



February 28, 2014

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# ENGROSSED HOUSE BILL No. 1006

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DIGEST OF HB 1006 (Updated February 27, 2014 12:07 pm - DI 106)

**Citations Affected:** Numerous provisions throughout the Indiana Code.

**Synopsis:** Reconciles technical and substantive conflicts between HEA 1006-2013 (the criminal code revision bill) and other bills concerning criminal law. Changes the nomenclature for felonies from "Class" to "Level" for statutes not amended by HEA 1006-2013 and for statutes added to the Indiana Code in the 2013 session. Removes criminal gang activity, criminal gang intimidation, and certain drug offenses from the list of crimes over which a juvenile court does not have jurisdiction. Authorizes pretrial diversion for persons charged with a Level 5 or Level 6 felony. Prohibits a credit restricted felon from obtaining sentence modification. Provides that, not later than 365 days after: (1) a convicted person begins serving the person's sentence; and (2) the  
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**Effective:** July 1, 2014.

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## Steuerwald, McMillin, Pierce, Lawson L

(SENATE SPONSORS — STEELE, YOUNG R MICHAEL)

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January 14, 2014, read first time and referred to Committee on Courts and Criminal Code.  
January 23, 2014, amended, reported — Do Pass.  
January 27, 2014, read second time, ordered engrossed. Engrossed.  
January 28, 2014, read third time, passed. Yeas 90, nays 4.

SENATE ACTION

February 4, 2014, read first time and referred to Committee on Corrections and Criminal Law.  
February 13, 2014, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.  
February 27, 2014, amended, reported favorably — Do Pass.

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EH 1006—LS 7113/DI 106



court obtains a report from the department of correction concerning the convicted person's conduct while imprisoned; the court may reduce or suspend the person's sentence and impose any sentence the court was authorized to impose at the time of sentencing. Specifies that, if more than 365 days have elapsed since the convicted person began serving the sentence, the court may reduce or suspend the sentence and impose any sentence the court was authorized to impose at the time of sentencing. Limits the filing of subsequent petitions to modify a sentence, and removes the requirement that the court hold a hearing. Requires a court to explain its reasons for imposing a sentence unless the court imposes an advisory sentence. Increases the number of crimes that are nonsuspendible. Makes changes to the penalties for the crimes of dealing in cocaine or a narcotic drug and dealing in methamphetamine. Allows a court to suspend any part of a sentence for a Level 2 felony or a Level 3 felony concerning a controlled substance. Enhances the penalties for certain controlled substance offenses if a person commits an offense: (1) within 250 feet of school property, a public park, a family housing complex, or a child care facility; or (2) in the physical presence of a child less than 18 years of age, knowing that the child was present and might be able to see or hear the offense. Permits the total of all controlled substances sold or possessed in a 30 day period to be used to enhance the penalty for certain controlled substance offenses. Requires a court to sentence a person found to be a habitual offender to an additional fixed term of imprisonment that is between: (1) six years and 20 years, for a person convicted of murder or a Level 1 through Level 4 felony; and (2) two years and six years, for a person convicted of a Level 5 or Level 6 felony. Increases the advisory sentence: (1) from six years to 8 years for a Level 3 felony; (2) from four years to six years for a Level 4 felony; and (3) from two years to three years for a Level 5 felony. Amends credit time provisions by creating a new Class A that provides that a person: (1) who is not a credit restricted felon; and (2) who is imprisoned for a Level 6 felony or a misdemeanor or imprisoned awaiting trial or sentencing for a Level 6 felony or misdemeanor; earns one day of credit time for every day the person is imprisoned or confined awaiting sentencing. Provides that the: (1) Class I through Class IV credit class system applies to a person who commits an offense before July 1, 2014; and (2) Class A through Class D credit class system effective July 1, 2014, applies to a person who commits an offense after June 30, 2014. Provides that educational credit time is deducted from the release date that would otherwise apply to the person. Provides that a person confined on home detention as a condition of probation earns one day of credit time for each day the person is confined on home detention. Provides that before March 1, 2015, the department of correction (department) shall estimate the amount of any operational cost savings that will be realized in the state fiscal year ending June 30, 2015, from a reduction in the number of individuals who are in the custody of the department of correction that is attributable to the sentencing changes made under the bill. Specifies that if the department estimates that such operational cost savings will be realized, the department may, after review by the budget committee and approval by the budget agency, do the following: (1) Make additional grants to counties for community corrections programs from funds appropriated to the department for the department's operating expenses. (2) Transfer funds (from funds appropriated to the department for the department's operating expenses) to the judicial conference of Indiana to be used by the judicial conference of Indiana to provide additional financial aid for the support of court probation services. Provides that the maximum aggregate amount of these additional grants and transfers may not exceed the lesser of the amount of operational cost savings or \$11,000,000. Reduces the sentence for: (1) arson with intent to defraud; (2) institutional criminal mischief; (3) an offense against

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## Digest Continued

intellectual property; and (4) auto theft; from a Level 5 to a Level 6 felony. Reduces the maximum penalties for certain felonies as follows: (1) Level 1 felonies, from 50 to 40 years; (2) Level 3 felonies, from 20 to 15 years; (3) Level 4 felonies, from 12 to 10 years; and Level 5 felonies, from six to five years. Provides that a person less than eighteen years of age who possesses an indecent image of another person less than eighteen years of age commits a Class A misdemeanor if: (1) the persons are in a dating relationship; (2) the age difference between the persons is not more than four years; and (3) the person acquiesced in the taking or transmission of the indecent image. Specifies that a person who is eligible to be prosecuted for possession of an indecent image as a misdemeanor may not be prosecuted for possession of child pornography or child exploitation. Makes it child seduction, a Level 6 felony, for a law enforcement officer who is at least five years older than a child who is: (1) at least 16 years of age; and (2) less than 18 years of age; to fondle or touch the child with the intent to arouse or satisfy the sexual desires of either the child or the law enforcement officer, if the law enforcement officer's contact with the child occurred in the course of the officer's official duties, and increases the penalty to a Level 5 felony, if the law enforcement officer engages in sexual intercourse or other sexual conduct with the child. (The introduced version of this bill was prepared by the criminal law and sentencing policy study committee.)

**EH 1006—LS 7113/DI 106**





February 28, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1006

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

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

1 SECTION 1. IC 2-8.2-4-6, AS ADDED BY P.L.205-2013,  
2 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: Sec. 6. A delegate or alternate delegate who knowingly  
4 or intentionally votes or attempts to vote outside the scope of:  
5 (1) the instructions established by a joint resolution adopted under  
6 section 1 of this chapter; or  
7 (2) the limits placed by the general assembly in a joint resolution  
8 that calls for an Article V convention for the purpose of proposing  
9 amendments to the Constitution of the United States on the  
10 subjects and amendments that may be considered by the Article  
11 V convention;  
12 commits a ~~Class D~~ **Level 6** felony.  
13 SECTION 2. IC 3-7-29-1, AS AMENDED BY P.L.258-2013,  
14 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

**EH 1006—LS 7113/DI 106**



1 JULY 1, 2014]: Sec. 1. (a) Except as provided in subsection (f), this  
2 section does not apply to a county that:

- 3 (1) has adopted an order under section 6 of this chapter; or  
4 (2) is a vote center county under IC 3-11-18.1.

5 (b) Not later than ten (10) days before the election at which the  
6 registration record is to be used, the county voter registration office  
7 shall prepare certified copies of the list of registered voters for each  
8 precinct in the county.

9 (c) The lists must contain the following information concerning  
10 each registered voter:

- 11 (1) The full name of the voter.  
12 (2) The address of the voter.  
13 (3) The assigned voter identification number.  
14 (4) Whether the voter is required to provide additional  
15 identification before voting either in person or by absentee ballot.  
16 (5) The date of birth of the voter, including an indication whether  
17 the voter is less than eighteen (18) years of age for a poll list used  
18 in a primary election.  
19 (6) The scanned signature of the voter.  
20 (7) Whether the voter is required to provide an affirmation of the  
21 voter's residence.  
22 (8) A bar code that allows the county voter registration office to  
23 efficiently record whether the voter has signed the poll list.  
24 (9) For a poll list used in a primary election, a letter abbreviation  
25 of the name of the major political party whose ballot the voter has  
26 requested.  
27 (10) A space for a poll clerk to indicate when a voter has cast an  
28 absentee ballot.  
29 (11) A space for a poll clerk to indicate when a voter has cast a  
30 provisional ballot.  
31 (12) For a voter required to submit additional documentation  
32 required under IC 3-7-33-4.5, a space for a poll clerk to insert  
33 letters serving as an abbreviation for the type of documentation  
34 provided by the voter.

35 (d) The names shall be arranged in the same order as they are in the  
36 registration record of the precinct.

37 (e) The poll list must also contain a statement at the top of each  
38 page indicating that an individual who knowingly makes a false  
39 statement:

- 40 (1) by signing a poll list; or  
41 (2) on a poll list concerning the individual's name or residence  
42 address;



1 commits a ~~Class D~~ **Level 6** felony as provided by IC 3-14-2-11.

2 (f) This subsection applies to a county that has adopted an order  
3 under section 6 of this chapter or is a vote center county under  
4 IC 3-11-18.1. The precinct election board shall post in a location within  
5 the precinct or vote center a notice that:

6 (1) is clearly visible to an individual (or to an individual providing  
7 assistance under IC 3-11-9) who is providing information to a  
8 precinct election officer using an electronic poll list; and

9 (2) indicates that an individual commits a ~~Class D~~ **Level 6** felony  
10 under IC 3-14-2-11, if the individual knowingly makes a false  
11 statement to a precinct election officer concerning:

12 (A) the individual's name; or

13 (B) the individual's residence address.

14 SECTION 3. IC 3-14-1-17, AS ADDED BY P.L.219-2013,  
15 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2014]: Sec. 17. (a) As used in this section, "government  
17 employee" refers to any of the following:

18 (1) An employee of the state.

19 (2) An employee of a political subdivision.

20 (3) A special state appointee (as defined in IC 4-2-6-1).

21 (4) An employee of a charter school (as defined in IC 20-24-1-4).

22 (b) As used in this section, "government employer" refers to the  
23 state or a political subdivision.

24 (c) As used in this section, "property" refers only to the following:

25 (1) Equipment, goods, and materials, including mail and  
26 messaging systems.

27 (2) Money.

28 (d) A government employee may not knowingly or intentionally use  
29 the property of the employee's government employer to do any of the  
30 following:

31 (1) Solicit a contribution.

32 (2) Advocate the election or defeat of a candidate.

33 (3) Advocate the approval or defeat of a public question.

34 (e) A government employee may not knowingly or intentionally  
35 distribute campaign materials advocating:

36 (1) the election or defeat of a candidate; or

37 (2) the approval or defeat of a public question;

38 on the government employer's real property during regular working  
39 hours.

40 (f) This section does not prohibit the following:

41 (1) Activities permitted under IC 6-1.1-20.

42 (2) A government employee from carrying out administrative



1 duties under the direction of an elected official who is the  
2 government employee's supervisor.

3 (g) A government employee who knowingly or intentionally  
4 performs several actions described in subsection (d) or (e) in a  
5 connected series that are closely related in time, place, and  
6 circumstance may be charged with only one (1) violation of this section  
7 for that connected series of actions.

8 (h) A government employee who violates this section commits a  
9 Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6**  
10 felony if the person has a prior unrelated conviction under this section.

11 SECTION 4. IC 3-14-2-3, AS AMENDED BY P.L.194-2013,  
12 SECTION 94, AND AS AMENDED BY P.L.158-2013, SECTION 8,  
13 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who:

15 (1) subscribes the name of another person to an affidavit of  
16 registration, *a petition of nomination, a declaration of candidacy,*  
17 or application for an absentee ballot knowing that the *affidavit,*  
18 *petition, declaration, or application* contains a false statement; or  
19 (2) subscribes the name of another person to an affidavit of  
20 registration, *a petition of nomination, a declaration of candidacy,*  
21 or application for an absentee ballot without writing on it the  
22 person's own name and address as an attesting witness;  
23 commits a ~~Class D~~ **Level 6** felony.

24 SECTION 5. IC 3-14-2-11, AS AMENDED BY P.L.194-2013,  
25 SECTION 96, AND AS AMENDED BY P.L.158-2013, SECTION 10,  
26 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
27 [EFFECTIVE JULY 1, 2014]: Sec. 11. *Except as provided by*  
28 ~~IC 3-10-10, IC 3-10-11, or IC 3-10-12,~~ (a) A person who knowingly  
29 votes or offers to vote in a precinct except the one in which the person  
30 is registered and resides commits a ~~Class D~~ **Level 6** felony, *except*  
31 *when permitted under IC 3-10-10, IC 3-10-11, or IC 3-10-12.*

32 (b) *A person who knowingly makes a false statement concerning the*  
33 *name, address, or voter identification number of the person by:*

34 (1) *signing a person's signature on a poll list to affirm false*  
35 *information concerning a voter printed on the poll list; or*  
36 (2) *making a written or oral affirmation under IC 3-7-39-7,*  
37 *IC 3-10-1-24, or IC 3-11-8-25.1 to provide false information*  
38 *concerning a voter in addition to the information concerning the*  
39 *voter printed on the poll list;*

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

41 SECTION 6. IC 3-14-2-29, AS AMENDED BY P.L.194-2013,  
42 SECTION 97, AND AS AMENDED BY P.L.158-2013, SECTION 28,





1 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2014]: Sec. 29. A person who knowingly  
 3 inspects a voting system under IC 3-12-4-18 without: *obtaining*  
 4 *authorization from the state recount commission:*

5 (1) *the adoption of an order under IC 3-12-4-18 to conduct the*  
 6 *inspection; or*

7 (2) *the filing of an order adopted under IC 3-12-4-18 with the*  
 8 *secretary of state;*

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

10 SECTION 7. IC 4-13-2-14.7, AS AMENDED BY P.L.214-2013,  
 11 SECTION 1, AND AS AMENDED BY P.L.158-2013, SECTION 59,  
 12 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2014]: Sec. 14.7. A person employed,  
 14 appointed, or under contract with a state agency, who works with or  
 15 around children, shall be dismissed (after the appropriate  
 16 pre-deprivation procedure has occurred) if that person is, or has ever  
 17 been, convicted of any of the following:

18 (1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)  
 19 years of age.

20 (2) Criminal deviate conduct (IC 35-42-4-2) *(for an act committed*  
 21 *before its IC 35-42-4-2 repeal on July 1, 2014); was repealed);*  
 22 **(before its repeal)**, if the victim is less than eighteen (18) years  
 23 of age.

24 (3) Child molesting (IC 35-42-4-3).

25 (4) Child exploitation (IC 35-42-4-4(b)).

26 (5) Vicarious sexual gratification (IC 35-42-4-5).

27 (6) Child solicitation (IC 35-42-4-6).

28 (7) Child seduction (IC 35-42-4-7).

29 (8) Sexual misconduct with a minor **(IC 35-42-4-9)** as a Class A  
 30 or *Class B felony (for a crime committed before July 1, 2014) or*  
 31 *a Level 1, Level 2, or Level 4 felony (for a crime committed after*  
 32 *June 30, 2014). ~~(IC 35-42-4-9).~~*

33 (9) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)  
 34 years of age.

35 SECTION 8. IC 5-14-3-4, AS AMENDED BY P.L.175-2013,  
 36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2014]: Sec. 4. (a) The following public records are excepted  
 38 from section 3 of this chapter and may not be disclosed by a public  
 39 agency, unless access to the records is specifically required by a state  
 40 or federal statute or is ordered by a court under the rules of discovery:

41 (1) Those declared confidential by state statute.

42 (2) Those declared confidential by rule adopted by a public



1 agency under specific authority to classify public records as  
2 confidential granted to the public agency by statute.

3 (3) Those required to be kept confidential by federal law.

4 (4) Records containing trade secrets.

5 (5) Confidential financial information obtained, upon request,  
6 from a person. However, this does not include information that is  
7 filed with or received by a public agency pursuant to state statute.

8 (6) Information concerning research, including actual research  
9 documents, conducted under the auspices of a state educational  
10 institution, including information:

11 (A) concerning any negotiations made with respect to the  
12 research; and

13 (B) received from another party involved in the research.

14 (7) Grade transcripts and license examination scores obtained as  
15 part of a licensure process.

16 (8) Those declared confidential by or under rules adopted by the  
17 supreme court of Indiana.

18 (9) Patient medical records and charts created by a provider,  
19 unless the patient gives written consent under IC 16-39 or as  
20 provided under IC 16-41-8.

21 (10) Application information declared confidential by the board  
22 of the Indiana economic development corporation under  
23 IC 5-28-16.

24 (11) A photograph, a video recording, or an audio recording of an  
25 autopsy, except as provided in IC 36-2-14-10.

26 (12) A Social Security number contained in the records of a  
27 public agency.

28 (13) The following information that is part of a foreclosure action  
29 subject to IC 32-30-10.5:

30 (A) Contact information for a debtor, as described in  
31 IC 32-30-10.5-8(d)(2)(B).

32 (B) Any document submitted to the court as part of the debtor's  
33 loss mitigation package under IC 32-30-10.5-10(a)(3).

34 (b) Except as otherwise provided by subsection (a), the following  
35 public records shall be excepted from section 3 of this chapter at the  
36 discretion of a public agency:

37 (1) Investigatory records of law enforcement agencies. However,  
38 certain law enforcement records must be made available for  
39 inspection and copying as provided in section 5 of this chapter.

40 (2) The work product of an attorney representing, pursuant to  
41 state employment or an appointment by a public agency:

42 (A) a public agency;



- 1 (B) the state; or  
2 (C) an individual.
- 3 (3) Test questions, scoring keys, and other examination data used  
4 in administering a licensing examination, examination for  
5 employment, or academic examination before the examination is  
6 given or if it is to be given again.
- 7 (4) Scores of tests if the person is identified by name and has not  
8 consented to the release of the person's scores.
- 9 (5) The following:
- 10 (A) Records relating to negotiations between the Indiana  
11 economic development corporation, the ports of Indiana, the  
12 Indiana state department of agriculture, the Indiana finance  
13 authority, an economic development commission, a local  
14 economic development organization (as defined in  
15 IC 5-28-11-2(3)), or a governing body of a political  
16 subdivision with industrial, research, or commercial prospects,  
17 if the records are created while negotiations are in progress.
- 18 (B) Notwithstanding clause (A), the terms of the final offer of  
19 public financial resources communicated by the Indiana  
20 economic development corporation, the ports of Indiana, the  
21 Indiana finance authority, an economic development  
22 commission, or a governing body of a political subdivision to  
23 an industrial, a research, or a commercial prospect shall be  
24 available for inspection and copying under section 3 of this  
25 chapter after negotiations with that prospect have terminated.
- 26 (C) When disclosing a final offer under clause (B), the Indiana  
27 economic development corporation shall certify that the  
28 information being disclosed accurately and completely  
29 represents the terms of the final offer.
- 30 (D) Notwithstanding clause (A), an incentive agreement with  
31 an incentive recipient shall be available for inspection and  
32 copying under section 3 of this chapter after the date the  
33 incentive recipient and the Indiana economic development  
34 corporation execute the incentive agreement regardless of  
35 whether negotiations are in progress with the recipient after  
36 that date regarding a modification or extension of the incentive  
37 agreement.
- 38 (6) Records that are intra-agency or interagency advisory or  
39 deliberative material, including material developed by a private  
40 contractor under a contract with a public agency, that are  
41 expressions of opinion or are of a speculative nature, and that are  
42 communicated for the purpose of decision making.



- 1 (7) Diaries, journals, or other personal notes serving as the  
 2 functional equivalent of a diary or journal.
- 3 (8) Personnel files of public employees and files of applicants for  
 4 public employment, except for:
- 5 (A) the name, compensation, job title, business address,  
 6 business telephone number, job description, education and  
 7 training background, previous work experience, or dates of  
 8 first and last employment of present or former officers or  
 9 employees of the agency;
- 10 (B) information relating to the status of any formal charges  
 11 against the employee; and
- 12 (C) the factual basis for a disciplinary action in which final  
 13 action has been taken and that resulted in the employee being  
 14 suspended, demoted, or discharged.
- 15 However, all personnel file information shall be made available  
 16 to the affected employee or the employee's representative. This  
 17 subdivision does not apply to disclosure of personnel information  
 18 generally on all employees or for groups of employees without the  
 19 request being particularized by employee name.
- 20 (9) Minutes or records of hospital medical staff meetings.
- 21 (10) Administrative or technical information that would  
 22 jeopardize a record keeping or security system.
- 23 (11) Computer programs, computer codes, computer filing  
 24 systems, and other software that are owned by the public agency  
 25 or entrusted to it and portions of electronic maps entrusted to a  
 26 public agency by a utility.
- 27 (12) Records specifically prepared for discussion or developed  
 28 during discussion in an executive session under IC 5-14-1.5-6.1.  
 29 However, this subdivision does not apply to that information  
 30 required to be available for inspection and copying under  
 31 subdivision (8).
- 32 (13) The work product of the legislative services agency under  
 33 personnel rules approved by the legislative council.
- 34 (14) The work product of individual members and the partisan  
 35 staffs of the general assembly.
- 36 (15) The identity of a donor of a gift made to a public agency if:
- 37 (A) the donor requires nondisclosure of the donor's identity as  
 38 a condition of making the gift; or
- 39 (B) after the gift is made, the donor or a member of the donor's  
 40 family requests nondisclosure.
- 41 (16) Library or archival records:
- 42 (A) which can be used to identify any library patron; or



- 1 (B) deposited with or acquired by a library upon a condition  
 2 that the records be disclosed only:  
 3 (i) to qualified researchers;  
 4 (ii) after the passing of a period of years that is specified in  
 5 the documents under which the deposit or acquisition is  
 6 made; or  
 7 (iii) after the death of persons specified at the time of the  
 8 acquisition or deposit.
- 9 However, nothing in this subdivision shall limit or affect contracts  
 10 entered into by the Indiana state library pursuant to IC 4-1-6-8.
- 11 (17) The identity of any person who contacts the bureau of motor  
 12 vehicles concerning the ability of a driver to operate a motor  
 13 vehicle safely and the medical records and evaluations made by  
 14 the bureau of motor vehicles staff or members of the driver  
 15 licensing medical advisory board regarding the ability of a driver  
 16 to operate a motor vehicle safely. However, upon written request  
 17 to the commissioner of the bureau of motor vehicles, the driver  
 18 must be given copies of the driver's medical records and  
 19 evaluations.
- 20 (18) School safety and security measures, plans, and systems,  
 21 including emergency preparedness plans developed under 511  
 22 IAC 6.1-2-2.5.
- 23 (19) A record or a part of a record, the public disclosure of which  
 24 would have a reasonable likelihood of threatening public safety  
 25 by exposing a vulnerability to terrorist attack. A record described  
 26 under this subdivision includes:
- 27 (A) a record assembled, prepared, or maintained to prevent,  
 28 mitigate, or respond to an act of terrorism under IC 35-47-12-1  
 29 or an act of agricultural terrorism under IC 35-47-12-2;  
 30 (B) vulnerability assessments;  
 31 (C) risk planning documents;  
 32 (D) needs assessments;  
 33 (E) threat assessments;  
 34 (F) intelligence assessments;  
 35 (G) domestic preparedness strategies;  
 36 (H) the location of community drinking water wells and  
 37 surface water intakes;  
 38 (I) the emergency contact information of emergency  
 39 responders and volunteers;  
 40 (J) infrastructure records that disclose the configuration of  
 41 critical systems such as communication, electrical, ventilation,  
 42 water, and wastewater systems;



1 (K) detailed drawings or specifications of structural elements,  
 2 floor plans, and operating, utility, or security systems, whether  
 3 in paper or electronic form, of any building or facility located  
 4 on an airport (as defined in IC 8-21-1-1) that is owned,  
 5 occupied, leased, or maintained by a public agency. A record  
 6 described in this clause may not be released for public  
 7 inspection by any public agency without the prior approval of  
 8 the public agency that owns, occupies, leases, or maintains the  
 9 airport. The public agency that owns, occupies, leases, or  
 10 maintains the airport:

11 (i) is responsible for determining whether the public  
 12 disclosure of a record or a part of a record has a reasonable  
 13 likelihood of threatening public safety by exposing a  
 14 vulnerability to terrorist attack; and

15 (ii) must identify a record described under item (i) and  
 16 clearly mark the record as "confidential and not subject to  
 17 public disclosure under IC 5-14-3-4(b)(19)(J) without  
 18 approval of (insert name of submitting public agency)"; and

19 (L) the home address, home telephone number, and emergency  
 20 contact information for any:

21 (i) emergency management worker (as defined in  
 22 IC 10-14-3-3);

23 (ii) public safety officer (as defined in IC 35-47-4.5-3);

24 (iii) emergency medical responder (as defined in  
 25 ~~IC 35-42-2-6~~; **IC 16-18-2-109.8**); or

26 (iv) advanced emergency medical technician (as defined in  
 27 IC 16-18-2-6.5).

28 This subdivision does not apply to a record or portion of a record  
 29 pertaining to a location or structure owned or protected by a  
 30 public agency in the event that an act of terrorism under  
 31 IC 35-47-12-1 or an act of agricultural terrorism under  
 32 IC 35-47-12-2 has occurred at that location or structure, unless  
 33 release of the record or portion of the record would have a  
 34 reasonable likelihood of threatening public safety by exposing a  
 35 vulnerability of other locations or structures to terrorist attack.

36 (20) The following personal information concerning a customer  
 37 of a municipally owned utility (as defined in IC 8-1-2-1):

38 (A) Telephone number.

39 (B) Address.

40 (C) Social Security number.

41 (21) The following personal information about a complainant  
 42 contained in records of a law enforcement agency:



- 1 (A) Telephone number.
- 2 (B) The complainant's address. However, if the complainant's
- 3 address is the location of the suspected crime, infraction,
- 4 accident, or complaint reported, the address shall be made
- 5 available for public inspection and copying.
- 6 (22) Notwithstanding subdivision (8)(A), the name,
- 7 compensation, job title, business address, business telephone
- 8 number, job description, education and training background,
- 9 previous work experience, or dates of first employment of a law
- 10 enforcement officer who is operating in an undercover capacity.
- 11 (23) Records requested by an offender that:
- 12 (A) contain personal information relating to:
- 13 (i) a correctional officer (as defined in IC 5-10-10-1.5);
- 14 (ii) a law enforcement officer (as defined in
- 15 IC 35-31.5-2-185);
- 16 (iii) a judge (as defined in IC 33-38-12-3);
- 17 (iv) the victim of a crime; or
- 18 (v) a family member of a correctional officer, law
- 19 enforcement officer (as defined in IC 35-31.5-2-185), judge
- 20 (as defined in IC 33-38-12-3), or victim of a crime; or
- 21 (B) concern or could affect the security of a jail or correctional
- 22 facility.
- 23 (24) Information concerning an individual less than eighteen (18)
- 24 years of age who participates in a conference, meeting, program,
- 25 or activity conducted or supervised by a state educational
- 26 institution, including the following information regarding the
- 27 individual or the individual's parent or guardian:
- 28 (A) Name.
- 29 (B) Address.
- 30 (C) Telephone number.
- 31 (D) Electronic mail account address.
- 32 (25) Criminal intelligence information.
- 33 (c) Nothing contained in subsection (b) shall limit or affect the right
- 34 of a person to inspect and copy a public record required or directed to
- 35 be made by any statute or by any rule of a public agency.
- 36 (d) Notwithstanding any other law, a public record that is classified
- 37 as confidential, other than a record concerning an adoption or patient
- 38 medical records, shall be made available for inspection and copying
- 39 seventy-five (75) years after the creation of that record.
- 40 (e) Only the content of a public record may form the basis for the
- 41 adoption by any public agency of a rule or procedure creating an
- 42 exception from disclosure under this section.



1 (f) Except as provided by law, a public agency may not adopt a rule  
 2 or procedure that creates an exception from disclosure under this  
 3 section based upon whether a public record is stored or accessed using  
 4 paper, electronic media, magnetic media, optical media, or other  
 5 information storage technology.

6 (g) Except as provided by law, a public agency may not adopt a rule  
 7 or procedure nor impose any costs or liabilities that impede or restrict  
 8 the reproduction or dissemination of any public record.

9 (h) Notwithstanding subsection (d) and section 7 of this chapter:

10 (1) public records subject to IC 5-15 may be destroyed only in  
 11 accordance with record retention schedules under IC 5-15; or

12 (2) public records not subject to IC 5-15 may be destroyed in the  
 13 ordinary course of business.

14 SECTION 9. IC 6-6-2.5-28, AS AMENDED BY P.L.277-2013,  
 15 SECTION 10, AND AS AMENDED BY P.L.158-2013, SECTION 95,  
 16 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2014]: Sec. 28. (a) A license tax of sixteen  
 18 cents (\$0.16) per:

19 (1) gallon;

20 (2) *diesel gallon equivalent (as defined in IC 6-6-4.1-1(f)), in the*  
 21 *case of a special fuel that is liquid natural gas; or*

22 (3) *gasoline gallon equivalent (as defined in IC 6-6-4.1-1(g)), in*  
 23 *the case of a special fuel that is compressed natural gas or a fuel*  
 24 *commonly or commercially known or sold as butane or propane;*

25 is imposed on all special fuel sold or used in producing or generating  
 26 power for propelling motor vehicles except fuel used under section  
 27 30(a)(8) or 30.5 of this chapter. The tax shall be paid at those times, in  
 28 the manner, and by those persons specified in this section and section  
 29 35 of this chapter.

30 (b) The department shall consider it a rebuttable presumption that  
 31 all undyed or unmarked special fuel, or both, received in Indiana is to  
 32 be sold for use in propelling motor vehicles.

33 (c) Except as provided in subsection (d), the tax imposed on special  
 34 fuel by subsection (a) shall be measured by invoiced gallons (*or diesel*  
 35 *or gasoline gallon equivalents in the case of a special fuel described*  
 36 *in subsection (a)(2) or (a)(3)) of nonexempt special fuel received by a*  
 37 *licensed supplier in Indiana for sale or resale in Indiana or with respect*  
 38 *to special fuel subject to a tax precollection agreement under section*  
 39 *35(d) of this chapter, such special fuel removed by a licensed supplier*  
 40 *from a terminal outside of Indiana for sale for export or for export to*  
 41 *Indiana and in any case shall generally be determined in the same*  
 42 *manner as the tax imposed by Section 4081 of the Internal Revenue*





- 1 Code and Code of Federal Regulations.
- 2 (d) The tax imposed by subsection (a) on special fuel imported into
- 3 Indiana, other than into a terminal, is imposed at the time the product
- 4 is entered into Indiana and shall be measured by invoiced gallons
- 5 received at a terminal or at a bulk plant.
- 6 (e) In computing the tax, all special fuel in process of transfer from
- 7 tank steamers at boat terminal transfers and held in storage pending
- 8 wholesale bulk distribution by land transportation, or in tanks and
- 9 equipment used in receiving and storing special fuel from interstate
- 10 pipelines pending wholesale bulk reshipment, shall not be subject to
- 11 tax.
- 12 (f) The department shall consider it a rebuttable presumption that
- 13 special fuel consumed in a motor vehicle plated for general highway
- 14 use is subject to the tax imposed under this chapter. A person claiming
- 15 exempt use of special fuel in such a vehicle must maintain adequate
- 16 records as required by the department to document the vehicle's taxable
- 17 and exempt use.
- 18 (g) A person that engages in blending fuel for taxable sale or use in
- 19 Indiana is primarily liable for the collection and remittance of the tax
- 20 imposed under subsection (a). The person shall remit the tax due in
- 21 conjunction with the filing of a monthly report in the form prescribed
- 22 by the department.
- 23 (h) A person that receives special fuel that has been blended for
- 24 taxable sale or use in Indiana is secondarily liable to the state for the
- 25 tax imposed under subsection (a).
- 26 (i) A person may not use special fuel on an Indiana public highway
- 27 if the special fuel contains a sulfur content that exceeds five
- 28 one-hundredths of one percent (0.05%). A person who knowingly:
- 29 (1) violates; or
- 30 (2) aids or abets another person to violate;
- 31 this subsection commits a Class A infraction. However, the violation
- 32 is a Class A misdemeanor if the person has committed one (1) prior
- 33 unrelated violation of this subsection, and a *Class D Level 6 felony* if
- 34 the person has committed more than one (1) unrelated violation of this
- 35 subsection.
- 36 SECTION 10. IC 6-6-13-13, AS ADDED BY P.L.288-2013,
- 37 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2014]: Sec. 13. (a) A person who knowingly fails to collect or
- 39 timely remit tax otherwise required to be paid to the department under
- 40 section 9 of this chapter is liable for the uncollected tax plus a penalty
- 41 equal to one hundred percent (100%) of the uncollected tax.
- 42 (b) A person who recklessly, knowingly, or intentionally fails or



1 refuses to pay over to the state the aviation fuel excise tax at the time  
 2 required in this chapter or who fraudulently withholds or appropriates  
 3 or otherwise uses the money or any part thereof belonging to the state  
 4 commits a ~~Class D~~ **Level 6** felony.

5 (c) A person who negligently disregards any provision of this  
 6 chapter is subject to a civil penalty of five hundred dollars (\$500) for  
 7 each separate occurrence of negligent disregard as determined by the  
 8 department.

9 SECTION 11. IC 7.1-5-1-9.5, AS AMENDED BY P.L.109-2013,  
 10 SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 126,  
 11 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2014]: Sec. 9.5. (a) An in state or an out of state  
 13 vintner, *artisan distiller*, distiller, brewer, rectifier, or importer that:

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

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

17 commits a Class A misdemeanor.

18 (b) A person who:

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

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

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

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

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

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

32 SECTION 12. IC 8-10-1-29, AS AMENDED BY P.L.156-2013,  
 33 SECTION 2, AND AS AMENDED BY P.L.158-2013, SECTION 133,  
 34 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) *The ports of Indiana may*  
 36 *declare an emergency:*

37 (1) *in the case of fire, flood, windstorm, casualty, or other*  
 38 *extraordinary emergency, including mechanical failure of any*  
 39 *part of a building or structure; and*

40 (2) *if the health, safety, or welfare of the public or necessary*  
 41 *governmental operations are endangered by loss or damage.*

42 *The ports of Indiana shall declare an emergency by recording the*



1 *declaration and grounds for the emergency in the minutes of the*  
2 *commission.*

3 (b) Unless the ports of Indiana declares an emergency, the ports of  
4 Indiana may not during any six (6) month period make separate  
5 contracts with another party for similar construction projects or the  
6 purchase of similar equipment, materials, or supplies under  
7 IC 8-10-1-7(5) without advertising for and accepting public bids, if the  
8 aggregate cost of the separate contracts is more than ~~twenty-five one~~  
9 *hundred fifty thousand dollars* (~~\$25,000~~) (\$150,000).

10 ~~(b)~~ (c) A commission member or an employee of the ports of  
11 Indiana who knowingly violates subsection ~~(a)~~ (b) commits a ~~Class D~~  
12 *Level 6 felony.*

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

18 (e) *If the ports of Indiana declares an emergency, the ports of*  
19 *Indiana may:*

20 (1) *contract for a construction project or the purchase of*  
21 *equipment, materials, or supplies without advertising for bids, if*  
22 *bids or quotes are invited from at least three (3) persons known*  
23 *to deal in:*

24 (A) *the public work required to be done; or*

25 (B) *the equipment, materials, or supplies sought to be*  
26 *purchased; and*

27 (2) *either:*

28 (A) *reject all bids or quotes submitted; or*

29 (B) *contract with the lowest and best bidder or quoter for the*  
30 *construction project or purchase.*

31 *The total amount of all contracts the ports of Indiana may award with*  
32 *respect to an emergency declared under subsection (a) may not exceed*  
33 *one million dollars (\$1,000,000), unless an executive order is issued*  
34 *by the governor authorizing the ports of Indiana to exceed this limit.*

35 (f) *When awarding a contract with respect to an emergency*  
36 *declared under subsection (a), the ports shall list in the minutes of the*  
37 *next commission meeting the names of all the entities invited to bid.*

38 SECTION 13. IC 9-17-3-7, AS AMENDED BY P.L.92-2013,  
39 SECTION 42, AS AMENDED BY P.L.262-2013, SECTION 25, AND  
40 AS AMENDED BY P.L.158-2013, SECTION 138, IS CORRECTED  
41 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
42 2014]: Sec. 7. ~~(a)~~ (a) This section does not apply to section **3.2 or 5** of



1 this chapter.  
 2 ~~(b) (b) Except as provided in subsection (e),~~ **Except as provided in**  
 3 **subsection (c),** a person who violates this chapter commits a Class C  
 4 infraction.  
 5 ~~(c) (c) A person who knowingly or intentionally violates:~~ **A person**  
 6 **who knowingly or intentionally violates:**  
 7 ~~(1) (1) section 3(a)(1), 3(a)(2), 3(a)(4), or 3(a)(5) section~~  
 8 ~~3.4(a)(1) or 3.4(a)(2) of this chapter commits a Class B~~  
 9 ~~misdemeanor;~~ **of this chapter commits a Class B**  
 10 **misdemeanor; or**  
 11 ~~(2) (2) section 3(a)(3) section 3.4(a)(3) of this chapter commits:~~  
 12 **of this chapter commits:**  
 13 ~~(A) (A) a Class A misdemeanor for the first violation;~~ **a**  
 14 **Class A misdemeanor for the first violation; or**  
 15 ~~(B) (B) a Class D felony for the second violation or any~~  
 16 ~~subsequent violation.~~ **a Level 6 felony for the second**  
 17 **violation or any subsequent violation.**  
 18 SECTION 14. IC 9-17-4-14, AS ADDED BY P.L.262-2013,  
 19 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2014]: Sec. 14. A person who owns or possesses a motor  
 21 vehicle that the person knows violates section 7 or 8 of this chapter  
 22 commits a ~~Class D~~ **Level 6** felony.  
 23 SECTION 15. IC 9-17-4-15, AS ADDED BY P.L.262-2013,  
 24 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2014]: Sec. 15. (a) A person who knowingly:  
 26 (1) damages;  
 27 (2) removes; or  
 28 (3) alters;  
 29 an original or a special identification number commits a ~~Class E~~ **Level**  
 30 **5** felony.  
 31 (b) A person who, with the intent to conceal evidence of the  
 32 commission of a crime, covers an original or special identification  
 33 number commits a ~~Class E~~ **Level 5** felony.  
 34 SECTION 16. IC 9-17-4-16, AS ADDED BY P.L.262-2013,  
 35 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2014]: Sec. 16. A person who knowingly sells or offers for  
 37 sale a motor vehicle with an original or a special identification number  
 38 that is:  
 39 (1) destroyed;  
 40 (2) removed;  
 41 (3) altered;  
 42 (4) covered; or



- 1 (5) defaced;  
 2 commits a ~~Class D~~ **Level 6** felony.
- 3 SECTION 17. IC 9-17-4-17, AS ADDED BY P.L.262-2013,  
 4 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2014]: Sec. 17. A person who knowingly or intentionally sells  
 6 or offers for sale a motor vehicle part with an identification number  
 7 that is:
- 8 (1) destroyed;  
 9 (2) removed;  
 10 (3) altered;  
 11 (4) covered; or  
 12 (5) defaced;  
 13 commits a ~~Class D~~ **Level 6** felony.
- 14 SECTION 18. IC 9-17-4-18, AS ADDED BY P.L.262-2013,  
 15 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2014]: Sec. 18. (a) For purposes of this section, "identification  
 17 number" means a set of numbers, letters, or both numbers and letters  
 18 that is assigned to a motor vehicle or motor vehicle part by:
- 19 (1) a manufacturer of motor vehicles or motor vehicle parts; or  
 20 (2) a governmental entity to replace an original identification  
 21 number that is destroyed, removed, altered, or defaced.
- 22 (b) Subsection (c) does not apply to a person who manufactures or  
 23 installs a plate or label containing an identification number:
- 24 (1) in a program authorized by a manufacturer of motor vehicles  
 25 or motor vehicle parts; or  
 26 (2) as authorized by the bureau under this chapter.
- 27 (c) A person who knowingly or intentionally possesses a plate or  
 28 label that:
- 29 (1) contains an identification number; and  
 30 (2) is not attached to the motor vehicle or motor vehicle part to  
 31 which the identification number was assigned by the  
 32 manufacturer or a governmental entity;  
 33 commits a ~~Class D~~ **Level 6** felony.
- 34 (d) A person who knowingly or intentionally possesses a plate or  
 35 label on which the identification number is altered or removed commits  
 36 a ~~Class D~~ **Level 6** felony.
- 37 (e) A person who, with intent to defraud, possesses a plate or label  
 38 containing a set of numbers, letters, or both numbers and letters that  
 39 purports to be an identification number commits a ~~Class D~~ **Level 6**  
 40 felony.
- 41 SECTION 19. IC 9-22-3-33, AS AMENDED BY P.L.92-2013,  
 42 SECTION 49, AND AS AMENDED BY P.L.158-2013, SECTION



1 151, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2014]: Sec. 33. (a) A person who *recklessly*,  
 3 knowingly, or *intentionally* violates section 4, 5, 6, 7, or 8 of this  
 4 chapter (or section 9 of this chapter before its repeal) commits a ~~Class~~  
 5 ~~Level 6~~ felony.

6 (b) A person who *recklessly*, knowingly, or *intentionally* violates  
 7 section 18.5 or 30 of this chapter commits a Class A misdemeanor.

8 SECTION 20. IC 9-22-5-18.2, AS ADDED BY P.L.92-2013,  
 9 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2014]: Sec. 18.2. (a) A disposal facility, a scrap metal  
 11 processor, or an agent of a disposal facility or scrap metal processor  
 12 may purchase a motor vehicle without a certificate of title for the motor  
 13 vehicle if:

- 14 (1) the motor vehicle is at least fifteen (15) model years old;
- 15 (2) the purchase is solely for the purpose of dismantling or  
 16 wrecking the motor vehicle for the recovery of scrap metal or the  
 17 sale of parts; and
- 18 (3) the disposal facility or scrap metal processor records all  
 19 purchase transactions of vehicles as required in subsection (b).

20 (b) A disposal facility or scrap metal processor shall maintain the  
 21 following information with respect to each motor vehicle purchase  
 22 transaction to which the disposal facility or scrap metal processor is a  
 23 party for at least two (2) years following the date of the purchase  
 24 transaction:

- 25 (1) The name and address of any secondary metals recycler or  
 26 salvage yard.
- 27 (2) The name, initials, or other identifying symbol of the person  
 28 entering the information.
- 29 (3) The date of the purchase transaction.
- 30 (4) A description of the motor vehicle that is the subject of the  
 31 purchase transaction, including the make and model of the motor  
 32 vehicle, if practicable.
- 33 (5) The vehicle identification number of the motor vehicle.
- 34 (6) The amount of consideration given for the motor vehicle.
- 35 (7) A written statement signed by the seller or the seller's agent  
 36 certifying that the seller or the seller's agent has the lawful right  
 37 to sell and dispose of the motor vehicle.
- 38 (8) The name and address of the person from whom the motor  
 39 vehicle is being purchased.
- 40 (9) A photocopy or electronic scan of one (1) of the following  
 41 forms of identification issued to the seller or the seller's agent:  
 42 (A) A current and valid driver's license.



1 (B) An identification card issued under IC 9-24-16-1 or a  
 2 similar card issued under the laws of another state or the  
 3 federal government.  
 4 (C) A government issued document bearing an image of the  
 5 seller or seller's agent, as applicable.  
 6 For purposes of complying with this subdivision, a disposal  
 7 facility or scrap metal processor is not required to make a separate  
 8 copy of the seller's or seller's agent's identification for each  
 9 purchase transaction involving the seller or seller's agent but may  
 10 instead refer to a copy maintained in reference to a particular  
 11 purchase transaction.  
 12 (c) A disposal facility or scrap metal processor may not complete a  
 13 purchase transaction in the absence of the information required under  
 14 subsection (b)(9).  
 15 (d) A disposal facility, a scrap metal processor, or an agent of a  
 16 disposal facility or scrap metal processor that knowingly, intentionally,  
 17 or recklessly buys a motor vehicle that is less than fifteen (15) model  
 18 years old without a certificate of title for the motor vehicle commits a  
 19 ~~Class D~~ **Level 6** felony.  
 20 SECTION 21. IC 9-30-5-15 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) In addition to  
 22 any criminal penalty imposed for an offense under this chapter, the  
 23 court shall:  
 24 (1) order:  
 25 (A) that the person be imprisoned for at least five (5) days; or  
 26 (B) the person to perform at least one hundred eighty (180)  
 27 hours of community restitution or service; and  
 28 (2) order the person to receive an assessment of the person's  
 29 degree of alcohol and drug abuse and, if appropriate, to  
 30 successfully complete an alcohol or drug abuse treatment  
 31 program, including an alcohol deterrent program if the person  
 32 suffers from alcohol abuse;  
 33 if the person has one (1) previous conviction of operating while  
 34 intoxicated.  
 35 (b) In addition to any criminal penalty imposed for an offense under  
 36 this chapter, the court shall:  
 37 (1) order:  
 38 (A) that the person be imprisoned for at least ten (10) days; or  
 39 (B) the person to perform at least three hundred sixty (360)  
 40 hours of community restitution or service; and  
 41 (2) order the person to receive an assessment of the person's  
 42 degree of alcohol and drug abuse and, if appropriate, to



1           successfully complete an alcohol or drug abuse treatment  
 2           program, including an alcohol deterrent program if the person  
 3           suffers from alcohol abuse;  
 4           if the person has at least two (2) previous convictions of operating  
 5           while intoxicated.

