or audible means, including operation of the law

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1 enforcement officer's siren or emergency lights, identified himself
 2 or herself and ordered the person to stop;
 3 commits resisting law enforcement, a Class A misdemeanor, except as
 4 provided in subsection (b).

5 (b) The offense under subsection (a) is a:

6 (1) ~~Class D~~ **Level 6** felony if:

7 (A) the offense is described in subsection (a)(3) and the person
 8 uses a vehicle to commit the offense; or

9 (B) while committing any offense described in subsection (a),
 10 the person draws or uses a deadly weapon, inflicts bodily
 11 injury on or otherwise causes bodily injury to another person,
 12 or operates a vehicle in a manner that creates a substantial risk
 13 of bodily injury to another person;

14 (2) ~~Class E~~ **Level 5** felony if, while committing any offense
 15 described in subsection (a), the person operates a vehicle in a
 16 manner that causes serious bodily injury to another person;

17 (3) ~~Class B~~ **Level 3** felony if, while committing any offense
 18 described in subsection (a), the person operates a vehicle in a
 19 manner that causes the death of another person; and

20 (4) ~~Class A~~ **Level 2** felony if, while committing any offense
 21 described in subsection (a), the person operates a vehicle in a
 22 manner that causes the death of a law enforcement officer while
 23 the law enforcement officer is engaged in the officer's official
 24 duties.

25 (c) For purposes of this section, a law enforcement officer includes
 26 an enforcement officer of the alcohol and tobacco commission and a
 27 conservation officer of the department of natural resources.

28 (d) If a person uses a vehicle to commit a felony offense under
 29 subsection (b)(1)(B), (b)(2), (b)(3), or (b)(4), as part of the criminal
 30 penalty imposed for the offense, the court shall impose a minimum
 31 executed sentence of at least:

32 (1) thirty (30) days, if the person does not have a prior unrelated
 33 conviction under this section;

34 (2) one hundred eighty (180) days, if the person has one (1) prior
 35 unrelated conviction under this section; or

36 (3) one (1) year, if the person has two (2) or more prior unrelated
 37 convictions under this section.

38 (e) Notwithstanding IC 35-50-2-2 and IC 35-50-3-1, the mandatory
 39 minimum sentence imposed under subsection (d) may not be
 40 suspended.

41 (f) If a person is convicted of an offense involving the use of a motor
 42 vehicle under:

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- 1 (1) subsection (b)(1)(A), if the person exceeded the speed limit by
 2 at least twenty (20) miles per hour while committing the offense;
 3 (2) subsection (b)(2); or
 4 (3) subsection (b)(3);

5 the court may notify the bureau of motor vehicles to suspend or revoke
 6 the person's driver's license and all certificates of registration and
 7 license plates issued or registered in the person's name in accordance
 8 with IC 9-30-4-6(b)(3) for the period described in IC 9-30-4-6(d)(4) or
 9 IC 9-30-4-6(d)(5). The court shall inform the bureau whether the
 10 person has been sentenced to a term of incarceration. At the time of
 11 conviction, the court may obtain the person's current driver's license
 12 and return the license to the bureau of motor vehicles.

13 SECTION 501. IC 35-44.1-3-2, AS ADDED BY P.L.126-2012,
 14 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2014]: Sec. 2. (a) As used in this section, "officer" includes
 16 the following:

- 17 (1) A person employed by:
 18 (A) the department of correction;
 19 (B) a law enforcement agency;
 20 (C) a probation department;
 21 (D) a county jail; or
 22 (E) a circuit, superior, county, probate, city, or town court;
 23 who is required to carry a firearm in performance of the person's
 24 official duties.

25 (2) A law enforcement officer.

26 (b) A person who:

- 27 (1) knows that another person is an officer; and
 28 (2) knowingly or intentionally takes or attempts to take a firearm
 29 (as defined in IC 35-47-1-5) or weapon that the officer is
 30 authorized to carry from the officer or from the immediate
 31 proximity of the officer:
 32 (A) without the consent of the officer; and
 33 (B) while the officer is engaged in the performance of the
 34 officer's official duties;

35 commits disarming a law enforcement officer, a ~~Class C~~ **Level 5**
 36 felony. However, the offense is a ~~Class B~~ **Level 3** felony if it results in
 37 serious bodily injury to ~~the a law enforcement~~ officer, and the offense
 38 is a ~~Class A~~ **Level 1** felony if it results in death to ~~the a law~~
 39 **enforcement** officer. ~~or if a firearm (as defined in IC 35-47-1-5) was~~
 40 ~~taken and the offense results in serious bodily injury to the officer.~~

41 SECTION 502. IC 35-44.1-3-4, AS ADDED BY P.L.126-2012,
 42 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2014]: Sec. 4. (a) A person, except as provided in subsection
 2 (b), who intentionally flees from lawful detention commits escape, a
 3 ~~Class E Level 5~~ felony. However, the offense is a ~~Class B Level 4~~
 4 felony if, while committing it, the person draws or uses a deadly
 5 weapon or inflicts bodily injury on another person.

6 (b) A person who knowingly or intentionally violates a home
 7 detention order or intentionally removes an electronic monitoring
 8 device or GPS tracking device commits escape, a ~~Class D Level 6~~
 9 felony.

10 (c) A person who knowingly or intentionally fails to return to lawful
 11 detention following temporary leave granted for a specified purpose or
 12 limited period commits failure to return to lawful detention, a ~~Class D~~
 13 ~~Level 6~~ felony. However, the offense is a ~~Class E Level 5~~ felony if,
 14 while committing it, the person draws or uses a deadly weapon or
 15 inflicts bodily injury on another person.

16 SECTION 503. IC 35-44.1-3-5, AS ADDED BY P.L.126-2012,
 17 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2014]: Sec. 5. (a) As used in this section, "juvenile facility"
 19 means the following:

20 (1) A secure facility (as defined in IC 31-9-2-114) in which a
 21 child is detained under IC 31 or used for a child awaiting
 22 adjudication or adjudicated under IC 31 as a child in need of
 23 services or a delinquent child.

24 (2) A shelter care facility (as defined in IC 31-9-2-117) in which
 25 a child is detained under IC 31 or used for a child awaiting
 26 adjudication or adjudicated under IC 31 as a child in need of
 27 services or a delinquent child.

28 (b) ~~Except as provided in subsection (d)~~; A person who, without the
 29 prior authorization of the person in charge of a penal facility or juvenile
 30 facility knowingly or intentionally:

31 (1) delivers, or carries into the penal facility or juvenile facility
 32 with intent to deliver, an article to an inmate or child of the
 33 facility;

34 (2) carries, or receives with intent to carry out of the penal facility
 35 or juvenile facility, an article from an inmate or child of the
 36 facility; **or**

37 (3) delivers, or carries to a worksite with the intent to deliver,
 38 alcoholic beverages to an inmate or child of a jail work crew or
 39 community work crew; **or**

40 ~~(4) possesses in or carries into a penal facility or a juvenile~~
 41 ~~facility:~~

42 ~~(A) a controlled substance; or~~

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- 1 ~~(B) a deadly weapon;~~
 2 commits trafficking with an inmate, a Class A misdemeanor.
 3 (c) If the person who committed the offense under subsection (b) is
 4 an employee of:
 5 (1) the department of correction; or
 6 (2) a penal facility;
 7 and the article is a cigarette or tobacco product (as defined in
 8 IC 6-7-2-5), the court shall impose a mandatory five thousand dollar
 9 (\$5,000) fine under IC 35-50-3-2, in addition to any term of
 10 imprisonment imposed under IC 35-50-3-2.
 11 ~~(d) The offense under subsection (b) is a Class C felony if the article~~
 12 ~~is:~~ **A person who, without the prior authorization of the person in**
 13 **charge of a penal facility or juvenile facility, knowingly or**
 14 **intentionally possesses in, or carries or causes to be brought into,**
 15 **a penal facility or juvenile facility:**
 16 (1) a controlled substance;
 17 (2) a deadly weapon; or
 18 (3) a cellular telephone or other wireless or cellular
 19 communications device;
 20 **commits trafficking with an inmate, a Level 5 felony.**
 21 SECTION 504. IC 35-44.1-3-6, AS ADDED BY P.L.126-2012,
 22 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2014]: Sec. 6. (a) As used in this section, "contraband" means
 24 the following:
 25 (1) Alcohol.
 26 (2) A cigarette or tobacco product.
 27 (3) A controlled substance.
 28 (4) An item that may be used as a weapon.
 29 (b) As used in this section, "inmate outside a facility" means a
 30 person who is incarcerated in a penal facility or detained in a juvenile
 31 facility on a full-time basis as the result of a conviction or a juvenile
 32 adjudication but who has been or is being transported to another
 33 location to participate in or prepare for a judicial proceeding. The term
 34 does not include the following:
 35 (1) An adult or juvenile pretrial detainee.
 36 (2) A person serving an intermittent term of imprisonment or
 37 detention.
 38 (3) A person serving a term of imprisonment or detention as:
 39 (A) a condition of probation;
 40 (B) a condition of a community corrections program;
 41 (C) part of a community transition program;
 42 (D) part of a reentry court program;

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- 1 (E) part of a work release program; or
 2 (F) part of a community based program that is similar to a
 3 program described in clauses (A) through (E).
 4 (4) A person who has escaped from incarceration or walked away
 5 from secure detention.
 6 (5) A person on temporary leave (as described in IC 11-10-9) or
 7 temporary release (as described in IC 11-10-10).
 8 (c) A person who, with the intent of providing contraband to an
 9 inmate outside a facility:
 10 (1) delivers contraband to an inmate outside a facility; or
 11 (2) places contraband in a location where an inmate outside a
 12 facility could obtain the contraband;
 13 commits trafficking with an inmate outside a facility, a Class A
 14 misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the
 15 contraband is an item described in subsection (a)(3), and a ~~Class E~~
 16 **Level 5** felony if the contraband is an item described in subsection
 17 (a)(4).
 18 SECTION 505. IC 35-44.1-3-7, AS ADDED BY P.L.126-2012,
 19 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2014]: Sec. 7. A person who knowingly or intentionally while
 21 incarcerated in a penal facility possesses a device, equipment, a
 22 chemical substance, or other material that:
 23 (1) is used; or
 24 (2) is intended to be used;
 25 in a manner that is readily capable of causing bodily injury commits a
 26 ~~Class E~~ **Level 5** felony. However, the offense is a ~~Class B~~ **Level 4**
 27 felony if the device, equipment, chemical substance, or other material
 28 is a deadly weapon.
 29 SECTION 506. IC 35-44.1-3-9, AS ADDED BY P.L.126-2012,
 30 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2014]: Sec. 9. (a) A person who is being supervised on
 32 lifetime parole (as described in IC 35-50-6-1) and who knowingly or
 33 intentionally violates a condition of lifetime parole that involves direct
 34 or indirect contact with a child less than sixteen (16) years of age or
 35 with the victim of a crime that was committed by the person commits
 36 a ~~Class D~~ **Level 6** felony if, at the time of the violation:
 37 (1) the person's lifetime parole has been revoked two (2) or more
 38 times; or
 39 (2) the person has completed the person's sentence, including any
 40 credit time the person may have earned.
 41 (b) The offense described in subsection (a) is a ~~Class E~~ **Level 5**
 42 felony if the person has a prior unrelated conviction under this section.

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1 SECTION 507. IC 35-44.1-3-10, AS ADDED BY P.L.126-2012,
2 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 10. (a) As used in this section, "service provider"
4 means a public servant or other person employed by a governmental
5 entity or another person who provides goods or services to a person
6 who is subject to lawful detention.

7 (b) A service provider who knowingly or intentionally engages in
8 sexual intercourse or deviate sexual conduct with a person who is
9 subject to lawful detention commits sexual misconduct, a ~~Class E~~
10 **Level 5** felony.

11 (c) A service provider at least eighteen (18) years of age who
12 knowingly or intentionally engages in sexual intercourse or deviate
13 sexual conduct with a person who is:

- 14 (1) less than eighteen (18) years of age; and
15 (2) subject to lawful detention;

16 commits sexual misconduct, a ~~Class B~~ **Level 4** felony.

17 (d) It is not a defense that an act described in subsection (b) or (c)
18 was consensual.

19 (e) This section does not apply to sexual intercourse or deviate
20 sexual conduct between spouses.

21 SECTION 508. IC 35-44.1-4-7, AS ADDED BY P.L.126-2012,
22 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2014]: Sec. 7. A person other than a firefighter who, with
24 intent to mislead a firefighter or law enforcement officer as to the
25 person's status as a dispatched firefighter, knowingly or intentionally
26 enters an emergency incident area while wearing, transporting, or
27 otherwise possessing a uniform, fire protective clothing, or fire
28 protective gear commits a Class A misdemeanor. However, the offense
29 is a ~~Class D~~ **Level 6** felony if, as a proximate result of the person
30 entering the emergency incident area, a person or firefighter suffers
31 bodily injury.

32 SECTION 509. IC 35-44.1-5-3, AS ADDED BY P.L.126-2012,
33 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2014]: Sec. 3. (a) A person who knowingly or intentionally:

- 35 (1) transports; or
36 (2) moves;

37 an alien, for the purpose of commercial advantage or private financial
38 gain, knowing or in reckless disregard of the fact that the alien has
39 come to, entered, or remained in the United States in violation of the
40 law commits transporting an illegal alien, a Class A misdemeanor.

41 (b) If a violation under this section involves more than nine (9)
42 aliens, the violation is a ~~Class D~~ **Level 6** felony.

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1 SECTION 510. IC 35-44.1-5-4, AS ADDED BY P.L.126-2012,
 2 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2014]: Sec. 4. (a) A person who knowingly or intentionally:

- 4 (1) conceals;
 5 (2) harbors; or
 6 (3) shields from detection;

7 an alien in any place, including a building or means of transportation,
 8 for the purpose of commercial advantage or private financial gain,
 9 knowing or in reckless disregard of the fact that the alien has come to,
 10 entered, or remained in the United States in violation of law, commits
 11 harboring an illegal alien, a Class A misdemeanor.

12 (b) If a violation under this section involves more than nine (9)
 13 aliens, the violation is a ~~Class D~~ **Level 6** felony.

14 (c) A landlord that rents real property to a person who is an alien
 15 does not violate this section as a result of renting the property to the
 16 person.

17 SECTION 511. IC 35-44.2-2-1, AS ADDED BY P.L.126-2012,
 18 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2014]: Sec. 1. A public servant who knowingly or
 20 intentionally fails to deposit public funds (as defined in IC 5-13-4-20)
 21 not later than one (1) business day following the receipt of the funds,
 22 in a depository in the name of the state or political subdivision by the
 23 public servant having control of the funds, commits a violation of the
 24 depository rule, a Class A misdemeanor. However, the offense is a
 25 ~~Class D~~ **Level 6** felony if the amount involved is at least seven hundred
 26 fifty dollars (\$750), and a ~~Class E~~ **Level 5** felony if the amount
 27 involved is at least fifty thousand dollars (\$50,000).

28 SECTION 512. IC 35-45-1-2 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who, being
 30 a member of an unlawful assembly, recklessly, knowingly, or
 31 intentionally engages in tumultuous conduct commits rioting, a Class
 32 A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if it
 33 is committed while armed with a deadly weapon.

34 SECTION 513. IC 35-45-1-3, AS AMENDED BY P.L.3-2006,
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2014]: Sec. 3. (a) A person who recklessly, knowingly, or
 37 intentionally:

- 38 (1) engages in fighting or in tumultuous conduct;
 39 (2) makes unreasonable noise and continues to do so after being
 40 asked to stop; or
 41 (3) disrupts a lawful assembly of persons;

42 commits disorderly conduct, a Class B misdemeanor.

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1 (b) The offense described in subsection (a) is a ~~Class D~~ **Level 6**
2 felony if it:

- 3 (1) adversely affects airport security; and
4 (2) is committed in an airport (as defined in IC 8-21-1-1) or on the
5 premises of an airport, including in a parking area, a maintenance
6 bay, or an aircraft hangar.

7 (c) The offense described in subsection (a) is a ~~Class D~~ **Level 6**
8 felony if it:

- 9 (1) is committed within five hundred (500) feet of:
10 (A) the location where a burial is being performed;
11 (B) a funeral procession, if the person described in subsection
12 (a) knows that the funeral procession is taking place; or
13 (C) a building in which:
14 (i) a funeral or memorial service; or
15 (ii) the viewing of a deceased person;
16 is being conducted; and
17 (2) adversely affects the funeral, burial, viewing, funeral
18 procession, or memorial service.

19 SECTION 514. IC 35-45-2-1, AS AMENDED BY P.L.3-2006,
20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2014]: Sec. 1. (a) A person who communicates a threat to
22 another person, with the intent:

- 23 (1) that the other person engage in conduct against the other
24 person's will;
25 (2) that the other person be placed in fear of retaliation for a prior
26 lawful act; or
27 (3) of causing:
28 (A) a dwelling, a building, or another structure; or
29 (B) a vehicle;
30 to be evacuated;

31 commits intimidation, a Class A misdemeanor.

32 (b) However, the offense is a:

- 33 (1) ~~Class D~~ **Level 6** felony if:
34 (A) the threat is to commit a forcible felony;
35 (B) the person to whom the threat is communicated:
36 (i) is a law enforcement officer;
37 (ii) is a judge or bailiff of any court;
38 (iii) is a witness (or the spouse or child of a witness) in any
39 pending criminal proceeding against the person making the
40 threat;
41 (iv) is an employee of a school corporation;
42 (v) is a community policing volunteer;

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- 1 (vi) is an employee of a court;
 2 (vii) is an employee of a probation department; or
 3 (viii) is an employee of a community corrections program;
 4 (C) the person has a prior unrelated conviction for an offense
 5 under this section concerning the same victim; or
 6 (D) the threat is communicated using property, including
 7 electronic equipment or systems, of a school corporation or
 8 other governmental entity; and
 9 (2) ~~Class C~~ **Level 5** felony if, while committing it, the person
 10 draws or uses a deadly weapon.
 11 (c) "Threat" means an expression, by words or action, of an
 12 intention to:
 13 (1) unlawfully injure the person threatened or another person, or
 14 damage property;
 15 (2) unlawfully subject a person to physical confinement or
 16 restraint;
 17 (3) commit a crime;
 18 (4) unlawfully withhold official action, or cause such withholding;
 19 (5) unlawfully withhold testimony or information with respect to
 20 another person's legal claim or defense, except for a reasonable
 21 claim for witness fees or expenses;
 22 (6) expose the person threatened to hatred, contempt, disgrace, or
 23 ridicule;
 24 (7) falsely harm the credit or business reputation of the person
 25 threatened; or
 26 (8) cause the evacuation of a dwelling, a building, another
 27 structure, or a vehicle.
 28 SECTION 515. IC 35-45-4-1 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who
 30 knowingly or intentionally, in a public place:
 31 (1) engages in sexual intercourse;
 32 (2) engages in deviate sexual conduct;
 33 (3) appears in a state of nudity with the intent to arouse the sexual
 34 desires of the person or another person; or
 35 (4) fondles the person's genitals or the genitals of another person;
 36 commits public indecency, a Class A misdemeanor.
 37 (b) A person at least eighteen (18) years of age who knowingly or
 38 intentionally, in a public place, appears in a state of nudity with the
 39 intent to be seen by a child less than sixteen (16) years of age commits
 40 public indecency, a Class A misdemeanor.

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1 (c) However, the offense under subsection (a) or ~~subsection (b)~~ is
 2 a ~~Class D~~ **Level 6** felony if the person who commits the offense has a
 3 prior unrelated conviction:

- 4 (1) under subsection (a) or (b); or
 5 (2) in another jurisdiction, including a military court, that is
 6 substantially equivalent to an offense described in subsection (a)
 7 or (b).

8 (d) As used in this section, "nudity" means the showing of the
 9 human male or female genitals, pubic area, or buttocks with less than
 10 a fully opaque covering, the showing of the female breast with less than
 11 a fully opaque covering of any part of the nipple, or the showing of
 12 covered male genitals in a discernibly turgid state.

13 (e) A person who, in a place other than a public place, with the
 14 intent to be seen by persons other than invitees and occupants of that
 15 place:

- 16 (1) engages in sexual intercourse;
 17 (2) engages in deviate sexual conduct;
 18 (3) fondles the person's genitals or the genitals of another person;
 19 or
 20 (4) appears in a state of nudity;

21 where the person can be seen by persons other than invitees and
 22 occupants of that place commits indecent exposure, a Class C
 23 misdemeanor.

24 SECTION 516. IC 35-45-4-1.5 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) As used in this
 26 section, "nudity" has the meaning set forth in section 1(d) of this
 27 chapter.

28 (b) A person who knowingly or intentionally appears in a public
 29 place in a state of nudity commits public nudity, a Class C
 30 misdemeanor.

31 (c) A person who knowingly or intentionally appears in a public
 32 place in a state of nudity with the intent to be seen by another person
 33 commits a Class B misdemeanor. ~~However, the offense is a Class D~~
 34 ~~felony if the person has a prior unrelated conviction under this~~
 35 ~~subsection or under subsection (d):~~

36 (d) A person who knowingly or intentionally appears in a state of
 37 nudity:

- 38 (1) in or on school grounds;
 39 (2) in a public park; or
 40 (3) with the intent to arouse the sexual desires of the person or
 41 another person, in a department of natural resources owned or
 42 managed property;

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1 commits a Class A misdemeanor. However, the offense is a ~~Class D~~
 2 **Level 6** felony if the person has a prior unrelated conviction under this
 3 subsection or under subsection (c).

4 SECTION 517. IC 35-45-4-2 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who
 6 knowingly or intentionally:

7 (1) performs, or offers or agrees to perform, sexual intercourse or
 8 deviate sexual conduct; or

9 (2) fondles, or offers or agrees to fondle, the genitals of another
 10 person;

11 for money or other property commits prostitution, a Class A
 12 misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the
 13 person has two (2) prior convictions under this section.

14 SECTION 518. IC 35-45-4-3 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who
 16 knowingly or intentionally pays, or offers or agrees to pay, money or
 17 other property to another person:

18 (1) for having engaged in, or on the understanding that the other
 19 person will engage in, sexual intercourse or deviate sexual
 20 conduct with the person or with any other person; or

21 (2) for having fondled, or on the understanding that the other
 22 person will fondle, the genitals of the person or any other person;

23 commits patronizing a prostitute, a Class A misdemeanor. However,
 24 the offense is a ~~Class D~~ **Level 6** felony if the person has two (2) prior
 25 convictions under this section.

26 SECTION 519. IC 35-45-4-4 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who:

28 (1) knowingly or intentionally entices or compels another person
 29 to become a prostitute;

30 (2) knowingly or intentionally procures, or offers or agrees to
 31 procure, a person for another person for the purpose of
 32 prostitution;

33 (3) having control over the use of a place, knowingly or
 34 intentionally permits another person to use the place for
 35 prostitution;

36 (4) receives money or other property from a prostitute, without
 37 lawful consideration, knowing it was earned in whole or in part
 38 from prostitution; or

39 (5) knowingly or intentionally conducts or directs another person
 40 to a place for the purpose of prostitution;

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1 commits promoting prostitution, a ~~Class C~~ **Level 5** felony. However,
 2 the offense is a ~~Class B~~ **Level 4** felony under subdivision (1) if the
 3 person enticed or compelled is under eighteen (18) years of age.

4 SECTION 520. IC 35-45-4-5, AS AMENDED BY P.L.75-2011,
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2014]: Sec. 5. (a) The following definitions apply throughout
 7 this section:

8 (1) "Camera" means a camera, a video camera, a device that
 9 captures a digital image, or any other type of video recording
 10 device.

11 (2) "Peep" means any looking of a clandestine, surreptitious,
 12 prying, or secretive nature.

13 (3) "Private area" means the naked or undergarment clad genitals,
 14 pubic area, or buttocks of an individual.

15 (b) A person:

16 (1) who knowingly or intentionally:

17 (A) peeps; or

18 (B) goes upon the land of another with the intent to peep;
 19 into an occupied dwelling of another person; or

20 (2) who knowingly or intentionally peeps into an area where an
 21 occupant of the area reasonably can be expected to disrobe,
 22 including:

23 (A) restrooms;

24 (B) baths;

25 (C) showers; and

26 (D) dressing rooms;

27 without the consent of the other person, commits voyeurism, a Class B
 28 misdemeanor.

29 (c) However, the offense under subsection (b) is a ~~Class D~~ **Level 6**
 30 felony if:

31 (1) it is knowingly or intentionally committed by means of a
 32 camera; or

33 (2) the person who commits the offense has a prior unrelated
 34 conviction:

35 (A) under this section; or

36 (B) in another jurisdiction, including a military court, for an
 37 offense that is substantially similar to an offense described in
 38 this section.

39 (d) A person who:

40 (1) without the consent of the individual; and

41 (2) with intent to peep at the private area of an individual;

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1 peeps at the private area of an individual and records an image by
 2 means of a camera commits public voyeurism, a Class A misdemeanor.

3 (e) The offense under subsection (d) is a ~~Class D~~ **Level 6** felony if
 4 the person has a prior unrelated conviction under this section or in
 5 another jurisdiction, including a military court, for an offense that is
 6 substantially similar to an offense described in this section, or if the
 7 person:

8 (1) publishes the image;

9 (2) makes the image available on the Internet; or

10 (3) transmits or disseminates the image to another person.

11 (f) It is a defense to a prosecution under subsection (d) that the
 12 individual deliberately exposed the individual's private area.

13 SECTION 521. IC 35-45-5-2, AS AMENDED BY P.L.70-2005,
 14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2014]: Sec. 2. (a) A person who knowingly or intentionally
 16 engages in gambling commits unlawful gambling.

17 (b) Except as provided in subsection (c), unlawful gambling is a
 18 Class B misdemeanor.

19 (c) An operator who knowingly or intentionally uses the Internet to
 20 engage in unlawful gambling:

21 (1) in Indiana; or

22 (2) with a person located in Indiana;

23 commits a ~~Class D~~ **Level 6** felony.

24 SECTION 522. IC 35-45-5-3, AS AMENDED BY P.L.227-2007,
 25 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2014]: Sec. 3. (a) A person who knowingly or intentionally:

27 (1) engages in pool-selling;

28 (2) engages in bookmaking;

29 (3) maintains, in a place accessible to the public, slot machines,
 30 one-ball machines or variants thereof, pinball machines that
 31 award anything other than an immediate and unrecorded right of
 32 replay, roulette wheels, dice tables, or money or merchandise
 33 pushcards, punchboards, jars, or spindles;

34 (4) conducts lotteries or policy or numbers games or sells chances
 35 therein;

36 (5) conducts any banking or percentage games played with cards,
 37 dice, or counters, or accepts any fixed share of the stakes therein;

38 or

39 (6) accepts, or offers to accept, for profit, money, or other
 40 property risked in gambling;

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1 commits professional gambling, a ~~Class D~~ **Level 6** felony. However,
 2 the offense is a ~~Class E~~ **Level 5** felony if the person has a prior
 3 unrelated conviction under this subsection.

4 (b) An operator who knowingly or intentionally uses the Internet to:

5 (1) engage in pool-selling:

6 (A) in Indiana; or

7 (B) in a transaction directly involving a person located in
 8 Indiana;

9 (2) engage in bookmaking:

10 (A) in Indiana; or

11 (B) in a transaction directly involving a person located in
 12 Indiana;

13 (3) maintain, on an Internet site accessible to residents of Indiana,
 14 the equivalent of:

15 (A) slot machines;

16 (B) one-ball machines or variants of one-ball machines;

17 (C) pinball machines that award anything other than an
 18 immediate and unrecorded right of replay;

19 (D) roulette wheels;

20 (E) dice tables; or

21 (F) money or merchandise pushcards, punchboards, jars, or
 22 spindles;

23 (4) conduct lotteries or policy or numbers games or sell chances
 24 in lotteries or policy or numbers games:

25 (A) in Indiana; or

26 (B) in a transaction directly involving a person located in
 27 Indiana;

28 (5) conduct any banking or percentage games played with the
 29 computer equivalent of cards, dice, or counters, or accept any
 30 fixed share of the stakes in those games:

31 (A) in Indiana; or

32 (B) in a transaction directly involving a person located in
 33 Indiana; or

34 (6) accept, or offer to accept, for profit, money or other property
 35 risked in gambling:

36 (A) in Indiana; or

37 (B) in a transaction directly involving a person located in
 38 Indiana;

39 commits professional gambling over the Internet, a ~~Class D~~ **Level 6**
 40 felony.

41 SECTION 523. IC 35-45-5-3.5, AS ADDED BY P.L.227-2007,
 42 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2014]: Sec. 3.5. (a) Except as provided in subsection (c), a
 2 person who possesses an electronic gaming device commits a Class A
 3 infraction.

4 (b) A person who knowingly or intentionally accepts or offers to
 5 accept for profit, money, or other property risked in gambling on an
 6 electronic gaming device possessed by the person commits maintaining
 7 a professional gambling site, a ~~Class D~~ **Level 6** felony. However, the
 8 offense is a ~~Class E~~ **Level 5** felony if the person has a prior unrelated
 9 conviction under this subsection.

10 (c) Subsection (a) does not apply to a person who:

- 11 (1) possesses an antique slot machine;
 12 (2) restricts display and use of the antique slot machine to the
 13 person's private residence; and
 14 (3) does not use the antique slot machine for profit.

15 (d) As used in this section, "antique slot machine" refers to a slot
 16 machine that is:

- 17 (1) at least forty (40) years old; and
 18 (2) possessed and used for decorative, historic, or nostalgic
 19 purposes.

20 SECTION 524. IC 35-45-5-4, AS AMENDED BY P.L.227-2007,
 21 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2014]: Sec. 4. (a) Except as provided in subsections (b) and
 23 (d), a person who:

- 24 (1) knowingly or intentionally owns, manufactures, possesses,
 25 buys, sells, rents, leases, repairs, or transports a gambling device,
 26 or offers or solicits an interest in a gambling device;
 27 (2) before a race, game, contest, or event on which gambling may
 28 be conducted, knowingly or intentionally transmits or receives
 29 gambling information by any means, or knowingly or intentionally
 30 installs or maintains equipment for the transmission or receipt of
 31 gambling information; or
 32 (3) having control over the use of a place, knowingly or
 33 intentionally permits another person to use the place for
 34 professional gambling;

35 commits promoting professional gambling, a ~~Class D~~ **Level 6** felony.
 36 However, the offense is a ~~Class E~~ **Level 5** felony if the person has a
 37 prior unrelated conviction under this section.

38 (b) Subsection (a)(1) does not apply to a boat manufacturer who:

- 39 (1) transports or possesses a gambling device solely for the
 40 purpose of installing that device in a boat that is to be sold and
 41 transported to a buyer; and

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- 1 (2) does not display the gambling device to the general public or
 2 make the device available for use in Indiana.
- 3 (c) When a public utility is notified by a law enforcement agency
 4 acting within its jurisdiction that any service, facility, or equipment
 5 furnished by it is being used or will be used to violate this section, it
 6 shall discontinue or refuse to furnish that service, facility, or
 7 equipment, and no damages, penalty, or forfeiture, civil or criminal,
 8 may be found against a public utility for an act done in compliance
 9 with such a notice. This subsection does not prejudice the right of a
 10 person affected by it to secure an appropriate determination, as
 11 otherwise provided by law, that the service, facility, or equipment
 12 should not be discontinued or refused, or should be restored.
- 13 (d) Subsection (a)(1) does not apply to a person who:
 14 (1) possesses an antique slot machine;
 15 (2) restricts display and use of the antique slot machine to the
 16 person's private residence; and
 17 (3) does not use the antique slot machine for profit.
- 18 (e) As used in this section, "antique slot machine" refers to a slot
 19 machine that is:
 20 (1) at least forty (40) years old; and
 21 (2) possessed and used for decorative, historic, or nostalgic
 22 purposes.
- 23 SECTION 525. IC 35-45-6-1, AS AMENDED BY P.L.126-2012,
 24 SECTION 56, AND AS AMENDED BY P.L.149-2012, SECTION 19,
 25 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The definitions in this section
 27 apply throughout this chapter.
- 28 (b) "Documentary material" means any document, drawing,
 29 photograph, recording, or other tangible item containing compiled data
 30 from which information can be either obtained or translated into a
 31 usable form.
- 32 (c) "Enterprise" means:
 33 (1) a sole proprietorship, corporation, limited liability company,
 34 partnership, business trust, or governmental entity; or
 35 (2) a union, an association, or a group, whether a legal entity or
 36 merely associated in fact.
- 37 (d) "Pattern of racketeering activity" means engaging in at least two
 38 (2) incidents of racketeering activity that have the same or similar
 39 intent, result, accomplice, victim, or method of commission, or that are
 40 otherwise interrelated by distinguishing characteristics that are not
 41 isolated incidents. However, the incidents are a pattern of racketeering
 42 activity only if at least one (1) of the incidents occurred after August

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1 31, 1980, and if the last of the incidents occurred within five (5) years
 2 after a prior incident of racketeering activity.

