



Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	3

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred Senate Bill 187, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, delete lines 6 through 17.
- 2 Page 2, delete lines 1 through 14.
- 3 Page 2, line 15, delete "2." and insert "1."
- 4 Page 2, between lines 19 and 20, begin a new paragraph and insert:
- 5 **"Sec. 3. "Discretionary funding" refers to money disbursed by**
- 6 **a state agency, after the state agency makes certain considerations,**
- 7 **to a political subdivision for a respective grant program that is not**
- 8 **based on a preset standard or formula."**
- 9 Page 2, line 20, delete "3." and insert "4."
- 10 Page 2, line 24, delete "4." and insert "5."
- 11 Page 2, line 26, delete "5." and insert "6."
- 12 Page 2, delete lines 27 through 42, begin a new paragraph and
- 13 insert:

- 1 **"Chapter 2. Enforcement**
- 2 **Sec. 1. (a) The department shall prioritize within the**
- 3 **department the investigation and prosecution of the following:**
- 4 **(1) Any person that destroys, damages, vandalizes, or**
- 5 **desecrates:**
- 6 **(A) a private or government monument, memorial, statue,**
- 7 **or other commemorative property; or**
- 8 **(B) the state capitol or Indiana government center campus.**
- 9 **(2) Any person that participates in efforts to incite violence,**
- 10 **rioting, or other illegal activity in connection with acts**
- 11 **described in subdivision (1).**
- 12 **(3) Any person that damages, defaces, or destroys religious**
- 13 **property.**
- 14 **(b) The department shall take all appropriate enforcement**
- 15 **actions against persons found to have violated Indiana law through**
- 16 **the investigations described in subsection (a).**
- 17 **(c) Discretionary funding for:**
- 18 **(1) political subdivisions; or**
- 19 **(2) public spaces of political subdivisions;**
- 20 **may be withheld from political subdivisions that fail to protect**
- 21 **public monuments, memorials, and statues from destruction or**
- 22 **vandalism.**
- 23 **Sec. 2. Notwithstanding any other Indiana statute but subject to**
- 24 **applicable federal law, the department shall, as appropriate, work**
- 25 **with political subdivisions to ensure that the state government**
- 26 **appropriately provides information and assistance to those**
- 27 **political subdivisions in connection with their investigations or**
- 28 **prosecution of activities described in section 1 of this chapter,**
- 29 **regardless of whether the property is located on property owned**
- 30 **by the state.**
- 31 **Sec. 3. Notwithstanding any other Indiana statute but subject to**
- 32 **applicable federal law, upon request, the department shall provide,**
- 33 **as appropriate, personnel to assist with the protection of**
- 34 **monuments, memorials, statues, or property owned by the state or**
- 35 **a political subdivision.**
- 36 **Sec. 4. In determining whether a political subdivision failed to**
- 37 **take all appropriate enforcement actions against a person found to**
- 38 **have violated Indiana law through the investigations described in**

1 **this chapter, the department, as part of the department's**
 2 **investigation, shall consider whether the political subdivision had:**
 3 **(1) good reason to believe that an act described in section 1 of**
 4 **this chapter was imminent and likely to occur;**
 5 **(2) sufficient notice to prevent the act described in subdivision**
 6 **(1) from occurring;**
 7 **(3) a reasonable ability to prevent the act described in**
 8 **subdivision (1) from occurring by using the political**
 9 **subdivision's local law enforcement agency; and**
 10 **(4) as applicable, reasonably prioritized each threat described**
 11 **in subdivision (1) as it occurred.**

12 **Chapter 3. Discretionary Funding**

13 **Sec. 1. Discretionary funding for a political subdivision shall not**
 14 **be withheld from a political subdivision that reasonably decided**
 15 **not to take appropriate enforcement actions due to:**

- 16 **(1) a lack of manpower; or**
- 17 **(2) the decision to maintain the safety of a public safety officer**
 18 **(as defined in IC 35-31.5-2-260).**

19 **Sec. 2. A state agency may, to the extent that it is appropriate**
 20 **and consistent with applicable Indiana and federal law, provide**
 21 **discretionary funding to a political subdivision for a respective**
 22 **grant program after considering whether the political subdivision**
 23 **has sufficiently taken all appropriate enforcement actions related**
 24 **to the offenses described in IC 10-10.7-2.**

25 SECTION 2. IC 35-31.5-2-341, AS ADDED BY P.L.114-2012,
 26 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2021]: Sec. 341. "Unlawful assembly" for purposes of
 28 ~~IC 35-45-1~~, has the meaning set forth in IC 35-45-1-1.

29 SECTION 3. IC 35-45-1-2, AS AMENDED BY P.L.158-2013,
 30 SECTION 521, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2021]: Sec. 2. A person who, being a member
 32 of an unlawful assembly, recklessly, knowingly, or intentionally
 33 engages in tumultuous conduct commits rioting, a Class A
 34 misdemeanor. However, the offense is:

- 35 **(1) a Level 6 felony if it:**
 - 36 **(A) is committed while armed with a deadly weapon;**
 - 37 **(B) results in serious bodily injury; or**
 - 38 **(C) causes property damage of at least seven hundred fifty**

1 **dollars (\$750) and less than fifty thousand dollars**
2 **(\$50,000); and**
3 **(2) a Level 5 felony if it:**
4 **(A) results in catastrophic injury or death; or**
5 **(B) causes property damage of at least fifty thousand**
6 **dollars (\$50,000)."**

7 Delete page 3.
8 Renumber all SECTIONS consecutively.
 (Reference is to ESB 187 as printed March 9, 2021.)

and when so amended that said bill do pass.

Representative McNamara

Wendy McNamara