6           (c) Notwithstanding ~~IC 35-50-2-2~~ **IC 35-50-2-2.2** and IC 35-50-3-1,  
 7           a sentence imposed under this section may not be suspended. The court  
 8           may require that the person serve the term of imprisonment in an  
 9           appropriate facility at whatever time or intervals (consecutive or  
 10          intermittent) determined appropriate by the court. However:

- 11          (1) at least forty-eight (48) hours of the sentence must be served  
 12          consecutively; and  
 13          (2) the entire sentence must be served within six (6) months after  
 14          the date of sentencing.

15          (d) Notwithstanding IC 35-50-6, a person does not earn credit time  
 16          while serving a sentence imposed under this section.

17          SECTION 22. IC 9-32-17-2, AS ADDED BY P.L.92-2013,  
 18          SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19          JULY 1, 2014]: Sec. 2. (a) Except as provided in **subsections**  
 20          **subsection (b), and (c)**; a person who violates IC 9-32-4 commits a  
 21          Class C infraction.

22          (b) A person who knowingly or intentionally violates  
 23          IC 9-32-4-1(a)(1), IC 9-32-4-1(a)(2), ~~IC 9-32-4-1(a)(4);~~  
 24          ~~IC 9-32-4-1(a)(5);~~ or IC 9-32-4-1(d) commits a Class B misdemeanor.

25          ~~(c) A person who knowingly or intentionally violates~~  
 26          ~~IC 9-32-4-1(a)(3) commits a:~~

- 27          ~~(1) Class A misdemeanor for the first violation; and~~  
 28          ~~(2) Class D felony for a second or subsequent unrelated violation.~~

29          SECTION 23. IC 11-8-8-4.5, AS AMENDED BY P.L.214-2013,  
 30          SECTION 4, AND AS AMENDED BY P.L.158-2013, SECTION 171,  
 31          IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 32          [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) Except as provided in  
 33          section 22 of this chapter, as used in this chapter, "sex offender" means  
 34          a person convicted of any of the following offenses:

- 35          (1) Rape (IC 35-42-4-1).  
 36          (2) Criminal deviate conduct (IC 35-42-4-2) ~~(repealed)~~; ~~(before~~  
 37          ~~its repeal on July 1, 2014)~~; **(before its repeal)**.  
 38          (3) Child molesting (IC 35-42-4-3).  
 39          (4) Child exploitation (IC 35-42-4-4(b)).  
 40          (5) Vicarious sexual gratification (including performing sexual  
 41          conduct in the presence of a minor) (IC 35-42-4-5).  
 42          (6) Child solicitation (IC 35-42-4-6).





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



- 1 jurisdiction; and  
 2 (2) a child who has committed a delinquent act and who:  
 3 (A) is at least fourteen (14) years of age;  
 4 (B) is on probation, is on parole, is discharged from a facility  
 5 by the department of correction, is discharged from a secure  
 6 private facility (as defined in IC 31-9-2-115), or is discharged  
 7 from a juvenile detention facility as a result of an adjudication  
 8 as a delinquent child for an act that would be an offense  
 9 described in subsection (a) if committed by an adult; and  
 10 (C) is found by a court by clear and convincing evidence to be  
 11 likely to repeat an act that would be an offense described in  
 12 subsection (a) if committed by an adult.  
 13 (c) In making a determination under subsection (b)(2)(C), the court  
 14 shall consider expert testimony concerning whether a child is likely to  
 15 repeat an act that would be an offense described in subsection (a) if  
 16 committed by an adult.  
 17 SECTION 24. IC 11-8-8-5, AS AMENDED BY P.L.13-2013,  
 18 SECTION 42, AS AMENDED BY P.L.214-2013, SECTION 5, AND  
 19 AS AMENDED BY P.L.158-2013, SECTION 172, IS CORRECTED  
 20 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 21 2014]: Sec. 5. (a) Except as provided in section 22 of this chapter, as  
 22 used in this chapter, "sex or violent offender" means a person convicted  
 23 of any of the following offenses:  
 24 (1) Rape (IC 35-42-4-1).  
 25 (2) Criminal deviate conduct (IC 35-42-4-2) (*before its repeal*).  
 26 ~~on July 1, 2014 (repealed)~~.  
 27 (3) Child molesting (IC 35-42-4-3).  
 28 (4) Child exploitation (IC 35-42-4-4(b)).  
 29 (5) Vicarious sexual gratification (including performing sexual  
 30 conduct in the presence of a minor) (IC 35-42-4-5).  
 31 (6) Child solicitation (IC 35-42-4-6).  
 32 (7) Child seduction (IC 35-42-4-7).  
 33 (8) Sexual misconduct with a minor (**IC 35-42-4-9**) as a Class A,  
 34 Class B, or Class C *felony (for a crime committed before July 1,*  
 35 *2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime*  
 36 *committed after June 30, 2014), (~~IC 35-42-4-9~~); unless:*  
 37 (A) the person is convicted of sexual misconduct with a minor  
 38 as a Class C *felony (for a crime committed before July 1,*  
 39 *2014) or a Level 5 felony (for a crime committed after June*  
 40 *30, 2014);*  
 41 (B) the person is not more than:  
 42 (i) four (4) years older than the victim if the offense was



- 1 committed after June 30, 2007; or  
 2 (ii) five (5) years older than the victim if the offense was  
 3 committed before July 1, 2007; and  
 4 (C) the sentencing court finds that the person should not be  
 5 required to register as a sex offender.
- 6 (9) Incest (IC 35-46-1-3).  
 7 (10) Sexual battery (IC 35-42-4-8).  
 8 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen  
 9 (18) years of age, and the person who kidnapped the victim is not  
 10 the victim's parent or guardian.  
 11 (12) Criminal confinement (IC 35-42-3-3), if the victim is less  
 12 than eighteen (18) years of age, and the person who confined or  
 13 removed the victim is not the victim's parent or guardian.  
 14 (13) Possession of child pornography (IC 35-42-4-4(c)).  
 15 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony  
 16 *(for a crime committed before July 1, 2014) or a Level 4 felony*  
 17 *(for a crime committed after June 30, 2014).*  
 18 (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the  
 19 victim is less than eighteen (18) years of age.  
 20 (16) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).  
 21 (17) Human trafficking (IC 35-42-3.5-1(d)(3)) if the victim is less  
 22 than eighteen (18) years of age.  
 23 (18) Murder (IC 35-42-1-1).  
 24 (19) Voluntary manslaughter (IC 35-42-1-3).  
 25 (20) Sexual misconduct by a service provider with a detained  
 26 child (IC 35-44.1-3-10(c)).  
 27 (21) An attempt or conspiracy to commit a crime listed in  
 28 subdivisions (1) through (20).  
 29 (22) A crime under the laws of another jurisdiction, including a  
 30 military court, that is substantially equivalent to any of the  
 31 offenses listed in subdivisions (1) through (21).
- 32 (b) The term includes:  
 33 (1) a person who is required to register as a sex or violent  
 34 offender in any jurisdiction; and  
 35 (2) a child who has committed a delinquent act and who:  
 36 (A) is at least fourteen (14) years of age;  
 37 (B) is on probation, is on parole, is discharged from a facility  
 38 by the department of correction, is discharged from a secure  
 39 private facility (as defined in IC 31-9-2-115), or is discharged  
 40 from a juvenile detention facility as a result of an adjudication  
 41 as a delinquent child for an act that would be an offense  
 42 described in subsection (a) if committed by an adult; and



1 (C) is found by a court by clear and convincing evidence to be  
 2 likely to repeat an act that would be an offense described in  
 3 subsection (a) if committed by an adult.

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

8 SECTION 25. IC 11-8-8-15, AS AMENDED BY P.L.214-2013,  
 9 SECTION 11, AND AS AMENDED BY P.L.158-2013, SECTION  
 10 173, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A sex or violent offender  
 12 who is a resident of Indiana shall obtain and keep in the sex or violent  
 13 offender's possession:

- 14 (1) a valid Indiana driver's license; or  
 15 (2) a valid Indiana identification card (as described in  
 16 IC 9-24-16);

17 *that contains the offender's current address and current physical*  
 18 *description.*

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

- 22 (1) a valid driver's license issued by the state in which the sex or  
 23 violent offender resides; or  
 24 (2) a valid state issued identification card issued by the state in  
 25 which the sex or violent offender resides;

26 *that contains the offender's current address and current physical*  
 27 *description.*

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

- 32 (1) is a sexually violent predator; or  
 33 (2) has a prior unrelated conviction:  
 34 (A) under this section; or  
 35 (B) based on the person's failure to comply with any  
 36 requirement imposed on an offender under this chapter.

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

- 38 (1) the person has been unable to obtain a valid driver's license or  
 39 state issued identification card because less than thirty (30) days  
 40 have passed since the person's release from incarceration; ~~or~~  
 41 (2) the person possesses a driver's license or state issued  
 42 identification card that expired not more than thirty (30) days



1 before the date the person violated subsection (a) or (b); or  
 2 (3) the person possesses a valid driver's license or state issued  
 3 identification card, but the card does not reflect the person's  
 4 current address or current physical description because fewer  
 5 than thirty (30) days have passed since the person changed the  
 6 person's current address or physical characteristics.

7 SECTION 26. IC 11-8-8-19, AS AMENDED BY P.L.214-2013,  
 8 SECTION 12, AND AS AMENDED BY P.L.158-2013, SECTION  
 9 176, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) Except as provided in  
 11 subsections (b) through (e), a sex or violent offender is required to  
 12 register under this chapter until the expiration of ten (10) years after the  
 13 date the sex or violent offender:

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

21 for the sex or violent offense requiring registration, whichever occurs  
 22 last. The registration period is tolled during any period that the sex or  
 23 violent offender is incarcerated. The registration period does not restart  
 24 if the offender is convicted of a subsequent offense. However, if the  
 25 subsequent offense is a sex or violent offense, a new registration period  
 26 may be imposed in accordance with this chapter. The department shall  
 27 ensure that an offender who is no longer required to register as a sex or  
 28 violent offender is notified that the obligation to register has expired,  
 29 and shall ensure that the offender's information is no longer published  
 30 to the public portal of the sex and violent offender registry Internet  
 31 web site established under IC 36-2-13-5.5.

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

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

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

40 is required to register for life.

41 (d) A sex or violent offender who is convicted of at least one (1)  
 42 offense under section 5(a) of this chapter in which the sex offender:



1 (1) proximately caused serious bodily injury or death to the  
2 victim;

3 (2) used force or the threat of force against the victim or a  
4 member of the victim's family, unless the offense is sexual battery  
5 as a Class D *felony (for an offense committed before July 1, 2014)*  
6 *or a Level 6 felony (for a crime committed after June 30, 2014)*;

7 or

8 (3) rendered the victim unconscious or otherwise incapable of  
9 giving voluntary consent;

10 is required to register for life.

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

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

17 SECTION 27. IC 11-12-2-1, AS AMENDED BY P.L.105-2010,  
18 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2014]: Sec. 1. (a) For the purpose of encouraging counties to  
20 develop a coordinated local corrections-criminal justice system and  
21 providing effective alternatives to imprisonment at the state level, the  
22 commissioner shall, out of funds appropriated for such purposes, make  
23 grants to counties for the establishment and operation of community  
24 corrections programs. Appropriations intended for this purpose may not  
25 be used by the department for any other purpose. Money appropriated  
26 to the department of correction for the purpose of making grants under  
27 this chapter and any financial aid payments suspended under section 6  
28 of this chapter do not revert to the state general fund at the close of any  
29 fiscal year, but remain available to the department of correction for its  
30 use in making grants under this chapter.

31 **(b) Before March 1, 2015, the department shall estimate the**  
32 **amount of any operational cost savings that will be realized in the**  
33 **state fiscal year ending June 30, 2015, from a reduction in the**  
34 **number of individuals who are in the custody or made a ward of**  
35 **the department of correction (as described in IC 11-8-1-5) that is**  
36 **attributable to the sentencing changes made in HEA 1006-2014 as**  
37 **enacted in the 2014 session of the general assembly. The**  
38 **department shall make the estimate under this subsection based on**  
39 **the best available information. If the department estimates that**  
40 **operational cost savings described in this subsection will be**  
41 **realized in the state fiscal year ending June 30, 2015, the following**  
42 **apply to the department:**



1           **(1) The department shall certify the estimated amount of**  
 2           **operational cost savings that will be realized to the budget**  
 3           **agency and to the auditor of state.**

4           **(2) The department may, after review by the budget**  
 5           **committee and approval by the budget agency, make**  
 6           **additional grants as provided in this chapter to counties for**  
 7           **the establishment and operation of community corrections**  
 8           **programs from funds appropriated to the department for the**  
 9           **department's operating expenses for the state fiscal year.**

10           **(3) The department may, after review by the budget**  
 11           **committee and approval by the budget agency, transfer funds**  
 12           **appropriated to the department for the department's**  
 13           **operating expenses for the state fiscal year to the judicial**  
 14           **conference of Indiana to be used by the judicial conference of**  
 15           **Indiana to provide additional financial aid for the support of**  
 16           **court probation services under the program established under**  
 17           **IC 11-13-2.**

18           **(4) The maximum aggregate amount of additional grants and**  
 19           **transfers that may be made by the department under**  
 20           **subdivisions (2) and (3) for the state fiscal year may not**  
 21           **exceed the lesser of:**

22                   **(A) the amount of operational cost savings certified under**  
 23                   **subdivision (1); or**

24                   **(B) eleven million dollars (\$11,000,000).**

25           **Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of**  
 26           **funds necessary to make any additional grants authorized and**  
 27           **approved under this subsection and for any transfers authorized**  
 28           **and approved under this subsection, and for providing the**  
 29           **additional financial aid to courts from transfers authorized and**  
 30           **approved under this subsection, is appropriated for those purposes**  
 31           **for the state fiscal year ending June 30, 2015, and the amount of**  
 32           **the department's appropriation for operating expenses for the state**  
 33           **fiscal year ending June 30, 2015, is reduced by a corresponding**  
 34           **amount. This subsection expires June 30, 2015.**

35           **(c) The commissioner shall give priority in issuing community**  
 36           **corrections grants to programs that provide alternative sentencing**  
 37           **projects for persons with mental illness, addictive disorders, mental**  
 38           **retardation, and developmental disabilities.**

39           **SECTION 28. IC 11-12-3.7-11, AS AMENDED BY P.L.192-2007,**  
 40           **SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**  
 41           **JULY 1, 2014]: Sec. 11. (a) A person is eligible to participate in a**  
 42           **pre-conviction forensic diversion program only if the person meets the**



- 1 following criteria:
- 2 (1) The person has a mental illness, an addictive disorder, or both
- 3 a mental illness and an addictive disorder.
- 4 (2) The person has been charged with an offense that is:
- 5 (A) not a violent offense; and
- 6 (B) a Class A, B, or C misdemeanor, or a ~~Class D~~ **Level 6**
- 7 felony that may be reduced to a Class A misdemeanor in
- 8 accordance with IC 35-50-2-7.
- 9 (3) The person does not have a conviction for a violent offense in
- 10 the previous ten (10) years.
- 11 (4) The court has determined that the person is an appropriate
- 12 candidate to participate in a pre-conviction forensic diversion
- 13 program.
- 14 (5) The person has been accepted into a pre-conviction forensic
- 15 diversion program.
- 16 (b) Before an eligible person is permitted to participate in a
- 17 pre-conviction forensic diversion program, the court shall advise the
- 18 person of the following:
- 19 (1) Before the individual is permitted to participate in the
- 20 program, the individual will be required to enter a guilty plea to
- 21 the offense with which the individual has been charged.
- 22 (2) The court will stay entry of the judgment of conviction during
- 23 the time in which the individual is successfully participating in
- 24 the program. If the individual stops successfully participating in
- 25 the program, or does not successfully complete the program, the
- 26 court will lift its stay, enter a judgment of conviction, and
- 27 sentence the individual accordingly.
- 28 (3) If the individual participates in the program, the individual
- 29 may be required to remain in the program for a period not to
- 30 exceed three (3) years.
- 31 (4) During treatment the individual may be confined in an
- 32 institution, be released for treatment in the community, receive
- 33 supervised aftercare in the community, or may be required to
- 34 receive a combination of these alternatives.
- 35 (5) If the individual successfully completes the forensic diversion
- 36 program, the court will waive entry of the judgment of conviction
- 37 and dismiss the charges.
- 38 (6) The court shall determine, after considering a report from the
- 39 forensic diversion program, whether the individual is successfully
- 40 participating in or has successfully completed the program.
- 41 (c) Before an eligible person may participate in a pre-conviction
- 42 forensic diversion program, the person must plead guilty to the offense





1 with which the person is charged.

2 (d) Before an eligible person may be admitted to a facility under the  
3 control of the division of mental health and addiction, the individual  
4 must be committed to the facility under IC 12-26.

5 (e) After the person has pleaded guilty, the court shall stay entry of  
6 judgment of conviction and place the person in the pre-conviction  
7 forensic diversion program for not more than:

8 (1) two (2) years, if the person has been charged with a  
9 misdemeanor; or

10 (2) three (3) years, if the person has been charged with a felony.

11 (f) If, after considering the report of the forensic diversion program,  
12 the court determines that the person has:

13 (1) failed to successfully participate in the forensic diversion  
14 program, or failed to successfully complete the program, the court  
15 shall lift its stay, enter judgment of conviction, and sentence the  
16 person accordingly; or

17 (2) successfully completed the forensic diversion program, the  
18 court shall waive entry of the judgment of conviction and dismiss  
19 the charges.

20 SECTION 29. IC 11-14-1-5 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. "Youthful offender"  
22 means an offender (as defined in IC 11-8-1-9) who:

23 (1) is less than twenty-one (21) years of age;

24 (2) has been committed to the department to serve a maximum  
25 sentence of not more than eight (8) years;

26 (3) has received a suspendible sentence under IC 35-50-2-2  
27 **(before its repeal), or IC 35-50-2-2.1, or IC 35-50-2-2.2;**

28 (4) has been sentenced by a court having criminal jurisdiction;

29 (5) has never been confined in a state or federal adult correctional  
30 facility; and

31 (6) has not previously participated in a military or correctional  
32 boot camp program.

33 SECTION 30. IC 12-7-2-53.2, AS ADDED BY P.L.287-2013,  
34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2014]: Sec. 53.2. "Dangerous felony", for purposes of  
36 IC 12-17.2, means one (1) or more of the following felonies:

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

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

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

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

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

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



- 1 (7) Kidnapping (IC 35-42-3-2).  
 2 (8) Rape (IC 35-42-4-1).  
 3 (9) Criminal deviate conduct (IC 35-42-4-2) **(before its repeal)**.  
 4 (10) Child molesting (IC 35-42-4-3).  
 5 (11) Sexual misconduct with a minor as a Class A felony **(for a**  
 6 **crime committed before July 1, 2014) or a Level 1 felony (for**  
 7 **a crime committed after June 30, 2014)** under  
 8 IC 35-42-4-9(a)(2) or a Class B felony **(for a crime committed**  
 9 **before July 1, 2014) or a Level 2 felony (for a crime**  
 10 **committed after June 30, 2014)** under IC 35-42-4-9(b)(2).  
 11 (12) Robbery as a Class A or Class B felony **(for a crime**  
 12 **committed before July 1, 2014) or a Level 2 or Level 3 felony**  
 13 **(for a crime committed after June 30, 2014)** (IC 35-42-5-1).  
 14 (13) Burglary as a Class A or Class B felony **(for a crime**  
 15 **committed before July 1, 2014) or a Level 2 or Level 3 felony**  
 16 **(for a crime committed after June 30, 2014)** (IC 35-43-2-1).  
 17 (14) Battery as a felony (IC 35-42-2-1).  
 18 (15) Domestic battery (IC 35-42-2-1.3).  
 19 (16) Strangulation (IC 35-42-2-9).  
 20 (17) Criminal confinement (IC 35-42-3-3).  
 21 (18) Sexual battery (IC 35-42-4-8).  
 22 (19) A felony committed in another jurisdiction that is  
 23 substantially similar to a felony in this section.  
 24 (20) An attempt to commit or a conspiracy to commit an offense  
 25 listed in subdivisions (1) through (19).

26 SECTION 31. IC 12-17.2-6-14, AS AMENDED BY P.L.287-2013,  
 27 SECTION 16, AND AS AMENDED BY P.L.158-2013, SECTION  
 28 179, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2014]: Sec. 14. ~~The~~ (a) A child care ministry  
 30 must do the following:

- 31 (1) ~~Conduct a~~ Subject to subsection (c), require, at no expense to  
 32 the state, an employee or a volunteer who has direct contact with  
 33 a child who is receiving child care from the child care ministry to  
 34 submit fingerprints for a national criminal history background  
 35 check ~~of the child care ministry's employees and volunteers~~. by  
 36 the Federal Bureau of Investigation.  
 37 (2) Report to the division any:  
 38 (A) police investigations;  
 39 (B) arrests; and  
 40 (C) criminal convictions;  
 41 of which the operator or director of the child care ministry is  
 42 aware regarding an employee or volunteer described in



1 subdivision (1).

2 ~~(2)~~ (3) Refrain from employing, or allowing to serve as a  
3 volunteer, an individual who *has direct contact with a child who*  
4 *is receiving child care from the child care ministry and who:*

5 (A) has been convicted of *any of the following felonies:*

6 (i) *Murder (IC 35-42-1-1).*

7 (ii) *Causing suicide (IC 35-42-1-2).*

8 (iii) *Assisting suicide (IC 35-42-1-2.5).*

9 (iv) *Voluntary manslaughter (IC 35-42-1-3).*

10 (v) *Reckless homicide (IC 35-42-1-5).*

11 (vi) *Battery (IC 35-42-2-1).*

12 (vii) *Aggravated battery (IC 35-42-2-1.5).*

13 (viii) *Kidnapping (IC 35-42-3-2).*

14 (ix) *Criminal confinement (IC 35-42-3-3).*

15 (x) *A felony sex offense under IC 35-42-4.*

16 (xi) *Carjacking (IC 35-42-5-2) (repealed) (for a crime*  
17 *committed before July 1, 2014).*

18 (xii) *Arson (IC 35-43-1-1).*

19 (xiii) *Incest (IC 35-46-1-3).*

20 (xiv) *Neglect of a dependent (IC 35-46-1-4(a)(1) and*  
21 *IC 35-46-1-4(a)(2)).*

22 (xv) *Child selling (IC 35-46-1-4(d)).*

23 (xvi) *A felony involving a weapon under IC 35-47 or*  
24 *IC 35-47.5.*

25 (xvii) *A felony relating to controlled substances under*  
26 *IC 35-48-4.*

27 (xviii) *An offense relating to material or a performance that*  
28 *is harmful to minors or obscene under IC 35-49-3.*

29 (xix) *A felony that is substantially equivalent to a felony*  
30 *listed in items (i) through (xviii) for which the conviction*  
31 *was entered in another state: a felony:*

32 (i) *related to the health or safety of a child;*

33 (ii) *that is a sex offense (as defined in IC 11-8-8-5.2);*

34 (iii) *that is a dangerous felony; or*

35 (iv) *that is not a felony otherwise described in items (i)*  
36 *through (iii), and less than ten (10) years have elapsed from*  
37 *the date the person was discharged from probation,*  
38 *imprisonment, or parole, whichever discharge date is latest;*

39 (B) has been convicted of a misdemeanor related to the health  
40 or safety of a child;

41 (C) has been convicted of a misdemeanor under  
42 IC 12-17.2-4-35 for operating a child care center without a



1 license, or of a substantially similar offense committed in  
 2 another jurisdiction if the offense is directly or indirectly  
 3 related to jeopardizing the health or safety of a child;

4 (D) has been convicted of a misdemeanor under  
 5 IC 12-17.2-5-35 for operating a child care home without a  
 6 license, or of a substantially similar offense committed in  
 7 another jurisdiction if the offense is directly or indirectly  
 8 related to jeopardizing the health or safety of a child; or

9 ~~(E)~~ (E) is a person against whom an allegation of child abuse  
 10 or neglect has been substantiated under IC 31-33, or under a  
 11 substantially similar provision in another jurisdiction.

12 ~~(3) Maintain records of each criminal history check.~~

13 (b) A child care ministry shall require an individual described in  
 14 subsection (a)(1) to apply for a national criminal history background  
 15 check before the individual is employed or allowed to volunteer and  
 16 every three (3) years thereafter that the individual is continuously  
 17 employed or allowed to volunteer.

18 (c) A child care ministry that is registered under this chapter on  
 19 July 1, 2013, shall, at no expense to the state, meet the requirements  
 20 under subsection (a)(1) not later than July 1, 2014.

21 SECTION 32. IC 12-24-3-2, AS AMENDED BY P.L.214-2013,  
 22 SECTION 14, AND AS AMENDED BY P.L.158-2013, SECTION  
 23 183, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2014]: Sec. 2. To provide greater security for  
 25 patients, visitors, and employees, the division may not employ in a state  
 26 institution an individual who has been convicted of any of the  
 27 following offenses:

28 (1) Rape (IC 35-42-4-1).

29 (2) Criminal deviate conduct (IC 35-42-4-2) ~~(before its repeal on~~  
 30 ~~July 1, 2014): (repealed): (before its repeal).~~

31 (3) Child molesting (IC 35-42-4-3).

32 (4) Child exploitation (IC 35-42-4-4).

33 (5) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A  
 34 or Class B felony (for a crime committed before July 1, 2014) or  
 35 a Level 1 felony, Level 2 felony, or Level 4 felony ~~(IC 35-42-4-9)~~  
 36 (for a crime committed after June 30, 2014).

37 SECTION 33. IC 16-31-3-14, AS AMENDED BY P.L.196-2013,  
 38 SECTION 4, AND AS AMENDED BY P.L.158-2013, SECTION 234,  
 39 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 40 [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) A person holding a  
 41 certificate or license issued under this article must comply with the  
 42 applicable standards and rules established under this article. A



1 certificate holder or license holder is subject to disciplinary sanctions  
 2 under subsection (b) if the department of homeland security determines  
 3 that the certificate holder or license holder:

- 4 (1) engaged in or knowingly cooperated in fraud or material  
 5 deception in order to obtain a certificate or license, including  
 6 cheating on a certification or licensure examination;  
 7 (2) engaged in fraud or material deception in the course of  
 8 professional services or activities;  
 9 (3) advertised services or goods in a false or misleading manner;  
 10 (4) falsified or knowingly allowed another person to falsify  
 11 attendance records or certificates of completion of continuing  
 12 education courses required under this article or rules adopted  
 13 under this article;  
 14 (5) is convicted of a crime, if the act that resulted in the  
 15 conviction has a direct bearing on determining if the certificate  
 16 holder or license holder should be entrusted to provide emergency  
 17 medical services;  
 18 (6) is convicted of violating IC 9-19-14.5;  
 19 (7) fails to comply and maintain compliance with or violates any  
 20 applicable provision, standard, or other requirement of this article  
 21 or rules adopted under this article;  
 22 (8) continues to practice if the certificate holder or license holder  
 23 becomes unfit to practice due to:  
 24 (A) professional incompetence that includes the undertaking  
 25 of professional activities that the certificate holder or license  
 26 holder is not qualified by training or experience to undertake;  
 27 (B) failure to keep abreast of current professional theory or  
 28 practice;  
 29 (C) physical or mental disability; or  
 30 (D) addiction to, abuse of, or dependency on alcohol or other  
 31 drugs that endanger the public by impairing the certificate  
 32 holder's or license holder's ability to practice safely;  
 33 (9) engages in a course of lewd or immoral conduct in connection  
 34 with the delivery of services to the public;  
 35 (10) allows the certificate holder's or license holder's name or a  
 36 certificate or license issued under this article to be used in  
 37 connection with a person who renders services beyond the scope  
 38 of that person's training, experience, or competence;  
 39 (11) is subjected to disciplinary action in another state or  
 40 jurisdiction on grounds similar to those contained in this chapter.  
 41 For purposes of this subdivision, a certified copy of a record of  
 42 disciplinary action constitutes prima facie evidence of a



- 1 disciplinary action in another jurisdiction;  
 2 (12) assists another person in committing an act that would  
 3 constitute a ground for disciplinary sanction under this chapter;  
 4 or  
 5 (13) allows a certificate or license issued by the commission to  
 6 be:  
 7 (A) used by another person; or  
 8 (B) displayed to the public when the certificate or license is  
 9 expired, inactive, invalid, revoked, or suspended.
- 10 (b) The department of homeland security may issue an order under  
 11 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if  
 12 the department of homeland security determines that a certificate  
 13 holder or license holder is subject to disciplinary sanctions under  
 14 subsection (a):
- 15 (1) Revocation of a certificate holder's certificate or license  
 16 holder's license for a period not to exceed seven (7) years.  
 17 (2) Suspension of a certificate holder's certificate or license  
 18 holder's license for a period not to exceed seven (7) years.  
 19 (3) Censure of a certificate holder or license holder.  
 20 (4) Issuance of a letter of reprimand.  
 21 (5) Assessment of a civil penalty against the certificate holder or  
 22 license holder in accordance with the following:  
 23 (A) The civil penalty may not exceed five hundred dollars  
 24 (\$500) per day per violation.  
 25 (B) If the certificate holder or license holder fails to pay the  
 26 civil penalty within the time specified by the department of  
 27 homeland security, the department of homeland security may  
 28 suspend the certificate holder's certificate or license holder's  
 29 license without additional proceedings.
- 30 (6) Placement of a certificate holder or license holder on  
 31 probation status and requirement of the certificate holder or  
 32 license holder to:  
 33 (A) report regularly to the department of homeland security  
 34 upon the matters that are the basis of probation;  
 35 (B) limit practice to those areas prescribed by the department  
 36 of homeland security;  
 37 (C) continue or renew professional education approved by the  
 38 department of homeland security until a satisfactory degree of  
 39 skill has been attained in those areas that are the basis of the  
 40 probation; or  
 41 (D) perform or refrain from performing any acts, including  
 42 community restitution or service without compensation, that



- 1           the department of homeland security considers appropriate to  
2           the public interest or to the rehabilitation or treatment of the  
3           certificate holder or license holder.
- 4           The department of homeland security may withdraw or modify  
5           this probation if the department of homeland security finds after  
6           a hearing that the deficiency that required disciplinary action is  
7           remedied or that changed circumstances warrant a modification  
8           of the order.
- 9           (c) If an applicant or a certificate holder or license holder has  
10          engaged in or knowingly cooperated in fraud or material deception to  
11          obtain a certificate or license, including cheating on the certification or  
12          licensure examination, the department of homeland security may  
13          rescind the certificate or license if it has been granted, void the  
14          examination or other fraudulent or deceptive material, and prohibit the  
15          applicant from reapplying for the certificate or license for a length of  
16          time established by the department of homeland security.
- 17          (d) The department of homeland security may deny certification or  
18          licensure to an applicant who would be subject to disciplinary sanctions  
19          under subsection (b) if that person were a certificate holder or license  
20          holder, has had disciplinary action taken against the applicant or the  
21          applicant's certificate or license to practice in another state or  
22          jurisdiction, or has practiced without a certificate or license in violation  
23          of the law. A certified copy of the record of disciplinary action is  
24          conclusive evidence of the other jurisdiction's disciplinary action.
- 25          (e) The department of homeland security may order a certificate  
26          holder or license holder to submit to a reasonable physical or mental  
27          examination if the certificate holder's or license holder's physical or  
28          mental capacity to practice safely and competently is at issue in a  
29          disciplinary proceeding. Failure to comply with a department of  
30          homeland security order to submit to a physical or mental examination  
31          makes a certificate holder or license holder liable to temporary  
32          suspension under subsection (i).
- 33          (f) Except as provided under subsection (a), subsection (g), and  
34          section 14.5 of this chapter, a certificate or license may not be denied,  
35          revoked, or suspended because the applicant, certificate holder, or  
36          license holder has been convicted of an offense. The acts from which  
37          the applicant's, certificate holder's, or license holder's conviction  
38          resulted may be considered as to whether the applicant or certificate  
39          holder or license holder should be entrusted to serve the public in a  
40          specific capacity.
- 41          (g) The department of homeland security may deny, suspend, or  
42          revoke a certificate or license issued under this article if the individual



1 who holds or is applying for the certificate or license is convicted of  
2 any of the following:

- 3 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.  
4 (2) Possession of methamphetamine under IC 35-48-4-6.1.  
5 (3) Possession of a controlled substance under IC 35-48-4-7(a).  
6 (4) Fraudulently obtaining a controlled substance under  
7 ~~IC 35-48-4-7(b)~~ IC 35-48-4-7(c).  
8 (5) Manufacture of paraphernalia as a Class D *felony (for a crime*  
9 *committed before July 1, 2014) or Level 6 felony (for a crime*  
10 *committed after June 30, 2014)* under IC 35-48-4-8.1(b).  
11 (6) Dealing in paraphernalia as a Class D *felony (for a crime*  
12 *committed before July 1, 2014) or Level 6 felony (for a crime*  
13 *committed after June 30, 2014)* under IC 35-48-4-8.5(b).  
14 (7) Possession of paraphernalia as a Class D *felony (for a crime*  
15 *committed before July 1, 2014) or Level 6 felony (for a crime*  
16 *committed after June 30, 2014)* under IC 35-48-4-8.3(b).  
17 (8) Possession of marijuana, hash oil, hashish, *or a*  
18 ~~*synthetic drug*~~ as a Class D *felony (for a crime committed before*  
19 *July 1, 2014) or Level 6 felony (for a crime committed after June*  
20 *30, 2014)* under IC 35-48-4-11.  
21 (9) *Possession of a synthetic drug or synthetic drug lookalike*  
22 *substance as a Class D felony (for a crime committed before*  
23 **July 1, 2014) or Level 6 felony (for a crime committed after**  
24 **June 30, 2014) under IC 35-48-4-11.5 (or under IC 35-48-4-11**  
25 *before its amendment in 2013).*  
26 ~~(9)~~ (10) Maintaining a common nuisance under IC 35-48-4-13.  
27 ~~(10)~~ (11) An offense relating to registration, labeling, and  
28 prescription forms under IC 35-48-4-14.  
29 ~~(11)~~ (12) Conspiracy under IC 35-41-5-2 to commit an offense  
30 listed in *subdivisions (1) through (10) this section.*  
31 ~~(12)~~ (13) Attempt under IC 35-41-5-1 to commit an offense listed  
32 in *subdivisions (1) through (10) this section.*  
33 ~~(13)~~ (14) An offense in any other jurisdiction in which the  
34 elements of the offense for which the conviction was entered are  
35 substantially similar to the elements of an offense described *by*  
36 *subdivisions (1) through (12) in this section.*  
37 (h) A decision of the department of homeland security under  
38 subsections (b) through (g) may be appealed to the commission under  
39 IC 4-21.5-3-7.  
40 (i) The department of homeland security may temporarily suspend  
41 a certificate holder's certificate or license holder's license under  
42 IC 4-21.5-4 before a final adjudication or during the appeals process if





1 the department of homeland security finds that a certificate holder or  
 2 license holder would represent a clear and immediate danger to the  
 3 public's health, safety, or property if the certificate holder or license  
 4 holder were allowed to continue to practice.

5 (j) On receipt of a complaint or information alleging that a person  
 6 certified or licensed under this chapter or IC 16-31-3.5 has engaged in  
 7 or is engaging in a practice that is subject to disciplinary sanctions  
 8 under this chapter, the department of homeland security must initiate  
 9 an investigation against the person.

10 (k) The department of homeland security shall conduct a factfinding  
 11 investigation as the department of homeland security considers proper  
 12 in relation to the complaint.

13 (l) The department of homeland security may reinstate a certificate  
 14 or license that has been suspended under this section if the department  
 15 of homeland security is satisfied that the applicant is able to practice  
 16 with reasonable skill, competency, and safety to the public. As a  
 17 condition of reinstatement, the department of homeland security may  
 18 impose disciplinary or corrective measures authorized under this  
 19 chapter.

20 (m) The department of homeland security may not reinstate a  
 21 certificate or license that has been revoked under this chapter.

22 (n) The department of homeland security must be consistent in the  
 23 application of sanctions authorized in this chapter. Significant  
 24 departures from prior decisions involving similar conduct must be  
 25 explained in the department of homeland security's findings or orders.

26 (o) A certificate holder may not surrender the certificate holder's  
 27 certificate, and a license holder may not surrender the license holder's  
 28 license, without the written approval of the department of homeland  
 29 security, and the department of homeland security may impose any  
 30 conditions appropriate to the surrender or reinstatement of a  
 31 surrendered certificate or license.

32 (p) For purposes of this section, "certificate holder" means a person  
 33 who holds:

- 34 (1) an unlimited certificate;
- 35 (2) a limited or probationary certificate; or
- 36 (3) an inactive certificate.

37 (q) For purposes of this section, "license holder" means a person  
 38 who holds:

- 39 (1) an unlimited license;
- 40 (2) a limited or probationary license; or
- 41 (3) an inactive license.

42 SECTION 34. IC 16-41-12-15, AS AMENDED BY P.L.213-2013,



1 SECTION 14, AND AS AMENDED BY P.L.158-2013, SECTION  
 2 243, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A blood center shall require  
 4 a blood donor to provide to the blood center the following information:

5 (1) Name.

6 (2) Address.

7 (3) Date of birth.

8 (4) *The blood donor's Social Security number, if the blood donor*  
 9 *is receiving monetary compensation for the donation.*

10 ~~(b) A blood center shall request a blood donor to provide the blood~~  
 11 ~~donor's Social Security number.~~

12 ~~(c)~~ (b) A blood center shall report the name and address of a blood  
 13 donor to the state department when a confirmatory test of the blood  
 14 donor's blood confirms the presence of antibodies to the human  
 15 immunodeficiency virus (HIV).

16 ~~(d)~~ (c) A blood center shall provide to a blood donor information to  
 17 enable the blood donor to give informed consent to the procedures  
 18 required by this chapter or IC 16-36. The information required by this  
 19 subsection must be in the following form:

20 NOTICE

21 (1) This blood center performs a screening test for the human  
 22 immunodeficiency virus (HIV) on every donor's blood.

23 (2) This blood center reports to the state department of health the  
 24 name and address of a blood donor when a confirmatory test of  
 25 the blood donor's blood confirms the presence of antibodies to the  
 26 human immunodeficiency virus (HIV).

27 (3) A person who recklessly, knowingly, or intentionally donates  
 28 (excluding self-donations for stem cell transplantation, *other*  
 29 *autologous donations, or donations not intended by the blood*  
 30 *center for distribution or use), sells, or transfers blood ~~or a blood~~*  
 31 *component* that contains antibodies for the human  
 32 immunodeficiency virus (HIV) commits transferring  
 33 contaminated blood, a ~~Class C~~ *Level 5* felony. The offense is a  
 34 ~~Class A~~ *Level 4* felony if the offense results in the transmission of  
 35 the virus to another person.

36 SECTION 35. IC 20-28-5-8, AS AMENDED BY P.L.158-2013,  
 37 SECTION 250, AND AS AMENDED BY P.L.214-2013, SECTION  
 38 20, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) This section applies when a  
 40 prosecuting attorney knows that a licensed employee of a public school  
 41 or a nonpublic school has been convicted of an offense listed in  
 42 subsection (c). The prosecuting attorney shall immediately give written



- 1 notice of the conviction to the following:
- 2 (1) The state superintendent.
- 3 (2) Except as provided in subdivision (3), the superintendent of
- 4 the school corporation that employs the licensed employee or the
- 5 equivalent authority if a nonpublic school employs the licensed
- 6 employee.
- 7 (3) The presiding officer of the governing body of the school
- 8 corporation that employs the licensed employee, if the convicted
- 9 licensed employee is the superintendent of the school corporation.
- 10 (b) The superintendent of a school corporation, presiding officer of
- 11 the governing body, or equivalent authority for a nonpublic school shall
- 12 immediately notify the state superintendent when the individual knows
- 13 that a current or former licensed employee of the public school or
- 14 nonpublic school has been convicted of an offense listed in subsection
- 15 (c), or when the governing body or equivalent authority for a nonpublic
- 16 school takes any final action in relation to an employee who engaged
- 17 in any offense listed in subsection (c).
- 18 (c) The department, after holding a hearing on the matter, shall
- 19 permanently revoke the license of a person who is known by the
- 20 department to have been convicted of any of the following felonies:
- 21 (1) Kidnapping (IC 35-42-3-2).
- 22 (2) Criminal confinement (IC 35-42-3-3).
- 23 (3) Rape (IC 35-42-4-1).
- 24 (4) Criminal deviate conduct (IC 35-42-4-2) (~~repeated~~): **(before**
- 25 **its repeal).**
- 26 (5) Child molesting (IC 35-42-4-3).
- 27 (6) Child exploitation (IC 35-42-4-4(b)).
- 28 (7) Vicarious sexual gratification (IC 35-42-4-5).
- 29 (8) Child solicitation (IC 35-42-4-6).
- 30 (9) Child seduction (IC 35-42-4-7).
- 31 (10) Sexual misconduct with a minor (IC 35-42-4-9).
- 32 (11) Incest (IC 35-46-1-3).
- 33 (12) Dealing in or manufacturing cocaine or a narcotic drug
- 34 (IC 35-48-4-1).
- 35 (13) Dealing in methamphetamine (IC 35-48-4-1.1).
- 36 (14) Dealing in a schedule I, II, or III controlled substance
- 37 (IC 35-48-4-2).
- 38 (15) Dealing in a schedule IV controlled substance
- 39 (IC 35-48-4-3).
- 40 (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 41 (17) Dealing in a counterfeit substance (IC 35-48-4-5).
- 42 (18) Dealing in marijuana, hash oil, hashish, or salvia



- 1 (IC 35-48-4-10(b)).
- 2 (19) Dealing in a synthetic drug or synthetic drug lookalike
- 3 substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its
- 4 amendment in 2013).
- 5 (20) Possession of child pornography (IC 35-42-4-4(c)).
- 6 (21) Homicide (IC 35-42-1).
- 7 (22) Voluntary manslaughter (IC 35-42-1-3).
- 8 (23) Reckless homicide (IC 35-42-1-5).
- 9 (24) Battery as any of the following:
- 10 (A) A Class A *felony* (for a crime committed before July 1,
- 11 2014) or a Level 2 *felony* (for a crime committed after June
- 12 30, 2014). ~~(IC 35-42-2-1(a)(5)).~~
- 13 (B) A Class B *felony* (for a crime committed before July 1,
- 14 2014) or a Level 3 *felony* (for a crime committed after June
- 15 30, 2014). ~~(IC 35-42-2-1(a)(4)).~~
- 16 (C) A Class C *felony* (for a crime committed before July 1,
- 17 2014) or a Level 5 *felony* (for a crime committed after June
- 18 30, 2014). ~~(IC 35-42-2-1(a)(3)).~~
- 19 (25) Aggravated battery (IC 35-42-2-1.5).
- 20 (26) Robbery (IC 35-42-5-1).
- 21 (27) Carjacking (IC 35-42-5-2) ~~(repeated)~~: **(before its repeal)**.
- 22 (28) Arson as a Class A *felony* or ~~a~~ Class B *felony* (for a crime
- 23 committed before July 1, 2014) or as a Level 2, Level 3, or Level
- 24 4 *felony* (for a crime committed after June 30, 2014)
- 25 (IC 35-43-1-1(a)).
- 26 (29) Burglary as a Class A *felony* or ~~a~~ Class B *felony* (for a crime
- 27 committed before July 1, 2014) or as a Level 1, Level 2, Level 3,
- 28 or Level 4 *felony* (for a crime committed after June 30, 2014)
- 29 (IC 35-43-2-1).
- 30 (30) Attempt under IC 35-41-5-1 to commit an offense listed in
- 31 this subsection.
- 32 (31) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 33 in this subsection.
- 34 (d) The department, after holding a hearing on the matter, shall
- 35 permanently revoke the license of a person who is known by the
- 36 department to have been convicted of a federal offense or an offense in
- 37 another state that is comparable to a felony listed in subsection (c).
- 38 (e) A license may be suspended by the state superintendent as
- 39 specified in IC 20-28-7.5.
- 40 (f) The department shall develop a data base of information on
- 41 school corporation employees who have been reported to the
- 42 department under this section.



1 SECTION 36. IC 22-15-5-16, AS AMENDED BY P.L.196-2013,  
 2 SECTION 7, AND AS AMENDED BY P.L.158-2013, SECTION 261,  
 3 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 4 [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A practitioner shall comply  
 5 with the standards established under this licensing program. A  
 6 practitioner is subject to the exercise of the disciplinary sanctions under  
 7 subsection (b) if the department finds that a practitioner has:

- 8 (1) engaged in or knowingly cooperated in fraud or material  
 9 deception in order to obtain a license to practice, including  
 10 cheating on a licensing examination;  
 11 (2) engaged in fraud or material deception in the course of  
 12 professional services or activities;  
 13 (3) advertised services or goods in a false or misleading manner;  
 14 (4) falsified or knowingly allowed another person to falsify  
 15 attendance records or certificates of completion of continuing  
 16 education courses provided under this chapter;  
 17 (5) been convicted of a crime that has a direct bearing on the  
 18 practitioner's ability to continue to practice competently;  
 19 (6) knowingly violated a state statute or rule or federal statute or  
 20 regulation regulating the profession for which the practitioner is  
 21 licensed;  
 22 (7) continued to practice although the practitioner has become  
 23 unfit to practice due to:  
 24 (A) professional incompetence;  
 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 severe dependency on alcohol or  
 29 other drugs that endanger the public by impairing a  
 30 practitioner's ability to practice safely;  
 31 (8) engaged in a course of lewd or immoral conduct in connection  
 32 with the delivery of services to the public;  
 33 (9) allowed the practitioner's name or a license issued under this  
 34 chapter to be used in connection with an individual or business  
 35 who renders services beyond the scope of that individual's or  
 36 business's training, experience, or competence;  
 37 (10) had disciplinary action taken against the practitioner or the  
 38 practitioner's license to practice in another state or jurisdiction on  
 39 grounds similar to those under this chapter;  
 40 (11) assisted another person in committing an act that would  
 41 constitute a ground for disciplinary sanction under this chapter;  
 42 or



1 (12) allowed a license issued by the department to be:

2 (A) used by another person; or

3 (B) displayed to the public when the license has expired, is  
4 inactive, is invalid, or has been revoked or suspended.