3 (e) "Racketeering activity" means to commit, to attempt to commit,
 4 to conspire to commit a violation of, or aiding and abetting in a
 5 violation of any of the following:

- 6 (1) A provision of IC 23-19, or of a rule or order issued under
 7 IC 23-19.
 8 (2) A violation of IC 35-45-9.
 9 (3) A violation of IC 35-47.
 10 (4) A violation of IC 35-49-3.
 11 (5) Murder (IC 35-42-1-1).
 12 (6) Battery as a Class C **felony before July 1, 2014, or a Level**
 13 **5 felony after June 30, 2014** (IC 35-42-2-1).
 14 (7) Kidnapping (IC 35-42-3-2).
 15 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
 16 (9) Child exploitation (IC 35-42-4-4).
 17 (10) Robbery (IC 35-42-5-1).
 18 (11) Carjacking (IC 35-42-5-2) (**repealed**).
 19 (12) Arson (IC 35-43-1-1).
 20 (13) Burglary (IC 35-43-2-1).
 21 (14) Theft (IC 35-43-4-2).
 22 (15) Receiving stolen property (IC 35-43-4-2).
 23 (16) Forgery (IC 35-43-5-2).
 24 (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
 25 (18) Bribery (~~IC 35-44-1-1~~; (IC 35-44.1-1-2).
 26 (19) Official misconduct (~~IC 35-44-1-2~~; (IC 35-44.1-1-1).
 27 (20) Conflict of interest (~~IC 35-44-1-3~~; (IC 35-44.1-1-4).
 28 (21) Perjury (~~IC 35-44-2-1~~; (IC 35-44.1-2-1).
 29 (22) Obstruction of justice (~~IC 35-44-3-4~~; (IC 35-44.1-2-2).
 30 (23) Intimidation (IC 35-45-2-1).
 31 (24) Promoting prostitution (IC 35-45-4-4).
 32 (25) Professional gambling (IC 35-45-5-3).
 33 (26) Maintaining a professional gambling site
 34 (IC 35-45-5-3.5(b)).
 35 (27) Promoting professional gambling (IC 35-45-5-4).
 36 (28) Dealing in or manufacturing cocaine or a narcotic drug
 37 (IC 35-48-4-1).
 38 (29) Dealing in or manufacturing methamphetamine
 39 (IC 35-48-4-1.1).
 40 (30) Dealing in a schedule I, II, or III controlled substance
 41 (IC 35-48-4-2).

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- 1 (31) Dealing in a schedule IV controlled substance
- 2 (IC 35-48-4-3).
- 3 (32) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 4 (33) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic
- 5 cannabinoid (IC 35-48-4-10).
- 6 (34) Money laundering (IC 35-45-15-5).
- 7 (35) A violation of IC 35-47.5-5.
- 8 (36) A violation of any of the following:
- 9 (A) IC 23-14-48-9.
- 10 (B) IC 30-2-9-7(b).
- 11 (C) IC 30-2-10-9(b).
- 12 (D) IC 30-2-13-38(f).
- 13 (37) *Practice of law by a person who is not an attorney*
- 14 *(IC 33-43-2-1).*

15 SECTION 526. IC 35-45-6-2 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person:

- 17 (1) who has knowingly or intentionally received any proceeds
- 18 directly or indirectly derived from a pattern of racketeering
- 19 activity, and who uses or invests those proceeds or the proceeds
- 20 derived from them to acquire an interest in property or to establish
- 21 or to operate an enterprise;
- 22 (2) who through a pattern of racketeering activity, knowingly or
- 23 intentionally acquires or maintains, either directly or indirectly,
- 24 an interest in or control of property or an enterprise; or
- 25 (3) who is employed by or associated with an enterprise, and who
- 26 knowingly or intentionally conducts or otherwise participates in
- 27 the activities of that enterprise through a pattern of racketeering
- 28 activity;

29 commits corrupt business influence, a ~~Class C~~ **Level 5** felony.

30 SECTION 527. IC 35-45-7-2 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who, in
 32 exchange for the loan of any property, knowingly or intentionally
 33 receives or contracts to receive from another person any consideration,
 34 at a rate greater than two (2) times the rate specified in
 35 IC 24-4.5-3-508(2)(a)(i), commits loansharking, a ~~Class D~~ **Level 6**
 36 felony. However, loansharking is a ~~Class C~~ **Level 5** felony if force or
 37 the threat of force is used to collect or to attempt to collect any of the
 38 property loaned or any of the consideration for the loan.

39 SECTION 528. IC 35-45-8-3 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who:

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1 (1) recklessly, knowingly, or intentionally introduces a poison, a
 2 harmful substance, or a harmful foreign object into a consumer
 3 product; or

4 (2) with intent to mislead a consumer of a consumer product,
 5 tampers with the labeling of a consumer product;

6 that has been introduced into commerce commits consumer product
 7 tampering, a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class~~
 8 **Level 5** felony if it results in harm to a person, and it is a ~~Class B~~
 9 **Level 4** felony if it results in serious bodily injury to another person.

10 SECTION 529. IC 35-45-9-3 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) **As used in this**
 12 **section, "benefit, promote, or further the interests of a criminal**
 13 **gang" means to commit a felony or misdemeanor that would cause**
 14 **a reasonable person to believe results in:**

15 (1) **a benefit to a criminal gang;**

16 (2) **the promotion of a criminal gang; or**

17 (3) **furthering the interests of a criminal gang.**

18 (b) **As used in this section, "purpose of increasing a person's**
 19 **own standing or position within a criminal gang" means**
 20 **committing a felony or misdemeanor that would cause a**
 21 **reasonable person to believe results in increasing the person's**
 22 **standing or position within a criminal gang.**

23 (c) **A person who knowingly or intentionally actively participates in**
 24 **a commits an act:**

25 (1) **with the intent to benefit, promote, or further the interests**
 26 **of a criminal gang; or**

27 (2) **for the purpose of increasing the person's own standing or**
 28 **position within a criminal gang;**

29 commits criminal gang activity, a ~~Class D~~ **Level 6** felony.

30 (d) **In determining whether a person committed an offense**
 31 **under this section, the trier of fact may consider a person's**
 32 **association with a criminal gang, including, but not limited to:**

33 (1) **an admission of criminal gang membership by the person;**

34 (2) **a statement by:**

35 (A) **a member of the person's family;**

36 (B) **the person's guardian; or**

37 (C) **a reliable member of the criminal gang;**

38 **stating the person is a member of a criminal gang;**

39 (3) **the person having tattoos identifying the person as a**
 40 **member of a criminal gang;**

41 (4) **the person having a style of dress that is particular to**
 42 **members of a criminal gang;**

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- 1 **(5) the person associating with one (1) or more members of a**
- 2 **criminal gang;**
- 3 **(6) physical evidence indicating the person is a member of a**
- 4 **criminal gang;**
- 5 **(7) an observation of the person in the company of a known**
- 6 **criminal gang member on multiple occasions; and**
- 7 **(8) communications authored by the person indicating**
- 8 **criminal gang membership.**

9 SECTION 530. IC 35-45-9-4 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who
 11 threatens another person because the other person:

- 12 (1) refuses to join a criminal gang; ~~or~~
- 13 (2) has withdrawn from a criminal gang; **or**
- 14 **(3) wishes to withdraw from a criminal gang;**

15 commits criminal gang intimidation, a ~~Class C~~ **Level 5** felony.

16 SECTION 531. IC 35-45-9-5, AS ADDED BY P.L.192-2007,
 17 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2014]: Sec. 5. (a) Except as provided in subsection (b), an
 19 individual who knowingly or intentionally solicits, recruits, entices, or
 20 intimidates another individual to join a criminal gang **or remain in a**
 21 **criminal gang** commits criminal gang recruitment, a ~~Class D~~ **Level 6**
 22 felony.

23 (b) The offense under subsection (a) is a ~~Class C~~ **Level 5** felony if:

- 24 (1) the solicitation, recruitment, enticement, or intimidation
- 25 occurs within one thousand (1,000) feet of school property; or
- 26 (2) the individual who is solicited, recruited, enticed, or
- 27 intimidated is less than eighteen (18) years of age.

28 SECTION 532. IC 35-45-10-5 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person who
 30 stalks another person commits stalking, a ~~Class D~~ **Level 6** felony.

31 (b) The offense is a ~~Class C~~ **Level 5** felony if at least one (1) of the
 32 following applies:

- 33 (1) A person:
- 34 (A) stalks a victim; and
- 35 (B) makes an explicit or an implicit threat with the intent to
- 36 place the victim in reasonable fear of:
- 37 (i) sexual battery (as defined in IC 35-42-4-8);
- 38 (ii) serious bodily injury; or
- 39 (iii) death.

40 (2) A protective order to prevent domestic or family violence, a
 41 no contact order, or other judicial order under any of the
 42 following statutes has been issued by the court to protect the same

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1 victim or victims from the person and the person has been given
2 actual notice of the order:

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

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

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

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

11 (E) IC 34-26-6 (workplace violence restraining orders).

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

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

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

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

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

29 (A) tribe;

30 (B) band;

31 (C) pueblo;

32 (D) nation; or

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

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

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

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

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

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

9 (d) Notwithstanding subsection (a), the court may enter judgment
 10 of conviction of a **Class A misdemeanor** and sentence accordingly if
 11 the court finds mitigating circumstances. The court may consider the
 12 mitigating circumstances in IC 35-38-1-7.1(c) in making a
 13 determination under this subsection. However, the criteria listed in
 14 IC 35-38-1-7.1(c) do not limit the matters the court may consider in
 15 making its determination.

16 (e) Notwithstanding subsection (b), the court may enter judgment
 17 of conviction of a **Class D felony** and sentence accordingly if the court
 18 finds mitigating circumstances. The court may consider the mitigating
 19 circumstances in IC 35-38-1-7.1(c) in making a determination under
 20 this subsection. However, the criteria listed in IC 35-38-1-7.1(c) do not
 21 limit the matters the court may consider in making its determination.

22 SECTION 533. IC 35-45-11-2 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who
 24 knowingly or intentionally:

25 (1) mutilates a corpse;

26 (2) has sexual intercourse or sexual deviate conduct with the
 27 corpse; or

28 (3) opens a casket with the intent to commit an act described in
 29 subdivision (1) or (2);

30 commits abuse of a corpse, a **Class D Level 6** felony.

31 SECTION 534. IC 35-45-13-7 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A person who
 33 knowingly or intentionally:

34 (1) makes, distributes, possesses, uses, or assembles an unlawful
 35 telecommunications device that is designed, adapted, or used to:

36 (A) commit a theft of telecommunications service;

37 (B) acquire or facilitate the acquisition of telecommunications
 38 service without the consent of the telecommunications service
 39 provider; or

40 (C) conceal, or assist another in concealing, from a
 41 ~~telecommunication~~ **telecommunications** services provider or
 42 authority, or from another person with enforcement authority,

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- 1 the existence or place of origin or destination of
 2 telecommunications;
- 3 (2) sells, possesses, distributes, gives, transports, or otherwise
 4 transfers to another or offers or advertises for sale:
- 5 (A) an unlawful telecommunications device, with the intent to
 6 use the unlawful telecommunications device or allow the
 7 device to be used for a purpose described in subdivision (1),
 8 or while knowing or having reason to believe that the device
 9 is intended to be so used;
- 10 (B) plans or instructions for making or assembling an unlawful
 11 telecommunications device, knowing or having reason to
 12 believe that the plans or instructions are intended to be used
 13 for making or assembling an unlawful telecommunications
 14 device; or
- 15 (C) material, including hardware, cables, tools, data, computer
 16 software, or other information or equipment, knowing that the
 17 purchaser or a third person intends to use the material in the
 18 manufacture of an unlawful telecommunications device; or
- 19 (3) publishes:
- 20 (A) the number or code of an existing, a canceled, a revoked,
 21 or a nonexistent telephone number, credit number, or other
 22 credit device; or
- 23 (B) the method of numbering or coding that is employed in the
 24 issuance of telephone numbers, credit numbers, or other credit
 25 devices;
- 26 with knowledge or reason to believe that the information may be
 27 used to avoid the payment of a lawful telephone or telegraph toll
 28 charge;
- 29 commits unauthorized use of ~~telecommunication~~ **telecommunications**
 30 services, a Class A misdemeanor. However, if the commission of the
 31 offense involves at least five (5) unlawful telecommunications devices,
 32 the offense is a ~~Class D~~ **Level 6** felony.
- 33 SECTION 535. IC 35-45-15-5 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person that
 35 knowingly or intentionally:
- 36 (1) acquires or maintains an interest in, receives, conceals,
 37 possesses, transfers, or transports the proceeds of criminal
 38 activity;
- 39 (2) conducts, supervises, or facilitates a transaction involving the
 40 proceeds of criminal activity; or
- 41 (3) invests, expends, receives, or offers to invest, expend, or
 42 receive, the proceeds of criminal activity or funds that are the

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1 proceeds of criminal activity, and the person knows that the
 2 proceeds or funds are the result of criminal activity;
 3 commits money laundering, a ~~Class D~~ **Level 6** felony. However, the
 4 offense is:

5 (A) a ~~Class E~~ **Level 5** felony if the value of the proceeds or
 6 funds is at least fifty thousand dollars (\$50,000);

7 (B) a ~~Class E~~ **Level 5** felony if a person commits the crime
 8 with the intent to:

9 (i) commit or promote an act of terrorism; or

10 (ii) obtain or transport a weapon of mass destruction; and

11 (C) a ~~Class B~~ **Level 4** felony if the value of the proceeds or
 12 funds is at least fifty thousand dollars (\$50,000) and a person
 13 commits the crime with the intent to:

14 (i) commit or promote an act of terrorism; or

15 (ii) obtain or transport a weapon of mass destruction.

16 (b) It is a defense to prosecution under this section that the person
 17 acted with intent to facilitate the lawful seizure, forfeiture, or
 18 disposition of funds or other legitimate law enforcement purpose under
 19 Indiana or United States law.

20 (c) It is a defense to prosecution under this section that:

21 (1) the transaction was necessary to preserve a person's right to
 22 representation as guaranteed by the Sixth Amendment of the
 23 United States Constitution or Article 1, Section 13, of the
 24 Constitution of the State of Indiana; or

25 (2) the funds were received as bona fide legal fees by a licensed
 26 attorney and, at the time of the receipt of the funds, the attorney
 27 did not have actual knowledge that the funds were derived from
 28 criminal activity.

29 SECTION 536. IC 35-45-16-2 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a) As used in this
 31 section, "body fluid" means:**

32 **(1) blood;**

33 **(2) saliva;**

34 **(3) sputum;**

35 **(4) semen;**

36 **(5) vaginal secretions;**

37 **(6) human milk;**

38 **(7) urine;**

39 **(8) sweat;**

40 **(9) tears;**

41 **(10) any other liquid produced by the body; or**

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- 1 (11) any aerosol generated form of liquids listed in this
2 subsection.
- 3 **(b) As used in this section, "infectious hepatitis" means:**
- 4 **(1) hepatitis A;**
5 **(2) hepatitis B;**
6 **(3) hepatitis C;**
7 **(4) hepatitis D;**
8 **(5) hepatitis E; or**
9 **(6) hepatitis G.**
- 10 ~~(a)~~ **(c)** A person who recklessly, knowingly, or intentionally places
11 human:
- 12 (1) ~~blood;~~ **body fluid; or**
13 ~~(2) semen;~~
14 ~~(3) urine; or~~
15 ~~(4)~~ **(2)** fecal waste;
- 16 in a location with the intent that another person will involuntarily touch
17 the ~~blood; semen; urine;~~ **body fluid** or fecal waste commits malicious
18 mischief, a Class B misdemeanor.
- 19 ~~(b)~~ **(d)** An offense described in subsection ~~(a)~~ **(c)** is a:
- 20 (1) ~~Class D Level 6~~ **Class D Level 6** felony if the person knew or recklessly failed
21 to know that the ~~blood; urine;~~ **body fluid** or **fecal** waste was
22 infected with:
- 23 (A) **infectious** hepatitis; ~~B;~~
24 (B) HIV; or
25 (C) tuberculosis;
- 26 (2) ~~Class E Level 5~~ **Class E Level 5** felony if:
- 27 (A) the person knew or recklessly failed to know that the
28 ~~blood; urine;~~ **body fluid** or **fecal** waste was infected with
29 **infectious** hepatitis B and the offense results in the
30 transmission of **infectious** hepatitis B to the other person; or
31 (B) the person knew or recklessly failed to know that the **body**
32 **fluid or fecal** waste was infected with tuberculosis and the
33 offense results in the transmission of tuberculosis to the other
34 person; and
- 35 (3) ~~Class B Level 4~~ **Class B Level 4** felony if:
- 36 (A) the person knew or recklessly failed to know that the **body**
37 **fluid or fecal** waste was infected with HIV; and
38 (B) the offense results in the transmission of HIV to the other
39 person.
- 40 ~~(c)~~ **(e)** A person who recklessly, knowingly, or intentionally places
41 human:
42 ~~(1)~~ **(1)** ~~blood;~~

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1 ~~(2)~~ **(1)** body fluid; or
 2 ~~(3)~~ **(2)** fecal waste;
 3 in a location with the intent that another person will ingest the ~~blood~~,
 4 body fluid or fecal waste commits malicious mischief with food, a
 5 Class A misdemeanor.

6 ~~(d)~~ **(f)** An offense described in subsection ~~(c)~~ **(e)** is:

7 (1) a ~~Class D Level 6~~ **felony** if the person knew or recklessly
 8 failed to know that the ~~blood~~, body fluid or fecal waste was
 9 infected with:

10 (A) **infectious** hepatitis; ~~B~~;

11 (B) HIV; or

12 (C) tuberculosis;

13 (2) a ~~Class E Level 5~~ **felony** if:

14 (A) the person knew or recklessly failed to know that the
 15 ~~blood~~, body fluid or fecal waste was infected with **infectious**
 16 hepatitis ~~B~~ and the offense results in the transmission of
 17 **infectious** hepatitis ~~B~~ to the other person; or

18 (B) the person knew or recklessly failed to know that the
 19 ~~blood~~, body fluid or fecal waste was infected with tuberculosis
 20 and the offense results in the transmission of tuberculosis to
 21 the other person; and

22 (3) a ~~Class B Level 4~~ **felony** if:

23 (A) the person knew or recklessly failed to know that the
 24 ~~blood~~, body fluid or fecal waste was infected with HIV; and

25 (B) the offense results in the transmission of HIV to the other
 26 person.

27 SECTION 537. IC 35-45-18-3, AS ADDED BY P.L.112-2007,
 28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2014]: Sec. 3. A person who knowingly or intentionally
 30 promotes or organizes combative fighting commits unlawful promotion
 31 or organization of combative fighting, a Class A misdemeanor.
 32 However, the offense is a ~~Class D Level 6~~ **felony** if, within the five (5)
 33 years preceding the commission of the offense, the person had a prior
 34 unrelated conviction under this section.

35 SECTION 538. IC 35-45-21 IS ADDED TO THE INDIANA CODE
 36 AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2014]:

38 **Chapter 21. Offenses Against Public Health**

39 **Sec. 1. (a) As used in this section, "component" means plasma,**
 40 **platelets, or serum of a human being.**

41 **(b) A person who recklessly, knowingly, or intentionally**
 42 **donates, sells, or transfers blood, a blood component, or semen for**

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1 artificial insemination (as defined in IC 16-41-14-2) that contains
 2 the human immunodeficiency virus (HIV) commits transferring
 3 contaminated body fluids, a Level 5 felony.

4 (c) However, the offense under subsection (b) is a Level 3 felony
 5 if it results in the transmission of the human immunodeficiency
 6 virus (HIV) to any person other than the defendant.

7 (d) This section does not apply to:

8 (1) a person who, for reasons of privacy, donates, sells, or
 9 transfers blood or a blood component at a blood center (as
 10 defined in IC 16-41-12-3) after the person has notified the
 11 blood center that the blood or blood component must be
 12 disposed of and may not be used for any purpose;

13 (2) a person who transfers blood, a blood component, semen,
 14 or another body fluid that contains the human
 15 immunodeficiency virus (HIV) for research purposes; or

16 (3) a person who is an autologous blood donor for stem cell
 17 transplantation.

18 Sec. 2. (a) The sale or distribution of:

19 (1) diagnostic testing equipment or apparatus; or

20 (2) a blood collection kit;

21 intended for home use to diagnose or confirm human
 22 immunodeficiency virus (HIV) infection or disease is prohibited
 23 unless the testing equipment, apparatus, or kit has been approved
 24 for such use by the federal Food and Drug Administration.

25 (b) A person who recklessly, knowingly, or intentionally violates
 26 this section commits a Class A misdemeanor.

27 Sec. 3. (a) A person who recklessly violates or fails to comply
 28 with IC 16-41-7 commits a Class B misdemeanor.

29 (b) A person who knowingly or intentionally violates or fails to
 30 comply with IC 16-41-7-1 commits a Level 6 felony.

31 (c) Each day a violation described in this section continues
 32 constitutes a separate offense.

33 Sec. 4. (a) As used in this section, "tattoo" means:

34 (1) any indelible design, letter, scroll, figure, symbol, or other
 35 mark placed with the aid of needles or other instruments; or

36 (2) any design, letter, scroll, figure, or symbol done by
 37 scarring;

38 upon or under the skin.

39 (b) As used in this section, "body piercing" means the
 40 perforation of any human body part other than an earlobe for the
 41 purpose of inserting jewelry or other decoration or for some other
 42 nonmedical purpose.

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1 (c) Except as provided in subsection (e), a person who recklessly,
2 knowingly, or intentionally provides a tattoo to a person who is less
3 than eighteen (18) years of age commits tattooing a minor, a Class
4 A misdemeanor.

5 (d) This subsection does not apply to an act of a health care
6 professional (as defined in IC 16-27-2-1) licensed under IC 25 when
7 the act is performed in the course of the health care professional's
8 practice. Except as provided in subsection (e), a person who
9 recklessly, knowingly, or intentionally performs body piercing
10 upon a person who is less than eighteen (18) years of age commits
11 body piercing a minor, a Class A misdemeanor.

12 (e) A person may provide a tattoo to a person who is less than
13 eighteen (18) years of age or perform body piercing upon a person
14 who is less than eighteen (18) years of age if a parent or legal
15 guardian of the person receiving the tattoo or undergoing the body
16 piercing:

17 (1) is present at the time the tattoo is provided or the body
18 piercing is performed; and

19 (2) provides written permission for the person to receive the
20 tattoo or undergo the body piercing.

21 (f) Notwithstanding IC 36-1-3-8(a), a unit (as defined in
22 IC 36-1-2-23) may adopt an ordinance that is at least as restrictive
23 or more restrictive than this section or a rule adopted under
24 IC 16-19-3-4.1 or IC 16-19-3-4.2.

25 Sec. 5. (a) The following definitions apply throughout this
26 section:

27 (1) "Health care provider" refers to a health care provider (as
28 defined in IC 16-18-2-163(a), IC 16-18-2-163(b), or
29 IC 16-18-2-163(c)) or a qualified medication aide as described
30 in IC 16-28-1-11.

31 (2) "Licensed health professional" has the meaning set forth
32 in IC 25-23-1-27.1.

33 (3) "Practitioner" has the meaning set forth in IC 16-42-19-5.
34 However, the term does not include a veterinarian.

35 (4) "Prescription drug" has the meaning set forth in
36 IC 35-48-1-25.

37 (b) A person who knowingly or intentionally physically
38 interrupts, obstructs, or alters the delivery or administration of a
39 prescription drug:

40 (1) prescribed or ordered by a practitioner for a person who
41 is a patient of the practitioner; and

42 (2) without the prescription or order of a practitioner;

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1 commits interference with medical services, a Class A
2 misdemeanor, except as provided in subsection (c).

3 (c) An offense described in subsection (b) is:

- 4 (1) a Level 6 felony if the offense results in bodily injury;
- 5 (2) a Level 5 felony if it is committed by a person who is a
- 6 licensed health care provider or licensed health professional;
- 7 (3) a Level 4 felony if it results in serious bodily injury to the
- 8 patient; and
- 9 (4) a Level 2 felony if it results in the death of the patient.

10 (d) A person is justified in engaging in conduct otherwise
11 prohibited under this section if the conduct is performed by:

- 12 (1) a health care provider or licensed health professional who
- 13 acts in good faith within the scope of the person's practice or
- 14 employment; or
- 15 (2) a person who is rendering emergency care at the scene of
- 16 an emergency or accident in a good faith attempt to avoid or
- 17 minimize serious bodily injury to the patient.

18 SECTION 539. IC 35-46-1-2 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who,
20 being married and knowing that his the person's spouse is alive,
21 marries again commits bigamy, a ~~Class D~~ Level 6 felony.

22 (b) It is a defense that the accused person reasonably believed that
23 he the person was eligible to remarry.

24 SECTION 540. IC 35-46-1-3 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person
26 eighteen (18) years of age or older who engages in sexual intercourse
27 or deviate sexual conduct with another person, when the person knows
28 that the other person is related to the person biologically as a parent,
29 child, grandparent, grandchild, sibling, aunt, uncle, niece, or nephew,
30 commits incest, a ~~Class E~~ Level 5 felony. However, the offense is a
31 ~~Class B~~ Level 4 felony if the other person is less than sixteen (16) years
32 of age.

33 (b) It is a defense that the accused person's otherwise incestuous
34 relation with the other person was based on their marriage, if it the
35 marriage was valid where it was entered into.

36 SECTION 541. IC 35-46-1-4, AS AMENDED BY P.L.6-2012,
37 SECTION 227, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person having the care of
39 a dependent, whether assumed voluntarily or because of a legal
40 obligation, who knowingly or intentionally:

- 41 (1) places the dependent in a situation that endangers the
- 42 dependent's life or health;

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- 1 (2) abandons or cruelly confines the dependent;
 2 (3) deprives the dependent of necessary support; or
 3 (4) deprives the dependent of education as required by law;
 4 commits neglect of a dependent, a ~~Class D~~ **Level 6** felony.
 5 (b) However, the offense is:
 6 (1) a ~~Class E~~ **Level 5** felony if it is committed under subsection
 7 (a)(1), (a)(2), or (a)(3) and:
 8 (A) results in bodily injury; or
 9 (B) is:
 10 (i) committed in a location where a person is violating
 11 IC 35-48-4-1 (~~delivery, financing, or manufacture of~~
 12 **(dealing in cocaine methamphetamine, or a narcotic drug)**
 13 **or IC 35-48-4-1.1 (dealing in methamphetamine);** or
 14 (ii) the result of a violation of IC 35-48-4-1 (~~delivery,~~
 15 ~~financing, or manufacture of~~ **(dealing in cocaine**
 16 ~~methamphetamine, or a narcotic drug)~~ **or IC 35-48-4-1.1**
 17 **(dealing in methamphetamine);**
 18 (2) a ~~Class B~~ **Level 3** felony if it is committed under subsection
 19 (a)(1), (a)(2), or (a)(3) and results in serious bodily injury;
 20 (3) a ~~Class A~~ **Level 1** felony if it is committed under subsection
 21 (a)(1), (a)(2), or (a)(3) by a person at least eighteen (18) years of
 22 age and results in the death of a dependent who is less than
 23 fourteen (14) years of age; and
 24 (4) a ~~Class E~~ **Level 5** felony if it is committed under subsection
 25 (a)(2) and consists of cruel confinement or abandonment that:
 26 (A) deprives a dependent of necessary food, water, or sanitary
 27 facilities;
 28 (B) consists of confinement in an area not intended for human
 29 habitation; or
 30 (C) involves the unlawful use of handcuffs, a rope, a cord,
 31 tape, or a similar device to physically restrain a dependent.
 32 (c) It is a defense to a prosecution based on an alleged act under this
 33 section that:
 34 (1) the accused person left a dependent child who was, at the time
 35 the alleged act occurred, not more than thirty (30) days of age
 36 with an emergency medical provider who took custody of the
 37 child under IC 31-34-2.5 when:
 38 (A) the prosecution is based solely on the alleged act of
 39 leaving the child with the emergency medical services
 40 provider; and
 41 (B) the alleged act did not result in bodily injury or serious
 42 bodily injury to the child; or

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1 (2) the accused person, in the legitimate practice of the accused
 2 person's religious belief, provided treatment by spiritual means
 3 through prayer, in lieu of medical care, to the accused person's
 4 dependent.

5 (d) Except for property transferred or received:

6 (1) under a court order made in connection with a proceeding
 7 under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5
 8 or IC 31-6-5 before their repeal); or

9 (2) under section 9(b) of this chapter;

10 a person who transfers or receives any property in consideration for the
 11 termination of the care, custody, or control of a person's dependent
 12 child commits child selling, a ~~Class D~~ **Level 6** felony.

13 SECTION 542. IC 35-46-1-4.1 IS ADDED TO THE INDIANA
 14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2014]: **Sec. 4.1. (a) As used in this section,**
 16 **"child care provider" means a person who provides child care in**
 17 **or on behalf of:**

18 (1) a child care center (as defined in IC 12-7-2-28.4); or

19 (2) a child care home (as defined in IC 12-7-2-28.6);

20 **regardless of whether the child care center or child care home is**
 21 **licensed.**

22 (b) **A child care provider who recklessly supervises a child**
 23 **commits reckless supervision, a Class B misdemeanor. However,**
 24 **the offense is a Class A misdemeanor if the offense results in**
 25 **serious bodily injury to a child, and a Level 6 felony if the offense**
 26 **results in the death of a child.**

27 SECTION 543. IC 35-46-1-5 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 5. (a)** A person who
 29 knowingly or intentionally fails to provide support to the person's
 30 dependent child commits nonsupport of a child, a ~~Class D~~ **Level 6**
 31 felony. However, the offense is a ~~Class E~~ **Level 5** felony if the total
 32 amount of unpaid support that is due and owing for one (1) or more
 33 children is at least fifteen thousand dollars (\$15,000).

34 (b) It is a defense that the child had abandoned the home of ~~his~~ **the**
 35 **child's** family without the consent of ~~his~~ **the child's** parent or on the
 36 order of a court, but it is not a defense that the child had abandoned the
 37 home of ~~his~~ **the child's** family if the cause of the child's leaving was the
 38 fault of ~~his~~ **the child's** parent.

39 (c) It is a defense that the accused person, in the legitimate practice
 40 of ~~his~~ **the person's** religious belief, provided treatment by spiritual
 41 means through prayer, in lieu of medical care, to ~~his~~ **the person's**
 42 dependent child.

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1 (d) It is a defense that the accused person was unable to provide
2 support.

3 SECTION 544. IC 35-46-1-6 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who
5 knowingly or intentionally fails to provide support to ~~his~~ **the person's**
6 spouse, when the spouse needs support, commits nonsupport of a
7 spouse, a ~~Class D~~ **Level 6** felony.

8 (b) It is a defense that the accused person was unable to provide
9 support.

10 SECTION 545. IC 35-46-1-8, AS AMENDED BY P.L.151-2006,
11 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2014]: Sec. 8. (a) A person at least eighteen (18) years of age
13 who knowingly or intentionally encourages, aids, induces, or causes a
14 person less than eighteen (18) years of age to commit an act of
15 delinquency (as defined by IC 31-37-1 or IC 31-37-2) commits
16 contributing to delinquency, a Class A misdemeanor.

17 (b) However, the offense described in subsection (a) is: a ~~Class E~~
18 **felony**:

19 (1) **a Level 5 felony** if:

20 (A) the person committing the offense is at least twenty-one

21 (21) years of age and knowingly or intentionally furnishes:

22 (i) an alcoholic beverage to a person less than eighteen (18)
23 years of age in violation of IC 7.1-5-7-8 when the person
24 committing the offense knew or reasonably should have
25 known that the person furnished the alcoholic beverage was
26 less than eighteen (18) years of age; or

27 (ii) a controlled substance (as defined in IC 35-48-1-9) or a
28 drug (as defined in IC 9-13-2-49.1) in violation of Indiana
29 law; and

30 (B) the consumption, ingestion, or use of the alcoholic
31 beverage, controlled substance, or drug is the proximate cause
32 of the death of any person; **or and**

33 (2) **a Level 6 felony** if the person committing the offense
34 knowingly or intentionally encourages, aids, induces, or causes a
35 person less than eighteen (18) years of age to commit an act that
36 would be a felony if committed by an adult under any of the
37 following:

38 (A) IC 35-48-4-1.

39 (B) IC 35-48-4-1.1.

40 (C) IC 35-48-4-2.

41 (D) IC 35-48-4-3.

42 (E) IC 35-48-4-4.

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- 1 (F) IC 35-48-4-4.5.
 2 (G) IC 35-48-4-4.6.
 3 (H) IC 35-48-4-5.
 4 SECTION 546. IC 35-46-1-9, AS AMENDED BY P.L.146-2008,
 5 SECTION 683, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) Except as provided in
 7 subsection (b), a person who, with respect to an adoption, transfers or
 8 receives any property in connection with the waiver of parental rights,
 9 the termination of parental rights, the consent to adoption, or the
 10 petition for adoption commits profiting from an adoption, a ~~Class D~~
 11 **Level 6** felony.
 12 (b) This section does not apply to the transfer or receipt of:
 13 (1) reasonable attorney's fees;
 14 (2) hospital and medical expenses concerning childbirth and
 15 pregnancy incurred by the adopted person's birth mother;
 16 (3) reasonable charges and fees levied by a child placing agency
 17 licensed under IC 31-27 or the department of child services;
 18 (4) reasonable expenses for psychological counseling relating to
 19 adoption incurred by the adopted person's birth parents;
 20 (5) reasonable costs of housing, utilities, and phone service for the
 21 adopted person's birth mother during the second or third trimester
 22 of pregnancy and not more than six (6) weeks after childbirth;
 23 (6) reasonable costs of maternity clothing for the adopted person's
 24 birth mother;
 25 (7) reasonable travel expenses incurred by the adopted person's
 26 birth mother that relate to the pregnancy or adoption;
 27 (8) any additional itemized necessary living expenses for the
 28 adopted person's birth mother during the second or third trimester
 29 of pregnancy and not more than six (6) weeks after childbirth, not
 30 listed in subdivisions (5) through (7) in an amount not to exceed
 31 one thousand dollars (\$1,000); or
 32 (9) other charges and fees approved by the court supervising the
 33 adoption, including reimbursement of not more than actual wages
 34 lost as a result of the inability of the adopted person's birth mother
 35 to work at her regular, existing employment due to a medical
 36 condition, excluding a psychological condition, if:
 37 (A) the attending physician of the adopted person's birth
 38 mother has ordered or recommended that the adopted person's
 39 birth mother discontinue her employment; and
 40 (B) the medical condition and its direct relationship to the
 41 pregnancy of the adopted person's birth mother are
 42 documented by her attending physician.

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1 In determining the amount of reimbursable lost wages, if any, that are
 2 reasonably payable to the adopted person's birth mother under
 3 subdivision (9), the court shall offset against the reimbursable lost
 4 wages any amounts paid to the adopted person's birth mother under
 5 subdivisions (5) and (8) and any unemployment compensation received
 6 by or owed to the adopted person's birth mother.

7 (c) Except as provided in this subsection, payments made under
 8 subsection (b)(5) through (b)(9) may not exceed three thousand dollars
 9 (\$3,000) and must be disclosed to the court supervising the adoption.
 10 The amounts paid under subsection (b)(5) through (b)(9) may exceed
 11 three thousand dollars (\$3,000) to the extent that a court in Indiana
 12 with jurisdiction over the child who is the subject of the adoption
 13 approves the expenses after determining that:

14 (1) the expenses are not being offered as an inducement to
 15 proceed with an adoption; and

16 (2) failure to make the payments may seriously jeopardize the
 17 health of either the child or the mother of the child and the direct
 18 relationship is documented by a licensed social worker or the
 19 attending physician.

20 (d) The payment limitation under subsection (c) applies to the total
 21 amount paid under subsection (b)(5) through (b)(9) in connection with
 22 an adoption from all prospective adoptive parents, attorneys, and
 23 licensed child placing agencies.

24 (e) An attorney or licensed child placing agency shall inform a birth
 25 mother of the penalties for committing adoption deception under
 26 section 9.5 of this chapter before the attorney or agency transfers a
 27 payment for adoption related expenses under subsection (b) in relation
 28 to the birth mother.

29 (f) The limitations in this section apply regardless of the state or
 30 country in which the adoption is finalized.

31 SECTION 547. IC 35-46-1-12, AS AMENDED BY P.L.146-2008,
 32 SECTION 684, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) Except as provided in
 34 subsection (b), a person who recklessly, knowingly, or intentionally
 35 exerts unauthorized use of the personal services or the property of:

36 (1) an endangered adult; or

37 (2) a dependent eighteen (18) years of age or older;

38 for the person's own profit or advantage or for the profit or advantage
 39 of another person commits exploitation of a dependent or an
 40 endangered adult, a Class A misdemeanor.

41 (b) The offense described in subsection (a) is a ~~Class B~~ **Level 6**
 42 felony if:

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1 (1) the fair market value of the personal services or property is
2 more than ten thousand dollars (\$10,000); or

3 (2) the endangered adult or dependent is at least sixty (60) years
4 of age.

5 (c) Except as provided in subsection (d), a person who recklessly,
6 knowingly, or intentionally deprives an endangered adult or a
7 dependent of the proceeds of the endangered adult's or the dependent's
8 benefits under the Social Security Act or other retirement program that
9 the division of family resources has budgeted for the endangered adult's
10 or dependent's health care commits financial exploitation of an
11 endangered adult or a dependent, a Class A misdemeanor.

12 (d) The offense described in subsection (c) is a ~~Class B~~ **Level 6**
13 felony if:

14 (1) the amount of the proceeds is more than ten thousand dollars
15 (\$10,000); or

16 (2) the endangered adult or dependent is at least sixty (60) years
17 of age.

18 (e) It is not a defense to an offense committed under subsection
19 (b)(2) or (d)(2) that the accused person reasonably believed that the
20 endangered adult or dependent was less than sixty (60) years of age at
21 the time of the offense.

22 (f) It is a defense to an offense committed under subsection (a), (b),
23 or (c) if the accused person:

24 (1) has been granted a durable power of attorney or has been
25 appointed a legal guardian to manage the affairs of an endangered
26 adult or a dependent; and

27 (2) was acting within the scope of the accused person's fiduciary
28 responsibility.

29 SECTION 548. IC 35-46-1-15.1, AS AMENDED BY P.L.94-2010,
30 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2014]: Sec. 15.1. A person who knowingly or intentionally
32 violates:

33 (1) a protective order to prevent domestic or family violence
34 issued under IC 34-26-5 (or, if the order involved a family or
35 household member, under IC 34-26-2 or IC 34-4-5.1-5 before
36 their repeal);

37 (2) an ex parte protective order issued under IC 34-26-5 (or, if the
38 order involved a family or household member, an emergency
39 order issued under IC 34-26-2 or IC 34-4-5.1 before their repeal);

40 (3) a workplace violence restraining order issued under
41 IC 34-26-6;

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1 (4) a no contact order in a dispositional decree issued under
 2 IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or IC 31-6-4-15.4
 3 or IC 31-6-4-15.9 before their repeal) or an order issued under
 4 IC 31-32-13 (or IC 31-6-7-14 before its repeal) that orders the
 5 person to refrain from direct or indirect contact with a child in
 6 need of services or a delinquent child;

7 (5) a no contact order issued as a condition of pretrial release,
 8 including release on bail or personal recognizance, or pretrial
 9 diversion, and including a no contact order issued under
 10 IC 35-33-8-3.6;

11 (6) a no contact order issued as a condition of probation;

12 (7) a protective order to prevent domestic or family violence
 13 issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2 before
 14 their repeal);

15 (8) a protective order to prevent domestic or family violence
 16 issued under IC 31-14-16-1 in a paternity action;

17 (9) a no contact order issued under IC 31-34-25 in a child in need
 18 of services proceeding or under IC 31-37-25 in a juvenile
 19 delinquency proceeding;

20 (10) an order issued in another state that is substantially similar
 21 to an order described in subdivisions (1) through (9);

22 (11) an order that is substantially similar to an order described in
 23 subdivisions (1) through (9) and is issued by an Indian:

24 (A) tribe;

25 (B) band;

26 (C) pueblo;

27 (D) nation; or

28 (E) organized group or community, including an Alaska
 29 Native village or regional or village corporation as defined in
 30 or established under the Alaska Native Claims Settlement Act
 31 (43 U.S.C. 1601 et seq.);

32 that is recognized as eligible for the special programs and services
 33 provided by the United States to Indians because of their special
 34 status as Indians;

35 (12) an order issued under IC 35-33-8-3.2; or

36 (13) an order issued under IC 35-38-1-30;

37 commits invasion of privacy, a Class A misdemeanor. However, the
 38 offense is a ~~Class D~~ **Level 6** felony if the person has a prior unrelated
 39 conviction for an offense under this section.

40 SECTION 549. IC 35-46-3-7, AS AMENDED BY P.L.111-2009,
 41 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2014]: Sec. 7. (a) A person who:

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1 (1) has a vertebrate animal in the person's custody; and
 2 (2) recklessly, knowingly, or intentionally abandons or neglects
 3 the animal;
 4 commits cruelty to an animal, a Class A misdemeanor. However,
 5 except for a conviction under section 1 of this chapter, the offense is a
 6 ~~Class D~~ **Level 6** felony if the person has a prior unrelated conviction
 7 under this chapter.

8 (b) It is a defense to a prosecution for abandoning a vertebrate
 9 animal under this section that the person who had the animal in the
 10 person's custody reasonably believed that the vertebrate animal was
 11 capable of surviving on its own.

12 (c) For purposes of this section, an animal that is feral is not in a
 13 person's custody.

14 SECTION 550. IC 35-46-3-8, AS AMENDED BY P.L.171-2007,
 15 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2014]: Sec. 8. A person who knowingly or intentionally
 17 purchases or possesses an animal for the purpose of using the animal
 18 in an animal fighting contest commits a ~~Class D~~ **Level 6** felony.

19 SECTION 551. IC 35-46-3-9 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. A person who
 21 knowingly or intentionally:

- 22 (1) promotes or stages an animal fighting contest;
- 23 (2) uses an animal in a fighting contest; or
- 24 (3) attends an animal fighting contest having an animal in the
 25 person's possession;

26 commits a ~~Class D~~ **Level 6** felony.

27 SECTION 552. IC 35-46-3-9.5, AS AMENDED BY P.L.6-2012,
 28 SECTION 229, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2014]: Sec. 9.5. A person who knowingly or
 30 intentionally:

- 31 (1) possesses animal fighting paraphernalia with the intent to
 32 commit a violation of section 9 of this chapter; and
- 33 (2) possesses, harbors, or trains a dog, cock, fowl, or bird bearing:
 34 (A) a scar;
 35 (B) a wound; or
 36 (C) an injury;
 37 consistent with participation in or training for an animal fighting
 38 contest;

39 commits promoting an animal fighting contest, a ~~Class D~~ **Level 6**
 40 felony.

41 SECTION 553. IC 35-46-3-10, AS AMENDED BY P.L.111-2009,
 42 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2014]: Sec. 10. A person who knowingly or intentionally
 2 attends a fighting contest involving animals commits cruelty to an
 3 animal, a Class A misdemeanor. However, except for a conviction
 4 under section 1 of this chapter, the offense is a ~~Class A~~ **Level 6** felony
 5 if the person has a prior unrelated conviction under this chapter.

6 SECTION 554. IC 35-46-3-11 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person who
 8 knowingly or intentionally:

9 (1) strikes, torments, injures, or otherwise mistreats a law
 10 enforcement animal; or

11 (2) interferes with the actions of a law enforcement animal while
 12 the animal is engaged in assisting a law enforcement officer in the
 13 performance of the officer's duties;

14 commits a Class A misdemeanor.

15 (b) An offense under subsection (a)(1) is a ~~Class A~~ **Level 6** felony
 16 if the act results in:

17 (1) serious permanent disfigurement;

18 (2) unconsciousness;

19 (3) permanent or protracted loss or impairment of the function of
 20 a bodily member or organ; or

21 (4) death;

22 of the law enforcement animal.

23 (c) It is a defense that the accused person:

24 (1) engaged in a reasonable act of training, handling, or
 25 discipline; and

26 (2) acted as an employee or agent of a law enforcement agency.

27 (d) In addition to any sentence or fine imposed for a conviction of
 28 an offense under this section, the court may order the person convicted
 29 to make restitution to the person or law enforcement agency owning the
 30 animal for reimbursement of:

31 (1) veterinary bills; and

32 (2) replacement costs of the animal if the animal is disabled or
 33 killed.

34 SECTION 555. IC 35-46-3-11.3 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11.3. (a) As used in this
 36 section, "search and rescue dog" means a dog that receives special
 37 training to locate or attempt to locate by air scent or ground or water
 38 tracking a person who is an offender or is lost, trapped, injured, or
 39 incapacitated.

40 (b) A person who knowingly or intentionally:

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- 1 (1) interferes with the actions of a search and rescue dog while the
 2 dog is performing or is attempting to perform a search and rescue
 3 task; or
 4 (2) strikes, torments, injures, or otherwise mistreats a search and
 5 rescue dog;
 6 commits a Class A misdemeanor.
- 7 (c) An offense under subsection (b)(2) is a ~~Class D~~ **Level 6** felony
 8 if the act results in:
 9 (1) serious permanent disfigurement;
 10 (2) unconsciousness;
 11 (3) permanent or protracted loss or impairment of the function of
 12 a bodily member or organ; or
 13 (4) death;
 14 of the search and rescue dog.
- 15 (d) It is a defense that the accused person:
 16 (1) engaged in a reasonable act of training, handling, or
 17 disciplining the search and rescue dog; or
 18 (2) reasonably believed the conduct was necessary to prevent
 19 injury to the accused person or another person.
- 20 (e) In addition to any sentence or fine imposed for a conviction of
 21 an offense under this section, the court may order the person to make
 22 restitution to the person who owns the search and rescue dog for
 23 reimbursement of:
 24 (1) veterinary bills; and
 25 (2) replacement costs of the dog if the dog is disabled or killed.
- 26 SECTION 556. IC 35-46-3-11.5 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11.5. (a) As used in this
 28 section, "service animal" means an animal that a person who is
 29 impaired by:
 30 (1) blindness or any other visual impairment;
 31 (2) deafness or any other aural impairment;
 32 (3) a physical disability; or
 33 (4) a medical condition;
 34 relies on for navigation, assistance in performing daily activities, or
 35 alert signals regarding the onset of the person's medical condition.
- 36 (b) A person who knowingly or intentionally:
 37 (1) interferes with the actions of a service animal; or
 38 (2) strikes, torments, injures, or otherwise mistreats a service
 39 animal;
 40 while the service animal is engaged in assisting an impaired person
 41 described in subsection (a) commits a Class A misdemeanor.

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1 (c) An offense under subsection (b)(2) is a ~~Class D~~ **Level 6** felony
2 if the act results in the:

- 3 (1) serious permanent disfigurement;
4 (2) unconsciousness;
5 (3) permanent or protracted loss or impairment of the function of
6 a bodily member or organ; or
7 (4) death;

8 of the service animal.

9 (d) It is a defense that the accused person:

- 10 (1) engaged in a reasonable act of training, handling, or
11 disciplining the service animal; or
12 (2) reasonably believed the conduct was necessary to prevent
13 injury to the accused person or another person.

14 SECTION 557. IC 35-46-3-12, AS AMENDED BY P.L.111-2009,
15 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2014]: Sec. 12. (a) This section does not apply to a person
17 who euthanizes an injured, a sick, a homeless, or an unwanted domestic
18 animal if:

- 19 (1) the person is employed by a humane society, an animal control
20 agency, or a governmental entity operating an animal shelter or
21 other animal impounding facility; and
22 (2) the person euthanizes the domestic animal in accordance with
23 guidelines adopted by the humane society, animal control agency,
24 or governmental entity operating the animal shelter or other
25 animal impounding facility.

26 (b) A person who knowingly or intentionally beats a vertebrate
27 animal commits cruelty to an animal, a Class A misdemeanor.
28 However, the offense is a ~~Class D~~ **Level 6** felony if:

- 29 (1) the person has a previous, unrelated conviction under this
30 section; or
31 (2) the person committed the offense with the intent to threaten,
32 intimidate, coerce, harass, or terrorize a family or household
33 member.

34 (c) A person who knowingly or intentionally tortures or mutilates a
35 vertebrate animal commits torturing or mutilating a vertebrate animal,
36 a ~~Class D~~ **Level 6** felony.

37 (d) As used in this subsection, "domestic animal" means an animal
38 that is not wild. The term is limited to:

- 39 (1) cattle, calves, horses, mules, swine, sheep, goats, dogs, cats,
40 poultry, ostriches, rhea, and emus; and
41 (2) an animal of the bovine, equine, ovine, caprine, porcine,
42 canine, feline, camelid, cervidae, or bison species.

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1 A person who knowingly or intentionally kills a domestic animal
 2 without the consent of the owner of the domestic animal commits
 3 killing a domestic animal, a ~~Class D~~ **Level 6** felony.

4 (e) It is a defense to a prosecution under this section that the
 5 accused person:

6 (1) reasonably believes the conduct was necessary to:

7 (A) prevent injury to the accused person or another person;

8 (B) protect the property of the accused person from destruction
 9 or substantial damage; or

10 (C) prevent a seriously injured vertebrate animal from
 11 prolonged suffering; or

12 (2) engaged in a reasonable and recognized act of training,
 13 handling, or disciplining the vertebrate animal.

14 (f) When a court imposes a sentence or enters a dispositional decree
 15 under this section, the court:

16 (1) shall consider requiring:

17 (A) a person convicted of an offense under this section; or

18 (B) a child adjudicated a delinquent child for committing an
 19 act that would be a crime under this section if committed by an
 20 adult;

21 to receive psychological, behavioral, or other counseling as a part
 22 of the sentence or dispositional decree; and

23 (2) may order an individual described in subdivision (1) to receive
 24 psychological, behavioral, or other counseling as a part of the
 25 sentence or dispositional decree.

26 SECTION 558. IC 35-46-3-12.5, AS ADDED BY P.L.171-2007,
 27 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2014]: Sec. 12.5. A person who knowingly or intentionally
 29 kills a vertebrate animal with the intent to threaten, intimidate, coerce,
 30 harass, or terrorize a family or household member commits domestic
 31 violence animal cruelty, a ~~Class D~~ **Level 6** felony.

32 SECTION 559. IC 35-46-3-14, AS ADDED BY P.L.171-2007,
 33 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2014]: Sec. 14. A person who knowingly or intentionally
 35 performs an act involving:

36 (1) a sex organ of a person and the mouth or anus of an animal;

37 (2) a sex organ of an animal and the mouth or anus of a person;

38 (3) any penetration of the human female sex organ by an animal's
 39 sex organ; or

40 (4) any penetration of an animal's sex organ by the human male
 41 sex organ;

42 commits bestiality, a ~~Class D~~ **Level 6** felony.

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1 SECTION 560. IC 35-46-4 IS REPEALED [EFFECTIVE JULY 1,
2 2014]. (Failure of a Student Athlete to Disclose Recruitment).

3 SECTION 561. IC 35-46-5-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) As used in this
5 section, "fetal tissue" means tissue from an infant or a fetus who is
6 stillborn or aborted.

7 (b) As used in this section, "human organ" means the kidney, liver,
8 heart, lung, cornea, eye, bone marrow, bone, pancreas, or skin of a
9 human body.

10 (c) As used in this section, "item of value" means money, real estate,
11 funeral related services, and personal property. "Item of value" does not
12 include:

13 (1) the reasonable payments associated with the removal,
14 transportation, implantation, processing, preservation, quality
15 control, and storage of a human organ; or

16 (2) the reimbursement of travel, housing, lost wages, and other
17 expenses incurred by the donor of a human organ related to the
18 donation of the human organ.

19 (d) A person who intentionally acquires, receives, sells, or transfers
20 in exchange for an item of value:

21 (1) a human organ for use in human organ transplantation; or
22 (2) fetal tissue;

23 commits unlawful transfer of human tissue, a ~~Class C~~ **Level 5** felony.

24 SECTION 562. IC 35-46-5-2, AS ADDED BY P.L.126-2005,
25 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2014]: Sec. 2. (a) This section does not apply to in vitro
27 fertilization.

28 (b) As used in this section, "cloning" has the meaning set forth in
29 IC 16-18-2-56.5.

30 (c) A person who knowingly or intentionally:

31 (1) participates in cloning;

32 (2) implants or attempts to implant a cloned human embryo into
33 a uterine environment to initiate a pregnancy; or

34 (3) ships or receives a cloned human embryo;

35 commits unlawful participation in human cloning, a ~~Class D~~ **Level 6**
36 felony.

37 SECTION 563. IC 35-46-5-3, AS AMENDED BY P.L.91-2012,
38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2014]: Sec. 3. (a) As used in this section, "qualified third
40 party" means a fertility clinic or similar medical facility that:

41 (1) is accredited by an entity approved by the medical licensing
42 board;

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- 1 (2) is registered under 21 CFR 1271 with the United States Food
2 and Drug Administration; and
- 3 (3) employs a physician licensed under IC 25-22.5 who:
4 (A) is board certified in obstetrics and gynecology; and
5 (B) performs oocyte cryopreservation at the facility.
- 6 (b) A person who knowingly or intentionally purchases or sells a
7 human ovum, zygote, embryo, or fetus commits unlawful transfer of a
8 human organism, a ~~Class C~~ **Level 5** felony.
- 9 (c) This section does not apply to the following:
10 (1) The transfer to or receipt by either a woman donor of an ovum
11 or a qualified third party of an amount for:
12 (A) earnings lost due to absence from employment;
13 (B) travel expenses;
14 (C) hospital expenses;
15 (D) medical expenses; and
16 (E) recovery time in an amount not to exceed four thousand
17 dollars (\$4,000);
18 concerning a treatment or procedure to enhance human
19 reproductive capability through in vitro fertilization, gamete
20 intrafallopian transfer, or zygote intrafallopian transfer.
- 21 (2) The following types of stem cell research:
22 (A) Adult stem cell.
23 (B) Fetal stem cell (as defined in IC 16-18-2-128.5), as long as
24 the biological parent has given written consent for the use of
25 the fetal stem cells.
- 26 (d) Any person who recklessly, knowingly, or intentionally uses a
27 human embryo created with an ovum provided to a qualified third party
28 under this section for purposes of embryonic stem cell research
29 commits unlawful use of an embryo, a ~~Class C~~ **Level 5** felony.
- 30 SECTION 564. IC 35-47-2-1, AS AMENDED BY P.L.6-2012,
31 SECTION 231, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in
33 subsections (b) and (c) and section 2 of this chapter, a person shall not
34 carry a handgun in any vehicle or on or about the person's body without
35 being licensed under this chapter to carry a handgun.
- 36 (b) Except as provided in subsection (c), a person may carry a
37 handgun without being licensed under this chapter to carry a handgun
38 if:
39 (1) the person carries the handgun on or about the person's body
40 in or on property that is owned, leased, rented, or otherwise
41 legally controlled by the person;

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- 1 (2) the person carries the handgun on or about the person's body
 2 while lawfully present in or on property that is owned, leased,
 3 rented, or otherwise legally controlled by another person, if the
 4 person:
- 5 (A) has the consent of the owner, renter, lessor, or person who
 6 legally controls the property to have the handgun on the
 7 premises;
 - 8 (B) is attending a firearms related event on the property,
 9 including a gun show, firearms expo, gun owner's club or
 10 convention, hunting club, shooting club, or training course; or
 - 11 (C) is on the property to receive firearms related services,
 12 including the repair, maintenance, or modification of a
 13 firearm;
- 14 (3) the person carries the handgun in a vehicle that is owned,
 15 leased, rented, or otherwise legally controlled by the person, if the
 16 handgun is:
- 17 (A) unloaded;
 - 18 (B) not readily accessible; and
 - 19 (C) secured in a case;
- 20 (4) the person carries the handgun while lawfully present in a
 21 vehicle that is owned, leased, rented, or otherwise legally
 22 controlled by another person, if the handgun is:
- 23 (A) unloaded;
 - 24 (B) not readily accessible; and
 - 25 (C) secured in a case; or
- 26 (5) the person carries the handgun:
- 27 (A) at a shooting range (as defined in IC 14-22-31.5-3);
 - 28 (B) while attending a firearms instructional course; or
 - 29 (C) while engaged in a legal hunting activity.
- 30 (c) Unless the person's right to possess a firearm has been restored
 31 under IC 35-47-4-7, a person who has been convicted of domestic
 32 battery under IC 35-42-2-1.3 may not possess or carry a handgun.
- 33 (d) This section may be not construed:
- 34 (1) to prohibit a person who owns, leases, rents, or otherwise
 35 legally controls private property from regulating or prohibiting the
 36 possession of firearms on the private property;
 - 37 (2) to allow a person to adopt or enforce an ordinance, resolution,
 38 policy, or rule that:
- 39 (A) prohibits; or
 - 40 (B) has the effect of prohibiting;
- 41 an employee of the person from possessing a firearm or
 42 ammunition that is locked in the trunk of the employee's vehicle,

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1 kept in the glove compartment of the employee's locked vehicle,
 2 or stored out of plain sight in the employee's locked vehicle,
 3 unless the person's adoption or enforcement of the ordinance,
 4 resolution, policy, or rule is allowed under IC 34-28-7-2(b); or
 5 (3) to allow a person to adopt or enforce a law, statute, ordinance,
 6 resolution, policy, or rule that allows a person to possess or
 7 transport a firearm or ammunition if the person is prohibited from
 8 possessing or transporting the firearm or ammunition by state or
 9 federal law.

10 **(e) A person who knowingly or intentionally violates this section**
 11 **commits a Class A misdemeanor. However, the offense is a Level**
 12 **5 felony:**

13 **(1) if the offense is committed:**

14 **(A) on or in school property;**

15 **(B) within one thousand (1,000) feet of school property; or**

16 **(C) on a school bus; or**

17 **(2) if the person:**

18 **(A) has a prior conviction of any offense under:**

19 **(i) this section; or**

20 **(ii) section 22 of this chapter; or**

21 **(B) has been convicted of a felony within fifteen (15) years**
 22 **before the date of the offense.**

23 SECTION 565. IC 35-47-2-3, AS AMENDED BY P.L.34-2010,
 24 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2014]: Sec. 3. (a) A person desiring a license to carry a
 26 handgun shall apply:

27 (1) to the chief of police or corresponding law enforcement officer
 28 of the municipality in which the applicant resides;

29 (2) if that municipality has no such officer, or if the applicant does
 30 not reside in a municipality, to the sheriff of the county in which
 31 the applicant resides after the applicant has obtained an
 32 application form prescribed by the superintendent; or

33 (3) if the applicant is a resident of another state and has a regular
 34 place of business or employment in Indiana, to the sheriff of the
 35 county in which the applicant has a regular place of business or
 36 employment.

37 The superintendent and local law enforcement agencies shall allow an
 38 applicant desiring to obtain or renew a license to carry a handgun to
 39 submit an application electronically under this chapter if funds are
 40 available to establish and maintain an electronic application system.

41 (b) The law enforcement agency which accepts an application for a
 42 handgun license shall collect the following application fees:

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1 (1) From a person applying for a four (4) year handgun license, a
2 ten dollar (\$10) application fee, five dollars (\$5) of which shall be
3 refunded if the license is not issued.

4 (2) From a person applying for a lifetime handgun license who
5 does not currently possess a valid Indiana handgun license, a fifty
6 dollar (\$50) application fee, thirty dollars (\$30) of which shall be
7 refunded if the license is not issued.

8 (3) From a person applying for a lifetime handgun license who
9 currently possesses a valid Indiana handgun license, a forty dollar
10 (\$40) application fee, thirty dollars (\$30) of which shall be
11 refunded if the license is not issued.

12 Except as provided in subsection (h), the fee shall be deposited into the
13 law enforcement agency's firearms training fund or other appropriate
14 training activities fund and used by the agency to train law enforcement
15 officers in the proper use of firearms or in other law enforcement
16 duties, or to purchase firearms, firearm related equipment, or body
17 armor (as defined in IC 35-47-5-13(a)) for the law enforcement officers
18 employed by the law enforcement agency. The state board of accounts
19 shall establish rules for the proper accounting and expenditure of funds
20 collected under this subsection.

21 (c) The officer to whom the application is made shall ascertain the
22 applicant's name, full address, length of residence in the community,
23 whether the applicant's residence is located within the limits of any city
24 or town, the applicant's occupation, place of business or employment,
25 criminal record, if any, and convictions (minor traffic offenses
26 excepted), age, race, sex, nationality, date of birth, citizenship, height,
27 weight, build, color of hair, color of eyes, scars and marks, whether the
28 applicant has previously held an Indiana license to carry a handgun
29 and, if so, the serial number of the license and year issued, whether the
30 applicant's license has ever been suspended or revoked, and if so, the
31 year and reason for the suspension or revocation, and the applicant's
32 reason for desiring a license. The officer to whom the application is
33 made shall conduct an investigation into the applicant's official records
34 and verify thereby the applicant's character and reputation, and shall in
35 addition verify for accuracy the information contained in the
36 application, and shall forward this information together with the
37 officer's recommendation for approval or disapproval and one (1) set
38 of legible and classifiable fingerprints of the applicant to the
39 superintendent.

40 (d) The superintendent may make whatever further investigation the
41 superintendent deems necessary. Whenever disapproval is
42 recommended, the officer to whom the application is made shall

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1 provide the superintendent and the applicant with the officer's complete
 2 and specific reasons, in writing, for the recommendation of
 3 disapproval.

4 (e) If it appears to the superintendent that the applicant:

- 5 (1) has a proper reason for carrying a handgun;
- 6 (2) is of good character and reputation;
- 7 (3) is a proper person to be licensed; and
- 8 (4) is:

9 (A) a citizen of the United States; or

10 (B) not a citizen of the United States but is allowed to carry a
 11 firearm in the United States under federal law;

12 the superintendent shall issue to the applicant a qualified or an
 13 unlimited license to carry any handgun lawfully possessed by the
 14 applicant. The original license shall be delivered to the licensee. A
 15 copy shall be delivered to the officer to whom the application for
 16 license was made. A copy shall be retained by the superintendent for
 17 at least four (4) years in the case of a four (4) year license. The
 18 superintendent may adopt guidelines to establish a records retention
 19 policy for a lifetime license. A four (4) year license shall be valid for
 20 a period of four (4) years from the date of issue. A lifetime license is
 21 valid for the life of the individual receiving the license. The license of
 22 police officers, sheriffs or their deputies, and law enforcement officers
 23 of the United States government who have been honorably retired by
 24 a lawfully created pension board or its equivalent after twenty (20) or
 25 more years of service shall be valid for the life of these individuals.
 26 However, a lifetime license is automatically revoked if the license
 27 holder does not remain a proper person.

28 (f) At the time a license is issued and delivered to a licensee under
 29 subsection (e), the superintendent shall include with the license
 30 information concerning handgun safety rules that:

31 (1) neither opposes nor supports an individual's right to bear
 32 arms; and

33 (2) is:

34 (A) recommended by a nonprofit educational organization that
 35 is dedicated to providing education on safe handling and use
 36 of firearms;

37 (B) prepared by the state police department; and

38 (C) approved by the superintendent.

39 The superintendent may not deny a license under this section because
 40 the information required under this subsection is unavailable at the
 41 time the superintendent would otherwise issue a license. The state
 42 police department may accept private donations or grants to defray the

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1 cost of printing and mailing the information required under this
2 subsection.

3 (g) A license to carry a handgun shall not be issued to any person
4 who:

- 5 (1) has been convicted of a felony;
- 6 (2) has had a license to carry a handgun suspended, unless the
7 person's license has been reinstated;
- 8 (3) is under eighteen (18) years of age;
- 9 (4) is under twenty-three (23) years of age if the person has been
10 adjudicated a delinquent child for an act that would be a felony if
11 committed by an adult; or
- 12 (5) has been arrested for a Class A or Class B **felony for an**
13 **offense committed before July 1, 2014, for a Level 1, Level 2,**
14 **Level 3, or Level 4 felony for an offense committed after June**
15 **30, 2014,** or any other felony that was committed while armed
16 with a deadly weapon or that involved the use of violence, if a
17 court has found probable cause to believe that the person
18 committed the offense charged.