5 For purposes of subdivision (10), a certified copy of a record of  
6 disciplinary action constitutes prima facie evidence of a disciplinary  
7 action in another jurisdiction.

8 (b) The department may impose one (1) or more of the following  
9 sanctions if the department finds that a practitioner is subject to  
10 disciplinary sanctions under subsection (a):

11 (1) Permanent revocation of a practitioner's license.

12 (2) Suspension of a practitioner's license.

13 (3) Censure of a practitioner.

14 (4) Issuance of a letter of reprimand.

15 (5) Assess a civil penalty against the practitioner in accordance  
16 with the following:

17 (A) The civil penalty may not be more than one thousand  
18 dollars (\$1,000) for each violation listed in subsection (a),  
19 except for a finding of incompetency due to a physical or  
20 mental disability.

21 (B) When imposing a civil penalty, the department shall  
22 consider a practitioner's ability to pay the amount assessed. If  
23 the practitioner fails to pay the civil penalty within the time  
24 specified by the department, the department may suspend the  
25 practitioner's license without additional proceedings. However,  
26 a suspension may not be imposed if the sole basis for the  
27 suspension is the practitioner's inability to pay a civil penalty.

28 (6) Place a practitioner on probation status and require the  
29 practitioner to:

30 (A) report regularly to the department upon the matters that  
31 are the basis of probation;

32 (B) limit practice to those areas prescribed by the department;

33 (C) continue or renew professional education approved by the  
34 department until a satisfactory degree of skill has been attained  
35 in those areas that are the basis of the probation; or

36 (D) perform or refrain from performing any acts, including  
37 community restitution or service without compensation, that  
38 the department considers appropriate to the public interest or  
39 to the rehabilitation or treatment of the practitioner.

40 The department may withdraw or modify this probation if the  
41 department finds after a hearing that the deficiency that required  
42 disciplinary action has been remedied or that changed



1 circumstances warrant a modification of the order.

2 (c) If an applicant or a practitioner has engaged in or knowingly  
3 cooperated in fraud or material deception to obtain a license to  
4 practice, including cheating on the licensing examination, the  
5 department may rescind the license if it has been granted, void the  
6 examination or other fraudulent or deceptive material, and prohibit the  
7 applicant from reapplying for the license for a length of time  
8 established by the department.

9 (d) The department may deny licensure to an applicant who has had  
10 disciplinary action taken against the applicant or the applicant's license  
11 to practice in another state or jurisdiction or who has practiced without  
12 a license in violation of the law. A certified copy of the record of  
13 disciplinary action is conclusive evidence of the other jurisdiction's  
14 disciplinary action.

15 (e) The department may order a practitioner to submit to a  
16 reasonable physical or mental examination if the practitioner's physical  
17 or mental capacity to practice safely and competently is at issue in a  
18 disciplinary proceeding. Failure to comply with a department order to  
19 submit to a physical or mental examination makes a practitioner liable  
20 to temporary suspension under subsection (j).

21 (f) Except as provided under subsection (g) or (h), a license may not  
22 be denied, revoked, or suspended because the applicant or holder has  
23 been convicted of an offense. The acts from which the applicant's or  
24 holder's conviction resulted may, however, be considered as to whether  
25 the applicant or holder should be entrusted to serve the public in a  
26 specific capacity.

27 (g) The department may deny, suspend, or revoke a license issued  
28 under this chapter if the individual who holds the license is convicted  
29 of any of the following:

- 30 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.  
31 (2) Possession of methamphetamine under IC 35-48-4-6.1.  
32 (3) Possession of a controlled substance under IC 35-48-4-7(a).  
33 (4) Fraudulently obtaining a controlled substance under  
34 IC 35-48-4-7(b) *(for a crime committed before July 1, 2014)* or  
35 IC 35-48-4-7(c) *(for a crime committed after June 30, 2014)*.  
36 (5) Manufacture of paraphernalia as a Class D *felony* *(for a crime*  
37 *committed before July 1, 2014)* or a Level 6 *felony* *(for a crime*  
38 *committed after June 30, 2014)* under IC 35-48-4-8.1(b).  
39 (6) Dealing in paraphernalia as a Class D *felony* *(for a crime*  
40 *committed before July 1, 2014)* or a Level 6 *felony* *(for a crime*  
41 *committed after June 30, 2014)* under IC 35-48-4-8.5(b).  
42 (7) Possession of paraphernalia as a Class D *felony* *(for a crime*



1 committed before July 1, 2014) or a Level 6 felony (for a crime  
2 committed after June 30, 2014) under IC 35-48-4-8.3(b).

3 (8) Possession of marijuana, hash oil, hashish, or salvia ~~or a~~  
4 ~~synthetic drug~~ as a Class D felony (for a crime committed before  
5 July 1, 2014) or a Level 6 felony (for a crime committed after  
6 June 30, 2014) under IC 35-48-4-11.

7 (9) Possession of a synthetic drug or synthetic drug lookalike  
8 substance as a:

9 (A) Class D felony ~~under IC 35-48-4-11.5 (or under~~  
10 ~~IC 35-48-4-11 before its amendment in 2013)~~ for a crime  
11 committed before July 1, 2014, under:

12 (i) IC 35-48-4-11, before its amendment in 2013; or

13 (ii) IC 35-48-4-11.5; or

14 (B) Level 6 felony for a crime committed after June 30,  
15 2014, under IC 35-48-4-11.5.

16 ~~(9)~~ (10) Maintaining a common nuisance under IC 35-48-4-13.

17 ~~(10)~~ (11) An offense relating to registration, labeling, and  
18 prescription forms under IC 35-48-4-14.

19 ~~(11)~~ (12) Conspiracy under IC 35-41-5-2 to commit an offense  
20 listed in ~~subdivisions (1) through (10):~~ this subsection.

21 ~~(12)~~ (13) Attempt under IC 35-41-5-1 to commit an offense listed  
22 in ~~subdivisions (1) through (10):~~ this subsection.

23 ~~(13)~~ (14) An offense in any other jurisdiction in which the  
24 elements of the offense for which the conviction was entered are  
25 substantially similar to the elements of an offense described in  
26 ~~subdivisions (1) through (12):~~ this subsection.

27 (h) The department shall deny, revoke, or suspend a license issued  
28 under this chapter if the individual who holds the license is convicted  
29 of any of the following:

30 (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.

31 (2) Dealing in methamphetamine under IC 35-48-4-1.1.

32 (3) Dealing in a schedule I, II, or III controlled substance under  
33 IC 35-48-4-2.

34 (4) Dealing in a schedule IV controlled substance under  
35 IC 35-48-4-3.

36 (5) Dealing in a schedule V controlled substance under  
37 IC 35-48-4-4.

38 (6) Dealing in a substance represented to be a controlled  
39 substance under IC 35-48-4-4.5.

40 (7) Knowingly or intentionally manufacturing, advertising,  
41 distributing, or possessing with intent to manufacture, advertise,  
42 or distribute a substance represented to be a controlled substance





- 1 under IC 35-48-4-4.6.
- 2 (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- 3 (9) Dealing in marijuana, hash oil, hashish, *or salvia or a*  
4 *synthetic drug* under IC 35-48-4-10(b).
- 5 (10) *Dealing in a synthetic drug or synthetic drug lookalike*  
6 *substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b)*  
7 *before its amendment in 2013).*
- 8 ~~(10)~~ (11) Conspiracy under IC 35-41-5-2 to commit an offense  
9 listed in *subdivisions (1) through (9): this subsection.*
- 10 ~~(11)~~ (12) Attempt under IC 35-41-5-1 to commit an offense listed  
11 in *subdivisions (1) through (9): this subsection.*
- 12 ~~(12)~~ (13) An offense in any other jurisdiction in which the  
13 elements of the offense for which the conviction was entered are  
14 substantially similar to the elements of an offense described in  
15 *subdivisions (1) through (11): this subsection.*
- 16 ~~(13)~~ (14) A violation of any federal or state drug law or rule  
17 related to wholesale legend drug distributors licensed under  
18 IC 25-26-14.
- 19 (i) A decision of the department under subsections (b) through (h)  
20 may be appealed to the commission under IC 4-21.5-3-7.
- 21 (j) The department may temporarily suspend a practitioner's license  
22 under IC 4-21.5-4 before a final adjudication or during the appeals  
23 process if the department finds that a practitioner represents a clear and  
24 immediate danger to the public's health, safety, or property if the  
25 practitioner is allowed to continue to practice.
- 26 (k) On receipt of a complaint or an information alleging that a  
27 person licensed under this chapter has engaged in or is engaging in a  
28 practice that jeopardizes the public health, safety, or welfare, the  
29 department shall initiate an investigation against the person.
- 30 (l) Any complaint filed with the office of the attorney general  
31 alleging a violation of this licensing program shall be referred to the  
32 department for summary review and for its general information and any  
33 authorized action at the time of the filing.
- 34 (m) The department shall conduct a fact finding investigation as the  
35 department considers proper in relation to the complaint.
- 36 (n) The department may reinstate a license that has been suspended  
37 under this section if, after a hearing, the department is satisfied that the  
38 applicant is able to practice with reasonable skill, safety, and  
39 competency to the public. As a condition of reinstatement, the  
40 department may impose disciplinary or corrective measures authorized  
41 under this chapter.
- 42 (o) The department may not reinstate a license that has been



1 revoked under this chapter. An individual whose license has been  
 2 revoked under this chapter may not apply for a new license until seven  
 3 (7) years after the date of revocation.

4 (p) The department shall seek to achieve consistency in the  
 5 application of sanctions authorized in this chapter. Significant  
 6 departures from prior decisions involving similar conduct must be  
 7 explained in the department's findings or orders.

8 (q) A practitioner may petition the department to accept the  
 9 surrender of the practitioner's license instead of having a hearing before  
 10 the commission. The practitioner may not surrender the practitioner's  
 11 license without the written approval of the department, and the  
 12 department may impose any conditions appropriate to the surrender or  
 13 reinstatement of a surrendered license.

14 (r) A practitioner who has been subjected to disciplinary sanctions  
 15 may be required by the commission to pay the costs of the proceeding.  
 16 The practitioner's ability to pay shall be considered when costs are  
 17 assessed. If the practitioner fails to pay the costs, a suspension may not  
 18 be imposed solely upon the practitioner's inability to pay the amount  
 19 assessed. The costs are limited to costs for the following:

- 20 (1) Court reporters.
- 21 (2) Transcripts.
- 22 (3) Certification of documents.
- 23 (4) Photo duplication.
- 24 (5) Witness attendance and mileage fees.
- 25 (6) Postage.
- 26 (7) Expert witnesses.
- 27 (8) Depositions.
- 28 (9) Notarizations.

29 SECTION 37. IC 23-19-5-8, AS AMENDED BY P.L.146-2013,  
 30 SECTION 2, AND AS AMENDED BY P.L.158-2013, SECTION 267,  
 31 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 32 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A person who knowingly  
 33 violates this article, or a rule adopted under this article, except *section*  
 34 *sections 4 and 11* of this chapter or the notice filing requirements of  
 35 IC 23-19-3-2 or IC 23-19-4-5, commits a *Class C Level 5* felony.

36 (b) A person who knowingly violates section 1 of this chapter  
 37 commits a *Class B Level 4* felony if the person harmed, defrauded,  
 38 misled, or deceived by the violation is at least sixty (60) years of age.

39 (c) A person who knowingly violates section 1 of this chapter:

- 40 (1) while using or taking advantage of; or
- 41 (2) in connection with;

42 a relationship that is based on religious affiliation or worship commits



1 a ~~Class B Level 4~~ felony.

2 (d) It is the duty of a prosecuting attorney, as well as of the attorney  
3 general, to assist the commissioner upon the commissioner's request in  
4 the prosecution to final judgment of a violation of the penal provisions  
5 of this article. If the commissioner determines that an action based on  
6 the securities division's investigations is meritorious:

7 (1) the commissioner or a designee empowered by the  
8 commissioner shall refer the facts drawn from the investigation to  
9 the prosecuting attorney of the judicial circuit in which the crime  
10 may have been committed;

11 (2) the commissioner and the securities division shall assist the  
12 prosecuting attorney in prosecuting an action under this section,  
13 which may include a securities division attorney serving as a  
14 special deputy prosecutor appointed by the prosecuting attorney;

15 (3) a prosecuting attorney to whom facts concerning fraud are  
16 referred under subdivision (1) may refer the matter to the attorney  
17 general;

18 (4) if a matter has been referred to the attorney general under  
19 subdivision (3), the attorney general may:

20 (A) file an information in a court with jurisdiction over the  
21 matter in the county in which the offense is alleged to have  
22 been committed; and

23 (B) prosecute the alleged offense; and

24 (5) if a matter has been referred to the attorney general under  
25 subdivision (3), the commissioner and the securities division shall  
26 assist the attorney general in prosecuting an action under this  
27 section, which may include a securities division attorney serving  
28 as a special deputy attorney general appointed by the attorney  
29 general.

30 (e) This article does not limit the power of this state to punish a  
31 person for conduct that constitutes a crime under other laws of this  
32 state.

33 SECTION 38. IC 24-4-18-6, AS AMENDED BY P.L.112-2013,  
34 SECTION 4, AND AS AMENDED BY P.L.158-2013, SECTION 273,  
35 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
36 [EFFECTIVE JULY 1, 2014]: Sec. 6. ~~(a) A criminal history provider~~  
37 ~~may provide only criminal history information that relates to a~~  
38 ~~conviction.~~

39 ~~(b)~~ (a) Except as provided in subsection (b), a criminal history  
40 provider may not knowingly provide ~~information~~ a criminal history  
41 report that provides criminal history information relating to the  
42 following:

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1 ~~(1) An infraction, an arrest, or a charge that did not result in a~~  
 2 ~~conviction.~~

3 ~~(2) (1) A record that has been expunged by:~~

4 ~~(A) marking the record as expunged; or~~

5 ~~(B) removing the record from public access.~~

6 ~~(3) (2) A record that is restricted by a court or the rules of a court~~  
 7 ~~and is marked as restricted from public disclosure or removed~~  
 8 ~~from public access.~~

9 ~~(4) (3) A record indicating a conviction of a Class D felony (for a~~  
 10 ~~crime committed before July 1, 2014) or a Level 6 felony (for a~~  
 11 ~~crime committed after June 30, 2014) if the Class D felony or~~  
 12 ~~Level 6 felony conviction:~~

13 ~~(A) has been entered as a Class A misdemeanor conviction; or~~

14 ~~(B) has been converted to a Class A misdemeanor conviction.~~

15 ~~(5) (4) A record that the criminal history provider knows is~~  
 16 ~~inaccurate.~~

17 ~~(b) A criminal history provider may provide information described~~  
 18 ~~in subsection (a)(1) through (a)(3) if the person requesting the criminal~~  
 19 ~~history report is:~~

20 ~~(1) required by state or federal law to obtain the information; or~~

21 ~~(2) the state or a political subdivision, and the information will be~~  
 22 ~~used solely in connection with the issuance of a public bond.~~

23 SECTION 39. IC 25-1-1.1-2, AS AMENDED BY P.L.196-2013,  
 24 SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 277,  
 25 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2014]: Sec. 2. Notwithstanding IC 25-1-7, a  
 27 board, a commission, or a committee may suspend, deny, or revoke a  
 28 license or certificate issued under this title by the board, the  
 29 commission, or the committee without an investigation by the office of  
 30 the attorney general if the individual who holds the license or  
 31 certificate is convicted of any of the following and the board,  
 32 commission, or committee determines, after the individual has  
 33 appeared in person, that the offense affects the individual's ability to  
 34 perform the duties of the profession:

35 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

36 (2) Possession of methamphetamine under IC 35-48-4-6.1.

37 (3) Possession of a controlled substance under IC 35-48-4-7(a).

38 (4) Fraudulently obtaining a controlled substance under  
 39 ~~IC 35-48-4-7(b).~~ IC 35-48-4-7(c).

40 (5) Manufacture of paraphernalia as a Class D felony (for a crime  
 41 committed before July 1, 2014) or a Level 6 felony (for a crime  
 42 committed after June 30, 2014) under IC 35-48-4-8.1(b).



1 (6) Dealing in paraphernalia as a Class D *felony* (for a crime  
2 committed before July 1, 2014) or a Level 6 felony (for a crime  
3 committed after June 30, 2014) under IC 35-48-4-8.5(b).

4 (7) Possession of paraphernalia as a Class D *felony* (for a crime  
5 committed before July 1, 2014) or a Level 6 felony (for a crime  
6 committed after June 30, 2014) under IC 35-48-4-8.3(b).

7 (8) Possession of marijuana, hash oil, hashish, or salvia ~~or a~~  
8 ~~synthetic drug~~ as a Class D *felony* (for a crime committed before  
9 July 1, 2014) or a Level 6 felony (for a crime committed after  
10 June 30, 2014) under IC 35-48-4-11.

11 (9) Possession of a synthetic drug or synthetic drug lookalike  
12 substance as a:

13 (A) Class D felony ~~under IC 35-48-4-11.5~~ (or under  
14 ~~IC 35-48-4-11~~ before its amendment in 2013) for a crime  
15 committed before July 1, 2014, under:

16 (i) IC 35-48-4-11, before its amendment in 2013; or

17 (ii) IC 35-48-4-11.5; or

18 (B) Level 6 felony for a crime committed after June 30,  
19 2014, under IC 35-48-4-11.5.

20 ~~(9)~~ (10) Maintaining a common nuisance under IC 35-48-4-13.

21 ~~(10)~~ (11) An offense relating to registration, labeling, and  
22 prescription forms under IC 35-48-4-14.

23 ~~(11)~~ (12) Conspiracy under IC 35-41-5-2 to commit an offense  
24 listed in *subdivisions (1) through (10)*; this section.

25 ~~(12)~~ (13) Attempt under IC 35-41-5-1 to commit an offense listed  
26 in *subdivisions (1) through (10)*; this section.

27 ~~(13)~~ (14) A sex crime under IC 35-42-4.

28 ~~(14)~~ (15) A felony that reflects adversely on the individual's  
29 fitness to hold a professional license.

30 ~~(15)~~ (16) An offense in any other jurisdiction in which the  
31 elements of the offense for which the conviction was entered are  
32 substantially similar to the elements of an offense described in  
33 this section.

34 SECTION 40. IC 25-22.5-8-2, AS AMENDED BY P.L.232-2013,  
35 SECTION 17, AND AS AMENDED BY P.L.158-2013, SECTION  
36 284, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
37 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who *knowingly* or  
38 *intentionally* violates this article by unlawfully practicing medicine or  
39 osteopathic medicine commits a ~~Class C~~ Level 5 felony.

40 (b) A person who, *before January 1, 2014*, practices midwifery  
41 without the license required under this article commits a ~~Class D Level~~  
42 6 felony.



1 (c) A person who *knowingly or intentionally* acts as a physician  
 2 assistant without the license required under IC 25-27.5 commits a  
 3 ~~Class D~~ Level 6 felony.

4 SECTION 41. IC 25-23.4-3-7, AS ADDED BY P.L.232-2013,  
 5 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2014]: Sec. 7. (a) This section does not apply to an individual  
 7 who has a license under IC 25-23-1-13.1 to practice midwifery as a  
 8 certified nurse midwife.

9 (b) After July 1, 2014, an individual who knowingly or intentionally  
 10 practices midwifery without a certificate required under this article  
 11 commits a ~~Class D~~ Level 6 felony.

12 SECTION 42. IC 29-3-7-7, AS AMENDED BY P.L.158-2013,  
 13 SECTION 303, AND AS AMENDED BY P.L.214-2013, SECTION  
 14 22, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 15 [EFFECTIVE JULY 1, 2014]: Sec. 7. A court may not appoint a person  
 16 to serve as the guardian or permit a person to continue to serve as a  
 17 guardian if the person:

18 (1) is a sexually violent predator (as described in IC 35-38-1-7.5);  
 19 (2) was at least eighteen (18) years of age at the time of the  
 20 offense and was convicted of child molesting (IC 35-42-4-3) or  
 21 sexual misconduct with a minor (IC 35-42-4-9) against a child  
 22 less than sixteen (16) years of age:

23 (A) by using or threatening the use of deadly force;

24 (B) while armed with a deadly weapon; or

25 (C) that resulted in serious bodily injury; or

26 (3) was less than eighteen (18) years of age at the time of the  
 27 offense and was convicted as an adult of:

28 (A) an offense described in:

29 (i) IC 35-42-4-1;

30 (ii) IC 35-42-4-2 (~~repealed~~); (*before its repeal*);

31 (iii) IC 35-42-4-3 as a Class A or Class B felony (*for crimes*  
 32 *committed before July 1, 2014*) or as a Level 2 or Level 4  
 33 *felony (for crimes committed after June 30, 2014)*;

34 (iv) IC 35-42-4-5(a)(1);

35 (v) IC 35-42-4-5(a)(2);

36 (vi) IC 35-42-4-5(a)(3);

37 (vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony (*for*  
 38 *crimes committed before July 1, 2014*) or as a Level 2, Level  
 39 3, or Level 4 felony (*for crimes committed after June 30,*  
 40 *2014*);

41 (viii) IC 35-42-4-5(b)(2); or

42 (ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony (*for*



- 1 *crimes committed before July 1, 2014) or as a Level 2, Level*  
 2 *3, or Level 4 felony (for crimes committed after June 30,*  
 3 *2014);*  
 4 (B) an attempt or conspiracy to commit a crime listed in clause  
 5 (A); or  
 6 (C) a crime under the laws of another jurisdiction, including a  
 7 military court, that is substantially equivalent to any of the  
 8 offenses listed in clauses (A) and (B).  
 9 SECTION 43. IC 31-19-9-10, AS AMENDED BY P.L.158-2013,  
 10 SECTION 310, AND AS AMENDED BY P.L.214-2013, SECTION  
 11 23, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2014]: Sec. 10. A court shall determine that  
 13 consent to adoption is not required from a parent if:  
 14 (1) the parent is convicted of and incarcerated at the time of the  
 15 filing of a petition for adoption for:  
 16 (A) murder (IC 35-42-1-1);  
 17 (B) causing suicide (IC 35-42-1-2);  
 18 (C) voluntary manslaughter (IC 35-42-1-3);  
 19 (D) rape (IC 35-42-4-1);  
 20 (E) criminal deviate conduct (IC 35-42-4-2) ~~(repeated);~~  
 21 **(before its repeal);**  
 22 (F) child molesting (IC 35-42-4-3) as a:  
 23 (i) Class A or Class B felony, ~~(IC 35-42-4-3);~~ for a crime  
 24 committed before July 1, 2014; or  
 25 (ii) Level 1, Level 2, Level 3, or Level 4 felony, for a crime  
 26 committed after June 30, 2014;  
 27 (G) incest (IC 35-46-1-3) as a:  
 28 (i) Class B felony, ~~(IC 35-46-1-3);~~ for a crime committed  
 29 before July 1, 2014; or  
 30 (ii) Level 4 felony, for a crime committed after June 30,  
 31 2014;  
 32 (H) neglect of a dependent (IC 35-46-1-4) as a:  
 33 (i) Class B felony, ~~(IC 35-46-1-4);~~ for a crime committed  
 34 before July 1, 2014; or  
 35 (ii) Level 1 or Level 3 felony, for a crime committed after  
 36 June 30, 2014;  
 37 (I) battery (IC 35-42-2-1) of a child as a:  
 38 (i) Class C felony, ~~(IC 35-42-2-1(a)(3));~~ for a crime  
 39 committed before July 1, 2014; or  
 40 (ii) Level 5 felony, for a crime committed after June 30,  
 41 2014;  
 42 (J) battery (IC 35-42-2-1) as a:



- 1 (i) *Class A felony (IC 35-42-2-1(a)(5))* or Class B felony,  
 2 ~~(IC 35-42-2-1(a)(4))~~; for a crime committed before July 1,  
 3 2014; or  
 4 (ii) *Level 2 or Level 3 felony, for a crime committed after*  
 5 *June 30, 2014*; or  
 6 (K) an attempt under IC 35-41-5-1 to commit an offense  
 7 described in clauses (A) through (J);  
 8 (2) the child or the child's sibling, half-blood sibling, or  
 9 step-sibling of the parent's current marriage is the victim of the  
 10 offense; and  
 11 (3) after notice to the parent and a hearing, the court determines  
 12 that dispensing with the parent's consent to adoption is in the  
 13 child's best interests.

14 SECTION 44. IC 31-30-1-2.5, AS AMENDED BY P.L.158-2013,  
 15 SECTION 314, AND AS AMENDED BY P.L.214-2013, SECTION  
 16 24, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2014]: Sec. 2.5. A juvenile court may not  
 18 appoint a person to serve as the guardian or custodian of a child or  
 19 permit a person to continue to serve as a guardian or custodian of a  
 20 child if the person:

- 21 (1) is a sexually violent predator (as described in IC 35-38-1-7.5);  
 22 (2) was at least eighteen (18) years of age at the time of the  
 23 offense and committed child molesting (IC 35-42-4-3) or sexual  
 24 misconduct with a minor (IC 35-42-4-9) against a child less than  
 25 sixteen (16) years of age:  
 26 (A) by using or threatening the use of deadly force;  
 27 (B) while armed with a deadly weapon; or  
 28 (C) that resulted in serious bodily injury; or  
 29 (3) was less than eighteen (18) years of age at the time of the  
 30 offense but was tried and convicted as an adult of:  
 31 (A) an offense described in:  
 32 (i) IC 35-42-4-1;  
 33 (ii) IC 35-42-4-2 *(before its repeal)*; ~~(repealed)~~;  
 34 (iii) IC 35-42-4-3 as a Class A or Class B felony *(for crimes*  
 35 *committed before July 1, 2014) or as a Level 1, Level 2, or*  
 36 *Level 3 felony (for crimes committed after June 30, 2014)*;  
 37 (iv) IC 35-42-4-5(a)(1);  
 38 (v) IC 35-42-4-5(a)(2);  
 39 (vi) IC 35-42-4-5(a)(3);  
 40 (vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony *(for*  
 41 *crimes committed before July 1, 2014) or as a Level 2, Level*  
 42 *3, or Level 4 felony (for crimes committed after June 30,*





- 1                   2014);  
 2                   (viii) IC 35-42-4-5(b)(2); or  
 3                   (ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony (*for*  
 4                   *crimes committed before July 1, 2014*) or as a Level 1, Level  
 5                   2, or Level 3 felony (*for crimes committed after June 30,*  
 6                   2014);  
 7                   (B) an attempt or conspiracy to commit a crime listed in clause  
 8                   (A); or  
 9                   (C) a crime under the laws of another jurisdiction, including a  
 10                   military court, that is substantially equivalent to any of the  
 11                   offenses listed in clauses (A) and (B).

12           SECTION 45. IC 31-30-1-4, AS AMENDED BY P.L.158-2013,  
 13           SECTION 315, AND AS AMENDED BY P.L.214-2013, SECTION  
 14           25, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 15           [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The juvenile court does not  
 16           have jurisdiction over an individual for an alleged violation of:

- 17                   (1) IC 35-41-5-1(a) (attempted murder);  
 18                   (2) IC 35-42-1-1 (murder);  
 19                   (3) IC 35-42-3-2 (kidnapping);  
 20                   (4) IC 35-42-4-1 (rape);  
 21                   (5) IC 35-42-4-2 (criminal deviate conduct) (~~repealed~~); **(before**  
 22                   **its repeal)**;  
 23                   (6) IC 35-42-5-1 (robbery) if:  
 24                        (A) the robbery was committed while armed with a deadly  
 25                        weapon; or  
 26                        (B) the robbery results in bodily injury or serious bodily  
 27                        injury;  
 28                   (7) IC 35-42-5-2 (carjacking) (~~repealed~~); **(before its repeal)**;  
 29                   (8) IC 35-45-9-3 (criminal gang activity);  
 30                   (9) IC 35-45-9-4 (criminal gang intimidation);  
 31                   (10) IC 35-47-2-1 (carrying a handgun without a license), if  
 32                   charged as a felony;  
 33                   (11) IC 35-47-10 (children and firearms), if charged as a  
 34                   felony;  
 35                   (12) IC 35-47-5-4.1 (dealing in a sawed-off shotgun); or  
 36                   (13) (11) any offense that may be joined under IC 35-34-1-9(a)(2)  
 37                   with any crime listed in subdivisions (1) through (12); **(10)**;  
 38           if the individual was at least sixteen (16) years of age at the time of the  
 39           alleged violation.  
 40           (b) ~~The juvenile court does not have jurisdiction for an alleged~~  
 41           ~~violation of manufacturing or dealing in cocaine or a narcotic drug~~  
 42           ~~(IC 35-48-4-1), dealing in methamphetamine (IC 35-48-4-1.1), dealing~~



1 in a schedule I, H, or III controlled substance (IC 35-48-4-2), or dealing  
2 in a schedule IV controlled substance (IC 35-48-4-3), if:

- 3 (1) the individual has a prior unrelated conviction under  
4 IC 35-48-4-1, IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3; or  
5 (2) the individual has a prior unrelated juvenile adjudication that;  
6 if committed by an adult, would be a crime under IC 35-48-4-1,  
7 IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3;

8 and the individual was at least sixteen (16) years of age at the time of  
9 the alleged violation:

10 (c) (b) Once an individual described in subsection (a) or (b) has  
11 been charged with any crime listed in subsection (a), or (b); the court  
12 having adult criminal jurisdiction shall retain jurisdiction over the case  
13 even if the individual pleads guilty to or is convicted of a lesser  
14 included offense. A plea of guilty to or a conviction of a lesser included  
15 offense does not vest jurisdiction in the juvenile court.

16 SECTION 46. IC 31-30-4-2, AS ADDED BY P.L.104-2013,  
17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2014]: Sec. 2. (a) Subject to subsection (c), if:

19 (1) an offender is:

- 20 (A) less than eighteen (18) years of age;  
21 (B) waived to a court with criminal jurisdiction under  
22 IC 31-30-3 because the offender committed an act that would  
23 be a felony if committed by an adult; and  
24 (C) convicted of committing the felony or enters a plea of  
25 guilty to committing the felony; or

26 (2) an offender is:

- 27 (A) less than eighteen (18) years of age;  
28 (B) charged with a felony over which a juvenile court does not  
29 have jurisdiction under IC 31-30-1-4; and  
30 (C) convicted of committing the felony by a court with  
31 criminal jurisdiction or enters a plea of guilty to committing  
32 the felony with the court;

33 the court may, upon its own motion, a motion of the prosecuting  
34 attorney, or a motion of the offender's legal representative, impose a  
35 sentence upon the conviction of the offender under this chapter.

36 (b) If a court elects to impose a sentence upon conviction of an  
37 offender under subsection (a) and, before the offender is sentenced, the  
38 department of correction determines that there is space available for the  
39 offender in a juvenile facility of the division of youth services of the  
40 department, the sentencing court may:

- 41 (1) impose an appropriate criminal sentence on the offender under  
42 IC 35-50-2;



- 1 (2) suspend the criminal sentence imposed, notwithstanding  
 2 IC 35-50-2-2 (**before its repeal**), ~~and~~ IC 35-50-2-2.1, **and**  
 3 **IC 35-50-2-2.2;**  
 4 (3) order the offender to be placed into the custody of the  
 5 department of correction to be placed in the juvenile facility of the  
 6 division of youth services; and  
 7 (4) provide that the successful completion of the placement of the  
 8 offender in the juvenile facility is a condition of the suspended  
 9 criminal sentence.
- 10 (c) The court may not impose a sentence on an offender under  
 11 subsection (a) until:
- 12 (1) the prosecuting attorney has notified the victim of the felony  
 13 of the possible imposition of a sentence on the offender under this  
 14 chapter; and  
 15 (2) either:
- 16 (A) the probation department of the court has conducted a  
 17 presentence investigation concerning the offender and reported  
 18 its findings to the court; or  
 19 (B) the department of correction has conducted a diagnostic  
 20 evaluation of the offender and reported its findings to the  
 21 court.
- 22 SECTION 47. IC 31-30-4-5, AS ADDED BY P.L.104-2013,  
 23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2014]: Sec. 5. (a) At the request of a sentencing court, the  
 25 department of correction shall provide a progress report to the  
 26 sentencing court concerning an offender sentenced and placed in a  
 27 juvenile facility under section 2(b) of this chapter. When the offender  
 28 becomes eighteen (18) years of age:
- 29 (1) the department shall notify the sentencing court; and  
 30 (2) the sentencing court shall hold a review hearing concerning  
 31 the offender before the offender becomes nineteen (19) years of  
 32 age.
- 33 (b) Except as provided in subsection (c), after a hearing conducted  
 34 under subsection (a), the sentencing court may:
- 35 (1) continue the offender's placement in a juvenile facility until  
 36 the objectives of the sentence imposed on the offender have been  
 37 met, if the sentencing court finds that the objectives of the  
 38 sentence imposed on the offender have not been met;  
 39 (2) discharge the offender if the sentencing court finds that the  
 40 objectives of the sentence imposed on the offender have been  
 41 met;  
 42 (3) order execution of all or part of the offender's suspended



1 criminal sentence in an adult facility of the department of  
2 correction; or

3 (4) place the offender:

4 (A) in home detention under IC 35-38-2.5;

5 (B) in a community corrections program under IC 35-38-2.6;

6 (C) on probation under IC 35-50-7; or

7 (D) in any other appropriate alternative sentencing program.

8 (c) This subsection applies to an offender over whom a juvenile  
9 court lacks jurisdiction under IC 31-30-1-4 who is convicted of one (1)  
10 or more of the following offenses:

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

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

13 (3) Kidnapping (IC 35-42-3-2).

14 (4) Rape as a Class A felony **(for a crime committed before July**  
15 **1, 2014) or a Level 1 felony (for a crime committed after June**  
16 **30, 2014)** (IC 35-42-4-1(b)).

17 (5) Criminal deviate conduct as a Class A felony  
18 (IC 35-42-4-2(b)) **(before its repeal)**.

19 (6) Robbery as a Class A felony **(for a crime committed before**  
20 **July 1, 2014) or a Level 2 felony (for a crime committed after**  
21 **June 30, 2014)** (IC 35-42-5-1), if:

22 (A) the offense was committed while armed with a deadly  
23 weapon; and

24 (B) the offense resulted in bodily injury to any person other  
25 than a defendant.

26 The court may not modify the original sentence of an offender to whom  
27 this subsection applies if the prosecuting attorney objects in writing to  
28 the modification. The prosecuting attorney shall set forth in writing the  
29 prosecuting attorney's reasons for objecting to the sentence  
30 modification.

31 SECTION 48. IC 31-34-1-3, AS AMENDED BY P.L.158-2013,  
32 SECTION 319, AND AS AMENDED BY P.L.214-2013, SECTION  
33 26, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
34 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A child is a child in need of  
35 services if, before the child becomes eighteen (18) years of age:

36 (1) the child is the victim of a sex offense under:

37 (A) IC 35-42-4-1;

38 (B) IC 35-42-4-2 ~~(repeated)~~; **(before its repeal)**;

39 (C) IC 35-42-4-3;

40 (D) IC 35-42-4-4;

41 (E) IC 35-42-4-7;

42 (F) IC 35-42-4-9;



- 1 (G) IC 35-45-4-1;  
 2 (H) IC 35-45-4-2;  
 3 (I) IC 35-46-1-3; or  
 4 (J) the law of another jurisdiction, including a military court,  
 5 that is substantially equivalent to any of the offenses listed in  
 6 clauses (A) through (I); and  
 7 (2) the child needs care, treatment, or rehabilitation that:  
 8 (A) the child is not receiving; and  
 9 (B) is unlikely to be provided or accepted without the coercive  
 10 intervention of the court.  
 11 (b) A child is a child in need of services if, before the child becomes  
 12 eighteen (18) years of age:  
 13 (1) the child lives in the same household as another child who is  
 14 the victim of a sex offense under:  
 15 (A) IC 35-42-4-1;  
 16 (B) IC 35-42-4-2 (~~repealed~~); **(before its repeal)**;  
 17 (C) IC 35-42-4-3;  
 18 (D) IC 35-42-4-4;  
 19 (E) IC 35-42-4-7;  
 20 (F) IC 35-42-4-9;  
 21 (G) IC 35-45-4-1;  
 22 (H) IC 35-45-4-2;  
 23 (I) IC 35-46-1-3; or  
 24 (J) the law of another jurisdiction, including a military court,  
 25 that is substantially equivalent to any of the offenses listed in  
 26 clauses (A) through (I);  
 27 (2) the child lives in the same household as the adult who:  
 28 (A) committed the sex offense under subdivision (1) and the  
 29 sex offense resulted in a conviction or a judgment under  
 30 IC 31-34-11-2; *or*  
 31 (B) *has been charged with a sex offense listed in subdivision*  
 32 *(1) and is awaiting trial*;  
 33 (3) the child needs care, treatment, or rehabilitation that:  
 34 (A) the child is not receiving; and  
 35 (B) is unlikely to be provided or accepted without the coercive  
 36 intervention of the court; and  
 37 (4) a caseworker assigned to provide services to the child:  
 38 (A) places the child in a program of informal adjustment or  
 39 other family or rehabilitative services based upon the existence  
 40 of the circumstances described in subdivisions (1) and (2) and  
 41 the assigned caseworker subsequently determines further  
 42 intervention is necessary; or



- 1 (B) determines that a program of informal adjustment or other  
 2 family or rehabilitative services is inappropriate.
- 3 SECTION 49. IC 31-37-4-3, AS AMENDED BY P.L.172-2013,  
 4 SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 326,  
 5 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) This section applies if a child  
 7 is arrested or taken into custody for allegedly committing an act that  
 8 would be any of the following crimes if committed by an adult:
- 9 (1) Murder (IC 35-42-1-1).
  - 10 (2) Attempted murder (IC 35-41-5-1).
  - 11 (3) Voluntary manslaughter (IC 35-42-1-3).
  - 12 (4) Involuntary manslaughter (IC 35-42-1-4).
  - 13 (5) Reckless homicide (IC 35-42-1-5).
  - 14 (6) Aggravated battery (IC 35-42-2-1.5).
  - 15 (7) Battery (IC 35-42-2-1).
  - 16 (8) Kidnapping (IC 35-42-3-2).
  - 17 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
  - 18 (10) Sexual misconduct with a minor (IC 35-42-4-9).
  - 19 (11) Incest (IC 35-46-1-3).
  - 20 (12) Robbery as a *Class A Level 2* felony or a *Class B Level 3*  
 21 *felony* (IC 35-42-5-1).
  - 22 (13) Burglary as a *Class A Level 1 felony, Level 2 felony, Level 3*  
 23 *felony, or a Class B Level 4 felony* (IC 35-43-2-1).
  - 24 ~~(14) Carjacking (IC 35-42-5-2).~~
  - 25 ~~(15)~~ (14) Assisting a criminal as a *Class C Level 5* felony  
 26 (IC 35-44.1-2-5).
  - 27 ~~(16)~~ (15) Escape (IC 35-44.1-3-4) as a *Class B Level 4* felony or  
 28 *Class C Level 5* felony.
  - 29 ~~(17)~~ (16) Trafficking with an inmate as a *Class C Level 5* felony  
 30 (IC 35-44.1-3-5).
  - 31 ~~(18)~~ (17) Causing death when operating a vehicle (IC 9-30-5-5).
  - 32 ~~(19)~~ (18) Criminal confinement (IC 35-42-3-3) as a *Class B Level*  
 33 *2 or Level 3* felony.
  - 34 ~~(20)~~ (19) Arson (IC 35-43-1-1) as a *Class A or Class B Level 2*  
 35 *felony, Level 3 felony, or Level 4* felony.
  - 36 ~~(21)~~ (20) Possession, use, or manufacture of a weapon of mass  
 37 destruction (IC 35-47-12-1).
  - 38 ~~(22)~~ (21) Terroristic mischief (IC 35-47-12-3) as a *Class B Level*  
 39 *2 or Level 3* felony.
  - 40 ~~(23)~~ (22) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
  - 41 ~~(24)~~ (23) A violation of IC 35-47.5 (controlled explosives) as a  
 42 *Class A or Class B Level 2 felony, Level 3 felony, or Level 4*



1 felony.

2 ~~(25)~~ (24) A controlled substances offense under IC 35-48.

3 ~~(26)~~ (25) A criminal gang offense under IC 35-45-9.

4 (b) If a child is taken into custody under this chapter for a crime or  
5 act listed in subsection (a) *or a situation to which IC 12-26-4-1 applies*,  
6 the law enforcement agency that employs the law enforcement officer  
7 who takes the child into custody shall notify the chief administrative  
8 officer of the primary or secondary school, including a public or  
9 nonpublic school, in which the child is enrolled or, if the child is  
10 enrolled in a public school, the superintendent of the school district in  
11 which the child is enrolled:

12 (1) that the child was taken into custody; and

13 (2) of the reason why the child was taken into custody.

14 (c) The notification under subsection (b) must occur within  
15 forty-eight (48) hours after the child is taken into custody.

16 (d) A law enforcement agency may not disclose information that is  
17 confidential under state or federal law to a school or school district  
18 under this section.

19 (e) *A law enforcement agency shall include in its training for law*  
20 *enforcement officers training concerning the notification requirements*  
21 *under subsection (b).*

22 SECTION 50. IC 31-37-13-5 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. If a finding of  
24 delinquency is based on a delinquent act that would be a felony if  
25 committed by an adult, the juvenile court shall state in the findings the  
26 following:

27 (1) The specific statute that was violated.

28 (2) The class **or level** of the felony had the violation been  
29 committed by an adult.

30 SECTION 51. IC 33-37-5-23, AS AMENDED BY P.L.214-2013,  
31 SECTION 30, AND AS AMENDED BY P.L.158-2013, SECTION  
32 341, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
33 [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) This section applies to  
34 criminal actions.

35 (b) The court shall assess a sexual assault victims assistance fee of  
36 at least ~~two hundred fifty dollars (\$250)~~ *five hundred dollars (\$500)*  
37 and not more than ~~one thousand dollars (\$1,000)~~ *five thousand dollars*  
38 *(\$5,000)* against an individual convicted in Indiana of any of the  
39 following offenses:

40 (1) Rape (IC 35-42-4-1).

41 (2) Criminal deviate conduct (IC 35-42-4-2) ~~(before its repeal on~~  
42 ~~July 1, 2014); (repealed): (before its repeal).~~



- 1 (3) Child molesting (IC 35-42-4-3).  
 2 (4) Child exploitation (IC 35-42-4-4(b)).  
 3 (5) Vicarious sexual gratification (IC 35-42-4-5).  
 4 (6) Child solicitation (IC 35-42-4-6).  
 5 (7) Child seduction (IC 35-42-4-7).  
 6 (8) Sexual battery (IC 35-42-4-8).  
 7 (9) Sexual misconduct with a minor as a Class A or Class B  
 8 *felony (for a crime committed before July 1, 2014) or a Level 1*  
 9 *felony or Level 4 felony (for a crime committed after June 30,*  
 10 *2014) (IC 35-42-4-9).*  
 11 (10) Incest (IC 35-46-1-3).  
 12 (11) *Promotion of human trafficking (IC 35-42-3.5-1(a)).*  
 13 (12) *Promotion of human trafficking of a minor (IC 35-42-3.5-1(b)).*  
 14 (13) *Sexual trafficking of a minor (IC 35-42-3.5-1(c)).*  
 15 (14) *Human trafficking (IC 35-42-3.5-1(d)).*  
 16 SECTION 52. IC 33-39-1-8, AS AMENDED BY P.L.158-2013,  
 17 SECTION 342, IS AMENDED TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) After June 30, 2005, this  
 19 section does not apply to a person who:  
 20 (1) holds a commercial driver's license; and  
 21 (2) has been charged with an offense involving the operation of  
 22 a motor vehicle in accordance with the federal Motor Carrier  
 23 Safety Improvement Act of 1999 (MCSIA) (Public Law  
 24 106-159.113 Stat. 1748).  
 25 (b) This section does not apply to a person arrested for or charged  
 26 with:  
 27 (1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or  
 28 (2) if a person was arrested or charged with an offense under  
 29 IC 9-30-5-1 through IC 9-30-5-5, an offense involving:  
 30 (A) intoxication; or  
 31 (B) the operation of a vehicle;  
 32 if the offense involving intoxication or the operation of a vehicle was  
 33 part of the same episode of criminal conduct as the offense under  
 34 IC 9-30-5-1 through IC 9-30-5-5.  
 35 (c) This section does not apply to a person:  
 36 (1) who is arrested for or charged with an offense under:  
 37 (A) IC 7.1-5-7-7(a), if the alleged offense occurred while the  
 38 person was operating a motor vehicle;  
 39 (B) IC 9-30-4-8(a), if the alleged offense occurred while the  
 40 person was operating a motor vehicle;  
 41 ~~(C) IC 35-42-2-2(c)(1);~~  
 42 ~~(D)~~ (C) IC 35-44.1-2-13(b)(1); or





- 1           ~~(E)~~ **(D)** IC 35-43-1-2(a), if the alleged offense occurred while  
 2           the person was operating a motor vehicle; and  
 3           (2) who held a probationary license (as defined in  
 4           IC 9-24-11-3.3(b)) and was less than eighteen (18) years of age at  
 5           the time of the alleged offense.  
 6           (d) A prosecuting attorney may withhold prosecution against an  
 7           accused person if:  
 8           (1) the person is charged with a misdemeanor, **a Level 6 felony,**  
 9           **or a Level 5 felony;**  
 10           (2) the person agrees to conditions of a pretrial diversion program  
 11           offered by the prosecuting attorney;  
 12           (3) the terms of the agreement are recorded in an instrument  
 13           signed by the person and the prosecuting attorney and filed in the  
 14           court in which the charge is pending; and  
 15           (4) the prosecuting attorney electronically transmits information  
 16           required by the prosecuting attorneys council concerning the  
 17           withheld prosecution to the prosecuting attorneys council, in a  
 18           manner and format designated by the prosecuting attorneys  
 19           council.  
 20           (e) An agreement under subsection (d) may include conditions that  
 21           the person:  
 22           (1) pay to the clerk of the court an initial user's fee and monthly  
 23           user's fees in the amounts specified in IC 33-37-4-1;  
 24           (2) work faithfully at a suitable employment or faithfully pursue  
 25           a course of study or career and technical education that will equip  
 26           the person for suitable employment;  
 27           (3) undergo available medical treatment or counseling and remain  
 28           in a specified facility required for that purpose;  
 29           (4) support the person's dependents and meet other family  
 30           responsibilities;  
 31           (5) make restitution or reparation to the victim of the crime for the  
 32           damage or injury that was sustained;  
 33           (6) refrain from harassing, intimidating, threatening, or having  
 34           any direct or indirect contact with the victim or a witness;  
 35           (7) report to the prosecuting attorney at reasonable times;  
 36           (8) answer all reasonable inquiries by the prosecuting attorney  
 37           and promptly notify the prosecuting attorney of any change in  
 38           address or employment; and  
 39           (9) participate in dispute resolution either under IC 34-57-3 or a  
 40           program established by the prosecuting attorney.  
 41           (f) An agreement under subsection (d)(2) may include other  
 42           provisions reasonably related to the defendant's rehabilitation, if



1 approved by the court.

2 (g) The prosecuting attorney shall notify the victim when  
3 prosecution is withheld under this section.

4 (h) All money collected by the clerk as user's fees under this section  
5 shall be deposited in the appropriate user fee fund under IC 33-37-8.

6 (i) If a court withholds prosecution under this section and the terms  
7 of the agreement contain conditions described in subsection (e)(6):

8 (1) the clerk of the court shall comply with IC 5-2-9; and

9 (2) the prosecuting attorney shall file a confidential form  
10 prescribed or approved by the division of state court  
11 administration with the clerk.

12 SECTION 53. IC 34-24-1-1, AS AMENDED BY P.L.196-2013,  
13 SECTION 15, AND AS AMENDED BY P.L.293-2013(ts), SECTION  
14 42, AND AS AMENDED BY P.L.158-2013, SECTION 349, IS  
15 CORRECTED AND AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The following may be seized:

17 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used  
18 or are intended for use by the person or persons in possession of  
19 them to transport or in any manner to facilitate the transportation  
20 of the following:

21 (A) A controlled substance for the purpose of committing,  
22 attempting to commit, or conspiring to commit any of the  
23 following:

24 (i) Dealing in or manufacturing cocaine or a narcotic drug  
25 (IC 35-48-4-1).

26 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).

27 (iii) Dealing in a schedule I, II, or III controlled substance  
28 (IC 35-48-4-2).

29 (iv) Dealing in a schedule IV controlled substance  
30 (IC 35-48-4-3).

31 (v) Dealing in a schedule V controlled substance  
32 (IC 35-48-4-4).

33 (vi) Dealing in a counterfeit substance (IC 35-48-4-5).

34 (vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).

35 (viii) Possession of methamphetamine (IC 35-48-4-6.1).

36 (ix) Dealing in paraphernalia (IC 35-48-4-8.5).

37 (x) Dealing in marijuana, hash oil, hashish, *or salvia or a*  
38 *synthetic cannabinoid* (IC 35-48-4-10).

39 (xi) *Dealing in a synthetic drug or synthetic drug lookalike*  
40 *substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its*  
41 *amendment in 2013).*

42 (B) Any stolen (IC 35-43-4-2) or converted property



- 1 (IC 35-43-4-3) if the retail or repurchase value of that property  
 2 is one hundred dollars (\$100) or more.
- 3 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
- 4 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of  
 5 mass destruction (as defined in IC 35-31.5-2-354) used to  
 6 commit, used in an attempt to commit, or used in a conspiracy  
 7 to commit an offense under IC 35-47 as part of or in  
 8 furtherance of an act of terrorism (as defined by  
 9 IC 35-31.5-2-329).
- 10 (2) All money, negotiable instruments, securities, weapons,  
 11 communications devices, or any property used to commit, used in  
 12 an attempt to commit, or used in a conspiracy to commit an  
 13 offense under IC 35-47 as part of or in furtherance of an act of  
 14 terrorism or commonly used as consideration for a violation of  
 15 IC 35-48-4 (other than items subject to forfeiture under  
 16 IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):
- 17 (A) furnished or intended to be furnished by any person in  
 18 exchange for an act that is in violation of a criminal statute;  
 19 (B) used to facilitate any violation of a criminal statute; or  
 20 (C) traceable as proceeds of the violation of a criminal statute.
- 21 (3) Any portion of real or personal property purchased with  
 22 money that is traceable as a proceed of a violation of a criminal  
 23 statute.
- 24 (4) A vehicle that is used by a person to:
- 25 (A) commit, attempt to commit, or conspire to commit;  
 26 (B) facilitate the commission of; or  
 27 (C) escape from the commission of;  
 28 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal  
 29 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting  
 30 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense  
 31 under IC 35-47 as part of or in furtherance of an act of terrorism.
- 32 (5) Real property owned by a person who uses it to commit any of  
 33 the following as a ~~Class A felony~~, ~~a Class B felony~~, ~~Level 1~~, ~~Level~~  
 34 ~~2~~, ~~Level 3~~, ~~Level 4~~, or a ~~Class C~~ ~~Level 5~~ felony:
- 35 (A) Dealing in or manufacturing cocaine or a narcotic drug  
 36 (IC 35-48-4-1).
- 37 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
- 38 (C) Dealing in a schedule I, II, or III controlled substance  
 39 (IC 35-48-4-2).
- 40 (D) Dealing in a schedule IV controlled substance  
 41 (IC 35-48-4-3).
- 42 (E) Dealing in marijuana, hash oil, hashish, *or salvia or a*



- 1                    *synthetic cannabinoid* (IC 35-48-4-10).  
 2                    (F) *Dealing in a synthetic drug or synthetic drug lookalike*  
 3                    *substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its*  
 4                    *amendment in 2013).*
- 5                    (6) Equipment and recordings used by a person to commit fraud  
 6                    under IC 35-43-5-4(10).
- 7                    (7) Recordings sold, rented, transported, or possessed by a person  
 8                    in violation of IC 24-4-10.
- 9                    (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as  
 10                    defined by IC 35-45-6-1) that is the object of a corrupt business  
 11                    influence violation (IC 35-45-6-2).
- 12                    (9) Unlawful telecommunications devices (as defined in  
 13                    IC 35-45-13-6) and plans, instructions, or publications used to  
 14                    commit an offense under IC 35-45-13.
- 15                    (10) Any equipment, including computer equipment and cellular  
 16                    telephones, used for or intended for use in preparing,  
 17                    photographing, recording, videotaping, digitizing, printing,  
 18                    copying, or disseminating matter in violation of IC 35-42-4.
- 19                    (11) Destructive devices used, possessed, transported, or sold in  
 20                    violation of IC 35-47.5.
- 21                    (12) Tobacco products that are sold in violation of IC 24-3-5,  
 22                    tobacco products that a person attempts to sell in violation of  
 23                    IC 24-3-5, and other personal property owned and used by a  
 24                    person to facilitate a violation of IC 24-3-5.
- 25                    (13) Property used by a person to commit counterfeiting or  
 26                    forgery in violation of IC 35-43-5-2.
- 27                    (14) After December 31, 2005, if a person is convicted of an  
 28                    offense specified in IC 25-26-14-26(b) or IC 35-43-10, the  
 29                    following real or personal property:
- 30                    (A) Property used or intended to be used to commit, facilitate,  
 31                    or promote the commission of the offense.
- 32                    (B) Property constituting, derived from, or traceable to the  
 33                    gross proceeds that the person obtained directly or indirectly  
 34                    as a result of the offense.
- 35                    (15) Except as provided in subsection (e), a vehicle used by a  
 36                    person who operates the vehicle:
- 37                    (A) while intoxicated, in violation of IC 9-30-5-1 through  
 38                    IC 9-30-5-5, if in the previous five (5) years the person has two  
 39                    (2) or more prior unrelated convictions:
- 40                    (i) for operating a motor vehicle while intoxicated in  
 41                    violation of IC 9-30-5-1 through IC 9-30-5-5; or  
 42                    (ii) for an offense that is substantially similar to IC 9-30-5-1



1 through IC 9-30-5-5 in another jurisdiction; or  
 2 (B) on a highway while the person's driving privileges are  
 3 suspended in violation of IC 9-24-19-2 through IC 9-24-19-4,  
 4 if in the previous five (5) years the person has two (2) or more  
 5 prior unrelated convictions:

6 (i) for operating a vehicle while intoxicated in violation of  
 7 IC 9-30-5-1 through IC 9-30-5-5; or

8 (ii) for an offense that is substantially similar to IC 9-30-5-1  
 9 through IC 9-30-5-5 in another jurisdiction.

10 If a court orders the seizure of a vehicle under this subdivision,  
 11 the court shall transmit an order to the bureau of motor vehicles  
 12 recommending that the bureau not permit a vehicle to be  
 13 registered in the name of the person whose vehicle was seized  
 14 until the person possesses a current driving license (as defined in  
 15 IC 9-13-2-41).

16 (16) The following real or personal property:

17 (A) Property used or intended to be used to commit, facilitate,  
 18 or promote the commission of an offense specified in  
 19 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or  
 20 IC 30-2-13-38(f).

21 (B) Property constituting, derived from, or traceable to the  
 22 gross proceeds that a person obtains directly or indirectly as a  
 23 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),  
 24 IC 30-2-10-9(b), or IC 30-2-13-38(f).

25 *(17) An automated sales suppression device (as defined in*  
 26 *IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in*  
 27 *IC 35-43-5-4.6(a)(3)).*

28 (b) A vehicle used by any person as a common or contract carrier in  
 29 the transaction of business as a common or contract carrier is not  
 30 subject to seizure under this section, unless it can be proven by a  
 31 preponderance of the evidence that the owner of the vehicle knowingly  
 32 permitted the vehicle to be used to engage in conduct that subjects it to  
 33 seizure under subsection (a).

34 (c) Equipment under subsection (a)(10) may not be seized unless it  
 35 can be proven by a preponderance of the evidence that the owner of the  
 36 equipment knowingly permitted the equipment to be used to engage in  
 37 conduct that subjects it to seizure under subsection (a)(10).

38 (d) Money, negotiable instruments, securities, weapons,  
 39 communications devices, or any property commonly used as  
 40 consideration for a violation of IC 35-48-4 found near or on a person  
 41 who is committing, attempting to commit, or conspiring to commit any  
 42 of the following offenses shall be admitted into evidence in an action



1 under this chapter as prima facie evidence that the money, negotiable  
 2 instrument, security, or other thing of value is property that has been  
 3 used or was to have been used to facilitate the violation of a criminal  
 4 statute or is the proceeds of the violation of a criminal statute:

5 (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a  
 6 narcotic drug).

7 (2) IC 35-48-4-1.1 (dealing in methamphetamine).

8 (3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled  
 9 substance).

10 (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

11 (5) IC 35-48-4-4 (dealing in a schedule V controlled substance)  
 12 as a ~~Class B Level 4~~ felony.

13 (6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a  
 14 ~~Class A felony, Class B Level 3, Level 4, felony,~~ or ~~Class C Level~~  
 15 ~~5~~ felony.

16 (7) IC 35-48-4-6.1 (possession of methamphetamine) as a ~~Class~~  
 17 ~~A felony, Class B felony, Level 3, Level 4, or Class C Level 5~~  
 18 ~~felony.~~

19 (8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or  
 20 salvia) ~~or a synthetic cannabinoid~~ as a ~~Class C Level 5~~ felony.

21 (9) IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic drug  
 22 lookalike substance) as a ~~Class C Level 5~~ **Level 5** felony or ~~Class D~~  
 23 **Level 6** felony (or as a Class C felony or Class D felony under  
 24 IC 35-48-4-10 before its amendment in 2013).

25 (e) A vehicle operated by a person who is not:

26 (1) an owner of the vehicle; or

27 (2) the spouse of the person who owns the vehicle;

28 is not subject to seizure under subsection (a)(15) unless it can be  
 29 proven by a preponderance of the evidence that the owner of the  
 30 vehicle knowingly permitted the vehicle to be used to engage in  
 31 conduct that subjects it to seizure under subsection (a)(15).

32 SECTION 54. IC 35-31.5-2-15.5 IS ADDED TO THE INDIANA  
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2014]: **Sec. 15.5. "Amount involved", or**  
 35 **"amount of the drug involved", for purposes of IC 35-48-4, means**  
 36 **the aggregate amount of a controlled substance that a person:**

37 (1) possessed;

38 (2) manufactured;

39 (3) financed; or

40 (4) delivered;

41 **in any thirty (30) day period.**

42 SECTION 55. IC 35-31.5-2-38.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2014]: **Sec. 38.5. "Child care facility" means**

3 **a:**

- 4 **(1) child care center licensed under IC 12-17.2-4;**  
 5 **(2) child care home licensed under IC 12-17.2-5; or**  
 6 **(3) child care ministry registered under IC 12-17.2-6.**

7 SECTION 56. IC 35-31.5-2-67.2 IS REPEALED [EFFECTIVE  
 8 JULY 1, 2014]. Sec. 67.2: "Corrections officer"; for purposes of  
 9 IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(a).

10 SECTION 57. IC 35-31.5-2-115.2 IS REPEALED [EFFECTIVE  
 11 JULY 1, 2014]. Sec. 115.2: "Emergency medical responder"; for  
 12 purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(c).

13 SECTION 58. IC 35-31.5-2-160.5 IS REPEALED [EFFECTIVE  
 14 JULY 1, 2014]. Sec. 160.5: "Human immunodeficiency virus (HIV)";  
 15 for purposes of IC 35-42-2-6, has the meaning set forth in  
 16 IC 35-42-2-6(d).

17 SECTION 59. IC 35-31.5-2-244, AS AMENDED BY P.L.13-2013,  
 18 SECTION 126, IS AMENDED TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2014]: Sec. 244. (a) "Prescription drug", for  
 20 purposes of IC 35-48, has the meaning set forth in IC 35-48-1-25.

21 (b) "Prescription drug"; for purposes of IC 35-42-2-8, has the  
 22 meaning set forth in IC 35-42-2-8(a)(4).

23 SECTION 60. IC 35-32-1-1 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This title shall be  
 25 construed in accordance with its general purposes, to:

- 26 (1) secure simplicity in procedure;  
 27 (2) insure fairness of administration including the elimination of  
 28 unjustifiable delay;  
 29 (3) insure the effective apprehension and trial of persons accused  
 30 of offenses;  
 31 (4) provide for the just determination of every criminal  
 32 proceeding by a fair and impartial trial and adequate review; ~~and~~  
 33 **(5) reduce crime by promoting the use of evidence based best**  
 34 **practices for rehabilitation of offenders in a community**  
 35 **setting;**  
 36 **(6) keep dangerous offenders in prison by avoiding the use of**  
 37 **scarce prison space for nonviolent offenders;**  
 38 **(7) give judges maximum discretion to impose sentences based**  
 39 **on a consideration of all the circumstances related to the**  
 40 **offense;**  
 41 **(8) maintain proportionality of penalties across the criminal**  
 42 **code, with like sentences for like crimes;**



1           **(9) make the lengths of sentences served by offenders more**  
 2           **certain for victims; and**

3           ~~(5)~~ **(10)** preserve the public welfare and secure the fundamental  
 4           rights of individuals.

5           SECTION 61. IC 35-33-14-4 IS AMENDED TO READ AS  
 6           FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. Money in the fund  
 7           at the end of a particular calendar year does not revert to any other  
 8           fund, but remains in the county extradition **and sheriff's assistance**  
 9           fund.

10          SECTION 62. IC 35-38-1-1.3, AS ADDED BY P.L.178-2007,  
 11          SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12          JULY 1, 2014]: Sec. 1.3. After a court has pronounced a sentence for  
 13          a felony conviction, the court shall issue a statement of the court's  
 14          reasons for selecting the sentence that it imposes **unless the court**  
 15          **imposes the advisory sentence for the felony.**

16          SECTION 63. IC 35-38-1-1.5, AS AMENDED BY P.L.159-2013,  
 17          SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 393,  
 18          IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 19          [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) A court may enter judgment  
 20          of conviction as a ~~Class D~~ *Level 6* felony with the express provision  
 21          that the conviction will be converted to a conviction as a Class A  
 22          misdemeanor *within three* ~~(3)~~ *years* if the person fulfills certain  
 23          conditions. A court may enter a judgment of conviction as a ~~Class D~~  
 24          *Level 6* felony with the express provision that the conviction will be  
 25          converted to a conviction as a Class A misdemeanor only if the person  
 26          pleads guilty to a ~~Class D~~ *Level 6* felony that qualifies for consideration  
 27          as a Class A misdemeanor under IC 35-50-2-7, and the following  
 28          conditions are met:

29               (1) The prosecuting attorney consents.

30               (2) The person agrees to the conditions set by the court.

31               (b) For a judgment of conviction to be entered under subsection (a),  
 32               the court, the prosecuting attorney, and the person must all agree to the  
 33               conditions set by the court under subsection (a).

34               (c) The court is not required to convert a judgment of conviction  
 35               entered as a ~~Class D~~ *Level 6* felony to a Class A misdemeanor if, after  
 36               a hearing, the court finds:

37                       (1) the person has violated a condition set by the court under  
 38                       subsection (a); or

39                       (2) the period that the conditions set by the court under subsection  
 40                       (a) are in effect expires before the person successfully completes  
 41                       each condition.

42          However, the court may not convert a judgment of conviction entered





1 as a ~~Class D Level 6~~ felony to a Class A misdemeanor if the person  
 2 commits a new offense before the conditions set by the court under  
 3 subsection (a) expire.

4 (d) The court shall enter judgment of conviction as a Class A  
 5 misdemeanor if the person fulfills the conditions set by the court under  
 6 subsection (a).

7 (e) The entry of a judgment of conviction under this section does not  
 8 affect the application of any statute requiring the suspension of a  
 9 person's driving privileges.

10 (f) This section may not be construed to diminish or alter the rights  
 11 of a victim (as defined in IC 35-40-4-8) in a sentencing proceeding  
 12 under this chapter.

13 SECTION 64. IC 35-38-1-2 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) As used in this  
 15 chapter, "victim representative" means a person designated by a  
 16 sentencing court who is:

17 (1) a spouse, parent, child, sibling, or other relative of; or

18 (2) a person who has had a close personal relationship with;  
 19 the victim of a felony who is deceased, incapacitated, or less than  
 20 eighteen (18) years of age.

21 (b) Upon entering a conviction, the court shall set a date for  
 22 sentencing within thirty (30) days, unless for good cause shown an  
 23 extension is granted. If a presentence report is not required, the court  
 24 may sentence the defendant at the time the judgment of conviction is  
 25 entered. However, the court may not pronounce sentence at that time  
 26 without:

27 (1) inquiring as to whether an adjournment is desired by the  
 28 defendant; and

29 (2) informing the victim, if present, of a victim's right to make a  
 30 statement concerning the crime and the sentence.

31 When an adjournment is requested, the defendant shall state its purpose  
 32 and the court may allow a reasonable time for adjournment.

33 (c) If:

34 (1) the state in the manner prescribed by IC 35-34-1-2.5 sought an  
 35 increased penalty by alleging that the person was previously  
 36 convicted of the offense; and

37 (2) the person was convicted of the subsequent offense in a jury  
 38 trial;

39 the jury shall reconvene for the sentencing hearing. The person shall be  
 40 sentenced to receive the increased penalty if the jury (or the court, if  
 41 the trial is to the court alone) finds that the state has proved beyond a  
 42 reasonable doubt that the person had a previous conviction for the



1 offense.

2 (d) If the felony is nonsuspendible under IC 35-50-2-2 **(before its**  
 3 **repeal) or IC 35-50-2-2.2**, the judge shall order the defendant, if the  
 4 defendant has previously been released on bail or recognizance, to be  
 5 imprisoned in the county or local penal facility pending sentencing.

6 (e) Upon entering a conviction for a felony, the court shall designate  
 7 a victim representative if the victim is deceased, incapacitated, or less  
 8 than eighteen (18) years of age.

9 SECTION 65. IC 35-38-1-7.5, AS AMENDED BY P.L.214-2013,  
 10 SECTION 33, AND AS AMENDED BY P.L.158-2013, SECTION  
 11 394, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2014]: Sec. 7.5. (a) As used in this section,  
 13 "sexually violent predator" means a person who suffers from a mental  
 14 abnormality or personality disorder that makes the individual likely to  
 15 repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The  
 16 term includes a person convicted in another jurisdiction who is  
 17 identified as a sexually violent predator under IC 11-8-8-20. The term  
 18 does not include a person no longer considered a sexually violent  
 19 predator under subsection (g).

20 (b) A person who:

21 (1) being at least eighteen (18) years of age, commits an offense  
 22 described in:

23 (A) IC 35-42-4-1;

24 (B) IC 35-42-4-2 ~~(before its repeal on July 1, 2014);~~  
 25 ~~(repealed);~~ **(before its repeal);**

26 (C) IC 35-42-4-3 as a Class A or Class B felony *(for a crime*  
 27 *committed before July 1, 2014) or a Level 1, Level 2, Level 3,*  
 28 *or Level 4 felony (for a crime committed after June 30, 2014);*

29 (D) IC 35-42-4-5(a)(1);

30 (E) IC 35-42-4-5(a)(2);

31 (F) IC 35-42-4-5(a)(3);

32 (G) IC 35-42-4-5(b)(1) as a Class A or Class B *felony (for a*  
 33 *crime committed before July 1, 2014) or Level 2, Level 3, or*  
 34 *Level 4 felony (for a crime committed after June 30, 2014);*

35 (H) IC 35-42-4-5(b)(2);

36 (I) IC 35-42-4-5(b)(3) as a Class A or Class B *felony (for a*  
 37 *crime committed before July 1, 2014) or a Level 2, Level 3, or*  
 38 *Level 4 felony (for a crime committed after June 30, 2014);*

39 (J) an attempt or conspiracy to commit a crime listed in  
 40 clauses (A) through (I); or

41 (K) a crime under the laws of another jurisdiction, including  
 42 a military court, that is substantially equivalent to any of the



- 1 offenses listed in clauses (A) through (J);  
 2 (2) commits a sex offense (as defined in IC 11-8-8-5.2) while  
 3 having a previous unrelated conviction for a sex offense for which  
 4 the person is required to register as a sex or violent offender under  
 5 IC 11-8-8;  
 6 (3) commits a sex offense (as defined in IC 11-8-8-5.2) while  
 7 having had a previous unrelated adjudication as a delinquent child  
 8 for an act that would be a sex offense if committed by an adult, if,  
 9 after considering expert testimony, a court finds by clear and  
 10 convincing evidence that the person is likely to commit an  
 11 additional sex offense; or  
 12 (4) commits a sex offense (as defined in IC 11-8-8-5.2) while  
 13 having had a previous unrelated adjudication as a delinquent child  
 14 for an act that would be a sex offense if committed by an adult, if  
 15 the person was required to register as a sex or violent offender  
 16 under IC 11-8-8-5(b)(2);  
 17 is a sexually violent predator. Except as provided in subsection (g) or  
 18 (h), a person is a sexually violent predator by operation of law if an  
 19 offense committed by the person satisfies the conditions set forth in  
 20 subdivision (1) or (2) and the person was released from incarceration,  
 21 secure detention, ~~or~~ probation, *or parole* for the offense after June 30,  
 22 1994.  
 23 (c) This section applies whenever a court sentences a person or a  
 24 juvenile court issues a dispositional decree for a sex offense (as defined  
 25 in IC 11-8-8-5.2) for which the person is required to register with the  
 26 local law enforcement authority under IC 11-8-8.  
 27 (d) At the sentencing hearing, the court shall indicate on the record  
 28 whether the person has been convicted of an offense that makes the  
 29 person a sexually violent predator under subsection (b).  
 30 (e) If a person is not a sexually violent predator under subsection  
 31 (b), the prosecuting attorney may request the court to conduct a hearing  
 32 to determine whether the person (including a child adjudicated to be a  
 33 delinquent child) is a sexually violent predator under subsection (a). If  
 34 the court grants the motion, the court shall appoint two (2)  
 35 psychologists or psychiatrists who have expertise in criminal  
 36 behavioral disorders to evaluate the person and testify at the hearing.  
 37 After conducting the hearing and considering the testimony of the two  
 38 (2) psychologists or psychiatrists, the court shall determine whether the  
 39 person is a sexually violent predator under subsection (a). A hearing  
 40 conducted under this subsection may be combined with the person's  
 41 sentencing hearing.  
 42 (f) If a person is a sexually violent predator:



- 1 (1) the person is required to register with the local law  
 2 enforcement authority as provided in IC 11-8-8; and  
 3 (2) the court shall send notice to the department of correction.
- 4 (g) This subsection does not apply to a person who has two (2) or  
 5 more unrelated convictions for an offense described in IC 11-8-8-4.5  
 6 for which the person is required to register under IC 11-8-8. A person  
 7 who is a sexually violent predator may petition the court to consider  
 8 whether the person should no longer be considered a sexually violent  
 9 predator. The person may file a petition under this subsection not  
 10 earlier than ten (10) years after:
- 11 (1) the sentencing court or juvenile court makes its determination  
 12 under subsection (e); or  
 13 (2) the person is released from incarceration or secure detention.
- 14 A person may file a petition under this subsection not more than one  
 15 (1) time per year. A court may dismiss a petition filed under this  
 16 subsection or conduct a hearing to determine if the person should no  
 17 longer be considered a sexually violent predator. If the court conducts  
 18 a hearing, the court shall appoint two (2) psychologists or psychiatrists  
 19 who have expertise in criminal behavioral disorders to evaluate the  
 20 person and testify at the hearing. After conducting the hearing and  
 21 considering the testimony of the two (2) psychologists or psychiatrists,  
 22 the court shall determine whether the person should no longer be  
 23 considered a sexually violent predator under subsection (a). If a court  
 24 finds that the person should no longer be considered a sexually violent  
 25 predator, the court shall send notice to the department of correction that  
 26 the person is no longer considered a sexually violent predator *or an*  
 27 *offender against children*. Notwithstanding any other law, a condition  
 28 imposed on a person due to the person's status as a sexually violent  
 29 predator, including lifetime parole or GPS monitoring, does not apply  
 30 to a person no longer considered a sexually violent predator.
- 31 (h) A person is not a sexually violent predator by operation of law  
 32 under subsection (b)(1) if all of the following conditions are met:
- 33 (1) The victim was not less than twelve (12) years of age at the  
 34 time the offense was committed.  
 35 (2) The person is not more than four (4) years older than the  
 36 victim.  
 37 (3) The relationship between the person and the victim was a  
 38 dating relationship or an ongoing personal relationship. The term  
 39 "ongoing personal relationship" does not include a family  
 40 relationship.  
 41 (4) The offense committed by the person was not any of the  
 42 following:



- 1 (A) Rape (IC 35-42-4-1).  
 2 (B) Criminal deviate conduct (IC 35-42-4-2) *(before its repeal*  
 3 *on July 1, 2014): (repealed): (before its repeal).*  
 4 (C) An offense committed by using or threatening the use of  
 5 deadly force or while armed with a deadly weapon.  
 6 (D) An offense that results in serious bodily injury.  
 7 (E) An offense that is facilitated by furnishing the victim,  
 8 without the victim's knowledge, with a drug (as defined in  
 9 IC 16-42-19-2(1)) or a controlled substance (as defined in  
 10 IC 35-48-1-9) or knowing that the victim was furnished with  
 11 the drug or controlled substance without the victim's  
 12 knowledge.  
 13 (5) The person has not committed another sex offense (as defined  
 14 in IC 11-8-8-5.2) (including a delinquent act that would be a sex  
 15 offense if committed by an adult) against any other person.  
 16 (6) The person did not have a position of authority or substantial  
 17 influence over the victim.  
 18 (7) The court finds that the person should not be considered a  
 19 sexually violent predator.  
 20 SECTION 66. IC 35-38-1-17, AS AMENDED BY P.L.158-2013,  
 21 SECTION 396, IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) **This section does not apply**  
 23 **to a credit restricted felon.**  
 24 (b) **At any time Not later than three hundred sixty-five (365)**  
 25 **days after:**  
 26 (1) a convicted person begins serving the person's sentence; **and**  
 27 ~~(2) a hearing is held:~~  
 28 (A) ~~at which the convicted person is present; and~~  
 29 (B) ~~of which the prosecuting attorney has been notified; and~~  
 30 ~~(3) (2) the court obtains a report from the department of~~  
 31 ~~correction concerning the convicted person's conduct while~~  
 32 ~~imprisoned;~~  
 33 the court may reduce or suspend the sentence and impose a sentence  
 34 that the court was authorized to impose at the time of sentencing. The  
 35 court must incorporate its reasons in the record.  
 36 (c) **If more than three hundred sixty-five (365) days have**  
 37 **elapsed since the convicted person began serving the sentence, the**  
 38 **court may reduce or suspend the sentence and impose a sentence**  
 39 **that the court was authorized to impose at the time of sentencing.**  
 40 **The court must incorporate its reasons in the record.**  
 41 ~~(b) (d) If the court sets a hearing on a petition under this section,~~  
 42 ~~the court must give notice of the order to reduce or suspend the~~



1 sentence under this section to the prosecuting attorney and the  
 2 **prosecuting attorney must give notice to the** victim (as defined in  
 3 IC 35-31.5-2-348) of the crime for which the convicted person is  
 4 serving the sentence.

5 ~~(e)~~ **(e)** The court may suspend a sentence for a felony under this  
 6 section only if suspension is permitted under IC 35-50-2-2.2.

7 ~~(f)~~ **(f)** The court may deny a request to suspend or reduce a sentence  
 8 under this section without making written findings and conclusions.

9 ~~(g)~~ **(g)** The court is not required to conduct a hearing before  
 10 reducing or suspending a sentence **under this section** if:

11 (1) the prosecuting attorney has filed with the court an agreement  
 12 of the reduction or suspension of the sentence; and

13 (2) the convicted person has filed with the court a waiver of the  
 14 right to be present when the order to reduce or suspend the  
 15 sentence is considered.

16 **(h) A convicted person may file a petition for sentence**  
 17 **modification under this section:**

18 **(1) not more than one (1) time in any three hundred sixty-five**  
 19 **(365) day period; and**

20 **(2) a maximum of two (2) times during any consecutive period**  
 21 **of incarceration.**

22 SECTION 67. IC 35-38-2.5-5 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as  
 24 provided in section 5.5 of this chapter, as a condition of probation a  
 25 court may order an offender confined to the offender's home for a  
 26 period of home detention lasting at least sixty (60) days.

27 (b) The period of home detention may be consecutive or  
 28 nonconsecutive, as the court orders. However, the aggregate time  
 29 actually spent in home detention must not exceed:

30 (1) the minimum term of imprisonment prescribed for a felony  
 31 under IC 35-50-2; or

32 (2) the maximum term of imprisonment prescribed for a  
 33 misdemeanor under IC 35-50-3;

34 for the crime committed by the offender.

35 (c) The court may order supervision of an offender's home detention  
 36 to be provided by the probation department for the court or by a  
 37 community corrections program that provides supervision of home  
 38 detention.

39 (d) A person's term of confinement on home detention under this  
 40 chapter is computed on the basis of the actual days the person spends  
 41 on home detention.

42 (e) A person confined on home detention as a condition of probation



1 earns **one (1) day of credit for time served for each day the person**  
 2 **is confined on home detention.**

3 SECTION 68. IC 35-38-9-2, AS ADDED BY P.L.159-2013,  
 4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2014]: Sec. 2. (a) This section applies only to a person  
 6 convicted of a misdemeanor, including a Class D felony (**for a crime**  
 7 **committed before July 1, 2014) or a Level 6 felony (for a crime**  
 8 **committed after June 30, 2014) reduced to a misdemeanor.**

9 (b) Not earlier than five (5) years after the date of conviction (unless  
 10 the prosecuting attorney consents in writing to an earlier period), the  
 11 person convicted of the misdemeanor may petition the sentencing court  
 12 to expunge conviction records contained in:

- 13 (1) a court's files;
- 14 (2) the files of the department of correction;
- 15 (3) the files of the bureau of motor vehicles; and
- 16 (4) the files of any other person who provided treatment or  
 17 services to the petitioning person under a court order;

18 that relate to the person's misdemeanor conviction.

19 (c) A person who files a petition to expunge conviction records shall  
 20 pay the filing fees required for filing a civil action, and the clerk shall  
 21 distribute the fees as in the case of a civil action. A person who files a  
 22 petition to expunge conviction records may not receive a waiver or  
 23 reduction of fees upon a showing of indigency.

24 (d) If the court finds by clear and convincing evidence that:

- 25 (1) the period required by this section has elapsed;
- 26 (2) no charges are pending against the person;
- 27 (3) the person does not have an existing or pending driver's  
 28 license suspension;
- 29 (4) the person has successfully completed the person's sentence,  
 30 including any term of supervised release, and satisfied all other  
 31 obligations placed on the person as part of the sentence; and
- 32 (5) the person has not been convicted of a crime within the  
 33 previous five (5) years;

34 the court shall order the conviction records described in subsection (b)  
 35 expunged in accordance with section 6 of this chapter.

36 SECTION 69. IC 35-38-9-3, AS ADDED BY P.L.159-2013,  
 37 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2014]: Sec. 3. (a) Except as provided in subsection (b), this  
 39 section applies only to a person convicted of a Class D felony (**for a**  
 40 **crime committed before July 1, 2014) or a Level 6 felony (for a**  
 41 **crime committed after June 30, 2014).** This section does not apply to  
 42 a person if the person's Class D or Level 6 felony was reduced to a



- 1 Class A misdemeanor.
- 2 (b) This section does not apply to the following:
- 3 (1) An elected official convicted of an offense while serving the
- 4 official's term or as a candidate for public office.
- 5 (2) A sex or violent offender (as defined in IC 11-8-8-5).
- 6 (3) A person convicted of a felony that resulted in bodily injury to
- 7 another person.
- 8 (4) A person convicted of perjury (IC 35-44.1-2-1) or official
- 9 misconduct (IC 35-44.1-1-1).
- 10 (5) A person convicted of an offense described in:
- 11 (A) IC 35-42-1;
- 12 (B) IC 35-42-3.5; or
- 13 (C) IC 35-42-4.
- 14 (c) Not earlier than eight (8) years after the date of conviction
- 15 (unless the prosecuting attorney consents in writing to an earlier
- 16 period), the person convicted of the Class D **or Level 6** felony may
- 17 petition the sentencing court to expunge conviction records contained
- 18 in:
- 19 (1) a court's files;
- 20 (2) the files of the department of correction;
- 21 (3) the files of the bureau of motor vehicles; and
- 22 (4) the files of any other person who provided treatment or
- 23 services to the petitioning person under a court order;
- 24 that relate to the person's Class D **or Level 6** felony conviction.
- 25 (d) A person who files a petition to expunge conviction records shall
- 26 pay the filing fees required for filing a civil action, and the clerk shall
- 27 distribute the fees as in the case of a civil action. A person who files a
- 28 petition to expunge conviction records may not receive a waiver or
- 29 reduction of fees upon a showing of indigency.
- 30 (e) If the court finds by clear and convincing evidence that:
- 31 (1) the period required by this section has elapsed;
- 32 (2) no charges are pending against the person;
- 33 (3) the person does not have an existing or pending driver's
- 34 license suspension;
- 35 (4) the person has successfully completed the person's sentence,
- 36 including any term of supervised release, and satisfied all other
- 37 obligations placed on the person as part of the sentence; and
- 38 (5) the person has not been convicted of a crime within the
- 39 previous eight (8) years;
- 40 the court shall order the conviction records described in subsection (c)
- 41 expunged in accordance with section 6 of this chapter.
- 42 SECTION 70. IC 35-41-4-2, AS AMENDED BY P.L.44-2013,





1 SECTION 2, AND AS AMENDED BY P.L.158-2013, SECTION 407,  
 2 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as otherwise provided  
 4 in this section, a prosecution for an offense is barred unless it is  
 5 commenced:

- 6 (1) within five (5) years after the commission of the offense, in  
 7 the case of a Class B, Class C, or Class D felony (*for a crime*  
 8 *committed before July 1, 2014*) or a Level 3, Level 4, Level 5, or  
 9 *Level 6 felony (for a crime committed after June 30, 2014)*; or  
 10 (2) within two (2) years after the commission of the offense, in the  
 11 case of a misdemeanor.

12 (b) A prosecution for a Class B or Class C felony (*for a crime*  
 13 *committed before July 1, 2014*) or a Level 3, Level 4, or Level 5 felony  
 14 (*for a crime committed after June 30, 2014*) that would otherwise be  
 15 barred under this section may be commenced within one (1) year after  
 16 the earlier of the date on which the state:

- 17 (1) first discovers evidence sufficient to charge the offender with  
 18 the offense through DNA (deoxyribonucleic acid) analysis; or  
 19 (2) could have discovered evidence sufficient to charge the  
 20 offender with the offense through DNA (deoxyribonucleic acid)  
 21 analysis by the exercise of due diligence.

22 (c) A prosecution for a Class A felony (*for a crime committed*  
 23 *before July 1, 2014*) or a Level 1 felony or Level 2 felony (*for a crime*  
 24 *committed after June 30, 2014*) may be commenced at any time.

25 (d) A prosecution for murder may be commenced:

- 26 (1) at any time; and  
 27 (2) regardless of the amount of time that passes between:  
 28 (A) the date a person allegedly commits the elements of  
 29 murder; and  
 30 (B) the date the alleged victim of the murder dies.

31 (e) A prosecution for the following offenses is barred unless  
 32 commenced before the date that the alleged victim of the offense  
 33 reaches thirty-one (31) years of age:

- 34 (1) IC 35-42-4-3(a) (Child molesting).  
 35 (2) IC 35-42-4-5 (Vicarious sexual gratification).  
 36 (3) IC 35-42-4-6 (Child solicitation).  
 37 (4) IC 35-42-4-7 (Child seduction).  
 38 (5) IC 35-46-1-3 (Incest).

39 (f) A prosecution for forgery of an instrument for payment of  
 40 money, or for the uttering of a forged instrument, under IC 35-43-5-2,  
 41 is barred unless it is commenced within five (5) years after the maturity  
 42 of the instrument.



1 (g) If a complaint, indictment, or information is dismissed because  
 2 of an error, defect, insufficiency, or irregularity, a new prosecution may  
 3 be commenced within ninety (90) days after the dismissal even if the  
 4 period of limitation has expired at the time of dismissal, or will expire  
 5 within ninety (90) days after the dismissal.

6 (h) The period within which a prosecution must be commenced does  
 7 not include any period in which:

8 (1) the accused person is not usually and publicly resident in  
 9 Indiana or so conceals himself or herself that process cannot be  
 10 served;

11 (2) the accused person conceals evidence of the offense, and  
 12 evidence sufficient to charge the person with that offense is  
 13 unknown to the prosecuting authority and could not have been  
 14 discovered by that authority by exercise of due diligence; or

15 (3) the accused person is a person elected or appointed to office  
 16 under statute or constitution, if the offense charged is theft or  
 17 conversion of public funds or bribery while in public office.

18 (i) For purposes of tolling the period of limitation only, a  
 19 prosecution is considered commenced on the earliest of these dates:

20 (1) The date of filing of an indictment, information, or complaint  
 21 before a court having jurisdiction.

22 (2) The date of issuance of a valid arrest warrant.

23 (3) The date of arrest of the accused person by a law enforcement  
 24 officer without a warrant, if the officer has authority to make the  
 25 arrest.

26 (j) A prosecution is considered timely commenced for any offense  
 27 to which the defendant enters a plea of guilty, notwithstanding that the  
 28 period of limitation has expired.

29 (k) The following apply to the specified offenses:

30 (1) A prosecution for an offense under IC 30-2-9-7(b) (misuse of  
 31 funeral trust funds) is barred unless commenced within five (5)  
 32 years after the date of death of the settlor (as described in  
 33 IC 30-2-9).

34 (2) A prosecution for an offense under IC 30-2-10-9(b) (misuse  
 35 of funeral trust funds) is barred unless commenced within five (5)  
 36 years after the date of death of the settlor (as described in  
 37 IC 30-2-10).

38 (3) A prosecution for an offense under IC 30-2-13-38(f) (misuse  
 39 of funeral trust or escrow account funds) is barred unless  
 40 commenced within five (5) years after the date of death of the  
 41 purchaser (as defined in IC 30-2-13-9).

42 (l) A prosecution for an offense under IC 23-14-48-9 is barred



1 unless commenced within five (5) years after the earlier of the date on  
2 which the state:

3 (1) first discovers evidence sufficient to charge the offender with  
4 the offense; or

5 (2) could have discovered evidence sufficient to charge the  
6 offender with the offense by the exercise of due diligence.

7 (m) *A prosecution for a sex offense listed in IC 11-8-8-4.5 that is*  
8 *committed against a child and that is not:*

9 (1) **a Class A felony (for a crime committed before July 1,**  
10 **2014) or a Level 1 felony or Level 2 felony (for a crime**  
11 **committed after June 30, 2014); or**

12 (2) *listed in subsection (e);*

13 *is barred unless commenced within ten (10) years after the commission*  
14 *of the offense, or within four (4) years after the person ceases to be a*  
15 *dependent of the person alleged to have committed the offense,*  
16 *whichever occurs later.*

17 SECTION 71. IC 35-41-5-1, AS AMENDED BY P.L.247-2013,  
18 SECTION 5, AND AS AMENDED BY P.L.158-2013, SECTION 408,  
19 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
20 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person attempts to commit  
21 a crime when, acting with the culpability required for commission of  
22 the crime, ~~he~~ *the person* engages in conduct that constitutes a  
23 substantial step toward commission of the crime. An attempt to commit  
24 a crime is a felony or misdemeanor of the same *level or class* as the  
25 crime attempted. However, an attempt to commit murder is a ~~Class A~~  
26 *Level 1* felony.

27 (b) It is no defense that, because of a misapprehension of the  
28 circumstances, *including the age of the intended victim in a*  
29 *prosecution for attempted child molesting (IC 35-42-4-3)*, it would  
30 have been impossible for the accused person to commit the crime  
31 attempted.

32 (c) *For purposes of subsection (a), a person engages in conduct that*  
33 *constitutes a substantial step if the person, with the intent to commit a*  
34 *sex crime against a child or an individual the person believes to be a*  
35 *child:*

36 (1) *communicates with the child or individual the person believes*  
37 *to be a child concerning the sex crime; and*

38 (2) *travels to another location to meet the child or individual the*  
39 *person believes to be a child.*

40 SECTION 72. IC 35-42-1-1, AS AMENDED BY P.L.158-2013,  
41 SECTION 35, AND AS AMENDED BY P.L.214-2013, SECTION 35,  
42 IS CORRECTED AND AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who:

- 2 (1) knowingly or intentionally kills another human being;  
 3 (2) kills another human being while committing or attempting to  
 4 commit arson, burglary, child molesting, consumer product  
 5 tampering, criminal deviate conduct (*under IC 35-42-4-2 before*  
 6 *its repeal), ~~on July 1, 2014~~), kidnapping, rape, robbery, human*  
 7 *trafficking, promotion of human trafficking, sexual trafficking of*  
 8 *a minor, or carjacking (*before its repeal*);*  
 9 (3) kills another human being while committing or attempting to  
 10 commit:

11 (A) dealing in or manufacturing cocaine or a narcotic drug  
 12 (IC 35-48-4-1);

13 (B) dealing in or manufacturing methamphetamine  
 14 (IC 35-48-4-1.1);

15 (C) dealing in a schedule I, II, or III controlled substance  
 16 (IC 35-48-4-2);

17 (D) dealing in a schedule IV controlled substance  
 18 (IC 35-48-4-3); or

19 (E) dealing in a schedule V controlled substance; or

20 (4) knowingly or intentionally kills a fetus that has attained  
 21 viability (as defined in IC 16-18-2-365);

22 commits murder, a felony.