19 In the case of an arrest under subdivision (5), a license to carry a
20 handgun may be issued to a person who has been acquitted of the
21 specific offense charged or if the charges for the specific offense are
22 dismissed. The superintendent shall prescribe all forms to be used in
23 connection with the administration of this chapter.

24 (h) If the law enforcement agency that charges a fee under
25 subsection (b) is a city or town law enforcement agency, the fee shall
26 be deposited in the law enforcement continuing education fund
27 established under IC 5-2-8-2.

28 (i) If a person who holds a valid license to carry a handgun issued
29 under this chapter:

- 30 (1) changes the person's name;
- 31 (2) changes the person's address; or
- 32 (3) experiences a change, including an arrest or a conviction, that
33 may affect the person's status as a proper person (as defined in
34 IC 35-47-1-7) or otherwise disqualify the person from holding a
35 license;

36 the person shall, not later than thirty (30) days after the date of a
37 change described under subdivision (3), and not later than sixty (60)
38 days after the date of the change described under subdivision (1) or (2),
39 notify the superintendent, in writing, of the event described under
40 subdivision (3) or, in the case of a change under subdivision (1) or (2),
41 the person's new name or new address.

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1 (j) The state police shall indicate on the form for a license to carry
2 a handgun the notification requirements of subsection (i).

3 (k) The state police department shall adopt rules under IC 4-22-2 to
4 implement an electronic application system under subsection (a). Rules
5 adopted under this section must require the superintendent to keep on
6 file one (1) set of classifiable and legible fingerprints from every
7 person who has received a license to carry a handgun so that a person
8 who applies to renew a license will not be required to submit an
9 additional set of fingerprints.

10 (l) Except as provided in subsection (m), for purposes of
11 IC 5-14-3-4(a)(1), the following information is confidential, may not
12 be published, and is not open to public inspection:

13 (1) Information submitted by a person under this section to:

14 (A) obtain; or

15 (B) renew;

16 a license to carry a handgun.

17 (2) Information obtained by a federal, state, or local government
18 entity in the course of an investigation concerning a person who
19 applies to:

20 (A) obtain; or

21 (B) renew;

22 a license to carry a handgun issued under this chapter.

23 (3) The name, address, and any other information that may be
24 used to identify a person who holds a license to carry a handgun
25 issued under this chapter.

26 (m) Notwithstanding subsection (l):

27 (1) any information concerning an applicant for or a person who
28 holds a license to carry a handgun issued under this chapter may
29 be released to a federal, state, or local government entity:

30 (A) for law enforcement purposes; or

31 (B) to determine the validity of a license to carry a handgun;

32 and

33 (2) general information concerning the issuance of licenses to
34 carry handguns in Indiana may be released to a person conducting
35 journalistic or academic research, but only if all personal
36 information that could disclose the identity of any person who
37 holds a license to carry a handgun issued under this chapter has
38 been removed from the general information.

39 **(n) A person who knowingly or intentionally violates this section**
40 **commits a Class B misdemeanor.**

41 SECTION 566. IC 35-47-2-4, AS AMENDED BY P.L.155-2007,
42 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2014]: Sec. 4. (a) Licenses to carry handguns shall be either
2 qualified or unlimited, and are valid for:

- 3 (1) four (4) years from the date of issue in the case of a four (4)
4 year license; or
5 (2) the life of the individual receiving the license in the case of a
6 lifetime license.

7 A qualified license shall be issued for hunting and target practice. The
8 superintendent may adopt rules imposing limitations on the use and
9 carrying of handguns under a license when handguns are carried by a
10 licensee as a condition of employment. Unlimited licenses shall be
11 issued for the purpose of the protection of life and property.

12 (b) In addition to the application fee, the fee for:

- 13 (1) a qualified license shall be:
14 (A) five dollars (\$5) for a four (4) year qualified license;
15 (B) twenty-five dollars (\$25) for a lifetime qualified license
16 from a person who does not currently possess a valid Indiana
17 handgun license; or
18 (C) twenty dollars (\$20) for a lifetime qualified license from
19 a person who currently possesses a valid Indiana handgun
20 license; and
21 (2) an unlimited license shall be:
22 (A) thirty dollars (\$30) for a four (4) year unlimited license;
23 (B) seventy-five dollars (\$75) for a lifetime unlimited license
24 from a person who does not currently possess a valid Indiana
25 handgun license; or
26 (C) sixty dollars (\$60) for a lifetime unlimited license from a
27 person who currently possesses a valid Indiana handgun
28 license.

29 The superintendent shall charge a twenty dollar (\$20) fee for the
30 issuance of a duplicate license to replace a lost or damaged license.
31 These fees shall be deposited in accordance with subsection (e).

32 (c) Licensed dealers are exempt from the payment of fees specified
33 in subsection (b) for a qualified license or an unlimited license.

34 (d) The following officers of this state or the United States who have
35 been honorably retired by a lawfully created pension board or its
36 equivalent after at least twenty (20) years of service or because of a
37 disability are exempt from the payment of fees specified in subsection
38 (b):

- 39 (1) Police officers.
40 (2) Sheriffs or their deputies.
41 (3) Law enforcement officers.
42 (4) Correctional officers.



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1 (e) Fees collected under this section shall be deposited in the state
2 general fund.

3 (f) The superintendent may not issue a lifetime qualified license or
4 a lifetime unlimited license to a person who is a resident of another
5 state. The superintendent may issue a four (4) year qualified license or
6 a four (4) year unlimited license to a person who is a resident of
7 another state and who has a regular place of business or employment
8 in Indiana as described in section 3(a)(3) of this chapter.

9 (g) **A person who knowingly or intentionally violates this section**
10 **commits a Class B misdemeanor.**

11 SECTION 567. IC 35-47-2-5, AS AMENDED BY P.L.1-2006,
12 SECTION 535, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The superintendent may
14 suspend or revoke any license issued under this chapter if ~~he~~ **the**
15 **superintendent** has reasonable grounds to believe that the person's
16 license should be suspended or revoked.

17 (b) Documented evidence that a person is not a "proper person" to
18 be licensed as defined by IC 35-47-1-7, or is prohibited under section
19 3(g)(5) of this chapter from being issued a license, shall be grounds for
20 immediate suspension or revocation of a license previously issued
21 under this chapter. However, if a license is suspended or revoked based
22 solely on an arrest under section 3(g)(5) of this chapter, the license
23 shall be reinstated upon the acquittal of the defendant in that case or
24 upon the dismissal of the charges for the specific offense.

25 (c) A person who **knowingly or intentionally** fails to promptly
26 return ~~his~~ **the person's** license after written notice of suspension or
27 revocation commits a Class A misdemeanor. The observation of a
28 handgun license in the possession of a person whose license has been
29 suspended or revoked constitutes a sufficient basis for the arrest of that
30 person for violation of this subsection.

31 (d) The superintendent shall establish rules under IC 4-22-2
32 concerning the procedure for suspending or revoking a person's license.

33 SECTION 568. IC 35-47-2-7 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) Except an
35 individual acting within a parent-minor child or guardian-minor
36 protected person relationship or any other individual who is also acting
37 in compliance with IC 35-47-10, a person may not sell, give, or in any
38 other manner transfer the ownership or possession of a handgun or
39 assault weapon (~~as defined in IC 35-50-2-11~~) to any person under
40 eighteen (18) years of age.

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1 (b) It is unlawful for a person to sell, give, or in any manner transfer
 2 the ownership or possession of a handgun to another person who the
 3 person has reasonable cause to believe:

4 (1) has been:

5 (A) convicted of a felony; or

6 (B) adjudicated a delinquent child for an act that would be a
 7 felony if committed by an adult, if the person seeking to obtain
 8 ownership or possession of the handgun is less than
 9 twenty-three (23) years of age;

10 (2) is a drug abuser;

11 (3) is an alcohol abuser; or

12 (4) is mentally incompetent.

13 **(c) A person who knowingly or intentionally violates this section**
 14 **commits a Level 5 felony.**

15 SECTION 569. IC 35-47-2-14 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. A retail dealer who
 17 **knowingly or intentionally:**

18 (1) sells;

19 (2) trades;

20 (3) transfers;

21 (4) exposes for sale, trade, or transfer; or

22 (5) possesses with intent to sell, trade, or transfer;

23 any handgun without being licensed under sections 15 and 16 of this
 24 chapter and without displaying ~~his~~ **the retail dealer's** license at all
 25 times commits a Class B misdemeanor.

26 SECTION 570. IC 35-47-2-15, AS AMENDED BY P.L.44-2011,
 27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2014]: Sec. 15. (a) A person desiring a retail handgun dealer's
 29 license shall apply to the sheriff of the county in which the person
 30 resides, or if the person is a resident of another state and has a regular
 31 place of business in Indiana, then to the sheriff of the county in which
 32 the person has a regular place of business. The applicant shall state the
 33 applicant's name, full address, occupation, sex, race, age, place of birth,
 34 date of birth, nationality, height, weight, build, color of eyes, color of
 35 hair, complexion, scars and marks, and any criminal record (minor
 36 traffic offenses excepted). The officer to whom the application is made
 37 shall verify the application and search the officer's records concerning
 38 the applicant's character and reputation.

39 (b) The officer to whom the application is made shall send to the
 40 superintendent:

41 (1) the verified application;

42 (2) the results of the officer's investigation; and

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1 (3) the officer's recommendation for approval or disapproval of
 2 the application;
 3 in as many copies as the superintendent shall designate, and one (1) set
 4 of legible and classifiable fingerprints of the applicant. The
 5 superintendent may make whatever further investigation the
 6 superintendent deems necessary. Whenever disapproval is
 7 recommended by the officer to whom the application was made, the
 8 officer shall provide the superintendent and the applicant with the
 9 officer's complete reasons for the disapproval in writing. If the officer
 10 to whom the application is made recommends approval, the officer
 11 shall instruct the applicant in the proper method of taking legible and
 12 classifiable fingerprints.

13 (c) If an applicant applies for a license under this section before July
 14 1, 2011, and it appears to the superintendent that the applicant is of
 15 good character and reputation and a proper person to be licensed, the
 16 superintendent shall issue to the applicant a retail handgun dealer's
 17 license which shall be valid for a period of two (2) years from the date
 18 of issue. The fee for the license shall be twenty dollars (\$20), which
 19 shall be deposited with the officer to whom the application is made,
 20 who shall in turn forward it to the superintendent for deposit with the
 21 treasurer of state when the application is approved by the
 22 superintendent.

23 (d) If an applicant applies for a license under this section after June
 24 30, 2011:

25 (1) the applicant shall deposit with the officer to whom the
 26 application is made a fee for the license of sixty dollars (\$60);

27 (2) if it appears to the superintendent that the applicant is:

28 (A) of good character and reputation; and

29 (B) a proper person to be licensed;

30 the superintendent shall issue to the applicant a retail handgun
 31 dealer's license, which is valid for six (6) years after the date the
 32 license is issued; and

33 (3) the officer to whom the application was made shall forward
 34 the fee for the license to the superintendent for deposit with the
 35 treasurer of state when the application is approved by the
 36 superintendent.

37 (e) In the event that an application is disapproved by the
 38 superintendent, the fee deposited by the applicant under subsection (c)
 39 or (d) shall be returned to the applicant along with the complete
 40 reasons, in writing, for the disapproval.

41 (f) No retail dealer's license shall be issued to any person who has
 42 been:

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1 (1) convicted of a felony; or
 2 (2) adjudicated a delinquent child for an act that would be a
 3 felony if committed by an adult, if the person applying for the
 4 retail dealer's license is less than twenty-three (23) years of age;
 5 in Indiana or any other state or country.

6 (g) A retail dealer's license shall permit the licensee to sell handguns
 7 at retail within this state subject to the conditions specified in this
 8 chapter. The license may be suspended or revoked in accordance with
 9 applicable law, and the licensee may be subject to punishment as
 10 provided in this chapter.

11 **(h) A person who knowingly or intentionally violates this section**
 12 **commits a Class B misdemeanor.**

13 SECTION 571. IC 35-47-2-16 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A retail dealer's
 15 business shall be carried on only in the site designated in the license.
 16 A separate license shall be required for each separate retail outlet.
 17 Whenever a licensed dealer moves ~~his~~ **the dealer's** place of business,
 18 ~~he~~ **the dealer** shall promptly notify the superintendent, who shall at
 19 once issue an amended license certificate valid for the balance of the
 20 license period. This subsection does not apply to sales at wholesale.

21 (b) The license, certified by the issuing authority, shall be displayed
 22 on the business premises in a prominent place where it can be seen
 23 easily by prospective customers.

24 (c) No handgun shall be sold:

- 25 (1) in violation of any provision of this chapter; or
 26 (2) under any circumstances unless the purchaser is personally
 27 known to the seller or presents clear evidence of ~~his~~ **the**
 28 **purchaser's** identity.

29 (d) Notwithstanding subsection (a), a retail dealer may display, sell,
 30 or transfer handguns at a gun show in accordance with this chapter and
 31 federal law.

32 **(e) A person who knowingly or intentionally violates this section**
 33 **commits a Class B misdemeanor.**

34 SECTION 572. IC 35-47-2-17, AS AMENDED BY P.L.60-2011,
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2014]: Sec. 17. **(a)** No person, in purchasing or otherwise
 37 securing delivery of a firearm or in applying for a license to carry a
 38 handgun, shall knowingly or intentionally:

- 39 (1) give false information on a form required to:
 40 (A) purchase or secure delivery of a firearm; or
 41 (B) apply for a license to carry a handgun; or
 42 (2) offer false evidence of identity.

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1 In addition to any penalty provided by this chapter, any firearm
 2 obtained through false information shall be subject to confiscation and
 3 disposition as provided in this chapter. Upon notice of a violation of
 4 this section by the superintendent, it shall be the duty of the sheriff or
 5 chief of police or corresponding officer of the jurisdiction in which the
 6 purchaser resides to confiscate the firearm and retain it as evidence
 7 pending trial for the offense.

8 **(b) A person who knowingly or intentionally violates this section**
 9 **commits a Level 5 felony.**

10 SECTION 573. IC 35-47-2-18 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. **(a)** No person shall:

12 (1) change, alter, remove, or obliterate the name of the maker,
 13 model, manufacturer's serial number, or other mark of
 14 identification on any handgun; or

15 (2) possess any handgun on which the name of the maker, model,
 16 manufacturer's serial number, or other mark of identification has
 17 been changed, altered, removed, or obliterated;

18 except as provided by applicable United States statute.

19 **(b) A person who knowingly or intentionally violates this section**
 20 **commits a Level 5 felony.**

21 SECTION 574. IC 35-47-2-22 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. **(a)** It is unlawful
 23 for any person to use, or to attempt to use, a false, counterfeit, spurious,
 24 or altered handgun-carrying license to obtain a handgun contrary to the
 25 provisions of this chapter.

26 **(b) A person who knowingly or intentionally violates this section**
 27 **commits a Level 6 felony.**

28 SECTION 575. IC 35-47-2-23 IS REPEALED [EFFECTIVE JULY
 29 1, 2014]. Sec. 23. **(a)** A person who violates section 3, 4, 5, 14, 15, or
 30 16 of this chapter commits a Class B misdemeanor.

31 **(b)** A person who violates section 7, 17, or 18 of this chapter
 32 commits a Class C felony.

33 **(c)** A person who violates section 1 of this chapter commits a Class
 34 A misdemeanor. However, the offense is a Class C felony:

35 (1) if the offense is committed:

36 (A) on or in school property;

37 (B) within one thousand (1,000) feet of school property; or

38 (C) on a school bus; or

39 (2) if the person:

40 (A) has a prior conviction of any offense under:

41 (i) this subsection; or

42 (ii) subsection (d); or

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- 1 (B) has been convicted of a felony within fifteen (15) years
 2 before the date of the offense.
- 3 (d) A person who violates section 22 of this chapter commits a Class
 4 A misdemeanor. However, the offense is a Class D felony if the person
 5 has a prior conviction of any offense under this subsection or
 6 subsection (c); or if the person has been convicted of a felony within
 7 fifteen (15) years before the date of the offense.
- 8 SECTION 576. IC 35-47-2.5-12, AS AMENDED BY P.L.155-2007,
 9 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2014]: Sec. 12. A person who knowingly or intentionally
 11 makes a materially false statement on Form 4473 completed under
 12 section 3 of this chapter commits a ~~Class D~~ **Level 6** felony.
- 13 SECTION 577. IC 35-47-2.5-14 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) This section
 15 does not apply to a person who provides a handgun to the following:
- 16 (1) A child who is attending a hunters safety course or a firearms
 17 safety course or an adult who is supervising the child during the
 18 course.
- 19 (2) A child engaging in practice in using a firearm for target
 20 shooting at an established range or in an area where the discharge
 21 of a firearm is not prohibited or is supervised by:
- 22 (A) a qualified firearms instructor; or
 23 (B) an adult who is supervising the child while the child is at
 24 the range.
- 25 (3) A child engaging in an organized competition involving the
 26 use of a firearm or participating in or practicing for a performance
 27 by an organized group under Section 501(c)(3) of the Internal
 28 Revenue Code that uses firearms as a part of a performance or an
 29 adult who is involved in the competition or performance.
- 30 (4) A child who is hunting or trapping under a valid license issued
 31 to the child under IC 14-22.
- 32 (5) A child who is traveling with an unloaded firearm to or from
 33 an activity described in this section.
- 34 (6) A child who:
- 35 (A) is on real property that is under the control of the child's
 36 parent, an adult family member of the child, or the child's legal
 37 guardian; and
 38 (B) has permission from the child's parent or legal guardian to
 39 possess a firearm.
- 40 (b) A person who purchases a handgun with the intent to:
- 41 (1) resell or otherwise provide the handgun to another person who
 42 the person knows or has reason to believe is ineligible for any

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1 reason to purchase or otherwise receive from a dealer a handgun;
 2 or
 3 (2) transport the handgun out of the state to be resold or otherwise
 4 provided to another person who the transferor knows is ineligible
 5 to purchase or otherwise receive a firearm;
 6 commits a ~~Class D~~ **Level 6** felony.

7 (c) If the violation of this section involves a transfer of more than
 8 one (1) handgun, the offense is a ~~Class E~~ **Level 5** felony.

9 SECTION 578. IC 35-47-2.5-15 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A person who
 11 is ineligible to purchase or otherwise receive or possess a handgun in
 12 Indiana who knowingly or intentionally solicits, employs, or assists any
 13 person in violating section 14 of this chapter commits a ~~Class D~~ **Level**
 14 **6** felony.

15 (b) If the violation involves a transfer of more than one (1) handgun,
 16 the offense is a ~~Class E~~ **Level 5** felony.

17 SECTION 579. IC 35-47-3-4 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who
 19 knowingly or intentionally:

20 (1) delivers a confiscated firearm to a person convicted of a
 21 felony:

22 (A) involving use of a firearm; and
 23 (B) which is the basis of the confiscation;

24 (2) delivers a confiscated firearm to another with knowledge that
 25 there is a rightful owner to whom the firearm must be returned; or
 26 (3) fails to deliver a confiscated firearm to the sheriff's
 27 department, a city or town police force, the state police
 28 department laboratory or a forensic laboratory under this chapter,
 29 the state under IC 14-22-39-6, or for disposition after a
 30 determination that the rightful owner of the firearm cannot be
 31 ascertained or is no longer entitled to possess the confiscated
 32 firearm;

33 commits a ~~Class D~~ **Level 6** felony.

34 SECTION 580. IC 35-47-4-3 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) This section does
 36 not apply to a law enforcement officer who is acting within the scope
 37 of the law enforcement officer's official duties or to a person who is
 38 justified in using reasonable force against another person under:

39 (1) IC 35-41-3-2; or
 40 (2) IC 35-41-3-3.

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1 (b) A person who knowingly or intentionally points a firearm at
 2 another person commits a ~~Class D~~ **Level 6** felony. However, the
 3 offense is a Class A misdemeanor if the firearm was not loaded.

4 SECTION 581. IC 35-47-4-5, AS AMENDED BY P.L.126-2012,
 5 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2014]: Sec. 5. (a) As used in this section, "serious violent
 7 felon" means a person who has been convicted of:

8 (1) committing a serious violent felony in:

9 (A) Indiana; or

10 (B) any other jurisdiction in which the elements of the crime
 11 for which the conviction was entered are substantially similar
 12 to the elements of a serious violent felony; or

13 (2) attempting to commit or conspiring to commit a serious
 14 violent felony in:

15 (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2;
 16 or

17 (B) any other jurisdiction in which the elements of the crime
 18 for which the conviction was entered are substantially similar
 19 to the elements of attempting to commit or conspiring to
 20 commit a serious violent felony.

21 (b) As used in this section, "serious violent felony" means:

22 (1) murder (IC 35-42-1-1);

23 (2) voluntary manslaughter (IC 35-42-1-3);

24 (3) reckless homicide not committed by means of a vehicle
 25 (IC 35-42-1-5);

26 (4) battery (**IC 35-42-2-1**) as a:

27 (A) Class A felony, (~~IC 35-42-2-1(a)(5)~~); **Class B felony, or**
 28 **Class C felony, for a crime committed before July 1, 2014;**
 29 **or**

30 (B) ~~Class B felony (IC 35-42-2-1(a)(4))~~; **or Level 2 felony,**
 31 **Level 3 felony, Level 4 felony, or Level 5 felony, for a crime**
 32 **committed after June 30, 2014;**

33 (~~C~~) ~~Class C felony (IC 35-42-2-1(a)(3))~~;

34 (5) aggravated battery (IC 35-42-2-1.5);

35 (6) kidnapping (IC 35-42-3-2);

36 (7) criminal confinement (IC 35-42-3-3);

37 (8) rape (IC 35-42-4-1);

38 (9) criminal deviate conduct (IC 35-42-4-2) (**repealed**);

39 (10) child molesting (IC 35-42-4-3);

40 (11) sexual battery (**IC 35-42-4-8**) as a:

41 (A) Class C felony, (~~IC 35-42-4-8~~); **for a crime committed**
 42 **before July 1, 2014; or**

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- 1 **(B) Level 5 felony, for a crime committed after June 30,**
 2 **2014;**
 3 (12) robbery (IC 35-42-5-1);
 4 (13) carjacking (IC 5-42-5-2) **(repealed);**
 5 (14) arson **(IC 35-43-1-1(a))** as a:
 6 **(A) Class A felony or Class B felony, (~~IC 35-43-1-1(a)~~); for a**
 7 **crime committed before July 1, 2014; or**
 8 **(B) Level 2 felony, Level 3 felony, or Level 4 felony, for a**
 9 **crime committed after June 30, 2014;**
 10 (15) burglary **(IC 35-43-2-1)** as a:
 11 **(A) Class A felony or Class B felony, (~~IC 35-43-2-1~~); for a**
 12 **crime committed before July 1, 2014; or**
 13 **(B) Level 1 felony, Level 2 felony, Level 3 felony, or Level**
 14 **4 felony, for a crime committed after June 30, 2014;**
 15 (16) assisting a criminal **(IC 35-44.1-2-5)** as a:
 16 **(A) Class C felony, (~~IC 35-44.1-2-5~~); for a crime committed**
 17 **before July 1, 2014; or**
 18 **(B) Level 5 felony, for a crime committed after June 30,**
 19 **2014;**
 20 (17) resisting law enforcement **(IC 35-44.1-3-1)** as a:
 21 **(A) Class B felony or Class C felony, (~~IC 35-44.1-3-1~~); for a**
 22 **crime committed before July 1, 2014; or**
 23 **(B) Level 2 felony, Level 3 felony, or Level 5 felony, for a**
 24 **crime committed after June 30, 2014;**
 25 (18) escape **(IC 35-44.1-3-4)** as a:
 26 **(A) Class B felony or Class C felony, (~~IC 35-44.1-3-4~~); for a**
 27 **crime committed before July 1, 2014; or**
 28 **(B) Level 4 felony or Level 5 felony, for a crime committed**
 29 **after June 30, 2014;**
 30 (19) trafficking with an inmate **(IC 35-44.1-3-5)** as a:
 31 **(A) Class C felony, (~~IC 35-44.1-3-5~~); for a crime committed**
 32 **before July 1, 2014; or**
 33 **(B) Level 5 felony, for a crime committed after June 30,**
 34 **2014;**
 35 (20) criminal gang intimidation (IC 35-45-9-4);
 36 (21) stalking **(IC 35-45-10-5)** as a:
 37 **(A) Class B felony or Class C felony, (~~IC 35-45-10-5~~); for a**
 38 **crime committed before July 1, 2014; or**
 39 **(B) Level 4 felony or Level 5 felony, for a crime committed**
 40 **after June 30, 2014;**
 41 (22) incest (IC 35-46-1-3);

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- 1 (23) dealing in or manufacturing cocaine or a narcotic drug
 2 (IC 35-48-4-1);
 3 (24) dealing in methamphetamine (IC 35-48-4-1.1);
 4 (25) dealing in a schedule I, II, or III controlled substance
 5 (IC 35-48-4-2);
 6 (26) dealing in a schedule IV controlled substance (IC 35-48-4-3);
 7 or
 8 (27) dealing in a schedule V controlled substance (IC 35-48-4-4).

9 (c) A serious violent felon who knowingly or intentionally possesses
 10 a firearm commits unlawful possession of a firearm by a serious violent
 11 felon, a **Class B Level 4** felony.

12 SECTION 582. IC 35-47-5-2.5, AS AMENDED BY P.L.114-2012,
 13 SECTION 140, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) As used in this section,
 15 "knife" means an instrument that:

- 16 (1) consists of a sharp edged or sharp pointed blade capable of
 17 inflicting cutting, stabbing, or tearing wounds; and
 18 (2) is intended to be used as a weapon.

19 (b) The term includes a dagger, dirk, poniard, stiletto, switchblade
 20 knife, or gravity knife.

21 (c) A person who recklessly, knowingly, or intentionally possesses
 22 a knife on:

- 23 (1) school property (as defined in IC 35-31.5-2-285);
 24 (2) a school bus (as defined in IC 20-27-2-8); or
 25 (3) a special purpose bus (as defined in IC 20-27-2-10);

26 commits a Class B misdemeanor. However, the offense is a Class A
 27 misdemeanor if the person has a previous unrelated conviction under
 28 this section and a **Class D Level 6** felony if the offense results in bodily
 29 injury or serious bodily injury to another person.

30 (d) This section does not apply to a person who possesses a knife:

- 31 (1) if:
 32 (A) the knife is provided to the person by the school
 33 corporation or possession of the knife is authorized by the
 34 school corporation; and
 35 (B) the person uses the knife for a purpose authorized by the
 36 school corporation; or
 37 (2) if the knife is secured in a motor vehicle.

38 SECTION 583. IC 35-47-5-4.1 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.1. (a) A person who:

- 40 (1) manufactures;
 41 (2) causes to be manufactured;
 42 (3) imports into Indiana;

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1 (4) keeps for sale;
 2 (5) offers or exposes for sale; or
 3 (6) gives, lends, or possesses;
 4 any sawed-off shotgun commits dealing in a sawed-off shotgun, a ~~Class~~
 5 ~~D~~ **Level 6** felony.

6 (b) The presence of a weapon referred to in subsection (a) in a
 7 motor vehicle (as defined under IC 9-13-2-105(a)) except for school
 8 buses and a vehicle operated in the transportation of passengers by a
 9 common carrier (as defined in IC 8-2.1-17-4) creates an inference that
 10 the weapon is in the possession of the persons occupying the motor
 11 vehicle. However, the inference does not apply to all the persons
 12 occupying the motor vehicle if the weapon is found upon, or under the
 13 control of, one (1) of the occupants. In addition, the inference does not
 14 apply to a duly licensed driver of a motor vehicle for hire who finds the
 15 weapon in the licensed driver's motor vehicle in the proper pursuit of
 16 the licensed driver's trade.

17 (c) This section does not apply to a law enforcement officer who is
 18 acting in the course of the officer's official duties or to a person who
 19 manufactures or imports for sale or sells a sawed-off shotgun to a law
 20 enforcement agency.

21 SECTION 584. IC 35-47-5-8 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. A person who
 23 **knowingly or intentionally** owns or possesses a machine gun commits
 24 a ~~Class C~~ **Level 5** felony.

25 SECTION 585. IC 35-47-5-9 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. A person who
 27 **knowingly or intentionally** operates a loaded machine gun commits
 28 a ~~Class B~~ **Level 4** felony.

29 SECTION 586. IC 35-47-5-11 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) As used in this
 31 section, "armor-piercing handgun ammunition" means a cartridge that:

- 32 (1) can be fired in a handgun; and
 33 (2) will, upon firing, expel a projectile that has a metal core and
 34 an outer coating of plastic.

35 (b) A person who knowingly or intentionally:

- 36 (1) manufactures;
 37 (2) possesses;
 38 (3) transfers possession of; or
 39 (4) offers to transfer possession of;

40 armor-piercing handgun ammunition commits a ~~Class C~~ **Level 5**
 41 felony.

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1 (c) This section does not apply to nylon coated ammunition, plastic
2 shot capsules, or ammunition designed to be used in rifles or shotguns.

3 (d) This section does not apply to a law enforcement officer who is
4 acting in the course of the officer's official duties or to a person who
5 manufactures or imports for sale or sells armor-piercing handgun
6 ammunition to a law enforcement agency.

7 SECTION 587. IC 35-47-5-13 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) As used in this
9 section, "body armor" means bullet resistant metal or other material
10 worn by a person to provide protection from weapons or bodily injury.

11 (b) A person who knowingly or intentionally uses body armor while
12 committing a felony commits unlawful use of body armor, a ~~Class D~~
13 **Level 6** felony.

14 SECTION 588. IC 35-47-6-1 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who
16 **knowingly or intentionally** boards a commercial or charter aircraft
17 having in ~~his~~ **the person's** possession:

- 18 (1) a firearm;
19 (2) an explosive; or
20 (3) any other deadly weapon;
21 commits a ~~Class E~~ **Level 5** felony.

22 (b) **However, the offense is a Level 4 felony if the person**
23 **committed the offense with the intent to:**

- 24 (1) **disrupt the operation of the aircraft; or**
25 (2) **cause harm to another person.**

26 SECTION 589. IC 35-47-6-1.6 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.6. (a) A person who
28 knowingly or intentionally uses force or violence or the threat of force
29 or violence to disrupt the operation of an aircraft commits a ~~Class B~~
30 **Level 4** felony.

31 (b) A person who knowingly or intentionally uses force or violence
32 or the threat of force or violence to hijack an aircraft in flight commits
33 a ~~Class A~~ **Level 2** felony.

34 (c) For purposes of this section, an aircraft is considered to be in
35 flight while the aircraft is:

- 36 (1) on the ground in Indiana:
37 (A) after the doors of the aircraft are closed for takeoff; and
38 (B) until the aircraft takes off;
39 (2) in the airspace above Indiana; or
40 (3) on the ground in Indiana:
41 (A) after the aircraft lands; and
42 (B) before the doors of the aircraft are opened after landing.

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1 SECTION 590. IC 35-47-8-5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person
 3 eighteen (18) years of age or over may purchase or possess a stun gun.

4 (b) A person who **knowingly or intentionally** sells or furnishes a
 5 stun gun to a person who is less than eighteen (18) years of age
 6 commits a Class B misdemeanor.

7 (c) A person who **knowingly or intentionally** uses a stun gun in the
 8 commission of a crime commits a Class A misdemeanor.

9 (d) A person who **knowingly or intentionally** uses a stun gun on a
 10 law enforcement officer while the officer is performing the officer's
 11 duties commits a ~~Class D~~ **Level 6** felony.

12 SECTION 591. IC 35-47-9-2 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who
 14 **knowingly or intentionally** possesses a firearm:

15 (1) in or on school property;

16 (2) in or on property that is being used by a school for a school
 17 function; or

18 (3) on a school bus;

19 commits a ~~Class D~~ **Level 6** felony.

20 SECTION 592. IC 35-47-10-5 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A child who
 22 knowingly, intentionally, or recklessly:

23 (1) possesses a firearm for any purpose other than a purpose
 24 described in section 1 of this chapter; or

25 (2) provides a firearm to another child with or without
 26 remuneration for any purpose other than a purpose described in
 27 section 1 of this chapter;

28 commits dangerous possession of a firearm, a Class A misdemeanor.
 29 However, the offense is a ~~Class E~~ **Level 5** felony if the child has a prior
 30 conviction under this section **or has been adjudicated a delinquent**
 31 **for an act that would be an offense under this section if committed**
 32 **by an adult.**

33 SECTION 593. IC 35-47-10-6 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. An adult who
 35 knowingly, intentionally, or recklessly provides a firearm to a child for
 36 any purpose other than those described in section 1 of this chapter, with
 37 or without remuneration, commits dangerous control of a firearm, a
 38 ~~Class E~~ **Level 5** felony. However, the offense is a ~~Class B~~ **Level 4**
 39 felony if the adult has a prior conviction under this section.