23 SECTION 73. IC 35-42-3.5-1, AS AMENDED BY P.L.55-2013,  
 24 SECTION 1, AND AS AMENDED BY P.L.158-2013, SECTION 436,  
 25 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who, by force, threat  
 27 of force, or fraud, knowingly or intentionally recruits, harbors, or  
 28 transports another person:

29 (1) to engage the other person in:

30 (A) forced labor; or

31 (B) involuntary servitude; or

32 (2) to force the other person into:

33 (A) marriage;

34 (B) prostitution; or

35 (C) participating in sexual conduct (as defined by  
 36 IC 35-42-4-4);

37 commits promotion of human trafficking, a ~~Class B~~ Level 4 felony.

38 (b) A person who knowingly or intentionally recruits, harbors, or  
 39 transports a child less than:

40 (1) ~~sixteen (16)~~ eighteen (18) years of age with the intent of:

41 ~~(A)~~ (A) engaging the child in:

42 ~~(A)~~ (i) forced labor; or



- 1                   ~~(B)~~ (ii) involuntary servitude; or  
 2                   ~~(2)~~ (B) inducing or causing the child to:  
 3                   ~~(A)~~ (i) engage in prostitution; or  
 4                   (ii) engage in a performance or incident that includes sexual  
 5                   conduct in violation of IC 35-42-4-4(b) (child exploitation);  
 6                   or  
 7                   ~~(B)~~ (2) sixteen (16) years of age with the intent of inducing or  
 8                   causing the child to participate in sexual conduct (as defined by  
 9                   IC 35-42-4-4);  
 10                   commits promotion of human trafficking of a minor, a *Class B Level 3*  
 11                   felony. Except as provided in subsection (e), it is not a defense to a  
 12                   prosecution under this subsection that the child consented to engage in  
 13                   prostitution or to participate in sexual conduct.  
 14                   (c) A person who is at least eighteen (18) years of age who  
 15                   knowingly or intentionally sells or transfers custody of a child less than  
 16                   ~~sixteen (16)~~ eighteen (18) years of age for the purpose of prostitution  
 17                   or participating in sexual conduct (as defined by IC 35-42-4-4)  
 18                   commits sexual trafficking of a minor, a *Class A Level 2* felony.  
 19                   (d) A person who knowingly or intentionally pays, offers to pay, or  
 20                   agrees to pay money or other property to another person for an  
 21                   individual who the person knows has been forced into:  
 22                   (1) forced labor;  
 23                   (2) involuntary servitude; or  
 24                   (3) prostitution;  
 25                   commits human trafficking, a *Class E Level 5* felony.  
 26                   (e) It is a defense to a prosecution under subsection ~~(b)(2)(B)~~ (b)(2)  
 27                   if:  
 28                   (1) the child is at least fourteen (14) years of age but less than  
 29                   sixteen (16) years of age and the person is less than eighteen (18)  
 30                   years of age; or  
 31                   (2) all the following apply:  
 32                   (A) The person is not more than four (4) years older than the  
 33                   victim.  
 34                   (B) The relationship between the person and the victim was a  
 35                   dating relationship or an ongoing personal relationship. The  
 36                   term "ongoing personal relationship" does not include a family  
 37                   relationship.  
 38                   (C) The crime:  
 39                   (i) was not committed by a person who is at least twenty-one  
 40                   (21) years of age;  
 41                   (ii) was not committed by using or threatening the use of  
 42                   deadly force;



- 1 (iii) was not committed while armed with a deadly weapon;  
 2 (iv) did not result in serious bodily injury;  
 3 (v) was not facilitated by furnishing the victim, without the  
 4 victim's knowledge, with a drug (as defined in  
 5 IC 16-42-19-2(1)) or a controlled substance (as defined in  
 6 IC 35-48-1-9) or knowing that the victim was furnished with  
 7 the drug or controlled substance without the victim's  
 8 knowledge; and  
 9 (vi) was not committed by a person having a position of  
 10 authority or substantial influence over the victim.  
 11 (D) The person has not committed another sex offense (as  
 12 defined in IC 11-8-8-5.2), including a delinquent act that  
 13 would be a sex offense if committed by an adult, against any  
 14 other person.

15 SECTION 74. IC 35-42-4-1, AS AMENDED BY P.L.158-2013,  
 16 SECTION 437, AND AS AMENDED BY P.L.214-2013, SECTION  
 17 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in  
 19 subsection (b), a person who knowingly or intentionally has sexual  
 20 intercourse with *a member of the opposite sex another person* or  
 21 knowingly or intentionally causes another person to perform or submit  
 22 to *deviate sexual conduct other sexual conduct (as defined in*  
 23 *IC 35-31.5-2-221.5)* when:

- 24 (1) the other person is compelled by force or imminent threat of  
 25 force;  
 26 (2) the other person is unaware that the sexual intercourse *or*  
 27 *deviate sexual conduct other sexual conduct (as defined in*  
 28 *IC 35-31.5-2-221.5)* is occurring; or  
 29 (3) the other person is so mentally disabled or deficient that  
 30 consent to sexual intercourse *or deviate sexual conduct other*  
 31 *sexual conduct (as defined in IC 35-31.5-2-221.5)* cannot be  
 32 given;

33 commits rape, a *Class B Level 3* felony.

34 (b) An offense described in subsection (a) is a *Class A Level 1*  
 35 felony if:

- 36 (1) it is committed by using or threatening the use of deadly force;  
 37 (2) it is committed while armed with a deadly weapon;  
 38 (3) it results in serious bodily injury to a person other than a  
 39 defendant; or  
 40 (4) the commission of the offense is facilitated by furnishing the  
 41 victim, without the victim's knowledge, with a drug (as defined in  
 42 IC 16-42-19-2(1)) or a controlled substance (as defined in



- 1           IC 35-48-1-9) or knowing that the victim was furnished with the  
2           drug or controlled substance without the victim's knowledge.
- 3           SECTION 75. IC 35-42-4-3, AS AMENDED BY P.L.158-2013,  
4           SECTION 439, AND AS AMENDED BY P.L.247-2013, SECTION 6,  
5           IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
6           [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who, with a child  
7           under fourteen (14) years of age, *knowingly or intentionally* performs  
8           or submits to sexual intercourse or ~~deviate~~ *other* sexual conduct (*as*  
9           *defined in IC 35-31.5-2-221.5*) commits child molesting, a ~~Class B~~  
10          *Level 3* felony. However, the offense is a ~~Class A Level 1~~ *Level 1* felony if:  
11          (1) it is committed by a person at least twenty-one (21) years of  
12          age;  
13          (2) it is committed by using or threatening the use of deadly force  
14          or while armed with a deadly weapon;  
15          (3) it results in serious bodily injury; or  
16          (4) the commission of the offense is facilitated by furnishing the  
17          victim, without the victim's knowledge, with a drug (as defined in  
18          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  
20          drug or controlled substance without the victim's knowledge.
- 21          (b) A person who, with a child under fourteen (14) years of age,  
22          performs or submits to any fondling or touching, of either the child or  
23          the older person, with intent to arouse or to satisfy the sexual desires of  
24          either the child or the older person, commits child molesting, a ~~Class~~  
25          *Level 4* felony. However, the offense is a ~~Class A Level 2~~ *Level 2* felony if:  
26          (1) it is committed by using or threatening the use of deadly force;  
27          (2) it is committed while armed with a deadly weapon; or  
28          (3) the commission of the offense is facilitated by furnishing the  
29          victim, without the victim's knowledge, with a drug (as defined in  
30          IC 16-42-19-2(1)) or a controlled substance (as defined in  
31          IC 35-48-1-9) or knowing that the victim was furnished with the  
32          drug or controlled substance without the victim's knowledge.
- 33          (c) *A person may be convicted of attempted child molesting of an*  
34          *individual at least fourteen (14) years of age if the person believed the*  
35          *individual to be a child under fourteen (14) years of age at the time the*  
36          *person attempted to commit the offense.*
- 37          (d) It is a defense *to a prosecution under this section* that the  
38          accused person reasonably believed that the child was sixteen (16)  
39          years of age or older at the time of the conduct, unless:  
40          (1) the offense is committed by using or threatening the use of  
41          deadly force or while armed with a deadly weapon;  
42          (2) the offense results in serious bodily injury; or



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 SECTION 76. IC 35-42-4-4, AS AMENDED BY P.L.214-2013,  
 7 SECTION 38, AND AS AMENDED BY P.L.158-2013, SECTION  
 8 440, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The following definitions  
 10 apply throughout this section:

11 (1) "Disseminate" means to transfer possession for free or for a  
 12 consideration.

13 (2) "Matter" has the same meaning as in IC 35-49-1-3.

14 (3) "Performance" has the same meaning as in IC 35-49-1-7.

15 (4) "Sexual conduct" means ~~(A)~~ sexual intercourse, ~~(B)~~ *deviate*  
 16 *other* sexual conduct (as defined in IC 35-31.5-2-221.5), ~~(C)~~;  
 17 exhibition of the ~~(i)~~ uncovered genitals *or* ~~(ii)~~ *female breast with*  
 18 *less than a fully opaque covering of any part of the nipple;*  
 19 intended to satisfy or arouse the sexual desires of any person, ~~(D)~~  
 20 sadomasochistic abuse, ~~(E)~~ sexual intercourse or *deviate other*  
 21 *sexual conduct (as defined in IC 35-31.5-2-221.5)* with an animal,  
 22 or ~~(F)~~ any fondling or touching of a child by another person or of  
 23 another person by a child intended to arouse or satisfy the sexual  
 24 desires of either the child or the other person.

25 (b) A person who:

26 (1) knowingly or intentionally ~~(H)~~ manages, produces, sponsors,  
 27 presents, exhibits, photographs, films, videotapes, or creates a  
 28 digitized image of any performance or incident that includes  
 29 sexual conduct by a child under eighteen (18) years of age;

30 (2) *knowingly or intentionally* disseminates, exhibits to another  
 31 person, offers to disseminate or exhibit to another person, or  
 32 sends or brings into Indiana for dissemination or exhibition matter  
 33 that depicts or describes sexual conduct by a child under eighteen  
 34 (18) years of age; ~~or~~

35 (3) *knowingly or intentionally* makes available to another person  
 36 a computer, knowing that the computer's fixed drive or peripheral  
 37 device contains matter that depicts or describes sexual conduct by  
 38 a child less than eighteen (18) years of age; *or*

39 (4) *with the intent to satisfy or arouse the sexual desires of any*  
 40 *person:*

41 (A) *knowingly or intentionally:*

42 (i) *manages;*





- 1           (ii) produces;  
 2           (iii) sponsors;  
 3           (iv) presents;  
 4           (v) exhibits;  
 5           (vi) photographs;  
 6           (vii) films;  
 7           (viii) videotapes; or  
 8           (ix) creates a digitized image of;  
 9           any performance or incident that includes the uncovered  
 10          genitals of a child less than eighteen (18) years of age or the  
 11          exhibition of the female breast with less than a fully opaque  
 12          covering of any part of the nipple by a child less than eighteen  
 13          (18) years of age;  
 14          (B) knowingly or intentionally:  
 15               (i) disseminates to another person;  
 16               (ii) exhibits to another person;  
 17               (iii) offers to disseminate or exhibit to another person; or  
 18               (iv) sends or brings into Indiana for dissemination or  
 19               exhibition;  
 20          matter that depicts the uncovered genitals of a child less than  
 21          eighteen (18) years of age or the exhibition of the female  
 22          breast with less than a fully opaque covering of any part of the  
 23          nipple by a child less than eighteen (18) years of age; or  
 24          (C) makes available to another person a computer, knowing  
 25          that the computer's fixed drive or peripheral device contains  
 26          matter that depicts the uncovered genitals of a child less than  
 27          eighteen (18) years of age or the exhibition of the female  
 28          breast with less than a fully opaque covering of any part of the  
 29          nipple by a child less than eighteen (18) years of age;  
 30          commits child exploitation, a ~~Class C~~ Level 5 felony.  
 31          (c) A person who knowingly or intentionally possesses:  
 32               (1) a picture;  
 33               (2) a drawing;  
 34               (3) a photograph;  
 35               (4) a negative image;  
 36               (5) undeveloped film;  
 37               (6) a motion picture;  
 38               (7) a videotape;  
 39               (8) a digitized image; or  
 40               (9) any pictorial representation;  
 41          that depicts or describes sexual conduct by a child who the person  
 42          knows is less than ~~sixteen (16)~~ eighteen (18) years of age or who



1 appears to be less than ~~sixteen (16)~~ *eighteen (18)* years of age, and that  
 2 lacks serious literary, artistic, political, or scientific value commits  
 3 possession of child pornography, a ~~Class D Level 6~~ felony.

4 (d) Subsections (b) and (c) do not apply to a bona fide school,  
 5 museum, or public library that qualifies for certain property tax  
 6 exemptions under IC 6-1.1-10, or to an employee of such a school,  
 7 museum, or public library acting within the scope of the employee's  
 8 employment when the possession of the listed materials is for  
 9 legitimate scientific or educational purposes.

10 (e) It is a defense to a prosecution under this section that:

11 (1) the person is a school employee; and

12 (2) the acts constituting the elements of the offense were  
 13 performed solely within the scope of the person's employment as  
 14 a school employee.

15 (f) Except as provided in subsection (g), it is a defense to a  
 16 prosecution under *subsection (b) or (c) subsection (b)(1); subsection*  
 17 *(b)(2); or subsection (e)* if all of the following apply:

18 (1) A cellular telephone, another wireless or cellular  
 19 communications device, or a social networking web site was used  
 20 to possess, produce, or disseminate the image.

21 (2) The defendant is not more than four (4) years older or younger  
 22 than the person who is depicted in the image or who received the  
 23 image.

24 (3) The relationship between the defendant and the person who  
 25 received the image or who is depicted in the image was a dating  
 26 relationship or an ongoing personal relationship. For purposes of  
 27 this subdivision, the term "ongoing personal relationship" does  
 28 not include a family relationship.

29 (4) The crime was committed by a person less than twenty-two  
 30 (22) years of age.

31 (5) The person receiving the image or who is depicted in the  
 32 image acquiesced in the defendant's conduct.

33 (g) The defense to a prosecution described in subsection (f) does not  
 34 apply if:

35 (1) the person who receives the image disseminates it to a person  
 36 other than the person:

37 (A) who sent the image; or

38 (B) who is depicted in the image;

39 (2) the image is of a person other than the person who sent the  
 40 image or received the image; or

41 (3) the dissemination of the image violates:

42 (A) a protective order to prevent domestic or family violence



- 1 issued under IC 34-26-5 (or, if the order involved a family or  
 2 household member, under IC 34-26-2 or IC 34-4-5.1-5 before  
 3 their repeal);  
 4 (B) an ex parte protective order issued under IC 34-26-5 (or,  
 5 if the order involved a family or household member, an  
 6 emergency order issued under IC 34-26-2 or IC 34-4-5.1  
 7 before their repeal);  
 8 (C) a workplace violence restraining order issued under  
 9 IC 34-26-6;  
 10 (D) a no contact order in a dispositional decree issued under  
 11 IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or  
 12 IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an  
 13 order issued under IC 31-32-13 (or IC 31-6-7-14 before its  
 14 repeal) that orders the person to refrain from direct or indirect  
 15 contact with a child in need of services or a delinquent child;  
 16 (E) a no contact order issued as a condition of pretrial release,  
 17 including release on bail or personal recognizance, or pretrial  
 18 diversion, and including a no contact order issued under  
 19 IC 35-33-8-3.6;  
 20 (F) a no contact order issued as a condition of probation;  
 21 (G) a protective order to prevent domestic or family violence  
 22 issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2  
 23 before their repeal);  
 24 (H) a protective order to prevent domestic or family violence  
 25 issued under IC 31-14-16-1 in a paternity action;  
 26 (I) a no contact order issued under IC 31-34-25 in a child in  
 27 need of services proceeding or under IC 31-37-25 in a juvenile  
 28 delinquency proceeding;  
 29 (J) an order issued in another state that is substantially similar  
 30 to an order described in clauses (A) through (I);  
 31 (K) an order that is substantially similar to an order described  
 32 in clauses (A) through (I) and is issued by an Indian:  
 33 (i) tribe;  
 34 (ii) band;  
 35 (iii) pueblo;  
 36 (iv) nation; or  
 37 (v) organized group or community, including an Alaska  
 38 Native village or regional or village corporation as defined  
 39 in or established under the Alaska Native Claims Settlement  
 40 Act (43 U.S.C. 1601 et seq.);  
 41 that is recognized as eligible for the special programs and  
 42 services provided by the United States to Indians because of



- 1 their special status as Indians;  
 2 (L) an order issued under IC 35-33-8-3.2; or  
 3 (M) an order issued under IC 35-38-1-30.

4 **(h) It is a defense to a prosecution under this section that:**

- 5 **(1) the person was less than eighteen (18) years of age at the**  
 6 **time the alleged offense was committed; and**  
 7 **(2) the circumstances described in IC 35-45-4-6(a)(2) through**  
 8 **IC 35-45-4-6(a)(4) apply.**

9 **(i) A person is entitled to present the defense described in**  
 10 **subsection (h) in a pretrial hearing. If a person proves by a**  
 11 **preponderance of the evidence in a pretrial hearing that the**  
 12 **defense described in subsection (h) applies, the court shall dismiss**  
 13 **the charges under this section with prejudice.**

14 SECTION 77. IC 35-42-4-6, AS AMENDED BY P.L.158-2013,  
 15 SECTION 442, AND AS AMENDED BY P.L.247-2013, SECTION 7,  
 16 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) As used in this section,  
 18 "solicit" means to command, authorize, urge, incite, request, or advise  
 19 an individual:

- 20 (1) *in person;*  
 21 (2) *by telephone or wireless device;*  
 22 (3) *in writing;*  
 23 (4) *by using a computer network (as defined in IC 35-43-2-3(a));*  
 24 (5) *by advertisement of any kind; or*  
 25 (6) *by any other means;*

26 to perform an act described in subsection (b) or (c).

27 (b) A person eighteen (18) years of age or older who knowingly or  
 28 intentionally solicits a child under fourteen (14) years of age, or an  
 29 individual the person believes to be a child under fourteen (14) years  
 30 of age, to engage in ~~(1)~~ sexual intercourse, ~~(2)~~ *deviate other* sexual  
 31 conduct *(as defined in IC 35-31.5-2-221.5)*, or ~~(3)~~ any fondling or  
 32 touching intended to arouse or satisfy the sexual desires of either the  
 33 child or the older person, commits child solicitation, a ~~Class D Level~~  
 34 *5* felony. *However, the offense is*

- 35 *(1) a Class E felony if it is committed by using a computer*  
 36 *network (as defined in IC 35-43-2-3(a)), and*  
 37 *(2) a Class B felony if the person* **However, the offense is a**  
 38 **Level 4 felony if the person solicits the child or individual the**  
 39 *person believes to be a child under fourteen (14) years of age to*  
 40 *engage in sexual intercourse or deviate other sexual conduct (as*  
 41 **defined in IC 35-31.5-2-221.5) and:**

- 42 *(A) (1) commits the offense by using a computer network (as*



1 *defined in IC 35-43-2-3(a)) and commits the offense by using a*  
 2 **computer network (as defined in IC 35-43-2-3(a)) and travels**  
 3 *to meet the child or individual the person believes to be a child;*  
 4 *or*

5 *(B) (2) has a previous unrelated conviction for committing the an*  
 6 **offense has a previous unrelated conviction for committing an**  
 7 *offense by using a computer network (as defined in*  
 8 *IC 35-43-2-3(a)) under this section.*

9 (c) A person at least twenty-one (21) years of age who knowingly or  
 10 intentionally solicits a child at least fourteen (14) years of age but less  
 11 than sixteen (16) years of age, or an individual the person believes to  
 12 be a child at least fourteen (14) years of age but less than sixteen (16)  
 13 years of age, to engage in

14 *(1) sexual intercourse,*

15 *(2) deviate other sexual conduct (as defined in*  
 16 *IC 35-31.5-2-221.5), or*

17 *(3) any fondling or touching intended to arouse or satisfy the*  
 18 *sexual desires of either the child or the older person,*

19 *commits child solicitation, a Class D Level 5 felony.*

20 *However, the offense is a Class E felony if it is committed by using a*  
 21 *computer network (as defined in IC 35-43-2-3(a)), and a Class B*  
 22 *felony if the person commits the offense by using a computer network*  
 23 *(as defined in IC 35-43-2-3(a)) and has a previous unrelated*  
 24 *conviction for committing the offense by using a computer network (as*  
 25 *defined in IC 35-43-2-3(a)).*

26 *However, the offense is*

27 *(1) a Class E felony if the person solicits the child or individual*  
 28 *the person believes to be a child at least fourteen (14) but less*  
 29 *than sixteen (16) years of age to engage in sexual intercourse or*  
 30 *deviate sexual conduct and makes the solicitation by using a*  
 31 *computer network (as defined in IC 35-43-2-3(a)); and*

32 *(2) a Class B Level 4 felony if the person solicits the child or*  
 33 *individual the person believes to be a child at least fourteen (14)*  
 34 *but less than sixteen (16) years of age to engage in sexual*  
 35 *intercourse or deviate other sexual conduct (as defined in*  
 36 **IC 35-31.5-2-221.5), and:**

37 *(A) (1) commits the offense by using a computer network (as*  
 38 *defined in IC 35-43-2-3(a)) and travels to meet the child or*  
 39 *individual the person believes to be a child; or*

40 *(B) (2) has a previous unrelated conviction for committing the*  
 41 *an offense by using a computer network (as defined in*  
 42 *IC 35-43-2-3(a)). under this section.*



1 (d) In a prosecution under this section, including a prosecution for  
 2 attempted solicitation, the state is not required to prove that the person  
 3 solicited the child to engage in an act described in subsection (b) or (c)  
 4 at some immediate time.

5 SECTION 78. IC 35-42-4-7, AS AMENDED BY P.L.208-2013,  
 6 SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 443,  
 7 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) As used in this section,  
 9 "adoptive parent" has the meaning set forth in IC 31-9-2-6.

10 (b) As used in this section, "adoptive grandparent" means the parent  
 11 of an adoptive parent.

12 (c) As used in this section, "charter school" has the meaning set  
 13 forth in IC 20-18-2-2.5.

14 (d) As used in this section, "child care worker" means a person who:

15 (1) provides care, supervision, or instruction to a child within the  
 16 scope of the person's employment in a shelter care facility;

17 (2) is employed by a:

18 (A) school corporation;

19 (B) charter school;

20 (C) nonpublic school; or

21 (D) special education cooperative;

22 attended by a child who is the victim of a crime under this  
 23 chapter; or

24 (3) is:

25 (A) affiliated with a:

26 (i) school corporation;

27 (ii) charter school;

28 (iii) nonpublic school; or

29 (iv) special education cooperative;

30 attended by a child who is the victim of a crime under this  
 31 chapter, regardless of how or whether the person is  
 32 compensated;

33 (B) in a position of trust in relation to a child who attends the  
 34 school or cooperative;

35 (C) engaged in the provision of care or supervision to a child  
 36 who attends the school or cooperative; and

37 (D) at least four (4) years older than the child who is the  
 38 victim of a crime under this chapter.

39 The term does not include a student who attends the school or  
 40 cooperative.

41 (e) As used in this section, "custodian" means any person who  
 42 resides with a child and is responsible for the child's welfare.



- 1           (f) As used in this section, "mental health professional" means:  
 2           (1) a mental health counselor licensed under IC 25-23.6-8.5;  
 3           (2) a psychologist; or  
 4           (3) a psychiatrist.
- 5           ~~(g)~~ (g) As used in this section, "military recruiter" means a member  
 6 of the armed forces of the United States (as defined in IC 20-33-10-2)  
 7 or the Indiana National Guard whose primary job function,  
 8 classification, or specialty is recruiting individuals to enlist with the  
 9 armed forces of the United States or the Indiana National Guard.
- 10          ~~(g)~~ (h) As used in this section, "nonpublic school" has the meaning  
 11 set forth in IC 20-18-2-12.
- 12          (i) For purposes of this section, a person has a "professional  
 13 relationship" with a child if:  
 14          (1) the person:  
 15               (A) has a license issued by the state or a political subdivision  
 16 on the basis of the person's training and experience that  
 17 authorizes the person to carry out a particular occupation; or  
 18               (B) is employed in a position in which counseling, supervising,  
 19 instructing, or recruiting children forms a significant part of  
 20 the employment; and  
 21          (2) the person has a relationship with a child that is based on the  
 22 person's employment or licensed status as described in  
 23 subdivision (1).  
 24 The term includes a relationship between a child and a mental health  
 25 professional or military recruiter. The term does not include a  
 26 coworker relationship between a child and a person described in  
 27 subdivision (1)(B).
- 28          ~~(h)~~ (j) As used in this section, "school corporation" has the meaning  
 29 set forth in IC 20-18-2-16.
- 30          ~~(i)~~ (k) As used in this section, "special education cooperative" has  
 31 the meaning set forth in IC 20-35-5-1.
- 32          ~~(j)~~ (l) As used in this section, "stepparent" means an individual who  
 33 is married to a child's custodial or noncustodial parent and is not the  
 34 child's adoptive parent.
- 35          ~~(k)~~ (m) If a person who:  
 36          (1) is at least eighteen (18) years of age; and  
 37          ~~(2) is:~~  
 38               ~~(A) the:~~  
 39               ~~(i) guardian, adoptive parent, adoptive grandparent,~~  
 40               ~~custodian, or stepparent of; or~~  
 41          (2) is the:  
 42               (A) guardian, adoptive parent, adoptive grandparent,



- 1                   custodian, or stepparent of; or  
 2                   (B) child care worker for;  
 3                   (ii) child care worker for; or  
 4                   (B) a military recruiter who is attempting to enlist;  
 5                   a child at least sixteen (16) years of age but less than eighteen  
 6                   (18) years of age;  
 7                   *fondles or touches the child engages with the child in sexual*  
 8                   *intercourse, deviate other sexual conduct (as defined in*  
 9                   *~~IC 35-31.5-2-94~~, IC 35-31.5-2-221.5), or any fondling or touching*  
 10                   with the intent to arouse or satisfy the sexual desires of either the child  
 11                   or the adult, the person commits child seduction, ~~a felony. a Level 6~~  
 12                   *felony. However, the offense is a Level 5 felony if the person engages*  
 13                   *in sexual intercourse or other sexual conduct (as defined in*  
 14                   *IC 35-31.5-2-221.5) with the child.*  
 15                   (n) A person who:  
 16                   (1) has or had a professional relationship with a child at least  
 17                   sixteen (16) years of age but less than eighteen (18) years of age  
 18                   whom the person knows to be at least sixteen (16) years of age  
 19                   but less than eighteen (18) years of age;  
 20                   (2) may exert undue influence on the child because of the person's  
 21                   current or previous professional relationship with the child; and  
 22                   (3) uses or exerts the person's professional relationship to engage  
 23                   in sexual intercourse, ~~deviate other sexual conduct (as defined~~  
 24                   **in IC 35-31.5-2-221.5), or any fondling or touching with the**  
 25                   child with the intent to arouse or satisfy the sexual desires of the  
 26                   child or the person;  
 27                   commits child seduction.  
 28                   (o) A law enforcement officer who:  
 29                   (1) is at least five (5) years older than a child who is:  
 30                   (A) at least sixteen (16) years of age; and  
 31                   (B) less than eighteen (18) years of age;  
 32                   (2) has contact with the child while acting within the scope of  
 33                   the law enforcement officer's official duties with respect to the  
 34                   child; and  
 35                   (3) uses or exerts the law enforcement officer's professional  
 36                   relationship with the child to engage with the child in:  
 37                   (A) sexual intercourse;  
 38                   (B) other sexual conduct (as defined in IC 35-31.5-2-221.5);  
 39                   or  
 40                   (C) any fondling or touching with the child with the intent  
 41                   to arouse or satisfy the sexual desires of the child or the  
 42                   law enforcement officer;





1 **commits child seduction.**

2 ~~(p)~~ **(p)** *In determining whether a person used or exerted the*  
 3 *person's professional relationship with the child to engage in sexual*  
 4 *intercourse, ~~deviate~~ other sexual conduct (as defined in*  
 5 **IC 35-31.5-2-221.5), or any fondling or touching with the intent to**  
 6 *arouse or satisfy the sexual desires of the child or the person under*  
 7 *subsection (n); this section, the trier of fact may consider one (1) or*  
 8 *more of the following:*

- 9 (1) *The age difference between the person and the child.*  
 10 (2) *Whether the person was in a position of trust with respect to*  
 11 *the child.*  
 12 (3) *Whether the person's conduct with the child violated any*  
 13 *ethical obligations of the person's profession or occupation.*  
 14 (4) *The authority that the person had over the child.*  
 15 (5) *Whether the person exploited any particular vulnerability of*  
 16 *the child.*  
 17 (6) *Any other evidence relevant to the person's ability to exert*  
 18 *undue influence over the child.*

19 ~~(p)~~ **(q)** *Child seduction under this section is:*

20 (1) *a ~~Class D~~ **Level 6** felony if the person or law enforcement*  
 21 **officer** engaged in any fondling or touching with the intent to

22 *arouse or satisfy the sexual desires of:*

23 (A) *the child; or*

24 (B) *the person or law enforcement officer; and*

25 (2) *a ~~Class E~~ **Level 5** felony if the person or law enforcement*  
 26 **officer** engaged in sexual intercourse or ~~deviate~~ other sexual  
 27 *conduct (as defined in IC 35-31.5-2-221.5) with the child.*

28 SECTION 79. IC 35-42-4-11, AS AMENDED BY P.L.214-2013,  
 29 SECTION 39, AND AS AMENDED BY P.L.158-2013, SECTION  
 30 447, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) As used in this section, and  
 32 except as provided in subsection (d), "offender against children" means  
 33 a person required to register as a sex or violent offender under  
 34 IC 11-8-8 who has been:

35 (1) found to be a sexually violent predator under IC 35-38-1-7.5;

36 or

37 (2) convicted of one (1) or more of the following offenses:

38 (A) Child molesting (IC 35-42-4-3).

39 (B) Child exploitation (IC 35-42-4-4(b)).

40 (C) Child solicitation (IC 35-42-4-6).

41 (D) Child seduction (IC 35-42-4-7).

42 (E) Kidnapping (IC 35-42-3-2), if the victim is less than



- 1           eighteen (18) years of age, and the person is not the child's  
2           parent or guardian.
- 3           (F) Attempt to commit or conspiracy to commit an offense  
4           listed in clauses (A) through (E).
- 5           (G) An offense in another jurisdiction that is substantially  
6           similar to an offense described in clauses (A) through (F).
- 7           A person is an offender against children by operation of law if the  
8           person meets the conditions described in subdivision (1) or (2) at any  
9           time.
- 10          (b) As used in this section, "reside" means to spend more than three  
11          (3) nights in:
- 12           (1) a residence; or
- 13           (2) if the person does not reside in a residence, a particular  
14           location;
- 15          in any thirty (30) day period.
- 16          (c) An offender against children who knowingly or intentionally:
- 17           (1) resides within one thousand (1,000) feet of:
- 18           (A) school property, not including property of an institution  
19           providing post-secondary education;
- 20           (B) a youth program center; or
- 21           (C) a public park; or
- 22           (2) establishes a residence within one (1) mile of the residence of  
23           the victim of the offender's sex offense;
- 24          commits a sex offender residency offense, a *Class D Level 6* felony.
- 25          (d) This subsection does not apply to an offender against children  
26          who has two (2) or more unrelated convictions for an offense described  
27          in subsection (a). A person who is an offender against children may  
28          petition the court to consider whether the person should no longer be  
29          considered an offender against children. The person may file a petition  
30          under this subsection not earlier than ten (10) years after the person is  
31          released from incarceration **or parole, whichever occurs last** (*or, if*  
32          *the person is not incarcerated, not earlier than ten (10) years after the*  
33          *person is released from probation).* *or parole, whichever occurs last*:  
34          A person may file a petition under this subsection not more than one  
35          (1) time per year. A court may dismiss a petition filed under this  
36          subsection or conduct a hearing to determine if the person should no  
37          longer be considered an offender against children. If the court conducts  
38          a hearing, the court shall appoint two (2) psychologists or psychiatrists  
39          who have expertise in criminal behavioral disorders to evaluate the  
40          person and testify at the hearing. After conducting the hearing and  
41          considering the testimony of the two (2) psychologists or psychiatrists,  
42          the court shall determine whether the person should no longer be



1 considered an offender against children. If a court finds that the person  
 2 should no longer be considered an offender against children, the court  
 3 shall send notice to the department of correction that the person is no  
 4 longer considered an offender against children.

5 SECTION 80. IC 35-42-4-12, AS AMENDED BY P.L.247-2013,  
 6 SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 448,  
 7 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) This section *does not apply*  
 9 *to a person to applies only to a sex offender (as defined in*  
 10 *IC 11-8-8-4.5). whom all of the following apply:*

11 *(1) The person is not more than:*

12 *(A) four (4) years older than the victim if the offense was*  
 13 *committed after June 30, 2007; or*

14 *(B) five (5) years older than the victim if the offense was*  
 15 *committed before July 1, 2007.*

16 *(2) The relationship between the person and the victim was a*  
 17 *dating relationship or an ongoing personal relationship. The*  
 18 *term "ongoing personal relationship" does not include a family*  
 19 *relationship.*

20 *(3) The crime:*

21 *(A) was not committed by a person who is at least twenty-one*  
 22 *(21) years of age;*

23 *(B) was not committed by using or threatening the use of*  
 24 *deadly force;*

25 *(C) was not committed while armed with a deadly weapon;*

26 *(D) did not result in serious bodily injury;*

27 *(E) was not facilitated by furnishing the victim, without the*  
 28 *victim's knowledge, with a drug (as defined in*  
 29 *IC 16-42-19-2(1)) or a controlled substance (as defined in*  
 30 *IC 35-48-1-9) or knowing that the victim was furnished with*  
 31 *the drug or controlled substance without the victim's*  
 32 *knowledge; and*

33 *(F) was not committed by a person having a position of*  
 34 *authority or substantial influence over the victim.*

35 *(b) A sex offender who knowingly or intentionally violates a:*

36 *(1) condition of probation;*

37 *(2) condition of parole; or*

38 *(3) rule of a community transition program;*

39 *that prohibits the offender from using a social networking web site or*  
 40 *an instant messaging or chat room program to communicate, directly*  
 41 *or through an intermediary, with a child less than sixteen (16) years of*  
 42 *age commits a sex offender Internet offense, a Class A misdemeanor.*



1 However, the offense is a ~~Class D~~ **Level 6** felony if the person has a  
 2 prior unrelated conviction under this section.

3 (b) This section applies only to a person required to register as a  
 4 sex or violent offender under IC 11-8-8 who has been:

5 (1) found to be a sexually violent predator under IC 35-38-1-7.5;  
 6 or

7 (2) convicted of one (1) or more of the following offenses:

8 (A) Child molesting (IC 35-42-4-3);

9 (B) Child exploitation (IC 35-42-4-4(b));

10 (C) Possession of child pornography (IC 35-42-4-4(c));

11 (D) Vicarious sexual gratification (IC 35-42-4-5(a) or  
 12 IC 35-42-4-5(b));

13 (E) Sexual conduct in the presence of a minor  
 14 IC 35-42-4-5(c);

15 (F) Child solicitation (IC 35-42-4-6);

16 (G) Child seduction (IC 35-42-4-7);

17 (H) Kidnapping (IC 35-42-3-2), if the victim is less than  
 18 eighteen (18) years of age and the person is not the child's  
 19 parent or guardian;

20 (I) Attempt to commit or conspiracy to commit an offense  
 21 listed in clauses (A) through (H);

22 (J) An offense in another jurisdiction that is substantially  
 23 similar to an offense described in clauses (A) through (H);

24 (c) As used in this section, "instant messaging or chat room  
 25 program" means a software program that requires a person to register  
 26 or create an account, a username, or a password to become a member  
 27 or registered user of the program and allows two (2) or more members  
 28 or authorized users to communicate over the Internet in real time using  
 29 typed text. The term does not include an electronic mail program or  
 30 message board program.

31 (d) As used in this section, "social networking web site" means an  
 32 Internet web site that:

33 (1) facilitates the social introduction between two (2) or more  
 34 persons;

35 (2) requires a person to register or create an account, a  
 36 username, or a password to become a member of the web site and  
 37 to communicate with other members;

38 (3) allows a member to create a web page or a personal profile;  
 39 and

40 (4) provides a member with the opportunity to communicate with  
 41 another person.

42 The term does not include an electronic mail program or message



1 *board program.*

2 *(e) A person described in subsection (b) who knowingly or*  
3 *intentionally uses:*

4 *(1) a social networking web site; or*

5 *(2) an instant messaging or chat room program;*

6 *that the offender knows allows a person who is less than eighteen (18)*  
7 *years of age to access or use the web site or program commits a sex*  
8 *offender Internet offense, a Class A misdemeanor. However, the*  
9 *offense is a Class D Level 6 felony if the person has a prior unrelated*  
10 *conviction under this section.*

11 *(f) It is a defense to a prosecution under this section that the*  
12 *person:*

13 *(1) did not know that the web site or program allowed a person*  
14 *who is less than eighteen (18) years of age to access or use the*  
15 *web site or program; and*

16 *(2) upon discovering that the web site or program allows a*  
17 *person who is less than eighteen (18) years of age to access or*  
18 *use the web site or program, immediately ceased further use or*  
19 *access of the web site or program.*

20 *(c) It is a defense to a prosecution under subsection (b) that the*  
21 *person reasonably believed that the child was at least sixteen (16)*  
22 *years of age.*

23 SECTION 81. IC 35-42-4-13, AS AMENDED BY P.L.247-2013,  
24 SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 449,  
25 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
26 [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) This section does not apply  
27 to the following:

28 (1) A parent, guardian, or custodian of a child.

29 (2) A person who acts with the permission of a child's parent,  
30 guardian, or custodian.

31 (3) A person to whom a child makes a report of abuse or neglect.

32 (4) A person to whom a child reports medical symptoms that  
33 relate to or may relate to sexual activity.

34 (b) As used in this section, "sexual activity" means sexual  
35 intercourse, *deviate* other sexual conduct (as defined in  
36 IC 35-31.5-2-221.5), or the fondling or touching of the buttocks,  
37 genitals, or female breasts.

38 (c) A person at least ~~twenty-one~~ (21) *eighteen* (18) years of age who  
39 knowingly or intentionally communicates with an individual whom the  
40 person believes to be a child less than fourteen (14) years of age  
41 concerning sexual activity with the intent to gratify the sexual desires  
42 of the person or the individual commits inappropriate communication



1 with a child, a Class B misdemeanor. However, the offense is:

- 2 (1) a Class A misdemeanor if the person commits the offense by  
 3 using a computer network (as defined in IC 35-43-2-3(a); and  
 4 (2) a ~~Class B~~ **Level 6** felony if the person has a prior unrelated  
 5 conviction for a sex offense (as defined in IC 11-8-8-5.2).

6 SECTION 82. IC 35-43-1-1, AS AMENDED BY P.L.158-2013,  
 7 SECTION 452, IS AMENDED TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who, by means of  
 9 fire, explosive, or destructive device, knowingly or intentionally  
 10 damages:

- 11 (1) a dwelling of another person without the other person's  
 12 consent;  
 13 (2) property of any person under circumstances that endanger  
 14 human life;  
 15 (3) property of another person without the other person's consent  
 16 if the pecuniary loss is at least five thousand dollars (\$5,000); or  
 17 (4) a structure used for religious worship without the consent of  
 18 the owner of the structure;

19 commits arson, a Level 4 felony. However, the offense is a Level 3  
 20 felony if it results in bodily injury to any person other than a defendant  
 21 and a Level 2 felony if it results in serious bodily injury to any person  
 22 other than a defendant.

23 (b) A person who commits arson for hire commits a Level 4 felony.  
 24 However, the offense is:

- 25 (1) a Level 3 felony if it results in bodily injury to any other  
 26 person; and  
 27 (2) a Level 2 felony if it results in serious bodily injury to any  
 28 other person.

29 (c) A person who, by means of fire, explosive, or destructive device,  
 30 knowingly or intentionally damages property of any person with intent  
 31 to defraud commits arson, a ~~Level 5~~ **Level 6** felony.

32 (d) A person who, by means of fire, explosive, or destructive device,  
 33 knowingly or intentionally damages property of another person without  
 34 the other person's consent so that the resulting pecuniary loss is at least  
 35 two hundred fifty dollars (\$250) but less than five thousand dollars  
 36 (\$5,000) commits arson, a Level 6 felony.

37 (e) A person who commits an offense under subsection (a), (b), (c),  
 38 or (d) commits a separate offense for each person who suffers a bodily  
 39 injury or serious bodily injury that is caused by the violation of  
 40 subsection (a), (b), (c), or (d).

41 SECTION 83. IC 35-43-1-2, AS AMENDED BY P.L.158-2013,  
 42 SECTION 453, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who recklessly,  
 2 knowingly, or intentionally damages or defaces property of another  
 3 person without the other person's consent commits criminal mischief,  
 4 a Class B misdemeanor. However, the offense is:

5 (1) a Class A misdemeanor if the pecuniary loss is at least two  
 6 hundred fifty dollars (\$250) but less than two thousand five  
 7 hundred dollars (\$2,500); and

8 (2) a Level 6 felony if:

9 (A) the pecuniary loss is at least two thousand five hundred  
 10 dollars (\$2,500);

11 (B) the damage causes a substantial interruption or impairment  
 12 of utility service rendered to the public;

13 (C) the damage is to a public record; or

14 (D) the damage is to a law enforcement animal (as defined in  
 15 IC 35-46-3-4.5).

16 (b) A person who recklessly, knowingly, or intentionally damages:

17 (1) a structure used for religious worship;

18 (2) a school or community center;

19 (3) the grounds:

20 (A) adjacent to; and

21 (B) owned or rented in common with;

22 a structure or facility identified in subdivision (1) or (2); or

23 (4) personal property contained in a structure or located at a  
 24 facility identified in subdivision (1) or (2);

25 without the consent of the owner, possessor, or occupant of the  
 26 property that is damaged, commits institutional criminal mischief, a  
 27 Class A misdemeanor. However, the offense is a Level 6 felony if the  
 28 pecuniary loss is at least two hundred fifty dollars (\$250). ~~but less than~~  
 29 ~~two thousand five hundred dollars (\$2,500); and a Level 5 felony if the~~  
 30 ~~pecuniary loss is at least two thousand five hundred dollars (\$2,500).~~

31 (c) If a person is convicted of an offense under this section that  
 32 involves the use of graffiti, the court may, in addition to any other  
 33 penalty, order that the person's operator's license be suspended or  
 34 invalidated by the bureau of motor vehicles for not more than one (1)  
 35 year.

36 (d) The court may rescind an order for suspension or invalidation  
 37 under subsection (c) and allow the person to receive a license or permit  
 38 before the period of suspension or invalidation ends if the court  
 39 determines that the person has removed or painted over the graffiti or  
 40 has made other suitable restitution.

41 SECTION 84. IC 35-43-1-7, AS ADDED BY P.L.158-2013,  
 42 SECTION 458, IS AMENDED TO READ AS FOLLOWS

**EH 1006—LS 7113/DI 106**



1 [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A person who knowingly or  
 2 intentionally and who without authorization:  
 3 (1) modifies data, a computer program, or supporting  
 4 documentation;  
 5 (2) destroys data, a computer program, or supporting  
 6 documentation; or  
 7 (3) discloses or takes data, a computer program, or supporting  
 8 documentation that is:  
 9 (A) a trade secret (as defined in IC 24-2-3-2); or  
 10 (B) otherwise confidential as provided by law;  
 11 and that resides or exists internally or externally on a computer,  
 12 computer system, or computer network, commits an offense against  
 13 intellectual property, a Level 6 felony.  
 14 (b) ~~However, the offense is a Level 5 felony if the offense is~~  
 15 ~~committed for the purpose of devising or executing any scheme or~~  
 16 ~~artifice to defraud or to obtain any property.~~  
 17 SECTION 85. IC 35-43-2-2, AS AMENDED BY P.L.203-2013,  
 18 SECTION 25, AND AS AMENDED BY P.L.158-2013, SECTION  
 19 462, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who:  
 21 (1) not having a contractual interest in the property, knowingly or  
 22 intentionally enters the real property of another person after  
 23 having been denied entry by the other person or that person's  
 24 agent;  
 25 (2) not having a contractual interest in the property, knowingly or  
 26 intentionally refuses to leave the real property of another person  
 27 after having been asked to leave by the other person or that  
 28 person's agent;  
 29 (3) accompanies another person in a vehicle, with knowledge that  
 30 the other person knowingly or intentionally is exerting  
 31 unauthorized control over the vehicle;  
 32 (4) knowingly or intentionally interferes with the possession or  
 33 use of the property of another person without the person's consent;  
 34 (5) not having a contractual interest in the property, knowingly or  
 35 intentionally enters the dwelling of another person without the  
 36 person's consent;  
 37 (6) knowingly or intentionally:  
 38 (A) travels by train without lawful authority or the railroad  
 39 carrier's consent; and  
 40 (B) rides on the outside of a train or inside a passenger car,  
 41 locomotive, or freight car, including a boxcar, flatbed, or  
 42 container without lawful authority or the railroad carrier's





- 1 consent;
- 2 (7) not having a contractual interest in the property, knowingly or
- 3 intentionally enters or refuses to leave the property of another
- 4 person after having been prohibited from entering or asked to
- 5 leave the property by a law enforcement officer when the property
- 6 is ~~(A)~~ vacant or designated by a municipality or county
- 7 enforcement authority to be abandoned property *and (B) subject*
- 8 *to abatement under IC 32-30-6, IC 32-30-7, IC 32-30-8,*
- 9 *IC 36-7-9, or IC 36-7-36 or an abandoned structure (as defined*
- 10 *in IC 36-7-36-1); or*
- 11 (8) knowingly or intentionally enters the property of another
- 12 person after being denied entry by a court order that has been
- 13 issued to the person or issued to the general public by
- 14 conspicuous posting on or around the premises in areas where a
- 15 person can observe the order when the property ~~(A)~~ has been
- 16 designated by a municipality or county enforcement authority to
- 17 be a vacant property, ~~or~~ an abandoned property, *and (B) is subject*
- 18 *to an abatement order under IC 32-30-6, IC 32-30-7, IC 32-30-8,*
- 19 *IC 36-7-9, or IC 36-7-36 or an abandoned structure (as defined*
- 20 *in IC 36-7-36-1);*
- 21 commits criminal trespass, a Class A misdemeanor. However, the
- 22 offense is a ~~Class D~~ Level 6 felony if it is committed on a scientific
- 23 research facility, on a key facility, on a facility belonging to a public
- 24 utility (as defined in IC 32-24-1-5.9(a)), on school property, or on a
- 25 school bus or the person has a prior unrelated conviction for an offense
- 26 under this section concerning the same property.
- 27 (b) A person has been denied entry under ~~subdivision~~ subsection
- 28 (a)(1) *of this section* when the person has been denied entry by means
- 29 of:
- 30 (1) personal communication, oral or written;
- 31 (2) posting or exhibiting a notice at the main entrance in a manner
- 32 that is either prescribed by law or likely to come to the attention
- 33 of the public; or
- 34 (3) a hearing authority or court order under IC 32-30-6,
- 35 IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36.
- 36 (c) A law enforcement officer may not deny entry to property or ask
- 37 a person to leave a property under subsection (a)(7) unless there is
- 38 reasonable suspicion that criminal activity has occurred or is occurring.
- 39 (d) A person described in subsection (a)(7) violates subsection
- 40 (a)(7) unless the person has the written permission of the owner,
- 41 owner's agent, enforcement authority, or court to come onto the
- 42 property for purposes of performing maintenance, repair, or demolition.



1 (e) A person described in subsection (a)(8) violates subsection  
 2 (a)(8) unless the court that issued the order denying the person entry  
 3 grants permission for the person to come onto the property.

4 (f) Subsections (a), (b), and (e) do not apply to the following:

5 (1) A passenger on a train.

6 (2) An employee of a railroad carrier while engaged in the  
 7 performance of official duties.

8 (3) A law enforcement officer, firefighter, or emergency response  
 9 personnel while engaged in the performance of official duties.

10 (4) A person going on railroad property in an emergency to rescue  
 11 a person or animal from harm's way or to remove an object that  
 12 the person reasonably believes poses an imminent threat to life or  
 13 limb.

14 (5) A person on the station grounds or in the depot of a railroad  
 15 carrier:

16 (A) as a passenger; or

17 (B) for the purpose of transacting lawful business.

18 (6) A:

19 (A) person; or

20 (B) person's:

21 (i) family member;

22 (ii) invitee;

23 (iii) employee;

24 (iv) agent; or

25 (v) independent contractor;

26 going on a railroad's right-of-way for the purpose of crossing at a  
 27 private crossing site approved by the railroad carrier to obtain  
 28 access to land that the person owns, leases, or operates.

29 (7) A person having written permission from the railroad carrier  
 30 to go on specified railroad property.

31 (8) A representative of the Indiana department of transportation  
 32 while engaged in the performance of official duties.

33 (9) A representative of the federal Railroad Administration while  
 34 engaged in the performance of official duties.

35 (10) A representative of the National Transportation Safety Board  
 36 while engaged in the performance of official duties.

37 SECTION 86. IC 35-43-4-2.5, AS AMENDED BY P.L.158-2013,  
 38 SECTION 465, IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) As used in this section,  
 40 "motor vehicle" has the meaning set forth in IC 9-13-2-105(a).

41 (b) A person who knowingly or intentionally exerts unauthorized  
 42 control over the motor vehicle of another person, with intent to deprive



1 the owner of:  
 2 (1) the vehicle's value or use; or  
 3 (2) a component part (as defined in IC 9-13-2-34) of the vehicle;  
 4 commits auto theft, a Level 6 felony. ~~However, the offense is a Level~~  
 5 ~~5 felony if the person has a prior conviction of an offense under this~~  
 6 ~~subsection or subsection (c):~~  
 7 (c) A person who knowingly or intentionally receives, retains, or  
 8 disposes of a motor vehicle or any part of a motor vehicle of another  
 9 person that has been the subject of theft commits receiving stolen auto  
 10 parts, a Level 6 felony. ~~However, the offense is a Level 5 felony if the~~  
 11 ~~person has a prior conviction of an offense under this subsection or~~  
 12 ~~subsection (b):~~  
 13 SECTION 87. IC 35-43-5-4.6, AS ADDED BY P.L.293-2013(ts),  
 14 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2014]: Sec. 4.6. (a) The following definitions apply  
 16 throughout this section:  
 17 (1) "Automated sales suppression device" means a software  
 18 program:  
 19 (A) carried on a memory stick or removable compact disc;  
 20 (B) accessed through an Internet link; or  
 21 (C) accessed through any other means;  
 22 that falsifies the electronic records of electronic cash registers and  
 23 other point-of-sale systems, including transaction data and  
 24 transaction reports.  
 25 (2) "Electronic cash register" means a device that keeps a register  
 26 or supporting documents through the means of an electronic  
 27 device or a computer system designed to record transaction data  
 28 for the purpose of computing, compiling, or processing retail sales  
 29 transaction data in any manner.  
 30 (3) "Phantom-ware" means a hidden, a pre-installed, or an  
 31 installed at a later time programming option embedded in the  
 32 operating system of an electronic cash register or hardwired into  
 33 the electronic cash register that:  
 34 (A) can be used to create a virtual second till; or  
 35 (B) may eliminate or manipulate transaction records that may  
 36 or may not be preserved in digital formats to represent the true  
 37 or manipulated record of transactions in the electronic cash  
 38 register.  
 39 (4) "Transaction data" includes information regarding:  
 40 (A) items purchased by a customer;  
 41 (B) the price for each item;  
 42 (C) a taxability determination for each item;



- 1 (D) a segregated tax amount for each of the taxed items;
- 2 (E) the amount of cash or credit tendered;
- 3 (F) the net amount returned to the customer in change;
- 4 (G) the date and time of the purchase;
- 5 (H) the name, address, and identification number of the
- 6 vendor; and
- 7 (I) the receipt or invoice number of the transaction.
- 8 (5) "Transaction report" means:
- 9 (A) a report that includes:
- 10 (i) the sales;
- 11 (ii) taxes collected;
- 12 (iii) media totals; and
- 13 (iv) discount voids;
- 14 at an electronic cash register that is printed on cash register
- 15 tape at the end of a day or shift; or
- 16 (B) a report documenting every action at an electronic cash
- 17 register that is stored electronically.
- 18 (6) "Zapper" refers to an automated sales suppression device.
- 19 (b) A person who knowingly or intentionally sells, purchases,
- 20 installs, transfers, or possesses:
- 21 (1) an automated sales suppression device or a zapper; or
- 22 (2) phantom-ware;
- 23 after June 30, 2013, commits unlawful sale or possession of a
- 24 transaction manipulation device, a ~~Class C~~ **Level 5** felony.
- 25 SECTION 88. IC 35-44.1-2-3, AS AMENDED BY P.L.292-2013,
- 26 SECTION 11, AND AS AMENDED BY P.L.158-2013, SECTION 503
- 27 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 28 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) As used in this section,
- 29 "consumer product" has the meaning set forth in IC 35-45-8-1.
- 30 (b) As used in this section, "misconduct" means a violation of a
- 31 departmental rule or procedure of a law enforcement agency.
- 32 (c) A person who reports, by telephone, telegraph, mail, or other
- 33 written or oral communication, that:
- 34 (1) the person or another person has placed or intends to place an
- 35 explosive, a destructive device, or other destructive substance in
- 36 a building or transportation facility;
- 37 (2) there has been or there will be tampering with a consumer
- 38 product introduced into commerce; or
- 39 (3) there has been or will be placed or introduced a weapon of
- 40 mass destruction in a building or a place of assembly;
- 41 knowing the report to be false, commits false reporting, a ~~Class D~~ **Level**
- 42 **6** felony.



- 1 (d) A person who:
- 2 (1) gives a false report of the commission of a crime or gives false
- 3 information in the official investigation of the commission of a
- 4 crime, knowing the report or information to be false;
- 5 (2) gives a false alarm of fire to the fire department of a
- 6 governmental entity, knowing the alarm to be false;
- 7 (3) makes a false request for ambulance service to an ambulance
- 8 service provider, knowing the request to be false;
- 9 (4) gives a false report concerning a missing child (as defined in
- 10 IC 10-13-5-4) or missing endangered adult (as defined in
- 11 IC 12-7-2-131.3) or gives false information in the official
- 12 investigation of a missing child or missing endangered adult
- 13 knowing the report or information to be false;
- 14 (5) makes a complaint against a law enforcement officer to the
- 15 state or municipality (as defined in IC 8-1-13-3(b)) that employs
- 16 the officer:
- 17 (A) alleging the officer engaged in misconduct while
- 18 performing the officer's duties; and
- 19 (B) knowing the complaint to be false; ~~or~~
- 20 (6) makes a false report of a missing person, knowing the report
- 21 or information is false; *or*
- 22 (7) *gives a false report of actions, behavior, or conditions*
- 23 *concerning a septic tank soil absorption system under*
- 24 *IC 8-1-2-125 or IC 13-26-5-2.5 knowing the report or*
- 25 *information to be false;*
- 26 commits false informing, a Class B misdemeanor. However, the offense
- 27 is a Class A misdemeanor if it substantially hinders any law
- 28 enforcement process or if it results in harm to ~~an innocent~~ another
- 29 person.
- 30 SECTION 89. IC 35-44.1-3-1, AS AMENDED BY P.L.172-2013,
- 31 SECTION 11, AND AS AMENDED BY P.L.158-2013, SECTION
- 32 509, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 33 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who knowingly or
- 34 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



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) (c)~~ 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) (d)~~ Notwithstanding ~~IC 35-50-2-2~~ IC 35-50-2-2.2 and  
 39 IC 35-50-3-1, the mandatory minimum sentence imposed under  
 40 subsection ~~(d) (c)~~ may not be suspended.

41 ~~(f) (e)~~ If a person is convicted of an offense involving the use of a  
 42 motor vehicle under:



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 (f) *A person may not be charged or convicted of a crime under*  
 14 *subsection (a)(3) if the law enforcement officer is a school resource*  
 15 *officer acting in the officer's capacity as a school resource officer.*

16 SECTION 90. IC 35-44.1-3-5, AS AMENDED BY P.L.5-2013,  
 17 SECTION 1, AND AS AMENDED BY P.L.158-2013, SECTION 512,  
 18 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As used in this section,  
 20 "juvenile facility" means the following:

21 (1) A secure facility (as defined in IC 31-9-2-114) in which a  
 22 child is detained under IC 31 or used for a child awaiting  
 23 adjudication or adjudicated under IC 31 as a child in need of  
 24 services or a delinquent child.

25 (2) A shelter care facility (as defined in IC 31-9-2-117) in which  
 26 a child is detained under IC 31 or used for a child awaiting  
 27 adjudication or adjudicated under IC 31 as a child in need of  
 28 services or a delinquent child.

29 (b) *Except as provided in subsection (d)*, A person who, without the  
 30 prior authorization of the person in charge of a penal facility or juvenile  
 31 facility, knowingly or intentionally:

32 (1) delivers, or carries into the penal facility or juvenile facility  
 33 with intent to deliver, an article to an inmate or child of the  
 34 facility;

35 (2) carries, or receives with intent to carry out of the penal facility  
 36 or juvenile facility, an article from an inmate or child of the  
 37 facility; *or*

38 (3) delivers, or carries to a worksite with the intent to deliver,  
 39 alcoholic beverages to an inmate or child of a jail work crew or  
 40 community work crew;

41 commits trafficking with an inmate, a Class A misdemeanor. *However,*  
 42 *the offense is a Class C Level 5 felony under subdivision (1) or (2) if*



1 *the article is a controlled substance, a deadly weapon, or a cellular*  
 2 *telephone or other wireless or cellular communications device.*

3 (c) If:

4 (1) the person who committed the offense under subsection (b) is  
 5 an employee of:

6 ~~(A)~~ (A) the department of correction; or

7 ~~(B)~~ (B) a penal facility;

8 and the article is a cigarette or tobacco product (as defined in  
 9 IC 6-7-2-5), the court shall ~~impose a mandatory order the person~~  
 10 ~~to pay a fine of at least five hundred dollars (\$500) and not more~~  
 11 ~~than five thousand dollar dollars (\$5,000) fine~~ under  
 12 IC 35-50-3-2, in addition to any term of imprisonment imposed  
 13 under IC 35-50-3-2; or

14 (2) a person is convicted of committing a ~~Class C~~ **Level 5** felony  
 15 under subsection (b)(1) or (b)(2) because the article was a  
 16 cellular telephone or other wireless or cellular communication  
 17 device, the court shall order the person to pay a fine of at least  
 18 five hundred dollars (\$500) and not more than ten thousand  
 19 dollars (\$10,000) under IC 35-50-2-6(a) in addition to any term  
 20 of imprisonment imposed on the person under IC 35-50-2-6(a).

21 (d) A person who: ~~without the prior authorization of the person in~~  
 22 ~~charge of a penal facility or juvenile facility, knowingly or~~  
 23 ~~intentionally possesses in, or carries or causes to be brought into, a~~  
 24 ~~penal facility or juvenile facility;~~

25 ~~(1) a controlled substance;~~

26 (1) is not an inmate of a penal facility or a child of a juvenile  
 27 facility; and

28 (2) knowingly or intentionally possesses in, or carries or causes  
 29 to be brought into, the penal facility or juvenile facility a deadly  
 30 weapon without the prior authorization of the person in charge  
 31 of the penal facility or juvenile facility; or

32 ~~(3) a cellular telephone or other wireless or cellular~~  
 33 ~~communications device;~~

34 commits a ~~class D~~ **felony trafficking with an inmate, carrying a**  
 35 **deadly weapon into a correctional facility, a Level 5 felony.**

36 SECTION 91. IC 35-45-2-1, AS AMENDED BY P.L.123-2013,  
 37 SECTION 3, AND AS AMENDED BY P.L.158-2013, SECTION 523,  
 38 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who communicates  
 40 a threat to another person, with the intent:

41 (1) that the other person engage in conduct against the other  
 42 person's will;





- 1 (2) that the other person be placed in fear of retaliation for a prior  
 2 lawful act; or  
 3 (3) of:  
 4 (A) causing:  
 5 ~~(A)~~ (i) a dwelling, a building, or ~~another~~ other structure; or  
 6 ~~(B)~~ (ii) a vehicle;  
 7 to be evacuated; or  
 8 (B) interfering with the occupancy of:  
 9 (i) a dwelling, building, or other structure; or  
 10 (ii) a vehicle;  
 11 commits intimidation, a Class A misdemeanor.  
 12 (b) However, the offense is a:  
 13 (1) ~~Class D Level 6~~ felony if:  
 14 (A) the threat is to commit a forcible felony;  
 15 (B) the person to whom the threat is communicated:  
 16 (i) is a law enforcement officer;  
 17 ~~(ii) is a judge or bailiff of any court;~~  
 18 ~~(iii)~~ (ii) is a witness (or the spouse or child of a witness) in  
 19 any pending criminal proceeding against the person making  
 20 the threat;  
 21 ~~(iv)~~ (iii) is an employee of a *school or* school corporation;  
 22 ~~(v)~~ (iv) is a community policing volunteer;  
 23 ~~(vi)~~ (v) is an employee of a court;  
 24 ~~(vii)~~ (vi) is an employee of a probation department; ~~or~~  
 25 ~~(viii)~~ (vii) is an employee of a community corrections  
 26 program;  
 27 (viii) *is an employee of a hospital, church, or religious*  
 28 *organization; or*  
 29 (ix) *is a person that owns a building or structure that is*  
 30 *open to the public or is an employee of the person;*  
 31 *and, except as provided in item (ii), the threat is*  
 32 *communicated to the person because of the occupation,*  
 33 *profession, employment status, or ownership status of the*  
 34 *person as described in items (i) through (ix) or based on an*  
 35 *act taken by the person within the scope of the occupation,*  
 36 *profession, employment status, or ownership status of the*  
 37 *person;*  
 38 (C) the person has a prior unrelated conviction for an offense  
 39 under this section concerning the same victim; or  
 40 (D) the threat is communicated using property, including  
 41 electronic equipment or systems, of a school corporation or  
 42 other governmental entity; and



- 1           (2) ~~Class C~~ Level 5 felony if:
- 2           (A) while committing it, the person draws or uses a deadly
- 3           weapon; or
- 4           (B) the person to whom the threat is communicated:
- 5           (i) is a judge or bailiff of any court; or
- 6           (ii) is a prosecuting attorney or a deputy prosecuting
- 7           attorney.
- 8           (c) "Communicates" includes posting a message electronically,
- 9           including on a social networking web site (as defined in
- 10          IC 35-42-4-12(d)).
- 11          ~~(e)~~ (d) "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 92. IC 35-45-4-6 IS ADDED TO THE INDIANA CODE
- 29          AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 30          1, 2014]: **Sec. 6. (a) This section applies only to a person to whom**
- 31          **all of the following apply:**
- 32           **(1) The person is less than eighteen (18) years of age.**
- 33           **(2) The person is not more than four (4) years older than the**
- 34           **individual who is depicted in the image or who received the**
- 35           **image.**
- 36           **(3) The relationship between the person and the individual**
- 37           **who received the image or who is depicted in the image was a**
- 38           **dating relationship or an ongoing personal relationship. For**
- 39           **purposes of this subdivision, the term "ongoing personal**
- 40           **relationship" does not include a family relationship.**
- 41           **(4) The individual receiving the image or who is depicted in**
- 42           **the image acquiesced in the person's conduct.**



1 (b) The following definitions apply throughout this section:

2 (1) "Disseminate" means to transfer possession for no direct  
3 or indirect consideration.

4 (2) "Matter" has the meaning set forth in IC 35-49-1-3.

5 (3) "Performance" has the meaning set forth in IC 35-49-1-7.

6 (4) "Sexual conduct" means sexual intercourse, other sexual  
7 conduct, exhibition of the uncovered genitals intended to  
8 satisfy or arouse the sexual desires of any person,  
9 sadomasochistic abuse, sexual intercourse or other sexual  
10 conduct with an animal, or any fondling or touching of a child  
11 by another person or of another person by a child intended to  
12 arouse or satisfy the sexual desires of either the child or the  
13 other person.

14 (c) A person who, on or by means of a cellular telephone, social  
15 media web site, or another wireless or cellular communications  
16 device, knowingly or intentionally:

17 (1) produces, presents, exhibits, photographs, records, or  
18 creates a digitized image of any performance or incident that  
19 includes sexual conduct by a child at least twelve (12) years of  
20 age;

21 (2) disseminates, exhibits to another person, or offers to  
22 disseminate or exhibit to another person, matter that depicts  
23 or describes sexual conduct by a child at least twelve (12)  
24 years of age; or

25 (3) possesses:

26 (A) a picture;

27 (B) a drawing;

28 (C) a photograph;

29 (D) a motion picture;

30 (E) a digitized image; or

31 (F) any pictorial representation;

32 that depicts or describes sexual conduct by a child at least  
33 twelve (12) years of age who the person knows is less than  
34 sixteen (16) years of age or who appears to be less than sixteen  
35 (16) years of age, and that lacks serious literary, artistic,  
36 political, or scientific value;

37 commits indecent display by a youth, a Class A misdemeanor.

38 (d) Subsection (c) does not apply to a bona fide school, museum,  
39 or public library that qualifies for certain property tax exemptions  
40 under IC 6-1.1-10, or to an employee of that school, museum, or  
41 public library acting within the scope of the employee's  
42 employment when the possession of the listed materials is for



1 **legitimate scientific or educational purposes.**

2 SECTION 93. IC 35-45-6-1, AS AMENDED BY P.L.196-2013,  
3 SECTION 18, AND AS AMENDED BY P.L.158-2013, SECTION  
4 534, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The definitions in this section  
6 apply throughout this chapter.

7 (b) "Documentary material" means any document, drawing,  
8 photograph, recording, or other tangible item containing compiled data  
9 from which information can be either obtained or translated into a  
10 usable form.

11 (c) "Enterprise" means:

12 (1) a sole proprietorship, corporation, limited liability company,  
13 partnership, business trust, or governmental entity; or

14 (2) a union, an association, or a group, whether a legal entity or  
15 merely associated in fact.

16 (d) "Pattern of racketeering activity" means engaging in at least two  
17 (2) incidents of racketeering activity that have the same or similar  
18 intent, result, accomplice, victim, or method of commission, or that are  
19 otherwise interrelated by distinguishing characteristics that are not  
20 isolated incidents. However, the incidents are a pattern of racketeering  
21 activity only if at least one (1) of the incidents occurred after August  
22 31, 1980, and if the last of the incidents occurred within five (5) years  
23 after a prior incident of racketeering activity.

24 (e) "Racketeering activity" means to commit, to attempt to commit,  
25 to conspire to commit a violation of, or aiding and abetting in a  
26 violation of any of the following:

27 (1) A provision of IC 23-19, or of a rule or order issued under  
28 IC 23-19.

29 (2) A violation of IC 35-45-9.

30 (3) A violation of IC 35-47.

31 (4) A violation of IC 35-49-3.

32 (5) Murder (IC 35-42-1-1).

33 (6) Battery as a Class C felony before July 1, 2014, or a Level 5  
34 felony after June 30, 2014 (IC 35-42-2-1).

35 (7) Kidnapping (IC 35-42-3-2).

36 (8) Human and sexual trafficking crimes (IC 35-42-3.5).

37 (9) Child exploitation (IC 35-42-4-4).

38 (10) Robbery (IC 35-42-5-1).

39 (11) Carjacking (IC 35-42-5-2) ~~(repeated)~~: **(before its repeal)**.

40 (12) Arson (IC 35-43-1-1).

41 (13) Burglary (IC 35-43-2-1).

42 (14) Theft (IC 35-43-4-2).



- 1 (15) Receiving stolen property (IC 35-43-4-2).
- 2 (16) Forgery (IC 35-43-5-2).
- 3 (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
- 4 (18) Bribery (IC 35-44.1-1-2).
- 5 (19) Official misconduct (IC 35-44.1-1-1).
- 6 (20) Conflict of interest (IC 35-44.1-1-4).
- 7 (21) Perjury (IC 35-44.1-2-1).
- 8 (22) Obstruction of justice (IC 35-44.1-2-2).
- 9 (23) Intimidation (IC 35-45-2-1).
- 10 (24) Promoting prostitution (IC 35-45-4-4).
- 11 (25) Professional gambling (IC 35-45-5-3).
- 12 (26) Maintaining a professional gambling site
- 13 (IC 35-45-5-3.5(b)).
- 14 (27) Promoting professional gambling (IC 35-45-5-4).
- 15 (28) Dealing in or manufacturing cocaine or a narcotic drug
- 16 (IC 35-48-4-1).
- 17 (29) Dealing in or manufacturing methamphetamine
- 18 (IC 35-48-4-1.1).
- 19 (30) Dealing in a schedule I, II, or III controlled substance
- 20 (IC 35-48-4-2).
- 21 (31) Dealing in a schedule IV controlled substance
- 22 (IC 35-48-4-3).
- 23 (32) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 24 (33) Dealing in marijuana, hash oil, hashish, ~~or salvia or a~~
- 25 ~~synthetic cannabinoid~~ (IC 35-48-4-10).
- 26 (34) Money laundering (IC 35-45-15-5).
- 27 (35) A violation of IC 35-47.5-5.
- 28 (36) A violation of any of the following:
- 29 (A) IC 23-14-48-9.
- 30 (B) IC 30-2-9-7(b).
- 31 (C) IC 30-2-10-9(b).
- 32 (D) IC 30-2-13-38(f).
- 33 (37) Practice of law by a person who is not an attorney
- 34 (IC 33-43-2-1).
- 35 (38) *Dealing in a synthetic drug or synthetic drug lookalike*
- 36 *substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its*
- 37 *amendment in 2013).*
- 38 SECTION 94. IC 35-46-1-4, AS AMENDED BY P.L.193-2013,
- 39 SECTION 6, AND AS AMENDED BY P.L.158-2013, SECTION 550,
- 40 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 41 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person having the care of
- 42 a dependent, whether assumed voluntarily or because of a legal



- 1 obligation, who knowingly or intentionally:
- 2 (1) places the dependent in a situation that endangers the
- 3 dependent's life or health;
- 4 (2) abandons or cruelly confines the dependent;
- 5 (3) deprives the dependent of necessary support; or
- 6 (4) deprives the dependent of education as required by law;
- 7 commits neglect of a dependent, a ~~Class D~~ *Level 6* felony.
- 8 (b) However, the offense is:
- 9 (1) a ~~Class E~~ *Level 5* felony if it is committed under subsection
- 10 (a)(1), (a)(2), or (a)(3) and:
- 11 (A) results in bodily injury; or
- 12 (B) is:
- 13 (i) committed in a location where a person is violating
- 14 IC 35-48-4-1 ~~(delivery, financing, or manufacture of~~
- 15 ~~(dealing in cocaine or a narcotic drug) or IC 35-48-4-1.1~~
- 16 ~~(delivery, financing, or manufacture of (dealing in~~
- 17 ~~methamphetamine); or~~
- 18 (ii) the result of a violation of IC 35-48-4-1 ~~(delivery,~~
- 19 ~~financing, or manufacture of (dealing in cocaine or a~~
- 20 ~~narcotic drug) or IC 35-48-4-1.1 (delivery, financing, or~~
- 21 ~~manufacture of (dealing in methamphetamine);~~
- 22 (2) a ~~Class B~~ *Level 3* felony if it is committed under subsection
- 23 (a)(1), (a)(2), or (a)(3) and results in serious bodily injury;
- 24 (3) a ~~Class A~~ *Level 1* felony if it is committed under subsection
- 25 (a)(1), (a)(2), or (a)(3) by a person at least eighteen (18) years of
- 26 age and results in the death of a dependent who is less than
- 27 fourteen (14) years of age; and
- 28 (4) a ~~Class E~~ *Level 5* felony if it is committed under subsection
- 29 (a)(2) and consists of cruel confinement or abandonment that:
- 30 (A) deprives a dependent of necessary food, water, or sanitary
- 31 facilities;
- 32 (B) consists of confinement in an area not intended for human
- 33 habitation; or
- 34 (C) involves the unlawful use of handcuffs, a rope, a cord,
- 35 tape, or a similar device to physically restrain a dependent.
- 36 (c) It is a defense to a prosecution based on an alleged act under this
- 37 section that:
- 38 (1) the accused person left a dependent child who was, at the time
- 39 the alleged act occurred, not more than thirty (30) days of age
- 40 with an emergency medical provider who took custody of the
- 41 child under IC 31-34-2.5 when:
- 42 (A) the prosecution is based solely on the alleged act of



1 leaving the child with the emergency medical services  
 2 provider; and  
 3 (B) the alleged act did not result in bodily injury or serious  
 4 bodily injury to the child; or  
 5 (2) the accused person, in the legitimate practice of the accused  
 6 person's religious belief, provided treatment by spiritual means  
 7 through prayer, in lieu of medical care, to the accused person's  
 8 dependent.  
 9 (d) Except for property transferred or received:  
 10 (1) under a court order made in connection with a proceeding  
 11 under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5  
 12 or IC 31-6-5 before their repeal); or  
 13 (2) under section 9(b) of this chapter;  
 14 a person who transfers or receives any property in consideration for the  
 15 termination of the care, custody, or control of a person's dependent  
 16 child commits child selling, a ~~Class D~~ Level 6 felony.  
 17 SECTION 95. IC 35-46-3-11, AS AMENDED BY P.L.161-2013,  
 18 SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 563,  
 19 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person who knowingly or  
 21 intentionally:  
 22 (1) strikes, torments, injures, or otherwise mistreats a law  
 23 enforcement animal; or  
 24 (2) interferes with the actions of a law enforcement animal while  
 25 the animal is engaged in assisting a law enforcement officer in the  
 26 performance of the officer's duties;  
 27 commits a Class A misdemeanor.  
 28 (b) An offense under subsection (a)(1) is a ~~Class D~~ Level 6 felony  
 29 if the act results in:  
 30 (1) serious permanent disfigurement;  
 31 (2) unconsciousness;  
 32 (3) permanent or protracted loss or impairment of the function of  
 33 a bodily member or organ; or  
 34 (4) death;  
 35 of the law enforcement animal.  
 36 (c) It is a defense that the accused person:  
 37 (1) engaged in a reasonable act of training, handling, or  
 38 discipline; and  
 39 (2) acted as an employee or agent of a law enforcement agency.  
 40 (d) In addition to any sentence or fine imposed for a conviction of  
 41 an offense under this section, the court:  
 42 (1) may order the person convicted to make restitution to the



1 person or law enforcement agency owning the animal for  
 2 reimbursement of ~~(4)~~ veterinary bills; and  
 3 *(2) shall order the person convicted to make restitution to the*  
 4 *person or law enforcement agency owning the animal for*  
 5 *reimbursement of ~~replacement costs of the animal~~ the cost of*  
 6 *replacing the animal, which may include the cost of training the*  
 7 *animal, if the animal is permanently disabled or killed.*

8 SECTION 96. IC 35-46-9-6, AS ADDED BY P.L.40-2012,  
 9 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2014]: Sec. 6. (a) Except as provided in subsections (b) and  
 11 (c), a person who operates a motorboat while:

12 (1) having an alcohol concentration equivalent (as defined in  
 13 IC 9-13-2-2.4) to at least eight-hundredths (0.08) gram of alcohol  
 14 per:

- 15 (A) one hundred (100) milliliters of the person's blood; or
- 16 (B) two hundred ten (210) liters of the person's breath;
- 17 (2) having a controlled substance listed in schedule I or II of
- 18 IC 35-48-2 or its metabolite in the person's body; or
- 19 (3) intoxicated;

20 commits a Class C misdemeanor.

21 (b) The offense is a ~~Class D~~ **Level 6** felony if:

- 22 (1) the person has a previous conviction under:
- 23 (A) IC 14-1-5 (repealed); or
- 24 (B) this chapter; or

25 (2) the offense results in serious bodily injury to another person.

26 (c) The offense is a ~~Class E~~ **Level 5** felony if the offense results in  
 27 the death of another person.

28 (d) It is a defense to a prosecution under subsection (a)(2) that the  
 29 accused person consumed the controlled substance under a valid  
 30 prescription or order of a practitioner (as defined in IC 35-48-1-24)  
 31 who acted in the course of the practitioner's professional practice.

32 SECTION 97. IC 35-47-4-5, AS AMENDED BY P.L.158-2013,  
 33 SECTION 590, AND AS AMENDED BY P.L.214-2013, SECTION  
 34 40, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As used in this section,  
 36 "serious violent felon" means a person who has been convicted of:

- 37 (1) committing a serious violent felony in:
- 38 (A) Indiana; or
- 39 (B) any other jurisdiction in which the elements of the crime
- 40 for which the conviction was entered are substantially similar
- 41 to the elements of a serious violent felony; or
- 42 (2) attempting to commit or conspiring to commit a serious





- 1 violent felony in:
- 2 (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2;
- 3 or
- 4 (B) any other jurisdiction in which the elements of the crime
- 5 for which the conviction was entered are substantially similar
- 6 to the elements of attempting to commit or conspiring to
- 7 commit a serious violent felony.
- 8 (b) As used in this section, "serious violent felony" means:
- 9 (1) murder (IC 35-42-1-1);
- 10 (2) voluntary manslaughter (IC 35-42-1-3);
- 11 (3) reckless homicide not committed by means of a vehicle
- 12 (IC 35-42-1-5);
- 13 (4) battery (*IC 35-42-2-1*) as a:
- 14 (A) Class A felony, ~~(IC 35-42-2-1(a)(5))~~; Class B felony, or
- 15 Class C felony, for a crime committed before July 1, 2014; or
- 16 (B) ~~Class B felony (IC 35-42-2-1(a)(4))~~; or Level 2 felony,
- 17 Level 3 felony, Level 4 felony, or Level 5 felony, for a crime
- 18 committed after June 30, 2014;
- 19 ~~(C) Class C felony (IC 35-42-2-1(a)(3))~~;
- 20 (5) aggravated battery (IC 35-42-2-1.5);
- 21 (6) kidnapping (IC 35-42-3-2);
- 22 (7) criminal confinement (IC 35-42-3-3);
- 23 (8) rape (IC 35-42-4-1);
- 24 (9) criminal deviate conduct (IC 35-42-4-2) ~~(repealed)~~; **(before**
- 25 **its repeal)**;
- 26 (10) child molesting (IC 35-42-4-3);
- 27 (11) sexual battery (*IC 35-42-4-8*) as a:
- 28 (A) Class C felony, ~~(IC 35-42-4-8)~~ for a crime committed
- 29 before July 1, 2014; or
- 30 (B) Level 5 felony, for a crime committed after June 30, 2014;
- 31 (12) robbery (IC 35-42-5-1);
- 32 (13) carjacking (IC 35-42-5-2) ~~(repealed)~~; **(before its repeal)**;
- 33 (14) arson (*IC 35-43-1-1(a)*) as a:
- 34 (A) Class A felony or Class B felony, ~~(IC 35-43-1-1(a))~~; for a
- 35 crime committed before July 1, 2014; or
- 36 (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a
- 37 crime committed after June 30, 2014;
- 38 (15) burglary (*IC 35-43-2-1*) as a:
- 39 (A) Class A felony or Class B felony, ~~(IC 35-43-2-1)~~; for a
- 40 crime committed before July 1, 2014; or
- 41 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4
- 42 felony, for a crime committed after June 30, 2014;



- 1 (16) assisting a criminal (*IC 35-44.1-2-5*) as a:
- 2 (A) Class C felony, ~~(*IC 35-44.1-2-5*)~~; for a crime committed
- 3 before July 1, 2014; or
- 4 (B) Level 5 felony, for a crime committed after June 30, 2014;
- 5 (17) resisting law enforcement (*IC 35-44.1-3-1*) as a:
- 6 (A) Class B felony or Class C felony, ~~(*IC 35-44.1-3-1*)~~; for a
- 7 crime committed before July 1, 2014; or
- 8 (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a
- 9 crime committed after June 30, 2014;
- 10 (18) escape (*IC 35-44.1-3-4*) as a:
- 11 (A) Class B felony or Class C felony, ~~(*IC 35-44.1-3-4*)~~; for a
- 12 crime committed before July 1, 2014; or
- 13 (B) Level 4 felony or Level 5 felony, for a crime committed
- 14 after June 30, 2014;
- 15 (19) trafficking with an inmate (*IC 35-44.1-3-5*) as a:
- 16 (A) Class C felony, ~~(*IC 35-44.1-3-5*)~~; for a crime committed
- 17 before July 1, 2014; or
- 18 (B) Level 5 felony, for a crime committed after June 30, 2014;
- 19 (20) criminal gang intimidation (*IC 35-45-9-4*);
- 20 (21) stalking (*IC 35-45-10-5*) as a:
- 21 (A) Class B felony or Class C felony, ~~(*IC 35-45-10-5*)~~; for a
- 22 crime committed before July 1, 2014; or
- 23 (B) Level 4 felony or Level 5 felony, for a crime committed
- 24 after June 30, 2014;
- 25 (22) incest (*IC 35-46-1-3*);
- 26 (23) dealing in or manufacturing cocaine or a narcotic drug
- 27 (*IC 35-48-4-1*);
- 28 (24) dealing in methamphetamine (*IC 35-48-4-1.1*);
- 29 (25) dealing in a schedule I, II, or III controlled substance
- 30 (*IC 35-48-4-2*);
- 31 (26) dealing in a schedule IV controlled substance (*IC 35-48-4-3*);
- 32 or
- 33 (27) dealing in a schedule V controlled substance (*IC 35-48-4-4*).
- 34 (c) A serious violent felon who knowingly or intentionally possesses
- 35 a firearm commits unlawful possession of a firearm by a serious violent
- 36 felon, a ~~Class B~~ Level 4 felony.
- 37 SECTION 98. *IC 35-47-9-2*, AS AMENDED BY P.L.172-2013,
- 38 SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION
- 39 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 40 [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who *knowingly or*
- 41 *intentionally* possesses a firearm:
- 42 (1) in or on school property; or



1           ~~(2) in or on property that is being used by a school for a school~~  
 2           ~~function; or~~  
 3           ~~(3) (2) on a school bus;~~  
 4           commits a ~~Class D~~ Level 6 felony.  
 5           SECTION 99. IC 35-48-1-16.5, AS ADDED BY P.L.158-2013,  
 6           SECTION 619, IS AMENDED TO READ AS FOLLOWS  
 7           [EFFECTIVE JULY 1, 2014]: Sec. 16.5. "Enhancing circumstance"  
 8           means one (1) or more of the following:  
 9           (1) The person has a prior conviction, **in any jurisdiction**, for  
 10           dealing in a controlled substance that is not marijuana, hashish,  
 11           hash oil, salvia divinorum, or a synthetic drug, **including an**  
 12           **attempt or conspiracy to commit the offense.**  
 13           (2) The person committed the offense while in possession of a  
 14           firearm.  
 15           (3) The person committed the offense:  
 16           (A) on a school bus; or  
 17           (B) in, on, or within ~~five~~ **two** hundred ~~(500)~~ **fifty (250)** feet of:  
 18           (i) school property; ~~while a person under eighteen (18) years~~  
 19           ~~of age was reasonably expected to be present; or~~  
 20           (ii) a public park; ~~while a person under eighteen (18) years~~  
 21           ~~of age was reasonably expected to be present.~~  
 22           **(iii) a family housing complex; or**  
 23           **(iv) a child care facility.**  
 24           (4) The person delivered or financed the delivery of the drug to a  
 25           person under eighteen (18) years of age at least three (3) years  
 26           junior to the person.  
 27           (5) The person manufactured or financed the manufacture of the  
 28           drug.  
 29           **(6) The person committed the offense in the physical presence**  
 30           **of a child less than eighteen (18) years of age, knowing that**  
 31           **the child was present and might be able to see or hear the**  
 32           **offense.**  
 33           SECTION 100. IC 35-48-4-1, AS AMENDED BY P.L.158-2013,  
 34           SECTION 622, IS AMENDED TO READ AS FOLLOWS  
 35           [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who:  
 36           (1) knowingly or intentionally:  
 37           (A) manufactures;  
 38           (B) finances the manufacture of;  
 39           (C) delivers; or  
 40           (D) finances the delivery of;  
 41           cocaine or a narcotic drug, pure or adulterated, classified in  
 42           schedule I or II; or



1 (2) possesses, with intent to:  
 2 (A) manufacture;  
 3 (B) finance the manufacture of;  
 4 (C) deliver; or  
 5 (D) finance the delivery of;  
 6 cocaine or a narcotic drug, pure or adulterated, classified in  
 7 schedule I or II;  
 8 commits dealing in cocaine or a narcotic drug, a ~~Level 5~~ **Level 4**  
 9 felony, except as provided in subsections (b) through ~~(d)~~: **(c)**.  
 10 (b) The offense is a ~~Level 4~~ **Level 3** felony if:  
 11 (1) the amount of the drug involved is at least three (3) but less  
 12 than ten (10) grams; or  
 13 (2) the amount of the drug involved is less than three (3) grams  
 14 and an enhancing circumstance applies.  
 15 (c) The offense is a ~~Level 3~~ **Level 2** felony if:  
 16 (1) the amount of the drug involved is at least ten (10) ~~but less~~  
 17 ~~than twenty-eight (28)~~ grams; or  
 18 (2) the amount of the drug involved is at least three (3) but less  
 19 than ten (10) grams and an enhancing circumstance applies.  
 20 ~~(d) The offense is a Level 2 felony if:~~  
 21 ~~(1) the amount of the drug involved is at least twenty-eight (28)~~  
 22 ~~grams; or~~  
 23 ~~(2) the amount of the drug involved is at least ten (10) but less~~  
 24 ~~than twenty-eight (28) grams and an enhancing circumstance~~  
 25 ~~applies.~~  
 26 SECTION 101. IC 35-48-4-1.1, AS AMENDED BY P.L.158-2013,  
 27 SECTION 623, IS AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2014]: Sec. 1.1. (a) A person who:  
 29 (1) knowingly or intentionally:  
 30 (A) manufactures;  
 31 (B) finances the manufacture of;  
 32 (C) delivers; or  
 33 (D) finances the delivery of;  
 34 methamphetamine, pure or adulterated; or  
 35 (2) possesses, with intent to:  
 36 (A) manufacture;  
 37 (B) finance the manufacture of;  
 38 (C) deliver; or  
 39 (D) finance the delivery of;  
 40 methamphetamine, pure or adulterated;  
 41 commits dealing in methamphetamine, a ~~Level 5~~ **Level 4** felony, except  
 42 as provided in subsections (b) through ~~(d)~~: **(c)**.



- 1 (b) The offense is a ~~Level 4~~ **Level 3** felony if:
- 2 (1) the amount of the drug involved is at least three (3) but less
- 3 than ten (10) grams; or
- 4 (2) the amount of the drug involved is less than three (3) grams
- 5 and an enhancing circumstance applies.
- 6 (c) The offense is a ~~Level 3~~ **Level 2** felony if:
- 7 (1) the amount of the drug involved is at least ten (10) ~~but less~~
- 8 ~~than twenty-eight (28) grams; or~~
- 9 (2) the amount of the drug involved is at least three (3) but less
- 10 than ten (10) grams and an enhancing circumstance applies;
- 11 ~~(d) The offense is a Level 2 felony if:~~
- 12 ~~(1) the amount of the drug involved is at least twenty-eight (28)~~
- 13 ~~grams;~~
- 14 ~~(2) the amount of the drug involved is at least ten (10) but less~~
- 15 ~~than twenty-eight (28) grams and an enhancing circumstance~~
- 16 ~~applies; or~~
- 17 (3) the person is manufacturing the drug and the manufacture
- 18 results in an explosion causing serious bodily injury to a person
- 19 other than the manufacturer.
- 20 SECTION 102. IC 35-48-4-2, AS AMENDED BY P.L.158-2013,
- 21 SECTION 624, IS AMENDED TO READ AS FOLLOWS
- 22 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who:
- 23 (1) knowingly or intentionally:
- 24 (A) manufactures;
- 25 (B) finances the manufacture of;
- 26 (C) delivers; or
- 27 (D) finances the delivery of;
- 28 a controlled substance, pure or adulterated, classified in schedule
- 29 I, II, or III, except marijuana, hash oil, hashish, salvia, or a
- 30 synthetic ~~cannabinoid; drug;~~ or
- 31 (2) possesses, with intent to:
- 32 (A) manufacture;
- 33 (B) finance the manufacture of;
- 34 (C) deliver; or
- 35 (D) finance the delivery of;
- 36 a controlled substance, pure or adulterated, classified in schedule
- 37 I, II, or III, except marijuana, hash oil, hashish, salvia, or a
- 38 synthetic ~~cannabinoid; drug;~~
- 39 commits dealing in a schedule I, II, or III controlled substance, a Level
- 40 5 felony, except as provided in subsections (b) through (d).
- 41 (b) The offense is a Level 4 felony if:
- 42 (1) the amount of the drug involved is at least three (3) but less



- 1 than ten (10) grams; or
- 2 (2) the amount of the drug involved is less than three (3) grams
- 3 and an enhancing circumstance applies.
- 4 (c) The offense is a Level 3 felony if:
- 5 (1) the amount of the drug involved is at least ten (10) but less
- 6 than twenty-eight (28) grams; or
- 7 (2) the amount of the drug involved is at least three (3) but less
- 8 than ten (10) grams and an enhancing circumstance applies.
- 9 (d) The offense is a Level 2 felony if:
- 10 (1) the amount of the drug involved is at least twenty-eight (28)
- 11 grams; or
- 12 (2) the amount of the drug involved is at least ten (10) but less
- 13 than twenty-eight (28) grams and an enhancing circumstance
- 14 applies.