40 SECTION 594. IC 35-47-10-7 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A child's parent or

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1 legal guardian who knowingly, intentionally, or recklessly permits the
2 child to possess a firearm:

3 (1) while:

4 (A) aware of a substantial risk that the child will use the
5 firearm to commit a felony; and

6 (B) failing to make reasonable efforts to prevent the use of a
7 firearm by the child to commit a felony; or

8 (2) when the child has been convicted of a crime of violence or
9 has been adjudicated as a juvenile for an offense that would
10 constitute a crime of violence if the child were an adult;

11 commits dangerous control of a child, a ~~Class C~~ **Level 5** felony.
12 However, the offense is a ~~Class B~~ **Level 4** felony if the child's parent
13 or legal guardian has a prior conviction under this section.

14 SECTION 595. IC 35-47-12-1 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who
16 knowingly or intentionally:

17 (1) possesses;

18 (2) manufactures;

19 (3) places;

20 (4) disseminates; or

21 (5) detonates;

22 a weapon of mass destruction with the intent to carry out terrorism
23 commits a ~~Class B~~ **Level 3** felony. However, the offense is a ~~Class A~~
24 **Level 2** felony if the conduct results in serious bodily injury or death
25 of any person.

26 SECTION 596. IC 35-47-12-2 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who
28 knowingly or intentionally:

29 (1) possesses;

30 (2) manufactures;

31 (3) places;

32 (4) disseminates; or

33 (5) detonates;

34 a weapon of mass destruction with the intent to damage, destroy,
35 sicken, or kill crops or livestock of another person without the consent
36 of the other person commits agricultural terrorism, a ~~Class C~~ **Level 5**
37 felony.

38 SECTION 597. IC 35-47-12-3, AS AMENDED BY P.L.114-2012,
39 SECTION 142, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who knowingly or
41 intentionally places or disseminates a device or substance with the
42 intent to cause a reasonable person to believe that the device or

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1 substance is a weapon of mass destruction (as defined in
2 IC 35-31.5-2-354) commits terroristic mischief, a ~~Class C~~ **Level 5**
3 felony. However, the offense is a ~~Class B~~ **Level 4** felony if, as a result
4 of the terroristic mischief:

- 5 (1) a physician prescribes diagnostic testing or medical treatment
6 for any person other than the person who committed the terroristic
7 mischief; or
8 (2) a person suffers serious bodily injury.

9 SECTION 598. IC 35-47.5-5-2 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who
11 knowingly or intentionally:

- 12 (1) possesses;
13 (2) manufactures;
14 (3) transports;
15 (4) distributes;
16 (5) possesses with the intent to distribute; or
17 (6) offers to distribute;

18 a destructive device, unless authorized by law, commits a ~~Class C~~
19 **Level 5** felony.

20 SECTION 599. IC 35-47.5-5-3 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who has
22 been convicted of a felony by an Indiana court or a court of any other
23 state, the United States, or another country and knowingly or
24 intentionally:

- 25 (1) possesses;
26 (2) manufactures;
27 (3) transports;
28 (4) distributes;
29 (5) possesses with the intent to distribute; or
30 (6) offers to distribute;

31 a regulated explosive commits a ~~Class C~~ **Level 5** felony. However, the
32 offense is a ~~Class B~~ **Level 4** felony if the person has a prior unrelated
33 conviction for an offense under this section.

34 SECTION 600. IC 35-47.5-5-4 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who
36 knowingly or intentionally distributes a regulated explosive to a person
37 who has been convicted of a felony by an Indiana court or a court of
38 another state, the United States, or another country commits a ~~Class C~~
39 **Level 5** felony.

40 SECTION 601. IC 35-47.5-5-5 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A person who
42 knowingly or intentionally distributes or offers to distribute:

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1 (1) a destructive device;
 2 (2) an explosive; or
 3 (3) a detonator;
 4 to a person who is less than eighteen (18) years of age commits a ~~Class~~
 5 **B Level 4** felony.

6 SECTION 602. IC 35-47.5-5-6 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. A person who:

- 8 (1) manufactures;
 9 (2) possesses;
 10 (3) transports;
 11 (4) distributes; or
 12 (5) uses;

13 a hoax device or replica with the intent to cause another to believe that
 14 the hoax device or replica is a destructive device or detonator commits
 15 a ~~Class D~~ **Level 6** felony.

16 SECTION 603. IC 35-47.5-5-7 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A person who
 18 knowingly or intentionally hinders or obstructs:

- 19 (1) a law enforcement officer;
 20 (2) a fire official;
 21 (3) an emergency management official;
 22 (4) an animal trained to detect destructive devices; or
 23 (5) a robot or mechanical device designed or used by a law
 24 enforcement officer, fire official, or emergency management
 25 official;

26 of Indiana or of the United States in the detection, disarming, or
 27 destruction of a destructive device commits a ~~Class B~~ **Level 4** felony.

28 SECTION 604. IC 35-47.5-5-8 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. A person who:

- 30 (1) possesses;
 31 (2) transports;
 32 (3) receives;
 33 (4) places; or
 34 (5) detonates;

35 a destructive device or explosive with the knowledge or intent that it
 36 will be used to kill, injure, or intimidate an individual or to destroy
 37 property commits a ~~Class A~~ **Level 2** felony.

38 SECTION 605. IC 35-47.5-5-9 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. A person who
 40 knowingly or intentionally uses an overpressure device commits a
 41 Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6**

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1 felony if the person has a prior unrelated conviction for an offense
2 under this section.

3 SECTION 606. IC 35-47.5-5-10 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A person who
5 knowingly or intentionally deploys a booby trap commits a ~~Class D~~
6 **Level 6** felony.

7 SECTION 607. IC 35-47.5-5-11 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. A person who
9 recklessly violates a rule regarding the use of a regulated explosive
10 adopted by the commission under IC 35-47.5-4-4.5 commits a Class A
11 misdemeanor. However, the offense is:

12 (1) a ~~Class D~~ **Level 6** felony if the violation of the rule
13 proximately causes bodily injury; ~~or and~~

14 (2) a **Level 5** felony if the violation of the rule proximately
15 causes death.

16 SECTION 608. IC 35-48-1-16.4 IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2014]: **Sec. 16.4. "Drug offense" means a**
19 **felony or misdemeanor involving the production, delivery, sale, or**
20 **possession of a controlled substance.**

21 SECTION 609. IC 35-48-1-16.5 IS ADDED TO THE INDIANA
22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2014]: **Sec. 16.5. "Enhancing circumstance",**
24 **for purposes of this article, means one (1) or more of the following:**

25 (1) **The person has a prior conviction for dealing in a**
26 **controlled substance that is not marijuana, hashish, hash oil,**
27 **salvia divinorum, or a synthetic drug.**

28 (2) **The person committed the offense while in possession of a**
29 **firearm.**

30 (3) **The person committed the offense:**

31 (A) **on a school bus; or**

32 (B) **in, on, or within five hundred (500) feet of:**

33 (i) **school property while a person under eighteen (18)**
34 **years of age was reasonably expected to be present; or**

35 (ii) **a public park while a person under eighteen (18)**
36 **years of age was reasonably expected to be present.**

37 (4) **The person delivered or financed the delivery of the drug**
38 **to a person under eighteen (18) years of age at least three (3)**
39 **years junior to the person.**

40 (5) **The person manufactured or financed the manufacture of**
41 **the drug.**

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1 SECTION 610. IC 35-48-1-18 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. "Manufacture"
 3 means **the following:**

4 **(1) For offenses not involving marijuana, hashish, or hash oil:**

5 ~~(1)~~ **(A)** the production, preparation, propagation,
 6 compounding, conversion, or processing of a controlled
 7 substance, either directly or indirectly by extraction from
 8 substances of natural origin, independently by means of
 9 chemical synthesis, or by a combination of extraction and
 10 chemical synthesis, and includes any packaging or
 11 repackaging of the substance or labeling or relabeling of its
 12 container. It does not include the preparation, compounding,
 13 packaging, or labeling of a controlled substance:

14 ~~(A)~~ **(i)** by a practitioner as an incident to ~~his~~ administering
 15 or dispensing of a controlled substance in the course of ~~his~~
 16 a professional practice; or

17 ~~(B)~~ **(ii)** by a practitioner, or by ~~his~~ **the practitioner's**
 18 authorized agent under ~~his~~ **the practitioner's** supervision,
 19 for the purpose of, or as an incident to, research, teaching, or
 20 chemical analysis and not for sale; or

21 ~~(2)~~ **(B)** the organizing or supervising of an activity described
 22 in ~~subdivision (1)~~ **clause (A)**.

23 **(2) For offenses involving marijuana, hashish, or hash oil:**

24 **(A)** the preparation, compounding, conversion, or
 25 processing of marijuana, hashish, or hash oil, either
 26 directly or indirectly by extraction from substances of
 27 natural origin, independently by means of chemical
 28 synthesis, or by a combination of extraction and chemical
 29 synthesis, and includes any packaging or repackaging of
 30 the marijuana, hashish, or hash oil, or labeling or
 31 relabeling of its container. It does not include planting,
 32 growing, cultivating, or harvesting a plant, or the
 33 preparation, compounding, packaging, or labeling of
 34 marijuana, hashish, or hash oil:

35 **(i)** by a practitioner as an incident to lawfully
 36 administering or dispensing of marijuana, hashish, or
 37 hash oil in the course of a professional practice; or

38 **(ii)** by a practitioner, or by the practitioner's authorized
 39 agent under the practitioner's supervision, for the
 40 purpose of, or as an incident to, research, teaching, or
 41 chemical analysis and not for sale; or

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- 1 **(B) the organizing or supervising of an activity described**
 2 **in clause (A).**
- 3 SECTION 611. IC 35-48-1-26.5 IS ADDED TO THE INDIANA
 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2014]: **Sec. 26.5. "Sale to a minor" means**
 6 **delivery or financing the delivery of a drug to a person less than**
 7 **eighteen (18) years of age and at least three (3) years junior to the**
 8 **person making the delivery or financing.**
- 9 SECTION 612. IC 35-48-4-1, AS AMENDED BY P.L.151-2006,
 10 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2014]: Sec. 1. (a) A person who:
 12 (1) knowingly or intentionally:
 13 (A) manufactures;
 14 (B) finances the manufacture of;
 15 (C) delivers; or
 16 (D) finances the delivery of;
 17 cocaine or a narcotic drug, pure or adulterated, classified in
 18 schedule I or II; or
 19 (2) possesses, with intent to:
 20 (A) manufacture;
 21 (B) finance the manufacture of;
 22 (C) deliver; or
 23 (D) finance the delivery of;
 24 cocaine or a narcotic drug, pure or adulterated, classified in
 25 schedule I or II;
 26 commits dealing in cocaine or a narcotic drug, a **Class B Level 5**
 27 **felony**, except as provided in ~~subsection~~ **subsections (b) through (d).**
 28 **(b) The offense is a Class A felony if:**
 29 **(1) the amount of the drug involved weighs three (3) grams or**
 30 **more;**
 31 **(2) the person:**
 32 **(A) delivered; or**
 33 **(B) financed the delivery of;**
 34 **the drug to a person under eighteen (18) years of age at least three**
 35 **(3) years junior to the person; or**
 36 **(3) the person manufactured, delivered, or financed the delivery**
 37 **of the drug:**
 38 **(A) on a school bus; or**
 39 **(B) in, on, or within one thousand (1,000) feet of:**
 40 **(i) school property;**
 41 **(ii) a public park;**
 42 **(iii) a family housing complex; or**

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- 1 (iv) a youth program center.
- 2 (b) The offense is a Level 4 felony if:
- 3 (1) the amount of the drug involved is at least three (3) but
- 4 less than ten (10) grams; or
- 5 (2) the amount of the drug involved is less than three (3)
- 6 grams and an enhancing circumstance applies.
- 7 (c) The offense is a Level 3 felony if:
- 8 (1) the amount of the drug involved is at least ten (10) but less
- 9 than twenty-eight (28) grams; or
- 10 (2) the amount of the drug involved is at least three (3) but
- 11 less than ten (10) grams and an enhancing circumstance
- 12 applies.
- 13 (d) The offense is a Level 2 felony if:
- 14 (1) the amount of the drug involved is at least twenty-eight
- 15 (28) grams; or
- 16 (2) the amount of the drug involved is at least ten (10) but less
- 17 than twenty-eight (28) grams and an enhancing circumstance
- 18 applies.
- 19 SECTION 613. IC 35-48-4-1.1, AS ADDED BY P.L.151-2006,
- 20 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2014]: Sec. 1.1. (a) A person who:
- 22 (1) knowingly or intentionally:
- 23 (A) manufactures;
- 24 (B) finances the manufacture of;
- 25 (C) delivers; or
- 26 (D) finances the delivery of;
- 27 methamphetamine, pure or adulterated; or
- 28 (2) possesses, with intent to:
- 29 (A) manufacture;
- 30 (B) finance the manufacture of;
- 31 (C) deliver; or
- 32 (D) finance the delivery of;
- 33 methamphetamine, pure or adulterated;
- 34 commits dealing in methamphetamine, a **Class B Level 5** felony,
- 35 except as provided in ~~subsection~~ **subsections (b) through (d)**.
- 36 (b) The offense is a **Class A** felony if:
- 37 (1) the amount of the drug involved weighs three (3) grams or
- 38 more;
- 39 (2) the person:
- 40 (A) delivered; or
- 41 (B) financed the delivery of;

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- 1 the drug to a person under eighteen (18) years of age at least three
 2 (3) years junior to the person; or
 3 (3) the person manufactured, delivered, or financed the delivery
 4 of the drug:
- 5 (A) on a school bus; or
 6 (B) in, on, or within one thousand (1,000) feet of:
- 7 (i) school property;
 8 (ii) a public park;
 9 (iii) a family housing complex; or
 10 (iv) a youth program center.
- 11 **(b) The offense is a Level 4 felony if:**
- 12 **(1) the amount of the drug involved is at least three (3) but**
 13 **less than ten (10) grams; or**
 14 **(2) the amount of the drug involved is less than three (3)**
 15 **grams and an enhancing circumstance applies.**
- 16 **(c) The offense is a Level 3 felony if:**
- 17 **(1) the amount of the drug involved is at least ten (10) but less**
 18 **than twenty-eight (28) grams; or**
 19 **(2) the amount of the drug involved is at least three (3) but**
 20 **less than ten (10) grams and an enhancing circumstance**
 21 **applies.**
- 22 **(d) The offense is a Level 2 felony if:**
- 23 **(1) the amount of the drug involved is at least twenty-eight**
 24 **(28) grams;**
 25 **(2) the amount of the drug involved is at least ten (10) but less**
 26 **than twenty-eight (28) grams and an enhancing circumstance**
 27 **applies; or**
 28 **(3) the person is manufacturing the drug and the manufacture**
 29 **results in an explosion causing serious bodily injury to a**
 30 **person other than the manufacturer.**
- 31 SECTION 614. IC 35-48-4-2, AS AMENDED BY P.L.182-2011,
 32 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2014]: Sec. 2. (a) A person who:
- 34 (1) knowingly or intentionally:
- 35 (A) manufactures;
 36 (B) finances the manufacture of;
 37 (C) delivers; or
 38 (D) finances the delivery of;
 39 a controlled substance, pure or adulterated, classified in schedule
 40 I, II, or III, except marijuana, hash oil, hashish, salvia, or a
 41 synthetic cannabinoid; or
 42 (2) possesses, with intent to:

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- 1 (A) manufacture;
 2 (B) finance the manufacture of;
 3 (C) deliver; or
 4 (D) finance the delivery of;
 5 a controlled substance, pure or adulterated, classified in schedule
 6 I, II, or III, except marijuana, hash oil, hashish, salvia, or a
 7 synthetic cannabinoid;
 8 commits dealing in a schedule I, II, or III controlled substance, a **Class**
 9 **B Level 5** felony, except as provided in **subsection subsections (b)**
 10 **through (d).**
 11 (b) The offense is a **Class A** felony if:
 12 (1) the person:
 13 (A) delivered; or
 14 (B) financed the delivery of;
 15 the substance to a person under eighteen (18) years of age at least
 16 three (3) years junior to the person; or
 17 (2) the person delivered or financed the delivery of the substance:
 18 (A) on a school bus; or
 19 (B) in, on, or within one thousand (1,000) feet of:
 20 (i) school property;
 21 (ii) a public park;
 22 (iii) a family housing complex; or
 23 (iv) a youth program center.
 24 (b) The offense is a **Level 4** felony if:
 25 (1) the amount of the drug involved is at least three (3) but
 26 less than ten (10) grams; or
 27 (2) the amount of the drug involved is less than three (3)
 28 grams and an enhancing circumstance applies.
 29 (c) The offense is a **Level 3** felony if:
 30 (1) the amount of the drug involved is at least ten (10) but less
 31 than twenty-eight (28) grams; or
 32 (2) the amount of the drug involved is at least three (3) but
 33 less than ten (10) grams and an enhancing circumstance
 34 applies.
 35 (d) The offense is a **Level 2** felony if:
 36 (1) the amount of the drug involved is at least twenty-eight
 37 (28) grams; or
 38 (2) the amount of the drug involved is at least ten (10) but less
 39 than twenty-eight (28) grams and an enhancing circumstance
 40 applies.

41 SECTION 615. IC 35-48-4-3 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who:

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- 1 (1) knowingly or intentionally:
 2 (A) manufactures;
 3 (B) finances the manufacture of;
 4 (C) delivers; or
 5 (D) finances the delivery of;
 6 a controlled substance, pure or adulterated, classified in schedule
 7 IV; or
 8 (2) possesses, with intent to manufacture or deliver, a controlled
 9 substance, pure or adulterated, classified in schedule IV;
 10 commits dealing in a schedule IV controlled substance, a ~~Class C~~ **Level**
 11 **6** felony, except as provided in ~~subsection~~ **subsections (b) through (d).**
 12 **(b) The offense is a Class B felony if:**
 13 **(1) the person:**
 14 **(A) delivered; or**
 15 **(B) financed the delivery of;**
 16 **the substance to a person under eighteen (18) years of age at least**
 17 **three (3) years junior to the person; or**
 18 **(2) the person delivered or financed the delivery of the substance:**
 19 **(A) on a school bus; or**
 20 **(B) in, on, or within one thousand (1,000) feet of:**
 21 **(i) school property;**
 22 **(ii) a public park;**
 23 **(iii) a family housing complex; or**
 24 **(iv) a youth program center.**
 25 **(b) The offense is a Level 5 felony if:**
 26 **(1) the amount of the drug involved is at least three (3) but**
 27 **less than ten (10) grams; or**
 28 **(2) the amount of the drug involved is less than three (3)**
 29 **grams and an enhancing circumstance applies.**
 30 **(c) The offense is a Level 4 felony if:**
 31 **(1) the amount of the drug involved is at least ten (10) but less**
 32 **than twenty-eight (28) grams; or**
 33 **(2) the amount of the drug involved is at least three (3) but**
 34 **less than ten (10) grams and an enhancing circumstance**
 35 **applies.**
 36 **(d) The offense is a Level 3 felony if:**
 37 **(1) the amount of the drug involved is at least twenty-eight**
 38 **(28) grams; or**
 39 **(2) the amount of the drug involved is at least ten (10) but less**
 40 **than twenty-eight (28) grams and an enhancing circumstance**
 41 **applies.**

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1 SECTION 616. IC 35-48-4-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who:

3 (1) knowingly or intentionally:

4 (A) manufactures;

5 (B) finances the manufacture of;

6 (C) delivers; or

7 (D) finances the delivery of;

8 a controlled substance, pure or adulterated, classified in schedule
9 V; or

10 (2) possesses, with intent to:

11 (A) manufacture;

12 (B) finance the manufacture of;

13 (C) deliver; or

14 (D) finance the delivery of;

15 a controlled substance, pure or adulterated, classified in schedule
16 V;

17 commits dealing in a schedule V controlled substance, a ~~Class D felony~~
18 **Class A misdemeanor**, except as provided in ~~subsection~~ **subsections**

19 **(b) through (d).**

20 **(b) The offense is a Class B felony if:**

21 **(1) the person:**

22 **(A) delivered; or**

23 **(B) financed the delivery of;**

24 **the substance to a person under eighteen (18) years of age at least**
25 **three (3) years junior to the person; or**

26 **(2) the person delivered or financed the delivery of the substance:**

27 **(A) on a school bus; or**

28 **(B) in, on, or within one thousand (1,000) feet of:**

29 **(i) school property;**

30 **(ii) a public park;**

31 **(iii) a family housing complex; or**

32 **(iv) a youth program center.**

33 **(b) The offense is a Level 6 felony if:**

34 **(1) the amount of the drug involved is at least three (3) but**
35 **less than ten (10) grams; or**

36 **(2) the amount of the drug involved is less than three (3)**
37 **grams and an enhancing circumstance applies.**

38 **(c) The offense is a Level 5 felony if:**

39 **(1) the amount of the drug involved is at least ten (10) but less**
40 **than twenty-eight (28) grams; or**

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- 1 **(2) the amount of the drug involved is at least three (3) but**
 2 **less than ten (10) grams and an enhancing circumstance**
 3 **applies.**
- 4 **(d) The offense is a Level 4 felony if:**
- 5 **(1) the amount of the drug involved is at least twenty-eight**
 6 **(28) grams; or**
- 7 **(2) the amount of the drug involved is at least ten (10) but less**
 8 **than twenty-eight (28) grams and an enhancing circumstance**
 9 **applies.**
- 10 SECTION 617. IC 35-48-4-4.1 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.1. (a) A person who
 12 dumps, discharges, discards, transports, or otherwise disposes of:
- 13 (1) chemicals, knowing the chemicals were used in the illegal
 14 manufacture of a controlled substance or an immediate precursor;
 15 or
- 16 (2) waste, knowing that the waste was produced from the illegal
 17 manufacture of a controlled substance or an immediate precursor;
 18 commits dumping controlled substance waste, a ~~Class D~~ **Level 6**
 19 felony.
- 20 (b) It is not a defense in a prosecution under subsection (a) that the
 21 person did not manufacture the controlled substance or immediate
 22 precursor.
- 23 SECTION 618. IC 35-48-4-4.5 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) A person who
 25 knowingly or intentionally delivers or finances the delivery of any
 26 substance, other than a controlled substance or a drug for which a
 27 prescription is required under federal or state law, that:
- 28 (1) is expressly or impliedly represented to be a controlled
 29 substance;
- 30 (2) is distributed under circumstances that would lead a
 31 reasonable person to believe that the substance is a controlled
 32 substance; or
- 33 (3) by overall dosage unit appearance, including shape, color,
 34 size, markings, or lack of markings, taste, consistency, or any
 35 other identifying physical characteristic of the substance, would
 36 lead a reasonable person to believe the substance is a controlled
 37 substance;
- 38 commits dealing in a substance represented to be a controlled
 39 substance, a ~~Class D~~ **Level 6** felony.
- 40 (b) In determining whether representations have been made, subject
 41 to subsection (a)(1), or whether circumstances of distribution exist,

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1 subject to subsection (a)(2), the trier of fact may consider, in addition
2 to other relevant factors, the following:

3 (1) Statements made by the owner or other person in control of
4 the substance, concerning the substance's nature, use, or effect.

5 (2) Statements made by any person, to the buyer or recipient of
6 the substance, that the substance may be resold for profit.

7 (3) Whether the substance is packaged in a manner uniquely used
8 for the illegal distribution of controlled substances.

9 (4) Whether:

10 (A) the distribution included an exchange of, or demand for,
11 money or other property as consideration; and

12 (B) the amount of the consideration was substantially greater
13 than the reasonable retail market value of the substance.

14 SECTION 619. IC 35-48-4-4.6 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.6. (a) A person who
16 knowingly or intentionally:

17 (1) manufactures;

18 (2) finances the manufacture of;

19 (3) advertises;

20 (4) distributes; or

21 (5) possesses with intent to manufacture, finance the manufacture
22 of, advertise, or distribute;

23 a substance described in section 4.5 of this chapter commits a ~~Class E~~
24 **Level 5** felony.

25 (b) A person who knowingly or intentionally possesses a substance
26 described in section 4.5 of this chapter commits a Class C
27 misdemeanor. However, the offense is a Class A misdemeanor if the
28 person has a previous conviction under this section.

29 (c) In any prosecution brought under this section it is not a defense
30 that the person believed the substance actually was a controlled
31 substance.

32 (d) This section does not apply to the following:

33 (1) The manufacture, financing the manufacture of, processing,
34 packaging, distribution, or sale of noncontrolled substances to
35 licensed medical practitioners for use as placebos in professional
36 practice or research.

37 (2) Persons acting in the course and legitimate scope of their
38 employment as law enforcement officers.

39 (3) The retention of production samples of noncontrolled
40 substances produced before September 1, 1986, where such
41 samples are required by federal law.

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1 SECTION 620. IC 35-48-4-5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A person who:

3 (1) knowingly or intentionally:

4 (A) creates;

5 (B) delivers; or

6 (C) finances the delivery of;
 7 a counterfeit substance; or

8 (2) possesses, with intent to:

9 (A) deliver; or

10 (B) finance the delivery of;
 11 a counterfeit substance;

12 commits dealing in a counterfeit substance, a ~~Class D~~ **Level 6** felony.

13 SECTION 621. IC 35-48-4-6, AS AMENDED BY P.L.151-2006,
 14 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2014]: Sec. 6. (a) A person who, without a valid prescription

16 or order of a practitioner acting in the course of the practitioner's
 17 professional practice, knowingly or intentionally possesses cocaine
 18 (pure or adulterated) or a narcotic drug (pure or adulterated) classified
 19 in schedule I or II, commits possession of cocaine or a narcotic drug,
 20 a ~~Class D~~ **Level 6** felony, except as provided in ~~subsection~~ **subsections**

21 **(b) through (d).**

22 **(b) The offense is:**

23 **(1) a Class C felony if:**

24 **(A) the amount of the drug involved (pure or adulterated)**
 25 **weighs three (3) grams or more; or**

26 **(B) the person was also in possession of a firearm (as defined**
 27 **in IC 35-47-1-5);**

28 **(2) a Class B felony if the person in possession of the cocaine or**
 29 **narcotic drug possesses less than three (3) grams of pure or**
 30 **adulterated cocaine or a narcotic drug:**

31 **(A) on a school bus; or**

32 **(B) in, on, or within one thousand (1,000) feet of:**

33 **(i) school property;**

34 **(ii) a public park;**

35 **(iii) a family housing complex; or**

36 **(iv) a youth program center; and**

37 **(3) a Class A felony if the person possesses the cocaine or**
 38 **narcotic drug in an amount (pure or adulterated) weighing at least**
 39 **three (3) grams:**

40 **(A) on a school bus; or**

41 **(B) in, on, or within one thousand (1,000) feet of:**

42 **(i) school property;**

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- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center.

(b) The offense is a Level 5 felony if:

- (1) the amount of the drug involved is at least three (3) but less than ten (10) grams; or
- (2) the amount of the drug involved is less than three (3) grams and an enhancing circumstance applies.

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

- (1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or
- (2) the amount of the drug involved is at least three (3) but less than ten (10) grams and an enhancing circumstance applies.

(d) The offense is a Level 3 felony if:

- (1) the amount of the drug involved is at least twenty-eight (28) grams; or
- (2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 622. IC 35-48-4-6.1, AS ADDED BY P.L.151-2006, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6.1. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses methamphetamine (pure or adulterated) commits possession of methamphetamine, a ~~Class D~~ **Level 6** felony, except as provided in subsection ~~subsections~~ **(b) through (d)**.

(b) The offense is:

(1) a Class C felony if:

- (A) the amount of the drug involved (pure or adulterated) weighs three (3) grams or more; or
- (B) the person was also in possession of a firearm (as defined in IC 35-47-1-5);

(2) a Class B felony if the person in possession of the methamphetamine possesses less than three (3) grams of pure or adulterated methamphetamine:

- (A) on a school bus; or
- (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or

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- 1 (iv) a youth program center; and
 2 (3) a Class A felony if the person possesses the methamphetamine
 3 in an amount (pure or adulterated) weighing at least three (3)
 4 grams:
 5 (A) on a school bus; or
 6 (B) in, on, or within one thousand (1,000) feet of:
 7 (i) school property;
 8 (ii) a public park;
 9 (iii) a family housing complex; or
 10 (iv) a youth program center.
- 11 (b) The offense is a Level 5 felony if:
 12 (1) the amount of the drug involved is at least three (3) but
 13 less than ten (10) grams; or
 14 (2) the amount of the drug involved is less than three (3)
 15 grams and an enhancing circumstance applies.
- 16 (c) The offense is a Level 4 felony if:
 17 (1) the amount of the drug involved is at least ten (10) but less
 18 than twenty-eight (28) grams; or
 19 (2) the amount of the drug involved is at least three (3) but
 20 less than ten (10) grams and an enhancing circumstance
 21 applies.
- 22 (d) The offense is a Level 3 felony if:
 23 (1) the amount of the drug involved is more than twenty-eight
 24 (28) grams; or
 25 (2) the amount of the drug involved is at least ten (10) but less
 26 than twenty-eight (28) grams and an enhancing circumstance
 27 applies.
- 28 SECTION 623. IC 35-48-4-7, AS AMENDED BY P.L.182-2011,
 29 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2014]: Sec. 7. (a) A person who, without a valid prescription
 31 or order of a practitioner acting in the course of the practitioner's
 32 professional practice, knowingly or intentionally possesses a controlled
 33 substance (pure or adulterated) classified in schedule I, II, III, or IV,
 34 except marijuana, hashish, salvia, or a synthetic cannabinoid, commits
 35 possession of a controlled substance, a ~~Class D felony~~ **Class A**
 36 **misdemeanor, except as provided in subsection (b).** However, the
 37 offense is a ~~Class C felony~~ if the person in possession of the controlled
 38 substance possesses the controlled substance:
 39 (1) on a school bus; or
 40 (2) in, on, or within one thousand (1,000) feet of:
 41 (A) school property;
 42 (B) a public park;

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1 ~~(C)~~ a family housing complex; or

2 ~~(D)~~ a youth program center.

3 **(b) The offense is a Level 6 felony if the person commits the**
4 **offense and an enhancing circumstance applies.**

5 ~~(b)~~ (c) A person who, without a valid prescription or order of a
6 practitioner acting in the course of the practitioner's professional
7 practice, knowingly or intentionally obtains:

8 (1) more than four (4) ounces of schedule V controlled substances
9 containing codeine in any given forty-eight (48) hour period
10 unless pursuant to a prescription;

11 (2) a schedule V controlled substance pursuant to written or
12 verbal misrepresentation; or

13 (3) possession of a schedule V controlled substance other than by
14 means of a prescription or by means of signing an exempt
15 narcotic register maintained by a pharmacy licensed by the
16 Indiana state board of pharmacy;

17 commits a ~~Class D felony~~. **Class A misdemeanor.**

18 SECTION 624. IC 35-48-4-8.1 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8.1. (a) A person who
20 manufactures, finances the manufacture of, or designs an instrument,
21 a device, or other object that is intended to be used primarily for:

22 (1) introducing into the human body a controlled substance;

23 (2) testing the strength, effectiveness, or purity of a controlled
24 substance; or

25 (3) enhancing the effect of a controlled substance;

26 in violation of this chapter commits a Class A infraction for
27 manufacturing paraphernalia.

28 (b) A person who:

29 (1) knowingly or intentionally violates this section; and

30 (2) has a previous judgment for violation of this section;

31 commits manufacture of paraphernalia, a ~~Class D Level 6~~ felony.

32 SECTION 625. IC 35-48-4-8.3 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8.3. (a) A person who
34 possesses a raw material, an instrument, a device, or other object that
35 the person intends to use for:

36 (1) introducing into the person's body a controlled substance;

37 (2) testing the strength, effectiveness, or purity of a controlled
38 substance; or

39 (3) enhancing the effect of a controlled substance;

40 in violation of this chapter commits a Class A infraction for possessing
41 paraphernalia.

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1 (b) A person who knowingly or intentionally violates subsection (a)
 2 commits a Class A misdemeanor. However, the offense is a ~~Class D~~
 3 **Level 6** felony if the person has a prior unrelated judgment or
 4 conviction under this section.