15 SECTION 103. IC 35-48-4-10, AS AMENDED BY P.L.196-2013,  
 16 SECTION 21, AND AS AMENDED BY P.L.158-2013, SECTION  
 17 637, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A person who:

- 19 (1) knowingly or intentionally:
- 20 (A) manufactures;
- 21 (B) finances the manufacture of;
- 22 (C) delivers; or
- 23 (D) finances the delivery of;
- 24 marijuana, hash oil, hashish, *or salvia, ~~or a synthetic drug,~~* pure
- 25 or adulterated; or
- 26 (2) possesses, with intent to:
- 27 (A) manufacture;
- 28 (B) finance the manufacture of;
- 29 (C) deliver; or
- 30 (D) finance the delivery of;
- 31 marijuana, hash oil, hashish, *or salvia, ~~or a synthetic drug,~~* pure
- 32 or adulterated;
- 33 commits dealing in marijuana, hash oil, hashish, *or salvia, ~~or a~~*
- 34 *~~synthetic drug,~~* a Class A misdemeanor, except as provided in
- 35 *subsection subsections (b) through (c).*
- 36 *(b) The offense is:*
- 37 *(1) a Class B felony if:*
- 38 *(A) the recipient or intended recipient is under eighteen (18)*
- 39 *years of age;*
- 40 *(B) the amount involved is:*
- 41 *(i) more than thirty (30) grams but less than ten (10) pounds*
- 42 *of marijuana or more than two (2) grams but less than three*



- 1                    *hundred (300) grams of hash oil, hashish, or salvia; or*
- 2                    *(ii) more than two (2) grams of a synthetic drug; or*
- 3                    *(C) the person has a prior conviction of an offense involving*
- 4                    *marijuana, hash oil, hashish, salvia, or a synthetic drug; and*
- 5                    *(2) a Class C felony if:*
- 6                    *(A) the amount involved is ten (10) pounds or more of*
- 7                    *marijuana or three hundred (300) or more grams of hash oil,*
- 8                    *hashish, or salvia; or the person delivered or financed the*
- 9                    *delivery of marijuana, hash oil, hashish, or salvia:*
- 10                   *(i) on a school bus; or*
- 11                   *(ii) in, on, or within one thousand (1,000) feet of school*
- 12                   *property, a public park, a family housing complex, or a*
- 13                   *youth program center; or*
- 14                   *(B) the amount involved is more than two (2) grams of a*
- 15                   *synthetic drug and the person delivered or financed the*
- 16                   *delivery of the synthetic drug:*
- 17                   *(i) on a school bus; or*
- 18                   *(ii) in, on, or within one thousand (1,000) feet of school*
- 19                   *property, a public park, a family housing complex, or a*
- 20                   *youth program center.*
- 21                   *(b) The offense is a Level 6 felony if:*
- 22                   *(1) the person has a prior conviction for a drug offense and the*
- 23                   *amount of the drug involved is:*
- 24                   *(A) less than thirty (30) grams of marijuana; or*
- 25                   *(B) less than two (2) grams of hash oil, hashish, or salvia; or*
- 26                   *a synthetic drug; or*
- 27                   *(2) the amount of the drug involved is:*
- 28                   *(A) at least thirty (30) grams but less than ten (10) pounds of*
- 29                   *marijuana; or*
- 30                   *(B) at least two (2) grams but less than three hundred (300)*
- 31                   *grams of hash oil, hashish, or salvia. or a synthetic drug.*
- 32                   *(c) The offense is a Level 5 felony if:*
- 33                   *(1) the person has a prior conviction for a drug dealing offense*
- 34                   *and the amount of the drug involved is:*
- 35                   *(A) at least thirty (30) grams but less than ten (10) pounds of*
- 36                   *marijuana; or*
- 37                   *(B) at least two (2) grams but less than three hundred (300)*
- 38                   *grams of hash oil, hashish, or salvia; or a synthetic drug; or*
- 39                   *(2) the:*
- 40                   *(A) amount of the drug involved is:*
- 41                   *(i) at least ten (10) pounds of marijuana; or*
- 42                   *(ii) at least three hundred (300) grams of hash oil, hashish,*



- 1                    ~~or salvia; or a synthetic drug; or~~  
 2                    ~~(B) offense involved a sale to a minor.~~  
 3                    SECTION 104. IC 35-48-4-10.5, AS ADDED BY P.L.196-2013,  
 4                    SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5                    JULY 1, 2014]: Sec. 10.5. (a) A person who:  
 6                    (1) manufactures;  
 7                    (2) finances the manufacture of;  
 8                    (3) delivers;  
 9                    (4) finances the delivery of;  
 10                    (5) possesses, with intent to deliver; or  
 11                    (6) possesses, with intent to finance the delivery of;  
 12                    a synthetic drug or a synthetic drug lookalike substance commits  
 13                    dealing in a synthetic drug or synthetic drug lookalike substance, a  
 14                    Class A infraction. However, the offense is a ~~Class D~~ **Level 6** felony if  
 15                    the offense is committed knowingly or intentionally and the person has  
 16                    a prior unrelated judgment or conviction under this subsection.  
 17                    (b) A person who:  
 18                    (1) knowingly or intentionally:  
 19                    (A) manufactures;  
 20                    (B) finances the manufacture of;  
 21                    (C) delivers; or  
 22                    (D) finances the delivery of;  
 23                    a synthetic drug or synthetic drug lookalike substance; or  
 24                    (2) possesses, with intent to:  
 25                    (A) manufacture;  
 26                    (B) finance the manufacture of;  
 27                    (C) deliver; or  
 28                    (D) finance the delivery of;  
 29                    a synthetic drug or synthetic drug lookalike substance;  
 30                    commits dealing in a synthetic drug or synthetic drug lookalike  
 31                    substance, a Class A misdemeanor, except as provided in subsection  
 32                    (c).  
 33                    (c) The offense in subsection (b) is:  
 34                    (1) a ~~Class D~~ **Level 6** felony if:  
 35                    (A) the recipient or intended recipient is less than eighteen  
 36                    (18) years of age;  
 37                    (B) the amount involved is more than two (2) grams; or  
 38                    (C) the person has a prior conviction of an offense involving  
 39                    a synthetic drug or synthetic drug lookalike substance; and  
 40                    (2) a ~~Class E~~ **Level 5** felony if the amount involved is more than  
 41                    two (2) grams and the person delivered or financed the delivery  
 42                    of the synthetic drug or synthetic drug lookalike substance:





- 1 (A) on a school bus; or
- 2 (B) in, on, or within ~~five~~ **two** hundred (~~500~~) **fifty (250)** feet of:
  - 3 (i) school property; ~~or~~
  - 4 (ii) a public park;
  - 5 while a person under eighteen (~~18~~) years of age was
  - 6 reasonably expected to be present.
  - 7 **(iii) a family housing complex; or**
  - 8 **(iv) a child care facility.**

9 (d) In addition to a criminal or civil penalty imposed for a violation  
 10 of this section, if the court finds that a person has violated this section  
 11 and the violation involved the sale of or offer to sell, in the normal  
 12 course of business, a synthetic drug or a synthetic drug lookalike  
 13 substance by a retail merchant in a place of business for which the  
 14 retail merchant has been issued a registered retail merchant certificate,  
 15 the court:

- 16 (1) shall recommend the suspension of the registered retail
- 17 merchant certificate for the place of business for one (1) year if
- 18 the person's violation of this section resulted in a criminal
- 19 conviction; and
- 20 (2) may recommend the suspension of the registered retail
- 21 merchant certificate for the place of business for six (6) months
- 22 if the person's violation of this section resulted in an adjudication
- 23 that the person committed an infraction.

24 (e) The department of state revenue shall suspend the registered  
 25 retail merchant certificate of a retail merchant in accordance with the  
 26 recommendation of the court. Whenever the department of state  
 27 revenue is required to suspend a retail merchant's registered retail  
 28 merchant certificate under this section, the department shall  
 29 immediately mail a notice to the retail merchant's address that must  
 30 state that the retail merchant's registered retail merchant certificate will  
 31 be suspended for the period recommended by the court, commencing  
 32 five (5) days after the date of the notice.

33 SECTION 105. IC 35-48-4-11, AS AMENDED BY P.L.196-2013,  
 34 SECTION 23, AND AS AMENDED BY P.L.158-2013, SECTION  
 35 638, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person who:

- 37 (1) knowingly or intentionally possesses (pure or adulterated)
- 38 marijuana, hash oil, hashish, *or* salvia; ~~or a synthetic drug;~~
- 39 (2) knowingly or intentionally grows or cultivates marijuana; or
- 40 (3) knowing that marijuana is growing on the person's premises,
- 41 fails to destroy the marijuana plants;
- 42 commits possession of marijuana, hash oil, hashish, *or* salvia, ~~or a~~



1 ~~synthetic drug~~, a ~~Class A~~ ~~Class B~~ misdemeanor, except as provided in  
 2 subsections (b) through (c). ~~However, the offense is a Class D felony~~  
 3 ~~if the amount involved is more than thirty (30) grams of marijuana or~~  
 4 ~~two (2) grams of hash oil, hashish, or salvia, or a synthetic drug, or if~~  
 5 ~~the person has a prior conviction of an offense involving marijuana,~~  
 6 ~~hash oil, or hashish, or salvia, or a synthetic drug.~~

7 (b) ~~The offense described in subsection (a) is a Class A~~  
 8 ~~misdemeanor if the person has a prior conviction for a drug offense.~~

9 (c) ~~The offense described in subsection (a) is a Level 6 felony if:~~

10 (1) ~~the person has a prior conviction for a drug offense; and~~

11 (2) ~~the person possesses:~~

12 (A) ~~at least thirty (30) grams of marijuana; or~~

13 (B) ~~at least two (2) grams of hash oil, hashish, or salvia;~~

14 ~~in any thirty (30) day period. or a synthetic drug.~~

15 SECTION 106. IC 35-48-4-11.5, AS ADDED BY P.L.185-2013,  
 16 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2014]: Sec. 11.5. (a) As used in this section, "synthetic drug  
 18 lookalike substance" has the meaning set forth in  
 19 IC 35-31.5-2-321.5(a)(2).

20 (b) A person who possesses a synthetic drug or synthetic drug  
 21 lookalike substance commits possession of a synthetic drug or synthetic  
 22 drug lookalike substance, a Class B infraction.

23 (c) A person who knowingly or intentionally possesses a synthetic  
 24 drug or synthetic drug lookalike substance commits possession of a  
 25 synthetic drug or synthetic drug lookalike substance, a Class A  
 26 misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the  
 27 person has a prior unrelated conviction under this section or under  
 28 section 10.5 of this chapter.

29 SECTION 107. IC 35-48-4-12, AS AMENDED BY P.L.196-2013,  
 30 SECTION 25, AND AS AMENDED BY P.L.158-2013, SECTION  
 31 639, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 32 [EFFECTIVE JULY 1, 2014]: Sec. 12. If a person who has no prior  
 33 conviction of an offense under this article or under a law of another  
 34 jurisdiction relating to controlled substances pleads guilty to possession  
 35 of marijuana, hashish, salvia, or a synthetic drug ~~or a synthetic drug~~  
 36 ~~lookalike substance~~ as a ~~Class A~~ misdemeanor, the court, without  
 37 entering a judgment of conviction and with the consent of the person,  
 38 may defer further proceedings and place the person in the custody of  
 39 the court under ~~such~~ conditions ~~as determined by the court.~~ ~~determines:~~  
 40 Upon violation of a condition of the custody, the court may enter a  
 41 judgment of conviction. However, if the person fulfills the conditions  
 42 of the custody, the court shall dismiss the charges against the person.



- 1 There may be only one (1) dismissal under this section with respect to  
2 a person.
- 3 SECTION 108. IC 35-48-4-14.5, AS AMENDED BY P.L.193-2013,  
4 SECTION 7, AND AS AMENDED BY P.L.158-2013, SECTION 643,  
5 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2014]: Sec. 14.5. (a) As used in this section,  
7 "chemical reagents or precursors" refers to one (1) or more of the  
8 following:
- 9 (1) Ephedrine.
  - 10 (2) Pseudoephedrine.
  - 11 (3) Phenylpropanolamine.
  - 12 (4) The salts, isomers, and salts of isomers of a substance  
13 identified in subdivisions (1) through (3).
  - 14 (5) Anhydrous ammonia or ammonia solution (as defined in  
15 IC 22-11-20-1).
  - 16 (6) Organic solvents.
  - 17 (7) Hydrochloric acid.
  - 18 (8) Lithium metal.
  - 19 (9) Sodium metal.
  - 20 (10) Ether.
  - 21 (11) Sulfuric acid.
  - 22 (12) Red phosphorous.
  - 23 (13) Iodine.
  - 24 (14) Sodium hydroxide (lye).
  - 25 (15) Potassium dichromate.
  - 26 (16) Sodium dichromate.
  - 27 (17) Potassium permanganate.
  - 28 (18) Chromium trioxide.
  - 29 (19) Benzyl cyanide.
  - 30 (20) Phenylacetic acid and its esters or salts.
  - 31 (21) Piperidine and its salts.
  - 32 (22) Methylamine and its salts.
  - 33 (23) Isosafrole.
  - 34 (24) Safrole.
  - 35 (25) Piperonal.
  - 36 (26) Hydriodic acid.
  - 37 (27) Benzaldehyde.
  - 38 (28) Nitroethane.
  - 39 (29) Gamma-butyrolactone.
  - 40 (30) White phosphorus.
  - 41 (31) Hypophosphorous acid and its salts.
  - 42 (32) Acetic anhydride.



- 1 (33) Benzyl chloride.  
 2 (34) Ammonium nitrate.  
 3 (35) Ammonium sulfate.  
 4 (36) Hydrogen peroxide.  
 5 (37) Thionyl chloride.  
 6 (38) Ethyl acetate.  
 7 (39) Pseudoephedrine hydrochloride.
- 8 (b) A person who possesses more than ten (10) grams of ephedrine,  
 9 pseudoephedrine, or phenylpropanolamine, pure or adulterated,  
 10 commits a *Class D Level 6* felony. However, the offense is a *Class E*  
 11 *Level 5* felony if the person possessed:
- 12 (1) a firearm while possessing more than ten (10) grams of  
 13 ephedrine, pseudoephedrine, or phenylpropanolamine, pure or  
 14 adulterated; or  
 15 (2) more than ten (10) grams of ephedrine, pseudoephedrine, or  
 16 phenylpropanolamine, pure or adulterated, in, on, or within *one*  
 17 *thousand (1,000) five two hundred (500) fifty (250)* feet of:
- 18 (A) school property; *while a person under eighteen (18) years*  
 19 *of age was reasonably expected to be present; or*  
 20 (B) a public park; *while a person under eighteen (18) years of*  
 21 *age was reasonably expected to be present.*  
 22 (C) a family housing complex; or  
 23 ~~(D) a youth program center.~~  
 24 **(D) a child care facility.**
- 25 (c) A person who possesses anhydrous ammonia or ammonia  
 26 solution (as defined in IC 22-11-20-1) with the intent to manufacture  
 27 methamphetamine or amphetamine, schedule II controlled substances  
 28 under IC 35-48-2-6, commits a *Class D Level 6* felony. However, the  
 29 offense is a *Class E Level 5* felony if the person possessed:
- 30 (1) a firearm while possessing anhydrous ammonia or ammonia  
 31 solution (as defined in IC 22-11-20-1) with intent to manufacture  
 32 methamphetamine or amphetamine, schedule II controlled  
 33 substances under IC 35-48-2-6; or  
 34 (2) anhydrous ammonia or ammonia solution (as defined in  
 35 IC 22-11-20-1) with intent to manufacture methamphetamine or  
 36 amphetamine, schedule II controlled substances under  
 37 IC 35-48-2-6, in, on, or within *one thousand (1,000) five two*  
 38 *hundred (500) fifty (250)* feet of:
- 39 (A) school property; *while a person under eighteen (18) years*  
 40 *of age was reasonably expected to be present; or*  
 41 (B) a public park; *while a person under eighteen (18) years of*  
 42 *age was reasonably expected to be present.*



- 1                   (C) a family housing complex; or
- 2                   ~~(D) a youth program center.~~
- 3                   **(D) a child care facility.**
- 4       (d) Subsection (b) does not apply to a:
  - 5           (1) licensed health care provider, pharmacist, retail distributor,
  - 6           wholesaler, manufacturer, warehouseman, or common carrier or
  - 7           an agent of any of these persons if the possession is in the regular
  - 8           course of lawful business activities; or
  - 9           (2) person who possesses more than ten (10) grams of a substance
  - 10          described in subsection (b) if the substance is possessed under
  - 11          circumstances consistent with typical medicinal or household use,
  - 12          including:
    - 13           (A) the location in which the substance is stored;
    - 14           (B) the possession of the substance in a variety of:
      - 15           (i) strengths;
      - 16           (ii) brands; or
      - 17           (iii) types; or
    - 18           (C) the possession of the substance:
      - 19           (i) with different expiration dates; or
      - 20           (ii) in forms used for different purposes.
  - 21          (e) A person who possesses two (2) or more chemical reagents or
  - 22          precursors with the intent to manufacture a controlled substance
  - 23          commits a ~~Class D~~ Level 6 felony.
  - 24          (f) An offense under subsection (e) is a ~~Class C~~ Level 5 felony if the
  - 25          person possessed:
    - 26           (1) a firearm while possessing two (2) or more chemical reagents
    - 27           or precursors with intent to manufacture a controlled substance;
    - 28           or
    - 29           (2) two (2) or more chemical reagents or precursors with intent to
    - 30           manufacture a controlled substance in, on, or within ~~one thousand~~
    - 31           ~~(1,000) five two hundred (500) fifty (250)~~ feet of:
      - 32           (A) school property; ~~while a person under eighteen (18) years~~
      - 33           ~~of age was reasonably expected to be present; or~~
      - 34           (B) a public park; ~~while a person under eighteen (18) years of~~
      - 35           ~~age was reasonably expected to be present.~~
      - 36           (C) a family housing complex; or
      - 37           ~~(D) a youth program center.~~
      - 38           **(D) a child care facility.**
    - 39           (g) A person who sells, transfers, distributes, or furnishes a chemical
    - 40           reagent or precursor to another person with knowledge or the intent that
    - 41           the recipient will use the chemical reagent or precursors to manufacture
    - 42           a controlled substance commits unlawful sale of a precursor, a ~~Class D~~



1 *Level 6 felony. However, the offense is a ~~Class C~~ **Level 5** felony if the*  
 2 *person sells, transfers, distributes, or furnishes more than ten (10)*  
 3 *grams of ephedrine, pseudoephedrine, or phenylpropanolamine.*

4 *(h) This subsection does not apply to a drug containing ephedrine,*  
 5 *pseudoephedrine, or phenylpropanolamine that is dispensed under a*  
 6 *prescription. A person who:*

7 *(1) has been convicted of:*

8 *(A) dealing in methamphetamine (IC 35-48-4-1.1);*

9 *(B) possession of more than ten (10) grams of ephedrine,*  
 10 *pseudoephedrine, or phenylpropanolamine (subsection (b));*

11 *(C) possession of anhydrous ammonia or ammonia solution*  
 12 *(as defined in IC 22-11-20-1) with intent to manufacture*  
 13 *methamphetamine or amphetamine (subsection (c));*

14 *(D) possession of two (2) or more chemical reagents or*  
 15 *precursors with the intent to manufacture a controlled*  
 16 *substance (subsection (e)); or*

17 *(E) unlawful sale of a precursor (subsection (g)); and*

18 *(2) not later than seven (7) years from the date the person was*  
 19 *sentenced for the offense;*

20 *knowingly or intentionally possesses ephedrine, pseudoephedrine, or*  
 21 *phenylpropanolamine, pure or adulterated, commits possession of a*  
 22 *precursor by a methamphetamine offender, a ~~Class D~~ **Level 6** felony.*

23 SECTION 109. IC 35-48-4-16, AS AMENDED BY P.L.158-2013,  
 24 SECTION 644, IS AMENDED TO READ AS FOLLOWS  
 25 [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) For an offense under this  
 26 chapter that requires proof of:

27 (1) delivery of cocaine, a narcotic drug, methamphetamine, or a  
 28 controlled substance;

29 (2) financing the delivery of cocaine, a narcotic drug,  
 30 methamphetamine, or a controlled substance; or

31 (3) possession of cocaine, a narcotic drug, methamphetamine, or  
 32 a controlled substance;

33 within ~~five hundred (500)~~ **fifty (250)** feet of school property, or a  
 34 public park, while a person less than ~~eighteen (18)~~ years of age was  
 35 reasonably expected to be present, **a family housing complex, or a**  
 36 **child care facility**, the person charged may assert the defense in  
 37 subsection (b). ~~or (c):~~

38 (b) It is a defense for a person charged under this chapter with an  
 39 offense that contains an element listed in subsection (a) that:

40 (1) a person was briefly in, on, or within five hundred (500) feet  
 41 of school property or a public park while a person less than  
 42 eighteen (18) years of age was reasonably expected to be present;



1           and  
 2           ~~(2) no person under eighteen (18) years of age at least three (3)~~  
 3           ~~years junior to the person was in, on, or within five hundred (500)~~  
 4           ~~feet of the school property or public park at the time of the~~  
 5           ~~offense.~~  
 6           ~~(c)~~ **(b)** It is a defense for a person charged under this chapter with  
 7           an offense that contains an element listed in subsection (a) that a  
 8           person was in, on, or within ~~five~~ **two** hundred ~~(500)~~ **fifty (250)** feet of  
 9           school property, ~~or~~ a public park, **a family housing complex, or a**  
 10          **child care facility**  
 11          ~~(1)~~ at the request or suggestion of a law enforcement officer or an  
 12          agent of a law enforcement officer. ~~and~~  
 13          ~~(2)~~ **while a person less than eighteen (18) years of age was**  
 14          **reasonably expected to be present.**  
 15          ~~(d)~~ **(c)** The defense under this section applies only to the element of  
 16          the offense that requires proof that the delivery, financing of the  
 17          delivery, or possession of cocaine, a narcotic drug, methamphetamine,  
 18          or a controlled substance occurred in, on, or within ~~five~~ **two** hundred  
 19          ~~(500)~~ **fifty (250)** feet of school property, ~~or~~ a public park, ~~while a~~  
 20          ~~person less than eighteen (18) years of age was reasonably expected to~~  
 21          ~~be present.~~ **a family housing complex, or a child care facility.**  
 22          SECTION 110. IC 35-49-3-1, AS AMENDED BY P.L.214-2013,  
 23          SECTION 41, AND AS AMENDED BY P.L.158-2013, SECTION  
 24          646, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 25          [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who knowingly or  
 26          intentionally:  
 27                  (1) sends or brings into Indiana obscene matter for sale or  
 28                  distribution; or  
 29                  (2) offers to distribute, distributes, or exhibits to another person  
 30                  obscene matter;  
 31          commits a Class A misdemeanor. However, the offense is a *Class D*  
 32          *Level 6* felony if the obscene matter depicts or describes sexual conduct  
 33          involving any person who is or appears to be under ~~sixteen (16)~~  
 34          ~~eighteen (18)~~ years of age.  
 35          SECTION 111. IC 35-49-3-2, AS AMENDED BY P.L.214-2013,  
 36          SECTION 42, AND AS AMENDED BY P.L.158-2013, SECTION  
 37          647, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 38          [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who knowingly or  
 39          intentionally engages in, participates in, manages, produces, sponsors,  
 40          presents, exhibits, photographs, films, or videotapes any obscene  
 41          performance commits a Class A misdemeanor. However, the offense  
 42          is a *Class D Level 6* felony if the obscene performance depicts or



1 describes sexual conduct involving any person who is or appears to be  
2 under ~~sixteen (16)~~ *eighteen (18)* years of age.

3 SECTION 112. IC 35-50-1-2, AS AMENDED BY P.L.214-2013,  
4 SECTION 43, AND AS AMENDED BY P.L.158-2013, SECTION  
5 650, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) As used in this section,  
7 "crime of violence" means the following:

- 8 (1) Murder (IC 35-42-1-1).
- 9 (2) Attempted murder (IC 35-41-5-1).
- 10 (3) Voluntary manslaughter (IC 35-42-1-3).
- 11 (4) Involuntary manslaughter (IC 35-42-1-4).
- 12 (5) Reckless homicide (IC 35-42-1-5).
- 13 (6) Aggravated battery (IC 35-42-2-1.5).
- 14 (7) Kidnapping (IC 35-42-3-2).
- 15 (8) Rape (IC 35-42-4-1).
- 16 (9) Criminal deviate conduct (IC 35-42-4-2) ~~(before its repeal on~~  
17 ~~July 1, 2014): (repealed).~~ **(before its repeal).**
- 18 (10) Child molesting (IC 35-42-4-3).
- 19 (11) Sexual misconduct with a minor as a ~~Class A Level 1~~ *Class A Level 1* felony  
20 under IC 35-42-4-9(a)(2) or a ~~Class B Level 2~~ *Class B Level 2* felony under  
21 IC 35-42-4-9(b)(2).
- 22 (12) Robbery as a ~~Class A Level 2~~ *Class A Level 2* felony or a ~~Class B Level 3~~ *Class B Level 3*  
23 felony (IC 35-42-5-1).
- 24 (13) Burglary as a ~~Class A Level 1 felony, Level 2 felony, Level~~ *Class A Level 1 felony, Level 2 felony, Level*  
25 ~~3 felony, or Class B Level 4 felony~~ *3 felony, or Class B Level 4 felony* (IC 35-43-2-1).
- 26 (14) Operating a vehicle while intoxicated causing death  
27 (IC 9-30-5-5).
- 28 (15) Operating a vehicle while intoxicated causing serious bodily  
29 injury to another person (IC 9-30-5-4).
- 30 (16) Resisting law enforcement as a felony. (IC 35-44.1-3-1).

31 (b) As used in this section, "episode of criminal conduct" means  
32 offenses or a connected series of offenses that are closely related in  
33 time, place, and circumstance.

34 (c) Except as provided in subsection (d) or (e), the court shall  
35 determine whether terms of imprisonment shall be served concurrently  
36 or consecutively. The court may consider the:

- 37 (1) aggravating circumstances in IC 35-38-1-7.1(a); and
- 38 (2) mitigating circumstances in IC 35-38-1-7.1(b);

39 in making a determination under this subsection. The court may order  
40 terms of imprisonment to be served consecutively even if the sentences  
41 are not imposed at the same time. However, except for crimes of  
42 violence, the total of the consecutive terms of imprisonment, exclusive





1 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10  
 2 **(before its repeal)** to which the defendant is sentenced for felony  
 3 convictions arising out of an episode of criminal conduct shall not  
 4 exceed the advisory sentence for a felony which is one (1) class of  
 5 felony higher than the most serious of the felonies for which the person  
 6 has been convicted.

7 (d) If, after being arrested for one (1) crime, a person commits  
 8 another crime:

9 (1) before the date the person is discharged from probation,  
 10 parole, or a term of imprisonment imposed for the first crime; or

11 (2) while the person is released:

12 (A) upon the person's own recognizance; or

13 (B) on bond;

14 the terms of imprisonment for the crimes shall be served consecutively,  
 15 regardless of the order in which the crimes are tried and sentences are  
 16 imposed.

17 (e) If the factfinder determines under IC 35-50-2-11 that a person  
 18 used a firearm in the commission of the offense for which the person  
 19 was convicted, the term of imprisonment for the underlying offense and  
 20 the additional term of imprisonment imposed under IC 35-50-2-11  
 21 must be served consecutively.

22 SECTION 113. IC 35-50-2-0.1, AS AMENDED BY P.L.158-2013,  
 23 SECTION 651, IS AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2014]: Sec. 0.1. The following amendments to  
 25 this chapter apply as follows:

26 (1) The amendments described in section 0.2 of this chapter apply  
 27 as described in section 0.2 of this chapter.

28 (2) The amendments made to sections 3 and 9 of this chapter by  
 29 P.L.332-1987 do not apply to a case in which a death sentence has  
 30 been imposed before September 1, 1987.

31 (3) The amendments made to sections 3 and 9 of this chapter by  
 32 P.L.250-1993 apply only to murders committed after June 30,  
 33 1993.

34 (4) The amendments made to section 2 of this chapter by  
 35 P.L.11-1994 **(before the repeal of section 2 of this chapter)**  
 36 apply only to an offender (as defined in IC 5-2-12-4, as added by  
 37 P.L.11-1994 and before its repeal) convicted after June 30, 1994.

38 (5) The amendments made to section 8 of this chapter by  
 39 P.L.166-2001 apply only if the offense for which the state seeks  
 40 to have the person sentenced as a habitual offender was  
 41 committed after June 30, 2001.

42 (6) The amendments made to section 1 of this chapter by



- 1 P.L.243-2001 apply to crimes committed on and after May 11,  
 2 2001. It is the intent of the general assembly that section 1 of this  
 3 chapter, as it applies to crimes committed before May 11, 2001,  
 4 be construed without drawing any inference from the passage of  
 5 P.L.243-2001.
- 6 (7) The amendments made to section 8(b)(3) of this chapter by  
 7 P.L.291-2001) (before its deletion on July 1, 2014) apply only if  
 8 the last offense for which the state seeks to have the person  
 9 sentenced as a habitual offender was committed after June 30,  
 10 2001.
- 11 (8) The amendments made to section 10 of this chapter by  
 12 P.L.291-2001 (**before the repeal of section 10 of this chapter**)  
 13 apply only if the last offense for which the state seeks to have the  
 14 person sentenced as a habitual substance offender was committed  
 15 after June 30, 2001. However, a prior unrelated conviction  
 16 committed before, on, or after July 1, 2001, may be used to  
 17 qualify an offender as a habitual offender under section 8 of this  
 18 chapter or as a habitual substance offender under section 10 of  
 19 this chapter.
- 20 (9) The amendments made to section 1 of this chapter by  
 21 P.L.291-2001 apply to crimes committed on and after May 11,  
 22 2001. It is the intent of the general assembly that section 1 of this  
 23 chapter, as it applies to crimes committed before May 11, 2001,  
 24 be construed without drawing any inference from the passage of  
 25 P.L.291-2001.
- 26 (10) The amendments made to section 9 of this chapter by  
 27 P.L.80-2002 apply only to a conviction for murder that occurs  
 28 after March 20, 2002, including a conviction entered as a result  
 29 of a retrial of a person, regardless of when the offense occurred.
- 30 SECTION 114. IC 35-50-2-1.3, AS AMENDED BY P.L.178-2007,  
 31 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2014]: Sec. 1.3. (a) For purposes of sections 3 through 7 of  
 33 this chapter, "advisory sentence" means a guideline sentence that the  
 34 court may voluntarily consider ~~as the midpoint between the maximum~~  
 35 ~~sentence and the minimum when imposing a~~ sentence.
- 36 (b) Except as provided in subsection (c), a court is not required to  
 37 use an advisory sentence.
- 38 (c) In imposing:
- 39 (1) consecutive sentences for felony convictions that are not  
 40 crimes of violence (as defined in IC 35-50-1-2(a)) arising out of  
 41 an episode of criminal conduct, in accordance with IC 35-50-1-2;  
 42 **or**



- 1           ~~(2) an additional fixed term to an habitual offender under section~~
- 2           ~~8 of this chapter; or~~
- 3           ~~(3) (2) an additional fixed term to a repeat sexual offender under~~
- 4           ~~section 14 of this chapter;~~

5 a court is required to use the appropriate advisory sentence in imposing  
 6 a consecutive sentence or an additional fixed term. However, the court  
 7 is not required to use the advisory sentence in imposing the sentence  
 8 for the underlying offense.

9           (d) This section does not require a court to use an advisory sentence  
 10 in imposing consecutive sentences for felony convictions that do not  
 11 arise out of an episode of criminal conduct.

12           SECTION 115. IC 35-50-2-2.1 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.1. (a) Except as  
 14 provided in subsection (b), ~~or section 2 of this chapter~~, the court may  
 15 not suspend a sentence for a felony for a person with a juvenile record  
 16 when:

- 17           (1) the juvenile record includes findings that the juvenile acts, if
- 18           committed by an adult, would constitute:
  - 19           (A) one (1) Class A or Class B felony;
  - 20           (B) two (2) Class C or Class D felonies; ~~or~~
  - 21           (C) one (1) Class C and one (1) Class D felony;
  - 22           **(D) one (1) Level 1, Level 2, Level 3, or Level 4 felony;**
  - 23           **(E) two (2) Level 5 or Level 6 felonies; or**
  - 24           **(F) one (1) Level 5 and one (1) Level 6 felony; and**
- 25           (2) less than three (3) years have elapsed between commission of
- 26           the juvenile acts that would be felonies if committed by an adult
- 27           and the commission of the felony for which the person is being
- 28           sentenced.

29           (b) Notwithstanding subsection (a), the court may suspend any part  
 30 of the sentence for a felony ~~except as provided in section 2 of this~~  
 31 ~~chapter~~, if it finds that:

- 32           (1) the crime was the result of circumstances unlikely to recur;
- 33           (2) the victim of the crime induced or facilitated the offense;
- 34           (3) there are substantial grounds tending to excuse or justify the
- 35           crime, though failing to establish a defense; or
- 36           (4) the acts in the juvenile record would not be Class A, ~~or~~ Class
- 37           **B, Level 1, Level 2, Level 3, or Level 4** felonies if committed by
- 38           an adult, and the convicted person is to undergo home detention
- 39           under IC 35-38-1-21 instead of the minimum sentence specified
- 40           for the crime under this chapter.

41           SECTION 116. IC 35-50-2-2.2, AS ADDED BY P.L.158-2013,  
 42 SECTION 654, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2014]: Sec. 2.2. (a) Except as provided in  
 2 subsection (b) or (c) the court may suspend any part of a sentence for  
 3 a felony.

4 (b) If a person is convicted of a ~~Level 1 felony~~ or a Level 2 felony  
 5 **or a Level 3 felony, except a Level 2 felony or a Level 3 felony**  
 6 **concerning a controlled substance under IC 35-48-4**, and has any  
 7 prior unrelated felony conviction, the court may suspend only that part  
 8 of a sentence that is in excess of the minimum sentence for the:

9 (1) ~~Level 1~~ **Level 2** felony; or

10 (2) ~~Level 2~~ **Level 3** felony.

11 (c) The court may suspend only that part of a sentence for murder  
 12 **or a Level 1 felony conviction** that is in excess of the minimum  
 13 sentence for murder **or the Level 1 felony conviction.**

14 SECTION 117. IC 35-50-2-4, AS AMENDED BY P.L.158-2013,  
 15 SECTION 655, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who commits a  
 17 Class A felony (for a crime committed before July 1, 2014) ~~or a Level~~  
 18 ~~1 felony (for a crime committed after June 30, 2014)~~ shall be  
 19 imprisoned for a fixed term of between twenty (20) and fifty (50) years,  
 20 with the advisory sentence being thirty (30) years. In addition, the  
 21 person may be fined not more than ten thousand dollars (\$10,000).

22 (b) **A person who commits a Level 1 felony (for a crime**  
 23 **committed after June 30, 2014) shall be imprisoned for a fixed**  
 24 **term of between twenty (20) and forty (40) years, with the advisory**  
 25 **sentence being thirty (30) years. In addition, the person may be**  
 26 **fined not more than ten thousand dollars (\$10,000).**

27 SECTION 118. IC 35-50-2-5, AS AMENDED BY P.L.158-2013,  
 28 SECTION 657, IS AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person who commits a  
 30 Class B felony (for a crime committed before July 1, 2014) shall be  
 31 imprisoned for a fixed term of between six (6) and twenty (20) years,  
 32 with the advisory sentence being ten (10) years. In addition, the person  
 33 may be fined not more than ten thousand dollars (\$10,000).

34 (b) A person who commits a Level 3 felony (for a crime committed  
 35 after June 30, 2014) shall be imprisoned for a fixed term of between  
 36 three (3) and ~~twenty (20)~~ **fifteen (15)** years, with the advisory sentence  
 37 being ~~six (6)~~ **eight (8)** years. In addition, the person may be fined not  
 38 more than ten thousand dollars (\$10,000).

39 SECTION 119. IC 35-50-2-5.5, AS ADDED BY P.L.158-2013,  
 40 SECTION 658, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2014]: Sec. 5.5. A person who commits a Level  
 42 4 felony shall be imprisoned for a fixed term of between two (2) and



1 ~~twelve (12)~~ **ten (10)** years, with the advisory sentence being ~~four (4)~~ **six**  
 2 **(6)** years. In addition, the person may be fined not more than ten  
 3 thousand dollars (\$10,000).

4 SECTION 120. IC 35-50-2-6, AS AMENDED BY P.L.158-2013,  
 5 SECTION 659, IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who commits a  
 7 Class C felony (for a crime committed before July 1, 2014) shall be  
 8 imprisoned for a fixed term of between two (2) and eight (8) years, with  
 9 the advisory sentence being four (4) years. In addition, the person may  
 10 be fined not more than ten thousand dollars (\$10,000).

11 (b) Notwithstanding subsection (a), if a person has committed  
 12 nonsupport of a child as a Class C felony under IC 35-46-1-5 (for a  
 13 crime committed before July 1, 2014), upon motion of the prosecuting  
 14 attorney, the court may enter judgment of conviction of a Class D  
 15 felony under IC 35-46-1-5 and sentence the person accordingly. The  
 16 court shall enter in the record detailed reasons for the court's action  
 17 when the court enters a judgment of conviction of a Class D felony  
 18 under this subsection.

19 (c) A person who commits a Level 5 felony (for a crime committed  
 20 after June 30, 2014) shall be imprisoned for a fixed term of between  
 21 one (1) and ~~six (6)~~ **five (5)** years, with the advisory sentence being ~~two~~  
 22 ~~(2)~~ **three (3)** years. In addition, the person may be fined not more than  
 23 ten thousand dollars (\$10,000).

24 (d) Notwithstanding subsection (c), if a person has committed  
 25 nonsupport of a child as a Level 5 felony under IC 35-46-1-5 (for a  
 26 crime committed after June 30, 2014), upon motion of the prosecuting  
 27 attorney, the court may enter judgment of conviction of a Level 6  
 28 felony under IC 35-46-1-5 and sentence the person accordingly. The  
 29 court shall enter in the record detailed reasons for the court's action  
 30 when the court enters a judgment of conviction of a Level 6 felony  
 31 under this subsection.

32 SECTION 121. IC 35-50-2-7, AS AMENDED BY P.L.159-2013,  
 33 SECTION 5, AND AS AMENDED BY P.L.158-2013, SECTION 660,  
 34 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A person who commits a  
 36 Class D felony (*for a crime committed before July 1, 2014*) shall be  
 37 imprisoned for a fixed term of between six (6) months and three (3)  
 38 years, with the advisory sentence being one and one-half (1 1/2) years.  
 39 In addition, the person may be fined not more than ten thousand dollars  
 40 (\$10,000).

41 (b) *A person who commits a Level 6 felony (for a crime committed*  
 42 *after June 30, 2014) shall be imprisoned for a fixed term of between six*



1 (6) months and two and one-half (2 1/2) years, with the advisory  
 2 sentence being one (1) year. In addition, the person may be fined not  
 3 more than ten thousand dollars (\$10,000).

4 (c) Notwithstanding ~~subsection~~ subsections (a) and (b), if a person  
 5 has committed a Class D felony (for a crime committed before July 1,  
 6 2014) or a Level 6 felony (for a crime committed after June 30, 2014),  
 7 the court may enter judgment of conviction of a Class A misdemeanor  
 8 and sentence accordingly. However, the court shall enter a judgment of  
 9 conviction of a Class D felony (for a crime committed before July 1,  
 10 2014) or a Level 6 felony (for a crime committed after June 30, 2014)  
 11 if:

12 (1) the court finds that:

13 (A) the person has committed a prior, unrelated felony for  
 14 which judgment was entered as a conviction of a Class A  
 15 misdemeanor; and

16 (B) the prior felony was committed less than three (3) years  
 17 before the second felony was committed;

18 (2) the offense is domestic battery as a Class D felony (for a crime  
 19 committed before July 1, 2014) or a Level 6 felony (for a crime  
 20 committed after June 30, 2014) under IC 35-42-2-1.3; or

21 (3) the offense is possession of child pornography  
 22 (IC 35-42-4-4(c)).

23 The court shall enter in the record, in detail, the reason for its action  
 24 whenever it exercises the power to enter judgment of conviction of a  
 25 Class A misdemeanor granted in this subsection.

26 ~~(c)~~ (d) Notwithstanding ~~subsection~~ subsections (a) and (b), the  
 27 sentencing court may convert a Class D felony conviction (for a crime  
 28 committed before July 1, 2014) or a Level 6 felony conviction (for a  
 29 crime committed after June 30, 2014) to a Class A misdemeanor  
 30 conviction if, after receiving a verified petition as described in  
 31 subsection ~~(d)~~ (e) and after conducting a hearing of which the  
 32 prosecuting attorney has been notified, the court makes the following  
 33 findings:

34 (1) The person is not a sex or violent offender (as defined in  
 35 IC 11-8-8-5).

36 (2) The person was not convicted of a Class D felony (for a crime  
 37 committed before July 1, 2014) or a Level 6 felony (for a crime  
 38 committed after June 30, 2014) that resulted in bodily injury to  
 39 another person.

40 (3) The person has not been convicted of perjury under  
 41 IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal) or official  
 42 misconduct under IC 35-44.1-1-1 (or IC 35-44-1-2 before its



- 1 repeal).
- 2 (4) At least three (3) years have passed since the person:
- 3 (A) completed the person's sentence; and
- 4 (B) satisfied any other obligation imposed on the person as
- 5 part of the sentence;
- 6 for the Class D or Level 6 felony.
- 7 (5) The person has not been convicted of a felony since the
- 8 person:
- 9 (A) completed the person's sentence; and
- 10 (B) satisfied any other obligation imposed on the person as
- 11 part of the sentence;
- 12 for the Class D or Level 6 felony.
- 13 (6) No criminal charges are pending against the person.
- 14 ~~(d)~~ (e) A petition filed under *subsection subsections (c) (d) or (e) (f)*
- 15 must be verified and set forth:
- 16 (1) the crime the person has been convicted of;
- 17 (2) the date of the conviction;
- 18 (3) the date the person completed the person's sentence;
- 19 (4) any obligations imposed on the person as part of the sentence;
- 20 (5) the date the obligations were satisfied; and
- 21 (6) a verified statement that there are no criminal charges pending
- 22 against the person.
- 23 ~~(e)~~ (f) If a person whose Class D or Level 6 felony conviction has
- 24 been converted to a Class A misdemeanor conviction under subsection
- 25 ~~(e)~~ (d) is convicted of a felony *within not later than* five (5) years after
- 26 the conversion under subsection ~~(e)~~ (d), a prosecuting attorney may
- 27 petition a court to convert the person's Class A misdemeanor
- 28 conviction back to a Class D felony conviction (*for a crime committed*
- 29 *before July 1, 2014*) or a Level 6 felony conviction (*for a crime*
- 30 *committed after June 30, 2014*).
- 31 SECTION 122. IC 35-50-2-8, AS AMENDED BY P.L.158-2013,
- 32 SECTION 661, IS AMENDED TO READ AS FOLLOWS
- 33 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The state may seek to have a
- 34 person sentenced as a habitual offender for a felony by alleging, on one
- 35 (1) or more pages separate from the rest of the charging instrument,
- 36 that the person has accumulated the required number of prior unrelated
- 37 felony convictions in accordance with this section.
- 38 (b) A person convicted of murder or of a Level 1 through Level 4
- 39 felony is a habitual offender if the state proves beyond a reasonable
- 40 doubt that:
- 41 (1) the person has been convicted of two (2) prior unrelated
- 42 felonies; and



- 1 (2) at least one (1) of the prior unrelated felonies is not a Level 6
- 2 felony or a Class D felony.
- 3 (c) A person convicted of a Level 5 felony is a habitual offender if
- 4 the state proves beyond a reasonable doubt that:
- 5 (1) the person has been convicted of two (2) prior unrelated
- 6 felonies;
- 7 (2) at least one (1) of the prior unrelated felonies is not a Level 6
- 8 felony or a Class D felony; and
- 9 (3) if the person is alleged to have committed a prior unrelated:
- 10 (A) Level 5 felony;
- 11 (B) Level 6 felony;
- 12 (C) Class C felony; or
- 13 (D) Class D felony;
- 14 not more than ten (10) years have elapsed between the time the
- 15 person was released from imprisonment, probation, or parole
- 16 (whichever is latest) and the time the person committed the
- 17 current offense.
- 18 (d) A person convicted of a Level 6 felony is a habitual offender if
- 19 the state proves beyond a reasonable doubt that:
- 20 (1) the person has been convicted of three (3) prior unrelated
- 21 felonies; and
- 22 (2) if the person is alleged to have committed a prior unrelated:
- 23 (A) Level 5 felony;
- 24 (B) Level 6 felony;
- 25 (C) Class C felony; or
- 26 (D) Class D felony;
- 27 not more than ten (10) years have elapsed between the time the
- 28 person was released from imprisonment, probation, or parole
- 29 (whichever is latest) and the time the person committed the
- 30 current offense.
- 31 (e) The state may not seek to have a person sentenced as a habitual
- 32 offender for a felony offense under this section if the current offense is
- 33 a misdemeanor that is enhanced to a felony in the same proceeding as
- 34 the habitual offender proceeding solely because the person had a prior
- 35 unrelated conviction. However, a prior unrelated felony conviction may
- 36 be used to support a habitual offender determination even if the
- 37 sentence for the prior unrelated offense was enhanced for any reason,
- 38 including an enhancement because the person had been convicted of
- 39 another offense.
- 40 (f) A person has accumulated two (2) or three (3) prior unrelated
- 41 felony convictions for purposes of this section only if:
- 42 (1) the second prior unrelated felony conviction was committed





- 1 after commission of and sentencing for the first prior unrelated  
 2 felony conviction;
- 3 (2) the offense for which the state seeks to have the person  
 4 sentenced as a habitual offender was committed after commission  
 5 of and sentencing for the second prior unrelated felony  
 6 conviction; and
- 7 (3) for a conviction requiring proof of three (3) prior unrelated  
 8 felonies, the third prior unrelated felony conviction was  
 9 committed after commission of and sentencing for the second  
 10 prior unrelated felony conviction.
- 11 (g) A conviction does not count for purposes of this section as a  
 12 prior unrelated felony conviction if:
- 13 (1) the conviction has been set aside; or  
 14 (2) the conviction is one for which the person has been pardoned.
- 15 (h) If the person was convicted of the felony in a jury trial, the jury  
 16 shall reconvene for the sentencing hearing. If the trial was to the court  
 17 or the judgment was entered on a guilty plea, the court alone shall  
 18 conduct the sentencing hearing under IC 35-38-1-3. The role of the jury  
 19 is to determine whether the defendant has been convicted of the  
 20 unrelated felonies. The state or defendant may not conduct any  
 21 additional interrogation or questioning of the jury during the habitual  
 22 offender part of the trial.
- 23 (i) The court shall sentence a person found to be a habitual offender  
 24 to an additional fixed term that is between:
- 25 (1) ~~zero (0)~~ **six (6) years** and twenty (20) years, for a person  
 26 convicted of murder or a Level 1 through Level 4 felony; or  
 27 (2) ~~zero (0)~~ **two (2) years** and six (6) years, for a person  
 28 convicted of a Level 5 or Level 6 felony.
- 29 An additional term imposed under this subsection is nonsuspendible.
- 30 (j) Habitual offender is a status that results in an enhanced sentence.  
 31 It is not a separate crime and does not result in a consecutive sentence.  
 32 The court shall attach the habitual offender enhancement to the felony  
 33 conviction with the highest sentence imposed and specify which felony  
 34 count is being enhanced. If the felony enhanced by the habitual  
 35 offender determination is set aside or vacated, the court shall  
 36 resentence the person and apply the habitual offender enhancement to  
 37 the felony conviction with the next highest sentence in the underlying  
 38 cause, if any.
- 39 (k) A prior unrelated felony conviction may not be collaterally  
 40 attacked during a habitual offender proceeding unless the conviction  
 41 is constitutionally invalid.
- 42 (l) The procedural safeguards that apply to other criminal charges,



- 1 including:
- 2 (1) the requirement that the charge be filed by information or
- 3 indictment; and
- 4 (2) the right to an initial hearing;
- 5 also apply to a habitual offender allegation.
- 6 SECTION 123. IC 35-50-2-9, AS AMENDED BY P.L.158-2013,
- 7 SECTION 663, AND AS AMENDED BY P.L.214-2013, SECTION
- 8 45, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 9 [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) The state may seek either a
- 10 death sentence or a sentence of life imprisonment without parole for
- 11 murder by alleging, on a page separate from the rest of the charging
- 12 instrument, the existence of at least one (1) of the aggravating
- 13 circumstances listed in subsection (b). In the sentencing hearing after
- 14 a person is convicted of murder, the state must prove beyond a
- 15 reasonable doubt the existence of at least one (1) of the aggravating
- 16 circumstances alleged. However, the state may not proceed against a
- 17 defendant under this section if a court determines at a pretrial hearing
- 18 under IC 35-36-9 that the defendant is an individual with mental
- 19 retardation.
- 20 (b) The aggravating circumstances are as follows:
- 21 (1) The defendant committed the murder by intentionally killing
- 22 the victim while committing or attempting to commit any of the
- 23 following:
- 24 (A) Arson (IC 35-43-1-1).
- 25 (B) Burglary (IC 35-43-2-1).
- 26 (C) Child molesting (IC 35-42-4-3).
- 27 (D) Criminal deviate conduct (IC 35-42-4-2) ~~(repealed)~~.
- 28 **(before its repeal).**
- 29 (E) Kidnapping (IC 35-42-3-2).
- 30 (F) Rape (IC 35-42-4-1).
- 31 (G) Robbery (IC 35-42-5-1).
- 32 (H) Carjacking (IC 35-42-5-2) ~~(repealed)~~. **(before its repeal).**
- 33 (I) Criminal gang activity (IC 35-45-9-3).
- 34 (J) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).
- 35 *(K) Criminal confinement (IC 35-42-3-3).*
- 36 (2) The defendant committed the murder by the unlawful
- 37 detonation of an explosive with intent to injure *a* person or
- 38 damage property.
- 39 (3) The defendant committed the murder by lying in wait.
- 40 (4) The defendant who committed the murder was hired to kill.
- 41 (5) The defendant committed the murder by hiring another person
- 42 to kill.