5 (c) ~~A person who recklessly possesses a raw material, an instrument,~~
 6 ~~a device, or other object that is to be used primarily for:~~

7 (1) ~~introducing into the person's body a controlled substance;~~

8 (2) ~~testing the strength, effectiveness, or purity of a controlled~~
 9 ~~substance; or~~

10 (3) ~~enhancing the effect of a controlled substance;~~

11 ~~in violation of this chapter commits reckless possession of~~
 12 ~~paraphernalia, a Class B misdemeanor. However, the offense is a Class~~
 13 ~~D felony if the person has a previous judgment or conviction under this~~
 14 ~~section:~~

15 SECTION 626. IC 35-48-4-8.5, AS AMENDED BY P.L.78-2012,
 16 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2014]: Sec. 8.5. (a) A person who keeps for sale, offers for
 18 sale, delivers, or finances the delivery of a raw material, an instrument,
 19 a device, or other object that is intended to be or that is designed or
 20 marketed to be used primarily for:

21 (1) ingesting, inhaling, or otherwise introducing into the human
 22 body marijuana, hash oil, hashish, salvia, a synthetic drug, or a
 23 controlled substance;

24 (2) testing the strength, effectiveness, or purity of marijuana, hash
 25 oil, hashish, salvia, a synthetic drug, or a controlled substance;

26 (3) enhancing the effect of a controlled substance;

27 (4) manufacturing, compounding, converting, producing,
 28 processing, or preparing marijuana, hash oil, hashish, salvia, a
 29 synthetic drug, or a controlled substance;

30 (5) diluting or adulterating marijuana, hash oil, hashish, salvia, a
 31 synthetic drug, or a controlled substance by individuals; or

32 (6) any purpose announced or described by the seller that is in
 33 violation of this chapter;

34 commits a Class A infraction for dealing in paraphernalia.

35 (b) A person who knowingly or intentionally violates subsection (a)
 36 commits a Class A misdemeanor. However, the offense is a ~~Class D~~
 37 **Level 6** felony if the person has a prior unrelated judgment or
 38 conviction under this section.

39 (c) ~~A person who recklessly keeps for sale, offers for sale, or~~
 40 ~~delivers an instrument, a device, or other object that is to be used~~
 41 ~~primarily for:~~

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1 (1) ingesting, inhaling, or otherwise introducing into the human
2 body marijuana, hash oil, hashish, salvia, a synthetic drug, or a
3 controlled substance;

4 (2) testing the strength, effectiveness, or purity of marijuana, hash
5 oil, hashish, salvia, a synthetic drug, or a controlled substance;

6 (3) enhancing the effect of a controlled substance;

7 (4) manufacturing, compounding, converting, producing,
8 processing, or preparing marijuana, hash oil, hashish, salvia, a
9 synthetic drug, or a controlled substance;

10 (5) diluting or adulterating marijuana, hash oil, hashish, salvia, a
11 synthetic drug, or a controlled substance by individuals; or

12 (6) any purpose announced or described by the seller that is in
13 violation of this chapter;

14 commits reckless dealing in paraphernalia; a Class B misdemeanor.
15 However, the offense is a Class D felony if the person has a previous
16 judgment or conviction under this section.

17 (d) (c) This section does not apply to the following:

18 (1) Items marketed for use in the preparation, compounding,
19 packaging, labeling, or other use of marijuana, hash oil, hashish,
20 salvia, a synthetic drug, or a controlled substance as an incident
21 to lawful research, teaching, or chemical analysis and not for sale.

22 (2) Items marketed for or historically and customarily used in
23 connection with the planting, propagating, cultivating, growing,
24 harvesting, manufacturing, compounding, converting, producing,
25 processing, preparing, testing, analyzing, packaging, repackaging,
26 storing, containing, concealing, injecting, ingesting, or inhaling
27 of tobacco or any other lawful substance.

28 SECTION 627. IC 35-48-4-10, AS AMENDED BY P.L.78-2012,
29 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2014]: Sec. 10. (a) A person who:

31 (1) knowingly or intentionally:

32 (A) manufactures;

33 (B) finances the manufacture of;

34 (C) delivers; or

35 (D) finances the delivery of;

36 marijuana, hash oil, hashish, salvia, or a synthetic drug, pure or
37 adulterated; or

38 (2) possesses, with intent to:

39 (A) manufacture;

40 (B) finance the manufacture of;

41 (C) deliver; or

42 (D) finance the delivery of;

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1 marijuana, hash oil, hashish, salvia, or a synthetic drug, pure or
 2 adulterated;
 3 commits dealing in marijuana, hash oil, hashish, salvia, or a synthetic
 4 drug, a ~~Class A~~ **Class B** misdemeanor, except as provided in
 5 subsection subsections (b) through (d).

6 (b) The offense is:

7 (1) a Class D felony if:

8 (A) the recipient or intended recipient is under eighteen (18)
 9 years of age;

10 (B) the amount involved is:

11 (i) more than thirty (30) grams but less than ten (10) pounds
 12 of marijuana or more than two (2) grams but less than three
 13 hundred (300) grams of hash oil, hashish, or salvia; or

14 (ii) more than two (2) grams of a synthetic drug; or

15 (C) the person has a prior conviction of an offense involving
 16 marijuana, hash oil, hashish, salvia, or a synthetic drug; and

17 (2) a Class E felony if:

18 (A) the amount involved is ten (10) pounds or more of
 19 marijuana or three hundred (300) or more grams of hash oil;
 20 hashish, or salvia; or the person delivered or financed the
 21 delivery of marijuana, hash oil, hashish, or salvia:

22 (i) on a school bus; or

23 (ii) in, on, or within one thousand (1,000) feet of, school
 24 property, a public park, a family housing complex, or a
 25 youth program center; or

26 (B) the amount involved is more than two (2) grams of a
 27 synthetic drug and the person delivered or financed the
 28 delivery of the synthetic drug:

29 (i) on a school bus; or

30 (ii) in, on, or within one thousand (1,000) feet of school
 31 property, a public park, a family housing complex, or a
 32 youth program center.

33 (b) The offense is a Class A misdemeanor if:

34 (1) the person has a prior conviction for a drug offense and
 35 the amount of the drug involved is:

36 (A) less than thirty (30) grams of marijuana; or

37 (B) less than two (2) grams of hash oil, hashish, salvia, or
 38 a synthetic drug; or

39 (2) the amount of the drug involved is:

40 (A) at least thirty (30) grams but less than ten (10) pounds
 41 of marijuana; or

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- 1 **(B) at least two (2) grams but less than three hundred (300)**
 2 **grams of hash oil, hashish, salvia, or a synthetic drug.**
 3 **(c) The offense is a Level 6 felony if:**
 4 **(1) the person has a prior conviction for a drug offense and**
 5 **the amount of the drug involved is:**
 6 **(A) at least thirty (30) grams but less than ten (10) pounds**
 7 **of marijuana; or**
 8 **(B) at least two (2) grams but less than three hundred (300)**
 9 **grams of hash oil, hashish, salvia, or a synthetic drug; or**
 10 **(2) the:**
 11 **(A) amount of the drug involved is:**
 12 **(i) at least ten (10) pounds but less than fifty (50) pounds**
 13 **of marijuana; or**
 14 **(ii) at least three hundred (300) grams but less than one**
 15 **thousand five hundred (1,500) grams of hash oil, hashish,**
 16 **salvia, or a synthetic drug; or**
 17 **(B) offense involved a sale to a minor.**
 18 **(d) The offense is a Level 5 felony if the amount of the drug**
 19 **involved is at least:**
 20 **(1) fifty (50) pounds of marijuana; or**
 21 **(2) one thousand five hundred (1,500) grams of hash oil,**
 22 **hashish, salvia, or a synthetic drug.**
 23 SECTION 628. IC 35-48-4-10.5 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2014]: **Sec. 10.5. (a) A person who knowingly**
 26 **or intentionally plants, grows, cultivates, or harvests marijuana**
 27 **commits production of marijuana, a Class A misdemeanor, except**
 28 **as provided in subsections (b) through (c).**
 29 **(b) The offense is a Level 6 felony if:**
 30 **(1) fewer than ten (10) plants are involved and the person has**
 31 **a prior conviction for a drug offense; or**
 32 **(2) the offense involves at least ten (10) but fewer than fifty**
 33 **(50) plants.**
 34 **(c) The offense is a Level 5 felony if:**
 35 **(1) the person has a prior conviction for a drug offense and**
 36 **the offense involves at least ten (10) but fewer than fifty (50)**
 37 **plants; or**
 38 **(2) the offense involves fifty (50) or more plants.**
 39 SECTION 629. IC 35-48-4-11, AS AMENDED BY P.L.78-2012,
 40 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2014]: **Sec. 11. (a) A person who:**

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1 (1) knowingly or intentionally possesses (pure or adulterated)
 2 marijuana, hash oil, hashish, salvia, or a synthetic drug;
 3 (2) knowingly or intentionally grows or cultivates marijuana; or
 4 (3) knowing that marijuana is growing on the person's premises,
 5 fails to destroy the marijuana plants;
 6 commits possession of marijuana, hash oil, hashish, salvia, or a
 7 synthetic drug, a ~~Class A~~ **Class C** misdemeanor, **except as provided**
 8 **in subsections (b) through (c).** ~~However, the offense is a Class D~~
 9 ~~felony if the amount involved is more than thirty (30) grams of~~
 10 ~~marijuana or two (2) grams of hash oil; hashish, salvia, or a synthetic~~
 11 ~~drug; or if the person has a prior conviction of an offense involving~~
 12 ~~marijuana, hash oil, or hashish, salvia, or a synthetic drug.~~

13 **(b) The offense is a Class B misdemeanor if:**

14 **(1) the person has a prior conviction for a drug offense and**
 15 **possesses:**

16 **(A) less than thirty (30) grams of marijuana; or**

17 **(B) two (2) grams or less of hash oil, hashish, salvia, or a**
 18 **synthetic drug; or**

19 **(2) the person possesses:**

20 **(A) at least thirty (30) grams but less than ten (10) pounds**
 21 **of marijuana; or**

22 **(B) at least two (2) grams but less than three hundred (300)**
 23 **grams of hash oil, hashish, salvia, or a synthetic drug.**

24 **(c) The offense is a Class A misdemeanor if the person possesses**
 25 **at least:**

26 **(1) ten (10) pounds of marijuana; or**

27 **(2) three hundred (300) grams of hash oil, hashish, salvia, or**
 28 **a synthetic drug.**

29 SECTION 630. IC 35-48-4-12, AS AMENDED BY P.L.78-2012,
 30 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2014]: Sec. 12. If a person who has no prior conviction of an
 32 offense under this article or under a law of another jurisdiction relating
 33 to controlled substances pleads guilty to possession of marijuana,
 34 hashish, salvia, or a synthetic drug as a ~~Class A~~ misdemeanor, the
 35 court, without entering a judgment of conviction and with the consent
 36 of the person, may defer further proceedings and place the person in
 37 the custody of the court under ~~such~~ conditions as **determined by** the
 38 court. ~~determines~~. Upon violation of a condition of the custody, the
 39 court may enter a judgment of conviction. However, if the person
 40 fulfills the conditions of the custody, the court shall dismiss the charges
 41 against the person. There may be only one (1) dismissal under this
 42 section with respect to a person.

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1 SECTION 631. IC 35-48-4-13 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) A person who
 3 knowingly or intentionally visits a building, structure, vehicle, or other
 4 place that is used by any person to unlawfully use a controlled
 5 substance commits visiting a common nuisance, a Class B
 6 misdemeanor.

7 (b) A person who knowingly or intentionally maintains a building,
 8 structure, vehicle, or other place that is used one (1) or more times:

9 (1) by persons to unlawfully use controlled substances; or

10 (2) for unlawfully:

11 (A) manufacturing;

12 (B) keeping;

13 (C) offering for sale;

14 (D) selling;

15 (E) delivering; or

16 (F) financing the delivery of;

17 controlled substances, or items of drug paraphernalia as described
 18 in IC 35-48-4-8.5;

19 commits maintaining a common nuisance, a ~~Class D~~ **Level 6** felony.

20 SECTION 632. IC 35-48-4-13.3 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13.3. A person who
 22 recklessly, knowingly, or intentionally takes a person less than eighteen
 23 (18) years of age or an endangered adult (as defined in IC 12-10-3-2)
 24 into a building, structure, vehicle, or other place that is being used by
 25 any person to:

26 (1) unlawfully possess drugs or controlled substances; or

27 (2) unlawfully:

28 (A) manufacture;

29 (B) keep;

30 (C) offer for sale;

31 (D) sell;

32 (E) deliver; or

33 (F) finance the delivery of;

34 drugs or controlled substances;

35 commits a Class A misdemeanor. However, the offense is a ~~Class D~~
 36 **Level 6** felony if the person has a prior unrelated conviction under this
 37 section.

38 SECTION 633. IC 35-48-4-14 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) A person who:

40 (1) is subject to IC 35-48-3 and who recklessly, knowingly, or
 41 intentionally distributes or dispenses a controlled substance in
 42 violation of IC 35-48-3;

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1 (2) is a registrant and who recklessly, knowingly, or intentionally:
 2 (A) manufactures; or
 3 (B) finances the manufacture of;
 4 a controlled substance not authorized by ~~his~~ **the person's**
 5 registration or distributes or dispenses a controlled substance not
 6 authorized by ~~his~~ **the person's** registration to another registrant
 7 or other authorized person;
 8 (3) recklessly, knowingly, or intentionally fails to make, keep, or
 9 furnish a record, a notification, an order form, a statement, an
 10 invoice, or information required under this article; or
 11 (4) recklessly, knowingly, or intentionally refuses entry into any
 12 premises for an inspection authorized by this article;
 13 commits a ~~Class D~~ **Level 6** felony.
 14 (b) A person who knowingly or intentionally:
 15 (1) distributes as a registrant a controlled substance classified in
 16 schedule I or II, except under an order form as required by
 17 IC 35-48-3;
 18 (2) uses in the course of the:
 19 (A) manufacture of;
 20 (B) the financing of the manufacture of; or
 21 (C) distribution of;
 22 a controlled substance a federal or state registration number that
 23 is fictitious, revoked, suspended, or issued to another person;
 24 (3) furnishes false or fraudulent material information in, or omits
 25 any material information from, an application, report, or other
 26 document required to be kept or filed under this article; or
 27 (4) makes, distributes, or possesses a punch, die, plate, stone, or
 28 other thing designed to print, imprint, or reproduce the trademark,
 29 trade name, or other identifying mark, imprint, or device of
 30 another or a likeness of any of the foregoing on a drug or
 31 container or labeling thereof so as to render the drug a counterfeit
 32 substance;
 33 commits a ~~Class D~~ **Level 6** felony.
 34 (c) A person who knowingly or intentionally acquires possession of
 35 a controlled substance by misrepresentation, fraud, forgery, deception,
 36 subterfuge, alteration of a prescription order, concealment of a material
 37 fact, or use of a false name or false address commits a ~~Class D~~ **Level**
 38 **6** felony. However, the offense is a ~~Class E~~ **Level 5** felony if the person
 39 has a prior conviction of an offense under this subsection.
 40 (d) A person who knowingly or intentionally affixes any false or
 41 forged label to a package or receptacle containing a controlled
 42 substance commits a ~~Class D~~ **Level 6** felony. However, the offense is

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1 a ~~Class C~~ **Level 5** felony if the person has a prior conviction of an
 2 offense under this subsection. This subsection does not apply to law
 3 enforcement agencies or their representatives while engaged in
 4 enforcing IC 16-42-19 or this chapter (or IC 16-6-8 before its repeal).

5 (e) A person who duplicates, reproduces, or prints any prescription
 6 pads or forms without the prior written consent of a practitioner
 7 commits a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~
 8 **Level 5** felony if the person has a prior conviction of an offense under
 9 this subsection. This subsection does not apply to the printing of
 10 prescription pads or forms upon a written, signed order placed by a
 11 practitioner or pharmacist, by legitimate printing companies.

12 SECTION 634. IC 35-48-4-14.5, AS AMENDED BY P.L. 151-2006,
 13 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2014]: Sec. 14.5. (a) As used in this section, "chemical
 15 reagents or precursors" refers to one (1) or more of the following:

- 16 (1) Ephedrine.
- 17 (2) Pseudoephedrine.
- 18 (3) Phenylpropanolamine.
- 19 (4) The salts, isomers, and salts of isomers of a substance
- 20 identified in subdivisions (1) through (3).
- 21 (5) Anhydrous ammonia or ammonia solution (as defined in
- 22 IC 22-11-20-1).
- 23 (6) Organic solvents.
- 24 (7) Hydrochloric acid.
- 25 (8) Lithium metal.
- 26 (9) Sodium metal.
- 27 (10) Ether.
- 28 (11) Sulfuric acid.
- 29 (12) Red phosphorous.
- 30 (13) Iodine.
- 31 (14) Sodium hydroxide (lye).
- 32 (15) Potassium dichromate.
- 33 (16) Sodium dichromate.
- 34 (17) Potassium permanganate.
- 35 (18) Chromium trioxide.
- 36 (19) Benzyl cyanide.
- 37 (20) Phenylacetic acid and its esters or salts.
- 38 (21) Piperidine and its salts.
- 39 (22) Methylamine and its salts.
- 40 (23) Isosafrole.
- 41 (24) Safrole.
- 42 (25) Piperonal.

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- 1 (26) Hydriodic acid.
 2 (27) Benzaldehyde.
 3 (28) Nitroethane.
 4 (29) Gamma-butyrolactone.
 5 (30) White phosphorus.
 6 (31) Hypophosphorous acid and its salts.
 7 (32) Acetic anhydride.
 8 (33) Benzyl chloride.
 9 (34) Ammonium nitrate.
 10 (35) Ammonium sulfate.
 11 (36) Hydrogen peroxide.
 12 (37) Thionyl chloride.
 13 (38) Ethyl acetate.
 14 (39) Pseudoephedrine hydrochloride.
- 15 (b) A person who possesses more than ten (10) grams of ephedrine,
 16 pseudoephedrine, or phenylpropanolamine, pure or adulterated,
 17 commits a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class E~~
 18 **Level 5** felony if the person possessed:
- 19 (1) a firearm while possessing more than ten (10) grams of
 20 ephedrine, pseudoephedrine, or phenylpropanolamine, pure or
 21 adulterated; or
 22 (2) more than ten (10) grams of ephedrine, pseudoephedrine, or
 23 phenylpropanolamine, pure or adulterated, in, on, or within ~~one~~
 24 **thousand (1,000) five hundred (500)** feet of:
- 25 (A) school property **while a person under eighteen (18)**
 26 **years of age was reasonably expected to be present; or**
 27 (B) a public park **while a person under eighteen (18) years**
 28 **of age was reasonably expected to be present.**
 29 ~~(C) a family housing complex; or~~
 30 ~~(D) a youth program center.~~
- 31 (c) A person who possesses anhydrous ammonia or ammonia
 32 solution (as defined in IC 22-11-20-1) with the intent to manufacture
 33 methamphetamine or amphetamine, schedule II controlled substances
 34 under IC 35-48-2-6, commits a ~~Class D~~ **Level 6** felony. However, the
 35 offense is a ~~Class E~~ **Level 5** felony if the person possessed:
- 36 (1) a firearm while possessing anhydrous ammonia or ammonia
 37 solution (as defined in IC 22-11-20-1) with intent to manufacture
 38 methamphetamine or amphetamine, schedule II controlled
 39 substances under IC 35-48-2-6; or
 40 (2) anhydrous ammonia or ammonia solution (as defined in
 41 IC 22-11-20-1) with intent to manufacture methamphetamine or
 42 amphetamine, schedule II controlled substances under

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- 1 IC 35-48-2-6, in, on, or within ~~one thousand (1,000)~~ **five hundred**
 2 **(500)** feet of:
- 3 (A) school property **while a person under eighteen (18)**
 4 **years of age was reasonably expected to be present; or**
 5 (B) a public park **while a person under eighteen (18) years**
 6 **of age was reasonably expected to be present.**
 7 ~~(C) a family housing complex; or~~
 8 ~~(D) a youth program center.~~
- 9 (d) Subsection (b) does not apply to a:
- 10 (1) licensed health care provider, pharmacist, retail distributor,
 11 wholesaler, manufacturer, warehouseman, or common carrier or
 12 an agent of any of these persons if the possession is in the regular
 13 course of lawful business activities; or
 14 (2) person who possesses more than ten (10) grams of a substance
 15 described in subsection (b) if the substance is possessed under
 16 circumstances consistent with typical medicinal or household use,
 17 including:
- 18 (A) the location in which the substance is stored;
 19 (B) the possession of the substance in a variety of:
 20 (i) strengths;
 21 (ii) brands; or
 22 (iii) types; or
 23 (C) the possession of the substance:
 24 (i) with different expiration dates; or
 25 (ii) in forms used for different purposes.
- 26 (e) A person who possesses two (2) or more chemical reagents or
 27 precursors with the intent to manufacture a controlled substance
 28 commits a ~~Class D Level 6~~ felony.
- 29 (f) An offense under subsection (e) is a ~~Class E Level 5~~ felony if the
 30 person possessed:
- 31 (1) a firearm while possessing two (2) or more chemical reagents
 32 or precursors with intent to manufacture a controlled substance;
 33 or
 34 (2) two (2) or more chemical reagents or precursors with intent to
 35 manufacture a controlled substance in, on, or within ~~one thousand~~
 36 ~~(1,000)~~ **five hundred (500)** feet of:
- 37 (A) school property **while a person under eighteen (18)**
 38 **years of age was reasonably expected to be present; or**
 39 (B) a public park **while a person under eighteen (18) years**
 40 **of age was reasonably expected to be present.**
 41 ~~(C) a family housing complex; or~~
 42 ~~(D) a youth program center.~~

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1 (g) A person who sells, transfers, distributes, or furnishes a chemical
 2 reagent or precursor to another person with knowledge or the intent that
 3 the recipient will use the chemical reagent or precursors to manufacture
 4 a controlled substance commits unlawful sale of a precursor, a ~~Class D~~
 5 **Level 6** felony.

6 SECTION 635. IC 35-48-4-16 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) For an offense
 8 under this chapter that requires proof of:

9 (1) delivery of cocaine, a narcotic drug, methamphetamine, or a
 10 controlled substance;

11 (2) financing the delivery of cocaine, a narcotic drug,
 12 methamphetamine, or a controlled substance; or

13 (3) possession of cocaine, a narcotic drug, methamphetamine, or
 14 a controlled substance;

15 within ~~one thousand (1,000)~~ **five hundred (500)** feet of school property
 16 ~~or a public park a family housing complex, or a youth program center;~~
 17 **while a person less than eighteen (18) years of age was reasonably**
 18 **expected to be present**, the person charged may assert the defense in
 19 subsection (b) or (c).

20 (b) It is a defense for a person charged under this chapter with an
 21 offense that contains an element listed in subsection (a) that:

22 (1) a person was briefly in, on, or within ~~one thousand (1,000)~~
 23 **five hundred (500)** feet of school property ~~or a public park a~~
 24 ~~family housing complex, or a youth program center;~~ **while a**
 25 **person less than eighteen (18) years of age was reasonably**
 26 **expected to be present;** and

27 (2) no person under eighteen (18) years of age at least three (3)
 28 years junior to the person was in, on, or within ~~one thousand~~
 29 ~~(1,000)~~ **five hundred (500)** feet of the school property ~~or public~~
 30 ~~park family housing complex, or youth program center~~ at the time
 31 of the offense.

32 (c) It is a defense for a person charged under this chapter with an
 33 offense that contains an element listed in subsection (a) that a person
 34 was in, on, or within ~~one thousand (1,000)~~ **five hundred (500)** feet of
 35 school property ~~or a public park: a family housing complex, or a youth~~
 36 ~~program center~~

37 (1) at the request or suggestion of a law enforcement officer or an
 38 agent of a law enforcement officer; **and**

39 (2) **while a person less than eighteen (18) years of age was**
 40 **reasonably expected to be present.**

41 (d) The defense under this section applies only to the element of the
 42 offense that requires proof that the delivery, financing of the delivery,

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1 or possession of cocaine, a narcotic drug, methamphetamine, or a
 2 controlled substance occurred in, on, or within ~~one thousand (1,000)~~
 3 **five hundred (500)** feet of school property or a public park a family
 4 housing complex, or a youth program center. **while a person less than**
 5 **eighteen (18) years of age was reasonably expected to be present.**

6 SECTION 636. IC 35-49-3-1 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who
 8 knowingly or intentionally:

9 (1) sends or brings into Indiana obscene matter for sale or
 10 distribution; or

11 (2) offers to distribute, distributes, or exhibits to another person
 12 obscene matter;

13 commits a Class A misdemeanor. However, the offense is a ~~Class D~~
 14 **Level 6** felony if the obscene matter depicts or describes sexual
 15 conduct involving any person who is or appears to be under sixteen
 16 (16) years of age.

17 SECTION 637. IC 35-49-3-2 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who
 19 knowingly or intentionally engages in, participates in, manages,
 20 produces, sponsors, presents, exhibits, photographs, films, or
 21 videotapes any obscene performance commits a Class A misdemeanor.
 22 However, the offense is a ~~Class D~~ **Level 6** felony if the obscene
 23 performance depicts or describes sexual conduct involving any person
 24 who is or appears to be under sixteen (16) years of age.

25 SECTION 638. IC 35-49-3-3, AS AMENDED BY P.L.140-2006,
 26 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2014]: Sec. 3. (a) Except as provided in subsection (b), a
 28 person who knowingly or intentionally:

29 (1) disseminates matter to minors that is harmful to minors;

30 (2) displays matter that is harmful to minors in an area to which
 31 minors have visual, auditory, or physical access, unless each
 32 minor is accompanied by the minor's parent or guardian;

33 (3) sells, rents, or displays for sale or rent to any person matter
 34 that is harmful to minors within five hundred (500) feet of the
 35 nearest property line of a school or church;

36 (4) engages in or conducts a performance before minors that is
 37 harmful to minors;

38 (5) engages in or conducts a performance that is harmful to
 39 minors in an area to which minors have visual, auditory, or
 40 physical access, unless each minor is accompanied by the minor's
 41 parent or guardian;

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1 (6) misrepresents the minor's age for the purpose of obtaining
 2 admission to an area from which minors are restricted because of
 3 the display of matter or a performance that is harmful to minors;
 4 or

5 (7) misrepresents that the person is a parent or guardian of a
 6 minor for the purpose of obtaining admission of the minor to an
 7 area where minors are being restricted because of display of
 8 matter or performance that is harmful to minors;

9 commits a ~~Class D~~ **Level 6** felony.

10 (b) This section does not apply if a person disseminates, displays,
 11 or makes available the matter described in subsection (a) through the
 12 Internet, computer electronic transfer, or a computer network unless:

13 (1) the matter is obscene under IC 35-49-2-1;

14 (2) the matter is child pornography under IC 35-42-4-4; or

15 (3) the person distributes the matter to a child less than eighteen
 16 (18) years of age believing or intending that the recipient is a
 17 child less than eighteen (18) years of age.

18 SECTION 639. IC 35-49-3-4, AS AMENDED BY P.L.180-2011,
 19 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2014]: Sec. 4. (a) It is a defense to a prosecution under section
 21 3 of this chapter for the defendant to show:

22 (1) that the matter was disseminated or that the performance was
 23 performed for legitimate scientific or educational purposes;

24 (2) that the matter was disseminated or displayed to or that the
 25 performance was performed before the recipient by a bona fide
 26 school, museum, or public library that qualifies for certain
 27 property tax exemptions under IC 6-1.1-10, or by an employee of
 28 such a school, museum, or public library acting within the scope
 29 of the employee's employment;

30 (3) that the defendant had reasonable cause to believe that the
 31 minor involved was eighteen (18) years ~~old~~ **of age** or older and
 32 that the minor exhibited to the defendant a draft card, driver's
 33 license, birth certificate, or other official or apparently official
 34 document purporting to establish that the minor was eighteen (18)
 35 years ~~old~~ **of age** or older; or

36 (4) that the defendant was a salesclerk, motion picture
 37 projectionist, usher, or ticket taker, acting within the scope of the
 38 defendant's employment and that the defendant had no financial
 39 interest in the place where the defendant was so employed.

40 (b) Except as provided in subsection (c), it is a defense to a
 41 prosecution under section 3 of this chapter if all the following apply:

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- 1 (1) A cellular telephone, another wireless or cellular
2 communications device, or a social networking web site was used
3 to disseminate matter to a minor that is harmful to minors.
4 (2) The defendant is not more than four (4) years older or younger
5 than the person who received the matter that is harmful to minors.
6 (3) The relationship between the defendant and the person who
7 received the matter that is harmful to minors was a dating
8 relationship or an ongoing personal relationship. For purposes of
9 this subdivision, the term "ongoing personal relationship" does
10 not include a family relationship.
11 (4) The crime was committed by a person less than twenty-two
12 (22) years of age.
13 (5) The person receiving the matter expressly or implicitly
14 acquiesced in the defendant's conduct.
15 (c) The defense to a prosecution described in subsection (b) does
16 not apply if:
17 (1) the image is disseminated to a person other than the person:
18 (A) who sent the image; or
19 (B) who is depicted in the image; or
20 (2) the dissemination of the image violates:
21 (A) a protective order to prevent domestic or family violence
22 issued under IC 34-26-5 (or, if the order involved a family or
23 household member, under IC 34-26-2 or IC 34-4-5.1-5 before
24 their repeal);
25 (B) an ex parte protective order issued under IC 34-26-5 (or,
26 if the order involved a family or household member, an
27 emergency order issued under IC 34-26-2 or IC 34-4-5.1
28 before their repeal);
29 (C) a workplace violence restraining order issued under
30 IC 34-26-6;
31 (D) a no contact order in a dispositional decree issued under
32 IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or
33 IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an
34 order issued under IC 31-32-13 (or IC 31-6-7-14 before its
35 repeal) that orders the person to refrain from direct or indirect
36 contact with a child in need of services or a delinquent child;
37 (E) a no contact order issued as a condition of pretrial release,
38 including release on bail or personal recognizance, or pretrial
39 diversion, and including a no contact order issued under
40 IC 35-33-8-3.6;
41 (F) a no contact order issued as a condition of probation;

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- 1 (G) a protective order to prevent domestic or family violence
 2 issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2
 3 before their repeal);
 4 (H) a protective order to prevent domestic or family violence
 5 issued under IC 31-14-16-1 in a paternity action;
 6 (I) a no contact order issued under IC 31-34-25 in a child in
 7 need of services proceeding or under IC 31-37-25 in a juvenile
 8 delinquency proceeding;
 9 (J) an order issued in another state that is substantially similar
 10 to an order described in clauses (A) through (I);
 11 (K) an order that is substantially similar to an order described
 12 in clauses (A) through (I) and is issued by an Indian:
 13 (i) tribe;
 14 (ii) band;
 15 (iii) pueblo;
 16 (iv) nation; or
 17 (v) organized group or community, including an Alaska
 18 Native village or regional or village corporation as defined
 19 in or established under the Alaska Native Claims Settlement
 20 Act (43 U.S.C. 1601 et seq.);
 21 that is recognized as eligible for the special programs and
 22 services provided by the United States to Indians because of
 23 their special status as Indians;
 24 (L) an order issued under IC 35-33-8-3.2; or
 25 (M) an order issued under IC 35-38-1-30.
- 26 SECTION 640. IC 35-50-1-2, AS AMENDED BY P.L.125-2012,
 27 SECTION 416, AND AS AMENDED BY P.L.126-2012, SECTION
 28 59, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) As used in this section,
 30 "crime of violence" means the following:
 31 (1) Murder (IC 35-42-1-1).
 32 (2) Attempted murder (IC 35-41-5-1).
 33 (3) Voluntary manslaughter (IC 35-42-1-3).
 34 (4) Involuntary manslaughter (IC 35-42-1-4).
 35 (5) Reckless homicide (IC 35-42-1-5).
 36 (6) Aggravated battery (IC 35-42-2-1.5).
 37 (7) Kidnapping (IC 35-42-3-2).
 38 (8) Rape (IC 35-42-4-1).
 39 (9) Criminal deviate conduct (IC 35-42-4-2) **(repealed)**.
 40 (10) Child molesting (IC 35-42-4-3).
 41 (11) Sexual misconduct with a minor as a ~~Class A~~ **Level 1** felony
 42 under IC 35-42-4-9(a)(2) or a ~~Class B~~ **Level 2** felony under

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- 1 IC 35-42-4-9(b)(2).
 2 (12) Robbery as a ~~Class A Level 2~~ felony or a ~~Class B Level 3~~
 3 ~~felony~~ (IC 35-42-5-1).
 4 (13) Burglary as a ~~Class A felony~~ or a ~~Class B Level 2 felony,~~
 5 **Level 3 felony, or Level 4** felony (IC 35-43-2-1).
 6 (14) Operating a vehicle while intoxicated causing death
 7 (IC 9-30-5-5).
 8 (15) Operating a ~~motor~~ vehicle while intoxicated causing serious
 9 bodily injury to another person (IC 9-30-5-4).
 10 (16) Resisting law enforcement as a felony (~~IC 35-44-3-3~~);
 11 (~~IC 35-44.1-3-1~~).
 12 (b) As used in this section, "episode of criminal conduct" means
 13 offenses or a connected series of offenses that are closely related in
 14 time, place, and circumstance.
 15 (c) Except as provided in subsection (d) or (e), the court shall
 16 determine whether terms of imprisonment shall be served concurrently
 17 or consecutively. The court may consider the:
 18 (1) aggravating circumstances in IC 35-38-1-7.1(a); and
 19 (2) mitigating circumstances in IC 35-38-1-7.1(b);
 20 in making a determination under this subsection. The court may order
 21 terms of imprisonment to be served consecutively even if the sentences
 22 are not imposed at the same time. However, except for crimes of
 23 violence, the total of the consecutive terms of imprisonment, exclusive
 24 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10
 25 **(repealed)**, to which the defendant is sentenced for felony convictions
 26 arising out of an episode of criminal conduct shall not exceed the
 27 advisory sentence for a felony which is one (1) ~~class level~~ of felony
 28 higher than the most serious of the felonies for which the person has
 29 been convicted.
 30 (d) If, after being arrested for one (1) crime, a person commits
 31 another crime:
 32 (1) before the date the person is discharged from probation,
 33 parole, or a term of imprisonment imposed for the first crime; or
 34 (2) while the person is released:
 35 (A) upon the person's own recognizance; or
 36 (B) on bond;
 37 the terms of imprisonment for the crimes shall be served consecutively,
 38 regardless of the order in which the crimes are tried and sentences are
 39 imposed.
 40 (e) If the factfinder determines under IC 35-50-2-11 that a person
 41 used a firearm in the commission of the offense for which the person
 42 was convicted, the term of imprisonment for the underlying offense and

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1 the additional term of imprisonment imposed under IC 35-50-2-11
2 must be served consecutively.

3 SECTION 641. IC 35-50-2-0.1, AS AMENDED BY P.L.63-2012,
4 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2014]: Sec. 0.1. The following amendments to this chapter
6 apply as follows:

7 (1) The amendments described in section 0.2 of this chapter apply
8 as described in section 0.2 of this chapter.

9 (2) The amendments made to sections 3 and 9 of this chapter by
10 P.L.332-1987 do not apply to a case in which a death sentence has
11 been imposed before September 1, 1987.

12 (3) The amendments made to sections 3 and 9 of this chapter by
13 P.L.250-1993 apply only to murders committed after June 30,
14 1993.

15 (4) The amendments made to section 2 of this chapter by
16 P.L.11-1994 apply only to an offender (as defined in IC 5-2-12-4,
17 as added by P.L.11-1994 and before its repeal) convicted after
18 June 30, 1994.

19 (5) The amendments made to section 8 of this chapter by
20 P.L.166-2001 apply only if the offense for which the state seeks
21 to have the person sentenced as a habitual offender was
22 committed after June 30, 2001.

23 (6) The amendments made to section 1 of this chapter by
24 P.L.243-2001 apply to crimes committed on and after May 11,
25 2001. It is the intent of the general assembly that section 1 of this
26 chapter, as it applies to crimes committed before May 11, 2001,
27 be construed without drawing any inference from the passage of
28 P.L.243-2001.

29 (7) The amendments made to section 8(b)(3) of this chapter by
30 P.L.291-2001) (**before its deletion on July 1, 2014**) apply only
31 if the last offense for which the state seeks to have the person
32 sentenced as a habitual offender was committed after June 30,
33 2001.

34 (8) The amendments made to section 10 of this chapter by
35 P.L.291-2001 apply only if the last offense for which the state
36 seeks to have the person sentenced as a habitual substance
37 offender was committed after June 30, 2001. However, a prior
38 unrelated conviction committed before, on, or after July 1, 2001,
39 may be used to qualify an offender as a habitual offender under
40 section 8 of this chapter or as a habitual substance offender under
41 section 10 of this chapter.

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1 (9) The amendments made to section 1 of this chapter by
 2 P.L.291-2001 apply to crimes committed on and after May 11,
 3 2001. It is the intent of the general assembly that section 1 of this
 4 chapter, as it applies to crimes committed before May 11, 2001,
 5 be construed without drawing any inference from the passage of
 6 P.L.291-2001.

7 (10) The amendments made to section 9 of this chapter by
 8 P.L.80-2002 apply only to a conviction for murder that occurs
 9 after March 20, 2002, including a conviction entered as a result
 10 of a retrial of a person, regardless of when the offense occurred.

11 SECTION 642. IC 35-50-2-1, AS AMENDED BY P.L.69-2012,
 12 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2014]: Sec. 1. (a) As used in this chapter, "~~Class D~~ **Level 6**
 14 felony conviction" means:

15 (1) a conviction of a ~~Class D~~ **Class D** felony in Indiana for:

16 (A) a **Class D** felony, for a crime committed before July 1,
 17 2014; or

18 (B) a **Level 6** felony, for a crime committed after June 30,
 19 2014; and

20 (2) a conviction, in any other jurisdiction at any time, with respect
 21 to which the convicted person might have been imprisoned for
 22 more than one (1) year.

23 However, **it the term** does not include a conviction with respect to
 24 which the person has been pardoned, or a conviction of a Class A
 25 misdemeanor entered under IC 35-38-1-1.5 or section 7(b) or 7(c) of
 26 this chapter.

27 (b) As used in this chapter, "felony conviction" means a conviction,
 28 in any jurisdiction at any time, with respect to which the convicted
 29 person might have been imprisoned for more than one (1) year.
 30 However, it does not include a conviction with respect to which the
 31 person has been pardoned, or a conviction of a Class A misdemeanor
 32 under section 7(b) of this chapter.

33 (c) As used in this chapter, "minimum sentence" means:

34 (1) for murder, forty-five (45) years;

35 (2) for a Class A felony, **for a crime committed before July 1,**
 36 **2014,** twenty (20) years;

37 (3) for a Class B felony, **for a crime committed before July 1,**
 38 **2014,** six (6) years;

39 (4) for a Class C felony, **for a crime committed before July 1,**
 40 **2014,** two (2) years; ~~and~~

41 (5) for a Class D felony, **for a crime committed before July 1,**
 42 **2014,** one-half (1/2) year;

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- 1 **(6) for a Level 1 felony, for a crime committed after June 30,**
- 2 **2014, thirty (30) years;**
- 3 **(7) for a Level 2 felony, for a crime committed after June 30,**
- 4 **2014, twenty (20) years;**
- 5 **(8) for a Level 3 felony, for a crime committed after June 30,**
- 6 **2014, twelve (12) years;**
- 7 **(9) for a Level 4 felony, for a crime committed after June 30,**
- 8 **2014, six (6) years;**
- 9 **(10) for a Level 5 felony, for a crime committed after June 30,**
- 10 **2014, two (2) years; and**
- 11 **(11) for a Level 6 felony, for a crime committed after June 30,**
- 12 **2014, one-half (1/2) year.**

13 SECTION 643. IC 35-50-2-2, AS AMENDED BY P.L.126-2012,
 14 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2014]: Sec. 2. (a) The court may suspend any part of a
 16 sentence for a felony, except as provided in this section or in section
 17 2.1 of this chapter.

18 (b) Except as provided in subsection (i), with respect to the
 19 following crimes listed in this subsection, the court may suspend only
 20 that part of the sentence that is in excess of the minimum sentence,
 21 unless the court has approved placement of the offender in a forensic
 22 diversion program under IC 11-12-3.7:

- 23 (1) The crime committed was a:
- 24 **(A) Class A felony or Class B felony, for a crime committed**
- 25 **before June 30, 2014; or**
- 26 **(B) Level 1, Level 2, Level 3, or Level 4 felony;**
- 27 and the person has a prior unrelated felony conviction, **except for**
- 28 **a Level 6 felony conviction.**

- 29 (2) The crime committed was a:
- 30 **(A) Class C felony, for a crime committed before July 1,**
- 31 **2014; or**
- 32 **(B) Level 5 felony, for a crime committed after June 30,**
- 33 **2014;**

34 and less than seven (7) years have elapsed between the date the
 35 person was discharged from probation, imprisonment, or parole,
 36 whichever is later, for a prior unrelated felony conviction, **other**
 37 **than a Level 6 felony conviction,** and the date the person
 38 committed the **Class C felony or Level 5 felony** for which the
 39 person is being sentenced.

- 40 ~~(3) The crime committed was a Class D felony and less than three~~
- 41 ~~(3) years have elapsed between the date the person was~~
- 42 ~~discharged from probation, imprisonment, or parole, whichever~~

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1 is later; for a prior unrelated felony conviction and the date the
 2 person committed the Class D felony for which the person is
 3 being sentenced. However, the court may suspend the minimum
 4 sentence for the crime only if the court orders home detention
 5 under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum
 6 sentence specified for the crime under this chapter.

7 **(4) (3) The felony, committed before July 1, 2014, was:**

8 **(A) murder (IC 35-42-1-1);**

9 **(B) battery (IC 35-42-2-1) with a deadly weapon or battery**
 10 **causing death;**

11 **(C) sexual battery (IC 35-42-4-8) with a deadly weapon;**

12 **(D) kidnapping (IC 35-42-3-2);**

13 **(E) confinement (IC 35-42-3-3) with a deadly weapon;**

14 **(F) rape (IC 35-42-4-1) as a Class A felony;**

15 **(G) criminal deviate conduct (IC 35-42-4-2) (repealed) as**
 16 **a Class A felony;**

17 **(H) except as provided in subsection (i), child molesting**
 18 **(IC 35-42-4-3) as a Class A or Class B felony, unless:**

19 **(i) the felony committed was child molesting as a Class B**
 20 **felony;**

21 **(ii) the victim was not less than twelve (12) years of age**
 22 **at the time the offense was committed;**

23 **(iii) the person is not more than four (4) years older than**
 24 **the victim, or more than five (5) years older than the**
 25 **victim if the relationship between the person and the**
 26 **victim was a dating relationship or an ongoing personal**
 27 **relationship (not including a family relationship);**

28 **(iv) the person did not have a position of authority or**
 29 **substantial influence over the victim; and**

30 **(v) the person has not committed another sex offense (as**
 31 **defined in IC 11-8-8-5.2) (including a delinquent act that**
 32 **would be a sex offense if committed by an adult) against**
 33 **any other person;**

34 **(I) robbery (IC 35-42-5-1) resulting in serious bodily injury**
 35 **or with a deadly weapon;**

36 **(J) arson (IC 35-43-1-1) for hire or resulting in serious**
 37 **bodily injury;**

38 **(K) burglary (IC 35-43-2-1) resulting in serious bodily**
 39 **injury or with a deadly weapon;**

40 **(L) resisting law enforcement (IC 35-44.1-3-1) with a**
 41 **deadly weapon;**

42 **(M) escape (IC 35-44.1-3-4) with a deadly weapon;**

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- 1 (N) rioting (IC 35-45-1-2) with a deadly weapon;
 2 (O) dealing in cocaine or a narcotic drug (IC 35-48-4-1) if
 3 the court finds the person possessed a firearm (as defined
 4 in IC 35-47-1-5) at the time of the offense, or the person
 5 delivered or intended to deliver to a person under eighteen
 6 (18) years of age at least three (3) years junior to the
 7 person and was on a school bus or within five hundred
 8 (500) feet of:
 9 (i) school property; or
 10 (ii) a public park;
 11 (P) dealing in methamphetamine (IC 35-48-4-1.1) if the
 12 court finds the person possessed a firearm (as defined in
 13 IC 35-47-1-5) at the time of the offense, or the person
 14 delivered or intended to deliver the methamphetamine
 15 pure or adulterated to a person less than eighteen (18)
 16 years of age at least three (3) years junior to the person
 17 and was on a school bus or within five hundred (500) feet
 18 of:
 19 (i) school property; or
 20 (ii) a public park;
 21 (Q) dealing in a schedule I, II, or III controlled substance
 22 (IC 35-48-4-2) if the court finds the person possessed a
 23 firearm (as defined in IC 35-47-1-5) at the time of the
 24 offense, or the person delivered or intended to deliver to a
 25 person less than eighteen (18) years of age at least three (3)
 26 years junior to the person and was on a school bus or
 27 within five hundred (500) feet of:
 28 (i) school property; or
 29 (ii) a public park;
 30 (R) an offense under IC 9-30-5 (operating a vehicle while
 31 intoxicated) and the person who committed the offense has
 32 accumulated at least two (2) prior unrelated convictions
 33 under IC 9-30-5;
 34 (S) an offense under IC 9-30-5-5(b) (operating a vehicle
 35 while intoxicated causing death);
 36 (T) aggravated battery (IC 35-42-2-1.5); or
 37 (U) disarming a law enforcement officer (IC 35-44.1-3-2).
 38 (4) The felony, committed after June 30, 2014, was:
 39 (A) murder (IC 35-42-1-1), including attempted murder and
 40 conspiracy to commit murder;
 41 (B) battery (IC 35-42-2-1) with a deadly weapon or battery
 42 causing death;

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- 1 ~~(C) sexual battery (IC 35-42-4-8) with a deadly weapon;~~
 2 **(B) voluntary manslaughter (IC 35-42-1-3);**
 3 **(C) battery that results in a death (IC 35-42-2-1);**
 4 (D) kidnapping (IC 35-42-3-2);
 5 (E) confinement (IC 35-42-3-3) with a deadly weapon;
 6 (F) rape (IC 35-42-4-1) as a ~~Class A felony;~~ **Level 1 felony;**
 7 (G) ~~criminal deviate conduct, (IC 35-42-4-2) as a Class A~~
 8 ~~felony;~~ **neglect of a dependent (IC 35-46-1-4) as a Level 1**
 9 **or Level 2 felony;**
 10 (H) except as provided in subsection (i), child molesting
 11 (IC 35-42-4-3) as a ~~Class A or Class B~~ **Level 1, Level 2, or**
 12 **Level 3** felony, unless:
 13 (i) the felony committed was child molesting as a ~~Class B~~
 14 **Level 3** felony;
 15 (ii) the victim was not less than twelve (12) years ~~old of age~~
 16 at the time the offense was committed;
 17 (iii) the person is not more than four (4) years older than the
 18 victim, or more than five (5) years older than the victim if
 19 the relationship between the person and the victim was a
 20 dating relationship or an ongoing personal relationship (not
 21 including a family relationship);
 22 (iv) the person did not have a position of authority or
 23 substantial influence over the victim; and
 24 (v) the person has not committed another sex offense (as
 25 defined in IC 11-8-8-5.2) (including a delinquent act that
 26 would be a sex offense if committed by an adult) against any
 27 other person;
 28 (I) robbery (IC 35-42-5-1) resulting in serious bodily injury or
 29 with a deadly weapon;
 30 (J) arson (IC 35-43-1-1) for hire or resulting in serious bodily
 31 injury;
 32 (K) burglary (IC 35-43-2-1) resulting in serious bodily injury
 33 or with a deadly weapon;
 34 (L) resisting law enforcement (IC 35-44.1-3-1) with a deadly
 35 weapon;
 36 (M) escape (IC 35-44.1-3-4) with a deadly weapon;
 37 (N) rioting (IC 35-45-1-2) with a deadly weapon;
 38 ~~(O) dealing in cocaine or a narcotic drug (IC 35-48-4-1) if the~~
 39 ~~court finds the person possessed a firearm (as defined in~~
 40 ~~IC 35-47-1-5) at the time of the offense; or the person~~
 41 ~~delivered or intended to deliver to a person under eighteen~~
 42 ~~(18) years of age at least three (3) years junior to the person~~

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- 1 and was on a school bus or within one thousand (1,000) feet
 2 of:
- 3 (i) school property;
 4 (ii) a public park;
 5 (iii) a family housing complex; or
 6 (iv) a youth program center;
- 7 (P) dealing in methamphetamine (IC 35-48-4-1.1) if the court
 8 finds the person possessed a firearm (as defined in
 9 IC 35-47-1-5) at the time of the offense; or the person
 10 delivered or intended to deliver the methamphetamine pure or
 11 adulterated to a person under eighteen (18) years of age at
 12 least three (3) years junior to the person and was on a school
 13 bus or within one thousand (1,000) feet of:
- 14 (i) school property;
 15 (ii) a public park;
 16 (iii) a family housing complex; or
 17 (iv) a youth program center;
- 18 (Q) dealing in a schedule I, II, or III controlled substance (IC
 19 35-48-4-2) if the court finds the person possessed a firearm (as
 20 defined in IC 35-47-1-5) at the time of the offense; or the
 21 person delivered or intended to deliver to a person under
 22 eighteen (18) years of age at least three (3) years junior to the
 23 person and was on a school bus or within one thousand (1,000)
 24 feet of:
- 25 (i) school property;
 26 (ii) a public park;
 27 (iii) a family housing complex; or
 28 (iv) a youth program center;
- 29 (R) (O) an offense under IC 9-30-5 (operating a vehicle while
 30 intoxicated) and the person who committed the offense has
 31 accumulated at least two (2) prior unrelated convictions under
 32 IC 9-30-5;
- 33 (S) (P) an offense under IC 9-30-5-5(b) (operating a vehicle
 34 while intoxicated causing death);
- 35 (T) (Q) aggravated battery (IC 35-42-2-1.5); or
 36 (U) (R) disarming a law enforcement officer (IC 35-44.1-3-2)
 37 **as a Level 1, Level 2, or Level 3 felony.**
- 38 (c) Except as provided in subsection (e), whenever the court
 39 suspends a sentence for a felony, it shall place the person on probation
 40 under IC 35-38-2 for a fixed period to end not later than the date that
 41 the maximum sentence that may be imposed for the felony will expire.

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1 (d) The minimum sentence for a person convicted of voluntary
2 manslaughter may not be suspended unless the court finds at the
3 sentencing hearing that the crime was not committed by means of a
4 deadly weapon.

5 (e) Whenever the court suspends that part of the sentence of a sex
6 or violent offender (as defined in IC 11-8-8-5) that is suspendible under
7 subsection (b), the court shall place the sex or violent offender on
8 probation under IC 35-38-2 for not more than ten (10) years.

9 (f) An additional term of imprisonment imposed under
10 ~~IC 35-50-2-11~~ **section 11 of this chapter** may not be suspended.

11 (g) **Before July 1, 2014**, a term of imprisonment imposed under
12 IC 35-47-10-6 or IC 35-47-10-7 may not be suspended if the
13 commission of the offense was knowing or intentional. **After June 30,**
14 **2014, an additional term of imprisonment imposed under this**
15 **chapter may not be suspended.**

16 (h) **Before July 1, 2014**, a term of imprisonment imposed for an
17 offense under IC 35-48-4-6(b)(1)(B) or IC 35-48-4-6.1(b)(1)(B) may
18 not be suspended.

19 (i) If a person is:

20 (1) convicted of child molesting (IC 35-42-4-3) as a Class A
21 **felony (for a crime committed before July 1, 2014) or as a**
22 **Level 1, Level 2, or Level 3 felony (for a crime committed**
23 **after June 30, 2014)** against a victim less than twelve (12) years
24 of age; and

25 (2) at least twenty-one (21) years of age;

26 the court may suspend only that part of the sentence that is in excess of
27 thirty (30) years.

28 SECTION 644. IC 35-50-2-3, AS AMENDED BY P.L.99-2007,
29 SECTION 212, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who commits
31 murder shall be imprisoned for a fixed term of between forty-five (45)
32 and ~~sixty-five (65)~~ **seventy-five (75)** years, with the advisory sentence
33 being fifty-five (55) years. In addition, the person may be fined not
34 more than ten thousand dollars (\$10,000).

35 (b) Notwithstanding subsection (a), a person who was:

36 (1) at least eighteen (18) years of age at the time the murder was
37 committed may be sentenced to:

38 (A) death; or

39 (B) life imprisonment without parole; and

40 (2) at least sixteen (16) years of age but less than eighteen (18)
41 years of age at the time the murder was committed may be
42 sentenced to life imprisonment without parole;

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1 under section 9 of this chapter unless a court determines under
2 IC 35-36-9 that the person is an individual with mental retardation.

3 SECTION 645. IC 35-50-2-8.5 IS REPEALED [EFFECTIVE JULY
4 1, 2014]. Sec. 8-5: (a) The state may seek to have a person sentenced
5 to life imprisonment without parole for any felony described in section
6 2(b)(4) of this chapter by alleging, on a page separate from the rest of
7 the charging instrument, that the person has accumulated two (2) prior
8 unrelated felony convictions described in section 2(b)(4) of this
9 chapter.

10 (b) The state may seek to have a person sentenced to life
11 imprisonment without parole for a Class A felony under IC 35-42-4
12 that is a sex offense against a child by alleging, on a page separate from
13 the rest of the charging instrument, that the person has a prior unrelated
14 Class A felony conviction under IC 35-42-4 that is a sex offense
15 against a child.

16 (c) If the person was convicted of the felony in a jury trial, the jury
17 shall reconvene to hear evidence on the life imprisonment without
18 parole allegation. If the person was convicted of the felony by trial to
19 the court without a jury or if the judgment was entered to guilty plea,
20 the court alone shall hear evidence on the life imprisonment without
21 parole allegation.

22 (d) A person is subject to life imprisonment without parole if the
23 jury (in a case tried by a jury) or the court (in a case tried by the court
24 or on a judgment entered on a guilty plea) finds that the state has
25 proved beyond a reasonable doubt that the person:

26 (1) has accumulated two (2) prior unrelated convictions for
27 offenses described in section 2(b)(4) of this chapter; or

28 (2) has a prior unrelated Class A felony conviction under
29 IC 35-42-4 that is a sex offense against a child.

30 (e) The court may sentence a person found to be subject to life
31 imprisonment without parole under this section to life imprisonment
32 without parole.

33 SECTION 646. IC 35-50-2-9, AS AMENDED BY P.L.99-2007,
34 SECTION 213, IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) The state may seek either a
36 death sentence or a sentence of life imprisonment without parole for
37 murder by alleging, on a page separate from the rest of the charging
38 instrument, the existence of at least one (1) of the aggravating
39 circumstances listed in subsection (b). In the sentencing hearing after
40 a person is convicted of murder, the state must prove beyond a
41 reasonable doubt the existence of at least one (1) of the aggravating
42 circumstances alleged. However, the state may not proceed against a

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1 defendant under this section if a court determines at a pretrial hearing
 2 under IC 35-36-9 that the defendant is an individual with mental
 3 retardation.

4 (b) The aggravating circumstances are as follows:

5 (1) The defendant committed the murder by intentionally killing
 6 the victim while committing or attempting to commit any of the
 7 following:

8 (A) Arson (IC 35-43-1-1).

9 (B) Burglary (IC 35-43-2-1).

10 (C) Child molesting (IC 35-42-4-3).

11 (D) Criminal deviate conduct (IC 35-42-4-2) **(repealed)**.

12 (E) Kidnapping (IC 35-42-3-2).

13 (F) Rape (IC 35-42-4-1).

14 (G) Robbery (IC 35-42-5-1).

15 (H) Carjacking (IC 35-42-5-2) **(repealed)**.

16 (I) Criminal gang activity (IC 35-45-9-3).

17 (J) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).

18 **(K) Criminal confinement (IC 35-42-3-3)**.

19 (2) The defendant committed the murder by the unlawful
 20 detonation of an explosive with intent to injure a person or
 21 damage property.

22 (3) The defendant committed the murder by lying in wait.

23 (4) The defendant who committed the murder was hired to kill.

24 (5) The defendant committed the murder by hiring another person
 25 to kill.

26 (6) The victim of the murder was a corrections employee,
 27 probation officer, parole officer, community corrections worker,
 28 home detention officer, fireman, judge, or law enforcement
 29 officer, and either:

30 (A) the victim was acting in the course of duty; or

31 (B) the murder was motivated by an act the victim performed
 32 while acting in the course of duty.

33 (7) The defendant has been convicted of another murder.

34 (8) The defendant has committed another murder, at any time,
 35 regardless of whether the defendant has been convicted of that
 36 other murder.

37 (9) The defendant was:

38 (A) under the custody of the department of correction;

39 (B) under the custody of a county sheriff;

40 (C) on probation after receiving a sentence for the commission
 41 of a felony; or

42 (D) on parole;

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- 1 at the time the murder was committed.
- 2 (10) The defendant dismembered the victim.
- 3 (11) The defendant burned, mutilated, or tortured the victim while
- 4 the victim was alive.
- 5 (12) The victim of the murder was less than twelve (12) years of
- 6 age.
- 7 (13) The victim was a victim of any of the following offenses for
- 8 which the defendant was convicted:
- 9 (A) **Before July 1, 2014**, battery as a Class D felony or as a
- 10 Class C felony under IC 35-42-2-1 **or after June 30, 2014,**
- 11 **battery as Level 6 felony, a Level 5 felony, a Level 4 felony**
- 12 **or a Level 3 felony.**
- 13 (B) Kidnapping (IC 35-42-3-2).
- 14 (C) Criminal confinement (IC 35-42-3-3).
- 15 (D) A sex crime under IC 35-42-4.
- 16 (14) The victim of the murder was listed by the state or known by
- 17 the defendant to be a witness against the defendant and the
- 18 defendant committed the murder with the intent to prevent the
- 19 person from testifying.
- 20 (15) The defendant committed the murder by intentionally
- 21 discharging a firearm (as defined in IC 35-47-1-5):
- 22 (A) into an inhabited dwelling; or
- 23 (B) from a vehicle.
- 24 (16) The victim of the murder was pregnant and the murder
- 25 resulted in the intentional killing of a fetus that has attained
- 26 viability (as defined in IC 16-18-2-365).
- 27 (c) The mitigating circumstances that may be considered under this
- 28 section are as follows:
- 29 (1) The defendant has no significant history of prior criminal
- 30 conduct.
- 31 (2) The defendant was under the influence of extreme mental or
- 32 emotional disturbance when the murder was committed.
- 33 (3) The victim was a participant in or consented to the defendant's
- 34 conduct.
- 35 (4) The defendant was an accomplice in a murder committed by
- 36 another person, and the defendant's participation was relatively
- 37 minor.
- 38 (5) The defendant acted under the substantial domination of
- 39 another person.
- 40 (6) The defendant's capacity to appreciate the criminality of the
- 41 defendant's conduct or to conform that conduct to the

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1 requirements of law was substantially impaired as a result of
2 mental disease or defect or of intoxication.
3 (7) The defendant was less than eighteen (18) years of age at the
4 time the murder was committed.
5 (8) Any other circumstances appropriate for consideration.
6 (d) If the defendant was convicted of murder in a jury trial, the jury
7 shall reconvene for the sentencing hearing. If the trial was to the court,
8 or the judgment was entered on a guilty plea, the court alone shall
9 conduct the sentencing hearing. The jury or the court may consider all
10 the evidence introduced at the trial stage of the proceedings, together
11 with new evidence presented at the sentencing hearing. The court shall
12 instruct the jury concerning the statutory penalties for murder and any
13 other offenses for which the defendant was convicted, the potential for
14 consecutive or concurrent sentencing, and the availability of good time
15 credit and clemency. The court shall instruct the jury that, in order for
16 the jury to recommend to the court that the death penalty or life
17 imprisonment without parole should be imposed, the jury must find at
18 least one (1) aggravating circumstance beyond a reasonable doubt as
19 described in subsection (1) and shall provide a special verdict form for
20 each aggravating circumstance alleged. The defendant may present any
21 additional evidence relevant to:
22 (1) the aggravating circumstances alleged; or
23 (2) any of the mitigating circumstances listed in subsection (c).
24 (e) For a defendant sentenced after June 30, 2002, except as
25 provided by IC 35-36-9, if the hearing is by jury, the jury shall
26 recommend to the court whether the death penalty or life imprisonment
27 without parole, or neither, should be imposed. The jury may
28 recommend:
29 (1) the death penalty; or
30 (2) life imprisonment without parole;
31 only if it makes the findings described in subsection (1). If the jury
32 reaches a sentencing recommendation, the court shall sentence the
33 defendant accordingly. After a court pronounces sentence, a
34 representative of the victim's family and friends may present a
35 statement regarding the impact of the crime on family and friends. The
36 impact statement may be submitted in writing or given orally by the
37 representative. The statement shall be given in the presence of the
38 defendant.
39 (f) If a jury is unable to agree on a sentence recommendation after
40 reasonable deliberations, the court shall discharge the jury and proceed
41 as if the hearing had been to the court alone.

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1 (g) If the hearing is to the court alone, except as provided by
2 IC 35-36-9, the court shall:

3 (1) sentence the defendant to death; or

4 (2) impose a term of life imprisonment without parole;
5 only if it makes the findings described in subsection (l).

6 (h) If a court sentences a defendant to death, the court shall order
7 the defendant's execution to be carried out not later than one (1) year
8 and one (1) day after the date the defendant was convicted. The
9 supreme court has exclusive jurisdiction to stay the execution of a
10 death sentence. If the supreme court stays the execution of a death
11 sentence, the supreme court shall order a new date for the defendant's
12 execution.

13 (i) If a person sentenced to death by a court files a petition for
14 post-conviction relief, the court, not later than ninety (90) days after the
15 date the petition is filed, shall set a date to hold a hearing to consider
16 the petition. If a court does not, within the ninety (90) day period, set
17 the date to hold the hearing to consider the petition, the court's failure
18 to set the hearing date is not a basis for additional post-conviction
19 relief. The attorney general shall answer the petition for post-conviction
20 relief on behalf of the state. At the request of the attorney general, a
21 prosecuting attorney shall assist the attorney general. The court shall
22 enter written findings of fact and conclusions of law concerning the
23 petition not later than ninety (90) days after the date the hearing
24 concludes. However, if the court determines that the petition is without
25 merit, the court may dismiss the petition within ninety (90) days
26 without conducting a hearing under this subsection.

27 (j) A death sentence is subject to automatic review by the supreme
28 court. The review, which shall be heard under rules adopted by the
29 supreme court, shall be given priority over all other cases. The supreme
30 court's review must take into consideration all claims that the:

31 (1) conviction or sentence was in violation of the:

32 (A) Constitution of the State of Indiana; or

33 (B) Constitution of the United States;

34 (2) sentencing court was without jurisdiction to impose a
35 sentence; and

36 (3) sentence:

37 (A) exceeds the maximum sentence authorized by law; or

38 (B) is otherwise erroneous.

39 If the supreme court cannot complete its review by the date set by the
40 sentencing court for the defendant's execution under subsection (h), the
41 supreme court shall stay the execution of the death sentence and set a
42 new date to carry out the defendant's execution.

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1 (k) A person who has been sentenced to death and who has
 2 completed state post-conviction review proceedings may file a written
 3 petition with the supreme court seeking to present new evidence
 4 challenging the person's guilt or the appropriateness of the death
 5 sentence if the person serves notice on the attorney general. The
 6 supreme court shall determine, with or without a hearing, whether the
 7 person has presented previously undiscovered evidence that
 8 undermines confidence in the conviction or the death sentence. If
 9 necessary, the supreme court may remand the case to the trial court for
 10 an evidentiary hearing to consider the new evidence and its effect on
 11 the person's conviction and death sentence. The supreme court may not
 12 make a determination in the person's favor nor make a decision to
 13 remand the case to the trial court for an evidentiary hearing without
 14 first providing the attorney general with an opportunity to be heard on
 15 the matter.

16 (l) Before a sentence may be imposed under this section, the jury,
 17 in a proceeding under subsection (e), or the court, in a proceeding
 18 under subsection (g), must find that:

- 19 (1) the state has proved beyond a reasonable doubt that at least
 20 one (1) of the aggravating circumstances listed in subsection (b)
 21 exists; and
 22 (2) any mitigating circumstances that exist are outweighed by the
 23 aggravating circumstance or circumstances.

24 SECTION 647. IC 35-50-2-10 IS REPEALED [EFFECTIVE JULY
 25 1, 2014]. Sec. 10: (a) As used in this section:

- 26 (1) "Drug" means a drug or controlled substance (as defined in
 27 IC 35-48-1).
 28 (2) "Substance offense" means a Class A misdemeanor or a felony
 29 in which the possession, use, abuse, delivery, transportation, or
 30 manufacture of alcohol or drugs is a material element of the
 31 crime. The term includes an offense under IC 9-30-5 and an
 32 offense under IC 9-11-2 (before its repeal).

33 (b) The state may seek to have a person sentenced as a habitual
 34 substance offender for any substance offense by alleging, on a page
 35 separate from the rest of the charging instrument, that the person has
 36 accumulated two (2) prior unrelated substance offense convictions.

37 (c) After a person has been convicted and sentenced for a substance
 38 offense committed after sentencing for a prior unrelated substance
 39 offense conviction, the person has accumulated two (2) prior unrelated
 40 substance offense convictions. However, a conviction does not count
 41 for purposes of this subsection if:

- 42 (1) it has been set aside; or

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1 (2) it is a conviction for which the person has been pardoned:

2 (d) If the person was convicted of the substance offense in a jury
3 trial, the jury shall reconvene for the sentencing hearing. If the trial was
4 to the court, or the judgment was entered on a guilty plea, the court
5 alone shall conduct the sentencing hearing, under IC 35-38-1-3.

6 (e) A person is a habitual substance offender if the jury (if the
7 hearing is by jury) or the court (if the hearing is to the court alone)
8 finds that the state has proved beyond a reasonable doubt that the
9 person had accumulated two (2) prior unrelated substance offense
10 convictions.

11 (f) The court shall sentence a person found to be a habitual
12 substance offender to an additional fixed term of at least three (3) years
13 but not more than eight (8) years imprisonment, to be added to the term
14 of imprisonment imposed under IC 35-50-2 or IC 35-50-3. If the court
15 finds that:

16 (1) three (3) years or more have elapsed since the date the person
17 was discharged from probation, imprisonment, or parole
18 (whichever is later) for the last prior unrelated substance offense
19 conviction and the date the person committed the substance
20 offense for which the person is being sentenced as a habitual
21 substance offender; or

22 (2) all of the substance offenses for which the person has been
23 convicted are substance offenses under IC 16-42-19 or
24 IC 35-48-4, the person has not been convicted of a substance
25 offense listed in section 2(b)(4) of this chapter, and the total
26 number of convictions that the person has for:

27 (A) dealing in or selling a legend drug under IC 16-42-19-27;

28 (B) dealing in cocaine or a narcotic drug (IC 35-48-4-1);

29 (C) dealing in a schedule I, II, or III controlled substance
30 (IC 35-48-4-2);

31 (D) dealing in a schedule IV controlled substance
32 (IC 35-48-4-3); and

33 (E) dealing in a schedule V controlled substance
34 (IC 35-48-4-4);

35 does not exceed one (1);

36 then the court may reduce the additional fixed term. However, the court
37 may not reduce the additional fixed term to less than one (1) year.

38 (g) If a reduction of the additional year fixed term is authorized
39 under subsection (f), the court may also consider the aggravating or
40 circumstances in IC 35-38-1-7.1(a) and the mitigating circumstances
41 in IC 35-38-1-7.1(b) to:

42 (1) decide the issue of granting a reduction; or

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1 (2) determine the number of years, if any, to be subtracted under
 2 subsection (f);
 3 SECTION 648. IC 35-50-2-11, AS AMENDED BY P.L.71-2005,
 4 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2014]: Sec. 11. (a) As used in this section, "firearm" has the
 6 meaning set forth in IC 35-47-1-5.
 7 (b) As used in this section, "offense" means:
 8 (1) a felony under IC 35-42 that resulted in death or serious bodily
 9 injury;
 10 (2) kidnapping; or
 11 (3) criminal confinement as a ~~Class B~~ **Level 2 or Level 3** felony.
 12 (c) The state may seek, on a page separate from the rest of a
 13 charging instrument, to have a person who allegedly committed an
 14 offense sentenced to an additional fixed term of imprisonment if the
 15 state can show beyond a reasonable doubt that the person knowingly or
 16 intentionally used a firearm in the commission of the offense.
 17 (d) If the person was convicted of the offense in a jury trial, the jury
 18 shall reconvene to hear evidence in the enhancement hearing. If the
 19 trial was to the court, or the judgment was entered on a guilty plea, the
 20 court alone shall hear evidence in the enhancement hearing.
 21 (e) If the jury (if the hearing is by jury) or the court (if the hearing
 22 is to the court alone) finds that the state has proved beyond a
 23 reasonable doubt that the person knowingly or intentionally used a
 24 firearm in the commission of the offense, the court may sentence the
 25 person to an additional fixed term of imprisonment of five (5) years.
 26 SECTION 649. IC 35-50-2-15, AS ADDED BY P.L.109-2006,
 27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2014]: Sec. 15. (a) This section does not apply to an
 29 individual who is convicted of a felony offense under IC 35-45-9-3.
 30 (b) The state may seek, on a page separate from the rest of a
 31 charging instrument, to have a person who allegedly committed a
 32 felony offense sentenced to an additional fixed term of imprisonment
 33 if the state can show beyond a reasonable doubt that the person:
 34 ~~knowingly or intentionally:~~
 35 (1) **knowingly or intentionally** was a member of a criminal gang
 36 while committing the offense; and
 37 (2) committed the felony offense:
 38 (A) at the direction of or in affiliation with a criminal gang; or
 39 (B) **with the intent to benefit, promote, or further the**
 40 **interests of a criminal gang, or for the purposes of**
 41 **increasing the person's own standing or position with a**
 42 **criminal gang.**

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1 (c) If the person is convicted of the felony offense in a jury trial, the
 2 jury shall reconvene to hear evidence in the enhancement hearing. If
 3 the trial was to the court, or the judgment was entered on a guilty plea,
 4 the court alone shall hear evidence in the enhancement hearing.

5 (d) If the jury (if the hearing is by jury) or the court (if the hearing
 6 is to the court alone) finds that the state has proved beyond a
 7 reasonable doubt that the person knowingly or intentionally was a
 8 member of a criminal gang while committing the felony offense and
 9 committed the felony offense at the direction of or in affiliation with a
 10 criminal gang as described in subsection (b), the court shall:

11 (1) sentence the person to an additional fixed term of
 12 imprisonment equal to the sentence imposed for the underlying
 13 felony, if the person is sentenced for only one (1) felony; or

14 (2) sentence the person to an additional fixed term of
 15 imprisonment equal to the longest sentence imposed for the
 16 underlying felonies, if the person is being sentenced for more than
 17 one (1) felony.

18 (e) A sentence imposed under this section shall run consecutively
 19 to the underlying sentence.

20 (f) A term of imprisonment imposed under this section may not be
 21 suspended.

22 (g) For purposes of subsection (c), evidence that a person was a
 23 member of a criminal gang or committed a felony at the direction of or
 24 in affiliation with a criminal gang may include: ~~expert testimony~~
 25 ~~pursuant to the Indiana Rules of Evidence that may be admitted to~~
 26 ~~prove that particular conduct, status, and customs are indicative of~~
 27 ~~criminal gang activity. The expert testimony may include the following:~~

28 (1) ~~Characteristics of persons who are members of criminal~~
 29 ~~gangs:~~

30 (2) ~~Descriptions of rivalries between criminal gangs:~~

31 (3) ~~Common practices and operations of criminal gangs:~~

32 (4) ~~Behavior of criminal gangs:~~

33 (5) ~~Terminology used by members of criminal gangs:~~

34 (6) ~~Codes of conduct, including criminal conduct, of particular~~
 35 ~~criminal gangs:~~

36 (7) ~~Types of crimes that are likely to be committed by a particular~~
 37 ~~criminal gang:~~

38 (1) **An admission of criminal gang membership by the person.**

39 (2) **A statement by:**

40 (A) **a member of the person's family;**

41 (B) **the person's guardian; or**

42 (C) **a reliable member of the criminal gang;**

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- 1 **stating the person is a member of a criminal gang.**
- 2 **(3) The person having tattoos identifying the person as a**
- 3 **member of a criminal gang.**
- 4 **(4) The person having a style of dress that is particular to**
- 5 **members of a criminal gang.**
- 6 **(5) The person associating with one (1) or more members of**
- 7 **a criminal gang.**
- 8 **(6) Physical evidence indicating the person is a member of a**
- 9 **criminal gang.**
- 10 **(7) An observation of the person in the company of a known**
- 11 **criminal gang member on multiple occasions.**
- 12 **(8) Communications authored by the person indicating**
- 13 **criminal gang membership.**

14 SECTION 650. IC 35-50-6-3.3, AS AMENDED BY P.L.147-2012,
 15 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2014]: Sec. 3.3. (a) In addition to any credit time a person
 17 earns under subsection (b) or section 3 of this chapter, a person earns
 18 credit time if the person:

- 19 (1) is in credit Class I;
- 20 (2) has demonstrated a pattern consistent with rehabilitation; and
- 21 (3) successfully completes requirements to obtain one (1) of the
- 22 following:
- 23 (A) A general educational development (GED) diploma under
- 24 IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person
- 25 has not previously obtained a high school diploma.
- 26 (B) Except as provided in subsection (n), a high school
- 27 diploma, if the person has not previously obtained a general
- 28 educational development (GED) diploma.
- 29 (C) An associate's degree from an approved postsecondary
- 30 educational institution (as defined under IC 21-7-13-6(a))
- 31 **earned during the person's incarceration.**
- 32 (D) A bachelor's degree from an approved postsecondary
- 33 educational institution (as defined under IC 21-7-13-6(a))
- 34 **earned during the person's incarceration.**

35 (b) In addition to any credit time that a person earns under
 36 subsection (a) or section 3 of this chapter, a person may earn credit
 37 time if, while confined by the department of correction, the person:

- 38 (1) is in credit Class I;
- 39 (2) demonstrates a pattern consistent with rehabilitation; and
- 40 (3) successfully completes requirements to obtain at least one (1)
- 41 of the following:

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- 1 (A) A certificate of completion of a career and technical **or**
 2 **vocational** education program approved by the department of
 3 correction.
- 4 (B) A certificate of completion of a substance abuse program
 5 approved by the department of correction.
- 6 (C) A certificate of completion of a literacy and basic life
 7 skills program approved by the department of correction.
- 8 (D) A certificate of completion of a reformatory program
 9 approved by the department of correction.
- 10 (c) The department of correction shall establish admissions criteria
 11 and other requirements for programs available for earning credit time
 12 under subsection (b). A person may not earn credit time under both
 13 subsections (a) and (b) for the same program of study. **The**
 14 **department of correction, in consultation with the department of**
 15 **workforce development, shall approve a program only if the**
 16 **program is likely to lead to an employable occupation.**
- 17 (d) The amount of credit time a person may earn under this section
 18 is the following:
- 19 (1) Six (6) months for completion of a state of Indiana general
 20 educational development (GED) diploma under IC 20-20-6
 21 (before its repeal) or IC 22-4.1-18.
- 22 (2) One (1) year for graduation from high school.
- 23 (3) **Not more than** one (1) year for completion of an associate's
 24 degree.
- 25 (4) **Not more than** two (2) years for completion of a bachelor's
 26 degree.
- 27 (5) Not more than a total of ~~six (6) months~~ **one (1) year** of credit,
 28 as determined by the department of correction, for the completion
 29 of one (1) or more career and technical **or vocational** education
 30 programs approved by the department of correction.
- 31 (6) Not more than a total of six (6) months of credit, as
 32 determined by the department of correction, for the completion of
 33 one (1) or more substance abuse programs approved by the
 34 department of correction.
- 35 (7) Not more than a total of six (6) months credit, as determined
 36 by the department of correction, for the completion of one (1) or
 37 more literacy and basic life skills programs approved by the
 38 department of correction.
- 39 (8) Not more than a total of six (6) months credit time, as
 40 determined by the department of correction, for completion of one
 41 (1) or more reformatory programs approved by the department of
 42 correction. However, a person who is serving a sentence for an

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1 offense listed under IC 11-8-8-4.5 may not earn credit time under
 2 this subdivision.
 3 However, a person who does not have a substance abuse problem that
 4 qualifies the person to earn credit in a substance abuse program may
 5 earn not more than a total of twelve (12) months of credit, as
 6 determined by the department of correction, for the completion of one
 7 (1) or more career and technical **or vocational** education programs
 8 approved by the department of correction. If a person earns more than
 9 six (6) months of credit for the completion of one (1) or more career
 10 and technical **or vocational** education programs, the person is
 11 ineligible to earn credit for the completion of one (1) or more substance
 12 abuse programs.

13 **(e) Credit time earned under this section must be directly**
 14 **proportional to the time served and course work completed while**
 15 **incarcerated. The department of correction shall adopt rules under**
 16 **IC 4-22-2 necessary to implement this subsection.**

17 ~~(e)~~ **(f)** Credit time earned by a person under this section is
 18 subtracted from the ~~release date that would otherwise apply to the~~
 19 ~~person period of imprisonment imposed on the person by the~~
 20 ~~sentencing court~~ after subtracting all other credit time earned by the
 21 person.

22 ~~(f)~~ **(g)** A person does not earn credit time under subsection (a)
 23 unless the person completes at least a portion of the degree
 24 requirements after June 30, 1993.

25 ~~(g)~~ **(h)** A person does not earn credit time under subsection (b)
 26 unless the person completes at least a portion of the program
 27 requirements after June 30, 1999.

28 ~~(h)~~ **(i)** Credit time earned by a person under subsection (a) for a
 29 diploma or degree completed before July 1, 1999, shall be subtracted
 30 from:

31 (1) the release date that would otherwise apply to the person after
 32 subtracting all other credit time earned by the person, if the
 33 person has not been convicted of an offense described in
 34 subdivision (2); or

35 (2) the period of imprisonment imposed on the person by the
 36 sentencing court, if the person has been convicted of one (1) of
 37 the following crimes:

- 38 (A) Rape (IC 35-42-4-1).
 39 (B) Criminal deviate conduct (IC 35-42-4-2) **(repealed)**.
 40 (C) Child molesting (IC 35-42-4-3).
 41 (D) Child exploitation (IC 35-42-4-4(b)).
 42 (E) Vicarious sexual gratification (IC 35-42-4-5).

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- 1 (F) Child solicitation (IC 35-42-4-6).
 2 (G) Child seduction (IC 35-42-4-7).
 3 (H) Sexual misconduct with a minor (**IC 35-42-4-9**) as a:
 4 (i) Class A felony, Class B felony, or Class C felony,
 5 (~~IC 35-42-4-9~~) **for a crime committed before July 1, 2014;**
 6 **or**
 7 **(ii) Level 1, Level 2, or Level 4 felony, for a crime**
 8 **committed after June 30, 2014.**
 9 (I) Incest (IC 35-46-1-3).
 10 (J) Sexual battery (IC 35-42-4-8).
 11 (K) Kidnapping (IC 35-42-3-2), if the victim is less than
 12 eighteen (18) years of age.
 13 (L) Criminal confinement (IC 35-42-3-3), if the victim is less
 14 than eighteen (18) years of age.
 15 (M) An attempt or a conspiracy to commit a crime listed in
 16 clauses (A) through (L).
 17 ~~(j)~~ **(j)** The maximum amount of credit time a person may earn under
 18 this section is the lesser of:
 19 (1) ~~four (4)~~ **two (2)** years; or
 20 (2) one-third (1/3) of the person's total applicable credit time.
 21 ~~(k)~~ **(k)** Credit time earned under this section by an offender serving
 22 a sentence for a felony against a person under IC 35-42 or for a crime
 23 listed in IC 11-8-8-5 shall be reduced to the extent that application of
 24 the credit time would otherwise result in:
 25 (1) postconviction release (as defined in IC 35-40-4-6); or
 26 (2) assignment of the person to a community transition program;
 27 in less than forty-five (45) days after the person earns the credit time.
 28 ~~(l)~~ **(l)** A person may earn credit time for multiple degrees at the
 29 same education level under subsection (d) only in accordance with
 30 guidelines approved by the department of correction. The department
 31 of correction may approve guidelines for proper sequence of education
 32 degrees under subsection (d).
 33 ~~(m)~~ **(m)** A person may not earn credit time:
 34 (1) for a general educational development (GED) diploma if the
 35 person has previously earned a high school diploma; or
 36 (2) for a high school diploma if the person has previously earned
 37 a general educational development (GED) diploma.
 38 ~~(n)~~ **(n)** A person may not earn credit time under this section if the
 39 person:
 40 (1) commits an offense listed in IC 11-8-8-4.5 while the person is
 41 required to register as a sex or violent offender under IC 11-8-8-7;
 42 and

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1 (2) is committed to the department of correction after being
 2 convicted of the offense listed in IC 11-8-8-4.5.

3 ~~(n)~~ (o) For a person to earn credit time under subsection (a)(3)(B)
 4 for successfully completing the requirements for a high school diploma
 5 through correspondence courses, each correspondence course must be
 6 approved by the department before the person begins the
 7 correspondence course. The department may approve a correspondence
 8 course only if the entity administering the course is recognized and
 9 accredited by the department of education in the state where the entity
 10 is located.

11 SECTION 651. IC 35-50-6-4, AS AMENDED BY P.L.80-2008,
 12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2014]: Sec. 4. (a) A person who is ~~not a credit restricted felon~~
 14 ~~and who is~~ imprisoned for a crime or imprisoned awaiting trial or
 15 sentencing is initially assigned to Class I.

16 (b) ~~A person who is a credit restricted felon and who is imprisoned~~
 17 ~~for a crime or imprisoned awaiting trial or sentencing is initially~~
 18 ~~assigned to Class IV. A credit restricted felon may not be assigned to~~
 19 ~~Class I or Class H.~~

20 (c) ~~(b)~~ A person who is not assigned to Class IV may be reassigned
 21 to Class II or Class III if the person violates any of the following:

22 (1) A rule of the department of correction.
 23 (2) A rule of the penal facility in which the person is imprisoned.
 24 (3) A rule or condition of a community transition program.

25 However, a violation of a condition of parole or probation may not be
 26 the basis for reassignment. Before a person may be reassigned to a
 27 lower credit time class, the person must be granted a hearing to
 28 determine the person's guilt or innocence and, if found guilty, whether
 29 reassignment is an appropriate disciplinary action for the violation. The
 30 person may waive the right to the hearing.

31 (d) ~~A person who is assigned to Class IV may be reassigned to Class~~
 32 ~~III if the person violates any of the following:~~

33 (1) ~~A rule of the department of correction.~~
 34 (2) ~~A rule of the penal facility in which the person is imprisoned.~~
 35 (3) ~~A rule or condition of a community transition program.~~

36 ~~However, a violation of a condition of parole or probation may not be~~
 37 ~~the basis for reassignment. Before a person may be reassigned to Class~~
 38 ~~III, the person must be granted a hearing to determine the person's guilt~~
 39 ~~or innocence and, if found guilty, whether reassignment is an~~
 40 ~~appropriate disciplinary action for the violation. The person may waive~~
 41 ~~the right to the hearing.~~

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1 ~~(c)~~ **(c)** In connection with the hearing granted under subsection ~~(c)~~
 2 ~~or (d)~~; **(b)**, the person is entitled to:

3 (1) have not less than twenty-four (24) hours advance written
 4 notice of the date, time, and place of the hearing, and of the
 5 alleged misconduct and the rule the misconduct is alleged to have
 6 violated;

7 (2) have reasonable time to prepare for the hearing;

8 (3) have an impartial decisionmaker;

9 (4) appear and speak in the person's own behalf;

10 (5) call witnesses and present evidence;

11 (6) confront and cross-examine each witness, unless the hearing
 12 authority finds that to do so would subject a witness to a
 13 substantial risk of harm;

14 (7) have the assistance of a lay advocate (the department may
 15 require that the advocate be an employee of, or a fellow prisoner
 16 in, the same facility or program);

17 (8) have a written statement of the findings of fact, the evidence
 18 relied upon, and the reasons for the action taken;

19 (9) have immunity if the person's testimony or any evidence
 20 derived from the person's testimony is used in any criminal
 21 proceedings; and

22 (10) have the person's record expunged of any reference to the
 23 charge if the person is found not guilty or if a finding of guilt is
 24 later overturned.

25 Any finding of guilt must be supported by a preponderance of the
 26 evidence presented at the hearing.

27 ~~(d)~~ **(d)** A person may be reassigned from Class III to Class I ~~or~~ Class
 28 II, ~~or Class IV~~; or from Class II to Class I. A person's assignment to
 29 Class III or Class II shall be reviewed at least once every six (6) months
 30 to determine if the person should be reassigned to a higher credit time
 31 class. ~~A credit restricted felon may not be reassigned to Class I or Class~~
 32 ~~H~~.

33 SECTION 652. IC 35-50-6-5, AS AMENDED BY P.L.105-2010,
 34 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2014]: Sec. 5. (a) A person may, with respect to the same
 36 transaction, be deprived of any part of the credit time the person has
 37 earned for any of the following:

38 (1) A violation of one (1) or more rules of the department of
 39 correction.

40 (2) If the person is not committed to the department, a violation
 41 of one (1) or more rules of the penal facility in which the person
 42 is imprisoned.

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- 1 (3) A violation of one (1) or more rules or conditions of a:
 2 (A) community transition program; or
 3 (B) community corrections program.
 4 (4) If a court determines that a civil claim brought by the person
 5 in a state or an administrative court is frivolous, unreasonable, or
 6 groundless.
 7 (5) If the person is a sex offender (as defined in IC 11-8-8-5) and
 8 refuses to register before being released from the department as
 9 required under IC 11-8-8-7.
 10 (6) If the person is a sex offender (as defined in IC 11-8-8-5) and
 11 refuses to participate in a sex offender treatment program
 12 specifically offered to the sex offender by the department of
 13 correction while the person is serving a period of incarceration
 14 with the department of correction.

15 However, the violation of a condition of parole or probation may not be
 16 the basis for deprivation. Whenever a person is deprived of credit time,
 17 the person may also be reassigned to Class II ~~(if the person is not a~~
 18 ~~credit restricted felon)~~ or Class III.

19 (b) Before a person may be deprived of earned credit time, the
 20 person must be granted a hearing to determine the person's guilt or
 21 innocence and, if found guilty, whether deprivation of earned credit
 22 time is an appropriate disciplinary action for the violation. In
 23 connection with the hearing, the person is entitled to the procedural
 24 safeguards listed in section ~~4(e)~~ **4(c)** of this chapter. The person may
 25 waive the person's right to the hearing.

26 (c) Any part of the credit time of which a person is deprived under
 27 this section may be restored.

28 SECTION 653. IC 35-50-8-1, AS ADDED BY P.L.67-2007,
 29 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2014]: Sec. 1. (a) If an individual is enrolled in a primary or
 31 secondary school, including a public or nonpublic school, and:

- 32 (1) is convicted of:
 33 (A) a ~~Class A Level 1~~ **Class A Level 1** felony;
 34 (B) a ~~Class B Level 2~~ **Class B Level 2** felony;
 35 (C) a ~~Class C Level 3~~ **Class C Level 3** felony;
 36 **(D) a Level 4 felony;**
 37 **(E) a Level 5 felony; or**
 38 ~~(F)~~ **(F) at least two (2) Class D Level 6 felonies; or**
 39 (2) has been adjudicated as a delinquent child for:
 40 (A) an act that would be:
 41 (i) a ~~Class A Level 1~~ **Class A Level 1** felony;
 42 (ii) a ~~Class B Level 2~~ **Class B Level 2** felony;

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1 **(iii) a Level 3 felony;**
2 **(iv) a Level 4 felony; or**
3 **(v) a Class E Level 5 felony; or**
4 **(B) acts that would be at least two (2) Class D Level 6**
5 **felonies;**
6 if committed by an adult;
7 the judge who presided over the trial, accepted the plea agreement, or
8 adjudicated the child a delinquent child shall give written notification
9 of the conviction or adjudication to the chief administrative officer of
10 the primary or secondary school, including a public or nonpublic
11 school, or, if the individual is enrolled in a public school, the
12 superintendent of the school district in which the individual is enrolled.
13 (b) Notification under subsection (a) must occur within seven (7)
14 days after the conclusion of the trial, the date a plea agreement is
15 accepted, or the date the child is adjudicated a delinquent child.
16 (c) The notification sent to a school or school district under
17 subsection (a) must include only:
18 (1) the felony for which the individual was convicted or that the
19 individual would have committed if the individual were an adult;
20 and
21 (2) the individual's sentence or juvenile law disposition.
22 (d) If the court later modifies the individual's sentence or juvenile
23 law disposition after giving notice under this section, the court shall
24 notify the school or the school district in which the individual is
25 enrolled of the sentence or disposition modification.
26 SECTION 654. IC 36-2-14-17, AS AMENDED BY P.L.225-2007,
27 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2014]: Sec. 17. (a) A person who knowingly or intentionally
29 fails to immediately notify the coroner or a law enforcement agency of
30 the discovery of the body of a person who:
31 (1) has died from violence;
32 (2) has died in an apparently suspicious, unusual, or unnatural
33 manner; or
34 (3) has died at less than three (3) years of age;
35 commits a Class B infraction. However, the failure to immediately
36 notify under this subsection is a Class A misdemeanor if the person
37 fails to immediately notify with the intent to hinder a criminal
38 investigation.
39 (b) A person who, with the intent to hinder a criminal investigation
40 and without the permission of the coroner or a law enforcement officer,
41 knowingly or intentionally alters the scene of death of a person who has
42 died:

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1 (1) from violence; or
 2 (2) in an apparently suspicious, unusual, or unnatural manner;
 3 commits a ~~Class D~~ **Level 6** felony.
 4 SECTION 655. IC 36-7-14-40 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 40. A person who
 6 knowingly:
 7 (1) applies any money raised under this chapter to any purpose
 8 other than those permitted by this chapter; or
 9 (2) fails to follow the voucher and warrant procedure prescribed
 10 by this chapter in expending any money raised under this chapter;
 11 commits a ~~Class E~~ **Level 5** felony.
 12 SECTION 656. IC 36-7-15.1-27 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 27. A person who
 14 knowingly:
 15 (1) applies any money raised under this chapter to any purpose
 16 other than those permitted by this chapter; or
 17 (2) fails to follow the voucher and warrant procedure prescribed
 18 by law in expending any money raised under this chapter;
 19 commits a ~~Class E~~ **Level 5** felony.
 20 SECTION 657. IC 36-7-30-28 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 28. A person who
 22 knowingly:
 23 (1) applies any money raised under this chapter to any purpose
 24 other than those permitted by this chapter; or
 25 (2) fails to follow the voucher and warrant procedure prescribed
 26 by this chapter in expending any money raised under this chapter;
 27 commits a ~~Class E~~ **Level 5** felony.
 28 SECTION 658. IC 36-7-30.5-36, AS ADDED BY P.L.203-2005,
 29 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2014]: Sec. 36. A person who knowingly:
 31 (1) applies any money raised under this chapter to any purpose
 32 other than those permitted by this chapter; or
 33 (2) fails to follow the voucher and warrant procedure prescribed
 34 by this chapter in expending any money raised under this chapter;
 35 commits a ~~Class E~~ **Level 5** felony.
 36 SECTION 659. IC 36-8-3.5-23 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. A commissioner
 38 who knowingly furnishes information to an applicant for original
 39 appointment or to a member eligible for promotion that gives that
 40 person an advantage over another person commits a ~~Class D~~ **Level 6**
 41 felony.

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1 SECTION 660. IC 36-9-14-7 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The tax money
 3 collected under this chapter shall be held in a special fund to be known
 4 as the courthouse fund.

5 (b) For purposes of this chapter and IC 36-9-14.5, the portion of the
 6 property tax levy designated for a courthouse described in section 2(b)
 7 of this chapter may be transferred to a nonprofit corporation that has a
 8 lease with the county requiring the corporation to maintain or renovate
 9 the courthouse. Before appropriated funds may be transferred to a
 10 qualified nonprofit corporation, the corporation must submit a plan for
 11 the use of the funds to the county fiscal body for its approval. An
 12 officer or employee of a corporation who receives funds under this
 13 section and knowingly uses the funds for a purpose other than a
 14 purpose approved by the fiscal body commits a ~~Class D~~ **Level 6** felony.

15 SECTION 661. IC 36-10-4-5 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) In a second class
 17 city, the board may adopt a resolution to extend the boundaries of the
 18 district to the county boundaries unless the county has already
 19 established a park district under IC 36-10-3. The board must file a
 20 certified copy of the resolution with the county auditor and county
 21 treasurer. Notice of the adoption of the resolution shall be given by
 22 publication once each week for two (2) weeks in accordance with
 23 IC 5-3-1.

24 (b) Whenever the board has adopted a resolution under subsection
 25 (a), remonstrances may be filed by the affected voters within ninety
 26 (90) days after the last publication under subsection (a). Remonstrances
 27 must be signed in ink by the voter in person and state the address of
 28 each signer and that the signer is a registered voter. A person who signs
 29 a remonstrance when ~~he~~ **the person** is not a registered voter commits
 30 a ~~Class D~~ **Level 6** felony. More than one (1) voter may sign the same
 31 remonstrance.

32 (c) A vote on the public question shall be held if at least the number
 33 of the registered voters of the county required under IC 3-8-6-3 to place
 34 a candidate on the ballot file remonstrances under subsection (b) with
 35 the county clerk protesting the extension of the district.

36 (d) The county clerk shall certify to the county election board in
 37 accordance with IC 3-10-9-3 whether or not the required number of
 38 registered voters of the county have filed remonstrances. If sufficient
 39 remonstrances have been filed, the county election board shall publish
 40 a notice of the election once a week for two (2) consecutive weeks in
 41 accordance with IC 5-3-1-4, the first publication to be at least thirty
 42 (30) days before the date of the election. The question presented to the

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1 voters at the election shall be placed on the ballot in the form
 2 prescribed by IC 3-10-9-4 and must state "Shall the county park district
 3 be established?". The election is governed by IC 3 whenever not in
 4 conflict with this chapter. The county election board shall make a
 5 return of the votes cast at the referendum.

6 (e) If a majority of the votes cast are against the extension of the
 7 district, the district is not extended. If sufficient remonstrances are not
 8 filed or if a majority of the votes cast support the extension of the
 9 district, the district is extended.

10 (f) The extension of the district is effective on January 1 of the year
 11 following the adoption of the resolution or, if an election is held, on
 12 January 1 of the year following the date of the election.

13 (g) A municipality that becomes part of a district by reason of the
 14 extension of the district under this section may continue to establish,
 15 maintain, and operate parks and other recreational facilities under any
 16 other law. The parks and other recreational facilities shall be operated
 17 by the municipality separate from the parks and other recreational
 18 facilities under the jurisdiction of the board in the same manner as they
 19 would be operated by the municipality if it was not within the district.

20 (h) The operation of separate parks or recreational facilities by a
 21 municipality does not affect the obligation of property owners within
 22 the municipality to pay all taxes imposed on property within the
 23 district.

24 (i) The legislative body of a municipality may elect that the separate
 25 parks or other recreational facilities of the municipality be maintained
 26 or operated as a part of the district by adopting a resolution or an
 27 ordinance to that effect. The separate park or other recreational facility
 28 comes under the jurisdiction of the board at the time specified in the
 29 resolution or ordinance.

30 SECTION 662. IC 36-10-4-40 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 40. (a) Unless the
 32 board publicly declares an emergency, it may not during any six (6)
 33 month period make separate contracts with another party for public
 34 improvements or repairs under section 13 of this chapter on the same
 35 construction or repair site or on the same construction or repair project
 36 involving more than one (1) site, without advertising for and accepting
 37 public bids, if the aggregate cost of the separate contract is more than
 38 fifteen thousand dollars (\$15,000).

39 (b) A commissioner who knowingly violates subsection (a) commits
 40 a ~~Class D~~ **Level 6** felony.

41 (c) A person who accepts a contract with the board, knowing that
 42 subsection (a) was violated in connection with the contract, commits

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1 a ~~Class D~~ **Level 6** felony and may not be a party to or benefit from any
2 contract with an Indiana governmental entity for two (2) years after the
3 date of ~~his~~ **the person's** conviction.

4 SECTION 663. [EFFECTIVE JULY 1, 2013] **(a) The general**
5 **assembly urges the legislative council to require an existing study**
6 **committee, during the 2013 legislative interim, to evaluate the**
7 **criminal statutes in IC 7.1 and IC 9 and to make recommendations**
8 **to the general assembly for the modification of criminal laws in**
9 **IC 7.1 and IC 9.**

10 **(b) This SECTION expires December 31, 2013.**

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