- 1 (6) The victim of the murder was a corrections employee,  
2 probation officer, parole officer, community corrections worker,  
3 home detention officer, fireman, judge, or law enforcement  
4 officer, and either:  
5 (A) the victim was acting in the course of duty; or  
6 (B) the murder was motivated by an act the victim performed  
7 while acting in the course of duty.  
8 (7) The defendant has been convicted of another murder.  
9 (8) The defendant has committed another murder, at any time,  
10 regardless of whether the defendant has been convicted of that  
11 other murder.  
12 (9) The defendant was:  
13 (A) under the custody of the department of correction;  
14 (B) under the custody of a county sheriff;  
15 (C) on probation after receiving a sentence for the commission  
16 of a felony; or  
17 (D) on parole;  
18 at the time the murder was committed.  
19 (10) The defendant dismembered the victim.  
20 (11) The defendant burned, mutilated, or tortured the victim while  
21 the victim was alive.  
22 (12) The victim of the murder was less than twelve (12) years of  
23 age.  
24 (13) The victim was a victim of any of the following offenses for  
25 which the defendant was convicted:  
26 (A) *Battery committed before July 1, 2014*, as a Class D felony  
27 or as a Class C felony under IC 35-42-2-1 or *battery*  
28 *committed after June 30, 2014*, as a *Level 6 felony*, a *Level 5*  
29 *felony*, **a Level 4 felony**, or a *Level 3 felony*.  
30 (B) Kidnapping (IC 35-42-3-2).  
31 (C) Criminal confinement (IC 35-42-3-3).  
32 (D) A sex crime under IC 35-42-4.  
33 (14) The victim of the murder was listed by the state or known by  
34 the defendant to be a witness against the defendant and the  
35 defendant committed the murder with the intent to prevent the  
36 person from testifying.  
37 (15) The defendant committed the murder by intentionally  
38 discharging a firearm (as defined in IC 35-47-1-5):  
39 (A) into an inhabited dwelling; or  
40 (B) from a vehicle.  
41 (16) The victim of the murder was pregnant and the murder  
42 resulted in the intentional killing of a fetus that has attained



- 1 viability (as defined in IC 16-18-2-365).
- 2 (c) The mitigating circumstances that may be considered under this  
3 section are as follows:
- 4 (1) The defendant has no significant history of prior criminal  
5 conduct.
- 6 (2) The defendant was under the influence of extreme mental or  
7 emotional disturbance when the murder was committed.
- 8 (3) The victim was a participant in or consented to the defendant's  
9 conduct.
- 10 (4) The defendant was an accomplice in a murder committed by  
11 another person, and the defendant's participation was relatively  
12 minor.
- 13 (5) The defendant acted under the substantial domination of  
14 another person.
- 15 (6) The defendant's capacity to appreciate the criminality of the  
16 defendant's conduct or to conform that conduct to the  
17 requirements of law was substantially impaired as a result of  
18 mental disease or defect or of intoxication.
- 19 (7) The defendant was less than eighteen (18) years of age at the  
20 time the murder was committed.
- 21 (8) Any other circumstances appropriate for consideration.
- 22 (d) If the defendant was convicted of murder in a jury trial, the jury  
23 shall reconvene for the sentencing hearing. If the trial was to the court,  
24 or the judgment was entered on a guilty plea, the court alone shall  
25 conduct the sentencing hearing. The jury or the court may consider all  
26 the evidence introduced at the trial stage of the proceedings, together  
27 with new evidence presented at the sentencing hearing. The court shall  
28 instruct the jury concerning the statutory penalties for murder and any  
29 other offenses for which the defendant was convicted, the potential for  
30 consecutive or concurrent sentencing, and the availability of good time  
31 credit and clemency. The court shall instruct the jury that, in order for  
32 the jury to recommend to the court that the death penalty or life  
33 imprisonment without parole should be imposed, the jury must find at  
34 least one (1) aggravating circumstance beyond a reasonable doubt as  
35 described in subsection (1) and shall provide a special verdict form for  
36 each aggravating circumstance alleged. The defendant may present any  
37 additional evidence relevant to:
- 38 (1) the aggravating circumstances alleged; or
- 39 (2) any of the mitigating circumstances listed in subsection (c).
- 40 (e) For a defendant sentenced after June 30, 2002, except as  
41 provided by IC 35-36-9, if the hearing is by jury, the jury shall  
42 recommend to the court whether the death penalty or life imprisonment



1 without parole, or neither, should be imposed. The jury may  
2 recommend:

- 3 (1) the death penalty; or  
4 (2) life imprisonment without parole;

5 only if it makes the findings described in subsection (l). If the jury  
6 reaches a sentencing recommendation, the court shall sentence the  
7 defendant accordingly. After a court pronounces sentence, a  
8 representative of the victim's family and friends may present a  
9 statement regarding the impact of the crime on family and friends. The  
10 impact statement may be submitted in writing or given orally by the  
11 representative. The statement shall be given in the presence of the  
12 defendant.

13 (f) If a jury is unable to agree on a sentence recommendation after  
14 reasonable deliberations, the court shall discharge the jury and proceed  
15 as if the hearing had been to the court alone.

16 (g) If the hearing is to the court alone, except as provided by  
17 IC 35-36-9, the court shall:

- 18 (1) sentence the defendant to death; or  
19 (2) impose a term of life imprisonment without parole;

20 only if it makes the findings described in subsection (l).

21 (h) If a court sentences a defendant to death, the court shall order  
22 the defendant's execution to be carried out not later than one (1) year  
23 and one (1) day after the date the defendant was convicted. The  
24 supreme court has exclusive jurisdiction to stay the execution of a  
25 death sentence. If the supreme court stays the execution of a death  
26 sentence, the supreme court shall order a new date for the defendant's  
27 execution.

28 (i) If a person sentenced to death by a court files a petition for  
29 post-conviction relief, the court, not later than ninety (90) days after the  
30 date the petition is filed, shall set a date to hold a hearing to consider  
31 the petition. If a court does not, within the ninety (90) day period, set  
32 the date to hold the hearing to consider the petition, the court's failure  
33 to set the hearing date is not a basis for additional post-conviction  
34 relief. The attorney general shall answer the petition for post-conviction  
35 relief on behalf of the state. At the request of the attorney general, a  
36 prosecuting attorney shall assist the attorney general. The court shall  
37 enter written findings of fact and conclusions of law concerning the  
38 petition not later than ninety (90) days after the date the hearing  
39 concludes. However, if the court determines that the petition is without  
40 merit, the court may dismiss the petition within ninety (90) days  
41 without conducting a hearing under this subsection.

42 (j) A death sentence is subject to automatic review by the supreme



1 court. The review, which shall be heard under rules adopted by the  
 2 supreme court, shall be given priority over all other cases. The supreme  
 3 court's review must take into consideration all claims that the:

4 (1) conviction or sentence was in violation of the:

5 (A) Constitution of the State of Indiana; or

6 (B) Constitution of the United States;

7 (2) sentencing court was without jurisdiction to impose a  
 8 sentence; and

9 (3) sentence:

10 (A) exceeds the maximum sentence authorized by law; or

11 (B) is otherwise erroneous.

12 If the supreme court cannot complete its review by the date set by the  
 13 sentencing court for the defendant's execution under subsection (h), the  
 14 supreme court shall stay the execution of the death sentence and set a  
 15 new date to carry out the defendant's execution.

16 (k) A person who has been sentenced to death and who has  
 17 completed state post-conviction review proceedings may file a written  
 18 petition with the supreme court seeking to present new evidence  
 19 challenging the person's guilt or the appropriateness of the death  
 20 sentence if the person serves notice on the attorney general. The  
 21 supreme court shall determine, with or without a hearing, whether the  
 22 person has presented previously undiscovered evidence that  
 23 undermines confidence in the conviction or the death sentence. If  
 24 necessary, the supreme court may remand the case to the trial court for  
 25 an evidentiary hearing to consider the new evidence and its effect on  
 26 the person's conviction and death sentence. The supreme court may not  
 27 make a determination in the person's favor nor make a decision to  
 28 remand the case to the trial court for an evidentiary hearing without  
 29 first providing the attorney general with an opportunity to be heard on  
 30 the matter.

31 (l) Before a sentence may be imposed under this section, the jury,  
 32 in a proceeding under subsection (e), or the court, in a proceeding  
 33 under subsection (g), must find that:

34 (1) the state has proved beyond a reasonable doubt that at least  
 35 one (1) of the aggravating circumstances listed in subsection (b)  
 36 exists; and

37 (2) any mitigating circumstances that exist are outweighed by the  
 38 aggravating circumstance or circumstances.

39 SECTION 124. IC 35-50-6-3, AS AMENDED BY P.L.158-2013,  
 40 SECTION 667, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) This section applies to a  
 42 person ~~convicted~~ **who commits an offense** before July 1, 2014.



1 (b) A person assigned to Class I earns one (1) day of credit time for  
 2 each day the person is imprisoned for a crime or confined awaiting trial  
 3 or sentencing.

4 (c) A person assigned to Class II earns one (1) day of credit time for  
 5 every two (2) days the person is imprisoned for a crime or confined  
 6 awaiting trial or sentencing.

7 (d) A person assigned to Class III earns no credit time.

8 (e) A person assigned to Class IV earns one (1) day of credit time  
 9 for every six (6) days the person is imprisoned for a crime or confined  
 10 awaiting trial or sentencing.

11 SECTION 125. IC 35-50-6-3.1, AS ADDED BY P.L.158-2013,  
 12 SECTION 668, IS AMENDED TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2014]: Sec. 3.1. (a) This section applies to a  
 14 person ~~convicted~~ **who commits an offense** after June 30, 2014.

15 **(b) A person assigned to Class A earns one (1) day of credit time**  
 16 **for each day the person is imprisoned for a crime or confined**  
 17 **awaiting trial or sentencing.**

18 ~~(b)~~ (c) A person assigned to ~~Class A~~ **Class B** earns one (1) day of  
 19 credit time for every three (3) days the person is imprisoned for a crime  
 20 or confined awaiting trial or sentencing.

21 ~~(c)~~ (d) A person assigned to ~~Class B~~ **Class C** earns one (1) day of  
 22 credit time for every six (6) days the person is imprisoned for a crime  
 23 or confined awaiting trial or sentencing.

24 ~~(d)~~ (e) A person assigned to ~~Class C~~ **Class D** earns no credit time.

25 SECTION 126. IC 35-50-6-3.3, AS AMENDED BY P.L.158-2013,  
 26 SECTION 669, AND AS AMENDED BY P.L.214-2013, SECTION  
 27 46, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2014]: Sec. 3.3. (a) In addition to any credit  
 29 time a person earns under subsection (b) or section 3 of this chapter, a  
 30 person earns credit time if the person:

31 (1) is in credit Class I, ~~or Class A,~~ **or Class B;**

32 (2) has demonstrated a pattern consistent with rehabilitation; and

33 (3) successfully completes requirements to obtain one (1) of the  
 34 following:

35 (A) A general educational development (GED) diploma under  
 36 IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person  
 37 has not previously obtained a high school diploma.

38 (B) Except as provided in subsection ~~(n)~~, **(o)**, a high school  
 39 diploma, if the person has not previously obtained a general  
 40 educational development (GED) diploma.

41 (C) An ~~associate's~~ *associate* degree from an approved  
 42 postsecondary educational institution (as defined under



- 1 IC 21-7-13-6(a)) *earned during the person's incarceration.*  
 2 (D) A ~~bachelor's~~ bachelor degree from an approved  
 3 postsecondary educational institution (as defined under  
 4 IC 21-7-13-6(a)) *earned during the person's incarceration.*  
 5 (b) In addition to any credit time that a person earns under  
 6 subsection (a) or section 3 of this chapter, a person may earn credit  
 7 time if, while confined by the department of correction, the person:  
 8 (1) is in credit Class I, ~~or Class A,~~ **or Class B;**  
 9 (2) demonstrates a pattern consistent with rehabilitation; and  
 10 (3) successfully completes requirements to obtain at least one (1)  
 11 of the following:  
 12 (A) A certificate of completion of a career and technical *or*  
 13 *vocational* education program approved by the department of  
 14 correction.  
 15 (B) A certificate of completion of a substance abuse program  
 16 approved by the department of correction.  
 17 (C) A certificate of completion of a literacy and basic life  
 18 skills program approved by the department of correction.  
 19 (D) A certificate of completion of a reformatory program  
 20 approved by the department of correction.  
 21 (c) The department of correction shall establish admissions criteria  
 22 and other requirements for programs available for earning credit time  
 23 under subsection (b). A person may not earn credit time under both  
 24 subsections (a) and (b) for the same program of study. *The department*  
 25 *of correction, in consultation with the department of workforce*  
 26 *development, shall approve a program only if the program is likely to*  
 27 *lead to an employable occupation.*  
 28 (d) The amount of credit time a person may earn under this section  
 29 is the following:  
 30 (1) Six (6) months for completion of a state of Indiana general  
 31 educational development (GED) diploma under IC 20-20-6  
 32 (before its repeal) or IC 22-4.1-18.  
 33 (2) One (1) year for graduation from high school.  
 34 (3) ~~One~~ *Not more than one* (1) year for completion of an  
 35 ~~associate's~~ *associate* degree.  
 36 (4) ~~Two~~ *Not more than two* (2) years for completion of a  
 37 ~~bachelor's~~ *bachelor* degree.  
 38 (5) Not more than a total of ~~six (6) months~~ *one (1) year* of credit,  
 39 as determined by the department of correction, for the completion  
 40 of one (1) or more career and technical *or vocational* education  
 41 programs approved by the department of correction.  
 42 (6) Not more than a total of six (6) months of credit, as





- 1 determined by the department of correction, for the completion of  
 2 one (1) or more substance abuse programs approved by the  
 3 department of correction.
- 4 (7) Not more than a total of six (6) months credit, as determined  
 5 by the department of correction, for the completion of one (1) or  
 6 more literacy and basic life skills programs approved by the  
 7 department of correction.
- 8 (8) Not more than a total of six (6) months credit time, as  
 9 determined by the department of correction, for completion of one  
 10 (1) or more reformatory programs approved by the department of  
 11 correction. However, a person who is serving a sentence for an  
 12 offense listed under IC 11-8-8-4.5 may not earn credit time under  
 13 this subdivision.
- 14 However, a person who does not have a substance abuse problem that  
 15 qualifies the person to earn credit in a substance abuse program may  
 16 earn not more than a total of twelve (12) months of credit, as  
 17 determined by the department of correction, for the completion of one  
 18 (1) or more career and technical *or vocational* education programs  
 19 approved by the department of correction. If a person earns more than  
 20 six (6) months of credit for the completion of one (1) or more career  
 21 and technical **or vocational** education programs, the person is  
 22 ineligible to earn credit for the completion of one (1) or more substance  
 23 abuse programs.
- 24 *(e) Credit time earned under this section must be directly*  
 25 *proportional to the time served and course work completed while*  
 26 *incarcerated. The department of correction shall adopt rules under*  
 27 *IC 4-22-2 necessary to implement this subsection.*
- 28 ~~(e)~~ (f) Credit time earned by a person under this section is subtracted  
 29 from the *release date that would otherwise apply to period of*  
 30 *imprisonment imposed on* the person by the sentencing court after  
 31 subtracting all other credit time earned by the person.
- 32 ~~(f)~~ (g) A person does not earn credit time under subsection (a)  
 33 unless the person completes at least a portion of the degree  
 34 requirements after June 30, 1993.
- 35 ~~(g)~~ (h) A person does not earn credit time under subsection (b)  
 36 unless the person completes at least a portion of the program  
 37 requirements after June 30, 1999.
- 38 ~~(h)~~ (i) Credit time earned by a person under subsection (a) for a  
 39 diploma or degree completed before July 1, 1999, shall be subtracted  
 40 from:
- 41 (1) the release date that would otherwise apply to the person after  
 42 subtracting all other credit time earned by the person, if the



- 1 person has not been convicted of an offense described in
- 2 subdivision (2); or
- 3 (2) the period of imprisonment imposed on the person by the
- 4 sentencing court, if the person has been convicted of one (1) of
- 5 the following crimes:
- 6 (A) Rape (IC 35-42-4-1).
- 7 (B) Criminal deviate conduct (IC 35-42-4-2) ~~(repealed)~~;
- 8 **(before its repeal).**
- 9 (C) Child molesting (IC 35-42-4-3).
- 10 (D) Child exploitation (IC 35-42-4-4(b)).
- 11 (E) Vicarious sexual gratification (IC 35-42-4-5).
- 12 (F) Child solicitation (IC 35-42-4-6).
- 13 (G) Child seduction (IC 35-42-4-7).
- 14 (H) Sexual misconduct with a minor *(IC 35-42-4-9)* as a:
- 15 *(i) Class A felony, Class B felony, or Class C felony*
- 16 ~~*(IC 35-42-4-9); for a crime committed before July 1, 2014;*~~
- 17 *or*
- 18 *(ii) Level 1, Level 2, or Level 4 felony, for a crime*
- 19 *committed after June 30, 2014.*
- 20 (I) Incest (IC 35-46-1-3).
- 21 (J) Sexual battery (IC 35-42-4-8).
- 22 (K) Kidnapping (IC 35-42-3-2), if the victim is less than
- 23 eighteen (18) years of age.
- 24 (L) Criminal confinement (IC 35-42-3-3), if the victim is less
- 25 than eighteen (18) years of age.
- 26 (M) An attempt or a conspiracy to commit a crime listed in
- 27 clauses (A) through (L).
- 28 ~~(j)~~ *(j)* The maximum amount of credit time a person may earn under
- 29 this section is the lesser of:
- 30 (1) ~~four~~ *two* (2) years; or
- 31 (2) one-third (1/3) of the person's total applicable credit time.
- 32 ~~(k)~~ *(k)* Credit time earned under this section by an offender serving
- 33 a sentence for a felony against a person under IC 35-42 or for a crime
- 34 listed in IC 11-8-8-5 shall be reduced to the extent that application of
- 35 the credit time would otherwise result in:
- 36 (1) postconviction release (as defined in IC 35-40-4-6); or
- 37 (2) assignment of the person to a community transition program;
- 38 in less than forty-five (45) days after the person earns the credit time.
- 39 ~~(l)~~ *(l)* A person may earn credit time for multiple degrees at the
- 40 same education level under subsection (d) only in accordance with
- 41 guidelines approved by the department of correction. The department
- 42 of correction may approve guidelines for proper sequence of education



1 degrees under subsection (d).  
 2 ~~(h)~~ (m) A person may not earn credit time:  
 3 (1) for a general educational development (GED) diploma if the  
 4 person has previously earned a high school diploma; or  
 5 (2) for a high school diploma if the person has previously earned  
 6 a general educational development (GED) diploma.  
 7 ~~(m)~~ (n) A person may not earn credit time under this section if the  
 8 person:  
 9 (1) commits an offense listed in IC 11-8-8-4.5 while the person is  
 10 required to register as a sex or violent offender under IC 11-8-8-7;  
 11 and  
 12 (2) is committed to the department of correction after being  
 13 convicted of the offense listed in IC 11-8-8-4.5.  
 14 ~~(m)~~ (o) For a person to earn credit time under subsection (a)(3)(B)  
 15 for successfully completing the requirements for a high school diploma  
 16 through correspondence courses, each correspondence course must be  
 17 approved by the department before the person begins the  
 18 correspondence course. The department may approve a correspondence  
 19 course only if the entity administering the course is recognized and  
 20 accredited by the department of education in the state where the entity  
 21 is located.  
 22 SECTION 127. IC 35-50-6-4, AS AMENDED BY P.L.158-2013,  
 23 SECTION 670, IS AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) **A person:**  
 25 **(1) who is not a credit restricted felon; and**  
 26 **(2) who is imprisoned for a Level 6 felony or a misdemeanor**  
 27 **or imprisoned awaiting trial or sentencing for a Level 6 felony**  
 28 **or misdemeanor;**  
 29 **is initially assigned to Class A.**  
 30 ~~(a)~~ (b) A person:  
 31 **(1) who is not a credit restricted felon; and**  
 32 **(2) who is imprisoned for a crime other than a Level 6 felony or**  
 33 **misdemeanor or imprisoned awaiting trial or sentencing for a**  
 34 **crime other than a Level 6 felony or misdemeanor;**  
 35 **is initially assigned to Class A: Class B.**  
 36 ~~(b)~~ (c) A person who is a credit restricted felon and who is  
 37 imprisoned for a crime or imprisoned awaiting trial or sentencing is  
 38 initially assigned to ~~Class B:~~ **Class C.** A credit restricted felon may not  
 39 be assigned to Class A **or Class B.**  
 40 ~~(c)~~ (d) A person who is not a credit restricted felon may be  
 41 reassigned to ~~Class B~~ **Class C** or ~~Class C~~ **Class D** if the person violates  
 42 any of the following:



- 1 (1) A rule of the department of correction.  
 2 (2) A rule of the penal facility in which the person is imprisoned.  
 3 (3) A rule or condition of a community transition program.  
 4 However, a violation of a condition of parole or probation may not be  
 5 the basis for reassignment. Before a person may be reassigned to a  
 6 lower credit time class, the person must be granted a hearing to  
 7 determine the person's guilt or innocence and, if found guilty, whether  
 8 reassignment is an appropriate disciplinary action for the violation. The  
 9 person may waive the right to the hearing.
- 10 ~~(d)~~ (e) A person who is a credit restricted felon may be reassigned  
 11 to ~~Class C~~ **Class D** and a person who is assigned to Class IV may be  
 12 assigned to Class III if the person violates any of the following:
- 13 (1) A rule of the department of correction.  
 14 (2) A rule of the penal facility in which the person is imprisoned.  
 15 (3) A rule or condition of a community transition program.  
 16 However, a violation of a condition of parole or probation may not be  
 17 the basis for reassignment. Before a person may be reassigned to Class  
 18 III or ~~Class C~~, **Class D**, the person must be granted a hearing to  
 19 determine the person's guilt or innocence and, if found guilty, whether  
 20 reassignment is an appropriate disciplinary action for the violation. The  
 21 person may waive the right to the hearing.
- 22 ~~(e)~~ (f) In connection with the hearing granted under subsection ~~(e)~~  
 23 (d) or ~~(d)~~; (e), the person is entitled to:
- 24 (1) have not less than twenty-four (24) hours advance written  
 25 notice of the date, time, and place of the hearing, and of the  
 26 alleged misconduct and the rule the misconduct is alleged to have  
 27 violated;  
 28 (2) have reasonable time to prepare for the hearing;  
 29 (3) have an impartial decisionmaker;  
 30 (4) appear and speak in the person's own behalf;  
 31 (5) call witnesses and present evidence;  
 32 (6) confront and cross-examine each witness, unless the hearing  
 33 authority finds that to do so would subject a witness to a  
 34 substantial risk of harm;  
 35 (7) have the assistance of a lay advocate (the department may  
 36 require that the advocate be an employee of, or a fellow prisoner  
 37 in, the same facility or program);  
 38 (8) have a written statement of the findings of fact, the evidence  
 39 relied upon, and the reasons for the action taken;  
 40 (9) have immunity if the person's testimony or any evidence  
 41 derived from the person's testimony is used in any criminal  
 42 proceedings; and



1 (10) have the person's record expunged of any reference to the  
2 charge if the person is found not guilty or if a finding of guilt is  
3 later overturned.  
4 Any finding of guilt must be supported by a preponderance of the  
5 evidence presented at the hearing.

6 (f) (g) Except for a credit restricted felon, a person may be  
7 reassigned from:

- 8 (1) Class III to Class I, Class II or Class IV;
- 9 (2) Class II to Class I;
- 10 (3) ~~Class C~~ Class D to Class A, or Class B, or Class C;
- 11 (4) ~~Class B~~ Class C to Class A or Class B.

12 A person's assignment to Class III, Class II, ~~Class B~~, or Class C, or  
13 Class D shall be reviewed at least once every six (6) months to  
14 determine if the person should be reassigned to a higher credit time  
15 class. A credit restricted felon may not be reassigned to Class I or Class  
16 II or to Class A, or Class B, or Class C.

17 (h) **This subsection applies only to a person imprisoned awaiting**  
18 **trial. A person imprisoned awaiting trial is initially assigned to a**  
19 **credit class based on the most serious offense with which the**  
20 **person is charged. If all the offenses of which a person is convicted**  
21 **have a higher credit time class than the most serious offense with**  
22 **which the person is charged, the person earns credit time for the**  
23 **time imprisoned awaiting trial at the credit time class of the most**  
24 **serious offense of which the person was convicted. However, this**  
25 **section does not apply to any period during which the person is**  
26 **reassigned to a lower credit time class for a disciplinary violation.**

27 SECTION 128. IC 35-50-6-5, AS AMENDED BY P.L.158-2013,  
28 SECTION 671, IS AMENDED TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person may, with respect  
30 to the same transaction, be deprived of any part of the credit time the  
31 person has earned for any of the following:

- 32 (1) A violation of one (1) or more rules of the department of  
33 correction.
- 34 (2) If the person is not committed to the department, a violation  
35 of one (1) or more rules of the penal facility in which the person  
36 is imprisoned.
- 37 (3) A violation of one (1) or more rules or conditions of a:
  - 38 (A) community transition program; or
  - 39 (B) community corrections program.
- 40 (4) If a court determines that a civil claim brought by the person  
41 in a state or an administrative court is frivolous, unreasonable, or  
42 groundless.



1 (5) If the person is a sex offender (as defined in IC 11-8-8-5) and  
 2 refuses to register before being released from the department as  
 3 required under IC 11-8-8-7.

4 (6) If the person is a sex offender (as defined in IC 11-8-8-5) and  
 5 refuses to participate in a sex offender treatment program  
 6 specifically offered to the sex offender by the department of  
 7 correction while the person is serving a period of incarceration  
 8 with the department of correction.

9 However, the violation of a condition of parole or probation may not be  
 10 the basis for deprivation. Whenever a person is deprived of credit time,  
 11 the person may also be reassigned to Class II (if the person is not a  
 12 credit restricted felon) or Class III, ~~Class B, or Class C, or Class D.~~

13 (b) Before a person may be deprived of earned credit time, the  
 14 person must be granted a hearing to determine the person's guilt or  
 15 innocence and, if found guilty, whether deprivation of earned credit  
 16 time is an appropriate disciplinary action for the violation. In  
 17 connection with the hearing, the person is entitled to the procedural  
 18 safeguards listed in section 4(c) of this chapter. The person may waive  
 19 the person's right to the hearing.

20 (c) Any part of the credit time of which a person is deprived under  
 21 this section may be restored.

22 SECTION 129. [EFFECTIVE JULY 1, 2014] **The general**  
 23 **assembly recognizes that P.L.214-2013, SECTION 44 amended**  
 24 **IC 35-50-2-2, and that P.L.158-2013, SECTION 653 repealed**  
 25 **IC 35-50-2-2. The general assembly intends to repeal IC 35-50-2-2.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1006, 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:

Page 51, delete lines 32 through 42.

Page 52, delete lines 1 through 35, begin a new paragraph and insert:

"SECTION 44. IC 31-30-1-4, AS AMENDED BY P.L.158-2013, SECTION 315, AND AS AMENDED BY P.L.214-2013, SECTION 25, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The juvenile court does not have jurisdiction over an individual for an alleged violation of:

- (1) IC 35-41-5-1(a) (attempted murder);
- (2) IC 35-42-1-1 (murder);
- (3) IC 35-42-3-2 (kidnapping);
- (4) IC 35-42-4-1 (rape);
- (5) IC 35-42-4-2 (criminal deviate conduct) ~~(repealed)~~; **(before its repeal)**;
- (6) IC 35-42-5-1 (robbery) if:
  - (A) the robbery was committed while armed with a deadly weapon; or
  - (B) the robbery results in bodily injury or serious bodily injury;
- (7) IC 35-42-5-2 (carjacking) ~~(repealed)~~; **(before its repeal)**;
- ~~(8) IC 35-45-9-3 (criminal gang activity)~~;
- ~~(9) IC 35-45-9-4 (criminal gang intimidation)~~;
- ~~(10)~~ **(8)** IC 35-47-2-1 (carrying a handgun without a license), if charged as a felony;
- ~~(11)~~ **(9)** IC 35-47-10 (children and firearms), if charged as a felony;
- ~~(12)~~ **(10)** IC 35-47-5-4.1 (dealing in a sawed-off shotgun); or
- ~~(13)~~ **(11)** any offense that may be joined under IC 35-34-1-9(a)(2) with any crime listed in subdivisions (1) through ~~(12)~~; **(10)**;

if the individual was at least sixteen (16) years of age at the time of the alleged violation.

~~(b) The juvenile court does not have jurisdiction for an alleged violation of manufacturing or dealing in cocaine or a narcotic drug (IC 35-48-4-1); dealing in methamphetamine (IC 35-48-4-1.1); dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2); or dealing in a schedule IV controlled substance (IC 35-48-4-3); if:~~

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~~(1) the individual has a prior unrelated conviction under IC 35-48-4-1, IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3; or~~  
~~(2) the individual has a prior unrelated juvenile adjudication that, if committed by an adult, would be a crime under IC 35-48-4-1, IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3;~~  
 and the individual was at least sixteen (16) years of age at the time of the alleged violation.

~~(c)~~ **(b)** Once an individual described in subsection (a) ~~or (b)~~ has been charged with any crime listed in subsection (a), ~~or (b)~~; the court having adult criminal jurisdiction shall retain jurisdiction over the case even if the individual pleads guilty to or is convicted of a lesser included offense. A plea of guilty to or a conviction of a lesser included offense does not vest jurisdiction in the juvenile court."

Page 65, between lines 9 and 10, begin a new paragraph and insert:  
 "SECTION 54. IC 35-31.5-2-38.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2014]: **Sec. 38.5. "Child care facility" means a:**

- (1) child care center licensed under IC 12-17.2-4;**
- (2) child care home licensed under IC 12-17.2-5; or**
- (3) child care ministry licensed under IC 12-17.2-6."**

Page 71, delete lines 23 through 42, begin a new paragraph and insert:

"SECTION 65. IC 35-38-1-17, AS AMENDED BY P.L.158-2013, SECTION 396, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) **This section does not apply to a credit restricted felon.**

**(b) At any time Not later than three hundred sixty-five (365) days after:**

- (1) a convicted person begins serving the person's sentence; and**
- ~~(2) a hearing is held:~~
  - ~~(A) at which the convicted person is present; and~~
  - ~~(B) of which the prosecuting attorney has been notified; and~~
  - ~~(3) (2) the court obtains a report from the department of correction concerning the convicted person's conduct while imprisoned;~~

the court may reduce or suspend the sentence and impose a sentence that the court was authorized to impose at the time of sentencing. The court must incorporate its reasons in the record.

**(c) If more than three hundred sixty-five (365) days have elapsed since the convicted person began serving the sentence, the court may reduce or suspend the sentence and impose a sentence**





**that the court was authorized to impose at the time of sentencing. The court must incorporate its reasons in the record.**

~~(b)~~ **(d)** **If the court sets a hearing on a petition under this section,** the court must give notice of the order to reduce or suspend the sentence under this section to the prosecuting attorney and the **prosecuting attorney must give notice to the** victim (as defined in IC 35-31.5-2-348) of the crime for which the convicted person is serving the sentence.

~~(c)~~ **(e)** The court may suspend a sentence for a felony under this section only if suspension is permitted under IC 35-50-2-2.2.

~~(d)~~ **(f)** The court may deny a request to suspend or reduce a sentence under this section without making written findings and conclusions.

~~(e)~~ **(g)** The court is not required to conduct a hearing before reducing or suspending a sentence **under this section** if:

- (1) the prosecuting attorney has filed with the court an agreement of the reduction or suspension of the sentence; and
- (2) the convicted person has filed with the court a waiver of the right to be present when the order to reduce or suspend the sentence is considered.

**(h) A convicted person may file a petition for sentence modification under this section:**

- (1) not more than one (1) time in any three hundred sixty-five (365) day period; and**
- (2) a maximum of two (2) times during any consecutive period of incarceration."**

Delete page 72.

Page 73, delete lines 1 through 5, begin a new paragraph and insert: "SECTION 64. IC 35-38-2.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as provided in section 5.5 of this chapter, as a condition of probation a court may order an offender confined to the offender's home for a period of home detention lasting at least sixty (60) days.

(b) The period of home detention may be consecutive or nonconsecutive, as the court orders. However, the aggregate time actually spent in home detention must not exceed:

- (1) the minimum term of imprisonment prescribed for a felony under IC 35-50-2; or
- (2) the maximum term of imprisonment prescribed for a misdemeanor under IC 35-50-3;

for the crime committed by the offender.

(c) The court may order supervision of an offender's home detention to be provided by the probation department for the court or by a



community corrections program that provides supervision of home detention.

(d) A person's term of confinement on home detention under this chapter is computed on the basis of the actual days the person spends on home detention.

(e) A person confined on home detention as a condition of probation earns **one (1) day of credit for time served for each day the person is confined on home detention.**"

Page 112, delete lines 19 through 40, begin a new paragraph and insert:

"SECTION 94. IC 35-48-1-16.5, AS ADDED BY P.L.158-2013, SECTION 619, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16.5. "Enhancing circumstance" means one (1) or more of the following:

(1) The person has a prior conviction, **in any jurisdiction**, for dealing in a controlled substance that is not marijuana, hashish, hash oil, salvia divinorum, or a synthetic drug, **including an attempt or conspiracy to commit the offense.**

(2) The person committed the offense while in possession of a firearm.

(3) The person committed the offense:

(A) on a school bus; or

(B) in, on, or within ~~five two~~ hundred ~~(500)~~ **fifty (250)** feet of:

(i) school property; ~~while a person under eighteen (18) years of age was reasonably expected to be present; or~~

(ii) a public park; ~~while a person under eighteen (18) years of age was reasonably expected to be present.~~

**(iii) a family housing complex; or**

**(iv) a child care facility.**

(4) The person delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the person.

(5) The person manufactured or financed the manufacture of the drug.

**(6) The person committed the offense in the physical presence of a child less than eighteen (18) years of age, knowing that the child was present and might be able to see or hear the offense.**

SECTION 95. IC 35-48-4-1, AS AMENDED BY P.L.158-2013, SECTION 622, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who:

(1) knowingly or intentionally:



- (A) manufactures;
  - (B) finances the manufacture of;
  - (C) delivers; or
  - (D) finances the delivery of;
- cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II; or
- (2) possesses, with intent to:
    - (A) manufacture;
    - (B) finance the manufacture of;
    - (C) deliver; or
    - (D) finance the delivery of;
- cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II;
- commits dealing in cocaine or a narcotic drug, a ~~Level 5~~ **Level 4** felony, except as provided in subsections (b) through ~~(d)~~: **(c)**.
- (b) The offense is a ~~Level 4~~ **Level 3** 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 3~~ **Level 2** 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 2 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 96. IC 35-48-4-1.1, AS AMENDED BY P.L.158-2013, SECTION 623, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.1. (a) A person who:

- (1) knowingly or intentionally:
    - (A) manufactures;
    - (B) finances the manufacture of;
    - (C) delivers; or
    - (D) finances the delivery of;
- methamphetamine, pure or adulterated; or
- (2) possesses, with intent to:
    - (A) manufacture;

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(B) finance the manufacture of;  
 (C) deliver; or  
 (D) finance the delivery of;  
 methamphetamine, pure or adulterated;  
 commits dealing in methamphetamine, a ~~Level 5~~ **Level 4** felony, except  
 as provided in subsections (b) through ~~(d)~~: **(c)**.

(b) The offense is a ~~Level 4~~ **Level 3** 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 3~~ **Level 2** 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 2 felony if:~~  
~~(1) the amount of the drug involved is at least twenty-eight (28)~~  
~~grams;~~  
~~(2) the amount of the drug involved is at least ten (10) but less~~  
~~than twenty-eight (28) grams and an enhancing circumstance~~  
~~applies; or~~  
 (3) the person is manufacturing the drug and the manufacture  
 results in an explosion causing serious bodily injury to a person  
 other than the manufacturer."

Page 115, delete lines 24 through 42, begin a new paragraph and  
 insert:

"SECTION 99. IC 35-48-4-10.5, AS ADDED BY P.L.196-2013,  
 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 JULY 1, 2014]: Sec. 10.5. (a) A person who:

- (1) manufactures;
- (2) finances the manufacture of;
- (3) delivers;
- (4) finances the delivery of;
- (5) possesses, with intent to deliver; or
- (6) possesses, with intent to finance the delivery of;

a synthetic drug or a synthetic drug lookalike substance commits  
 dealing in a synthetic drug or synthetic drug lookalike substance, a  
 Class A infraction. However, the offense is a ~~Class D~~ **Level 6** felony if  
 the offense is committed knowingly or intentionally and the person has  
 a prior unrelated judgment or conviction under this subsection.

(b) A person who:

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- (1) knowingly or intentionally:  
 (A) manufactures;  
 (B) finances the manufacture of;  
 (C) delivers; or  
 (D) finances the delivery of;  
 a synthetic drug or synthetic drug lookalike substance; or  
 (2) possesses, with intent to:  
 (A) manufacture;  
 (B) finance the manufacture of;  
 (C) deliver; or  
 (D) finance the delivery of;  
 a synthetic drug or synthetic drug lookalike substance;  
 commits dealing in a synthetic drug or synthetic drug lookalike substance, a Class A misdemeanor, except as provided in subsection (c).
- (c) The offense in subsection (b) is:  
 (1) a ~~Class B~~ **Level 6** felony if:  
 (A) the recipient or intended recipient is less than eighteen (18) years of age;  
 (B) the amount involved is more than two (2) grams; or  
 (C) the person has a prior conviction of an offense involving a synthetic drug or synthetic drug lookalike substance; and  
 (2) a ~~Class C~~ **Level 5** felony if the amount involved is more than two (2) grams and the person delivered or financed the delivery of the synthetic drug or synthetic drug lookalike substance:  
 (A) on a school bus; or  
 (B) in, on, or within ~~five~~ **two** hundred (~~500~~) **fifty (250)** feet of:  
 (i) school property; ~~or~~  
 (ii) a public park;  
 while a person under eighteen (18) years of age was reasonably expected to be present.  
**(iii) a family housing complex; or**  
**(iv) a child care facility.**
- (d) In addition to a criminal or civil penalty imposed for a violation of this section, if the court finds that a person has violated this section and the violation involved the sale of or offer to sell, in the normal course of business, a synthetic drug or a synthetic drug lookalike substance by a retail merchant in a place of business for which the retail merchant has been issued a registered retail merchant certificate, the court:  
 (1) shall recommend the suspension of the registered retail merchant certificate for the place of business for one (1) year if



the person's violation of this section resulted in a criminal conviction; and

(2) may recommend the suspension of the registered retail merchant certificate for the place of business for six (6) months if the person's violation of this section resulted in an adjudication that the person committed an infraction.

(e) The department of state revenue shall suspend the registered retail merchant certificate of a retail merchant in accordance with the recommendation of the court. Whenever the department of state revenue is required to suspend a retail merchant's registered retail merchant certificate under this section, the department shall immediately mail a notice to the retail merchant's address that must state that the retail merchant's registered retail merchant certificate will be suspended for the period recommended by the court, commencing five (5) days after the date of the notice."

Delete page 116.

Page 117, delete lines 1 through 9.

Page 118, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 103. IC 35-48-4-14.5, AS AMENDED BY P.L.193-2013, SECTION 7, AND AS AMENDED BY P.L.158-2013, SECTION 643, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14.5. (a) As used in this section, "chemical reagents or precursors" refers to one (1) or more of the following:

- (1) Ephedrine.
- (2) Pseudoephedrine.
- (3) Phenylpropanolamine.
- (4) The salts, isomers, and salts of isomers of a substance identified in subdivisions (1) through (3).
- (5) Anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1).
- (6) Organic solvents.
- (7) Hydrochloric acid.
- (8) Lithium metal.
- (9) Sodium metal.
- (10) Ether.
- (11) Sulfuric acid.
- (12) Red phosphorous.
- (13) Iodine.
- (14) Sodium hydroxide (lye).
- (15) Potassium dichromate.



- (16) Sodium dichromate.
- (17) Potassium permanganate.
- (18) Chromium trioxide.
- (19) Benzyl cyanide.
- (20) Phenylacetic acid and its esters or salts.
- (21) Piperidine and its salts.
- (22) Methylamine and its salts.
- (23) Isosafrole.
- (24) Safrole.
- (25) Piperonal.
- (26) Hydriodic acid.
- (27) Benzaldehyde.
- (28) Nitroethane.
- (29) Gamma-butyrolactone.
- (30) White phosphorus.
- (31) Hypophosphorous acid and its salts.
- (32) Acetic anhydride.
- (33) Benzyl chloride.
- (34) Ammonium nitrate.
- (35) Ammonium sulfate.
- (36) Hydrogen peroxide.
- (37) Thionyl chloride.
- (38) Ethyl acetate.
- (39) Pseudoephedrine hydrochloride.

(b) A person who possesses more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits a ~~Class D~~ Level 6 felony. However, the offense is a ~~Class E~~ Level 5 felony if the person possessed:

- (1) a firearm while possessing more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated; or
- (2) more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, in, on, or within ~~one thousand (1,000) feet~~ **two hundred (500) fifty (250)** feet of:
  - (A) school property; ~~while a person under eighteen (18) years of age was reasonably expected to be present; or~~
  - (B) a public park; ~~while a person under eighteen (18) years of age was reasonably expected to be present.~~
  - (C) a family housing complex; or
  - ~~(D) a youth program center.~~
  - (D) a child care facility.**

(c) A person who possesses anhydrous ammonia or ammonia



solution (as defined in IC 22-11-20-1) with the intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6, commits a *Class D Level 6* felony. However, the offense is a *Class E Level 5* felony if the person possessed:

(1) a firearm while possessing anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6; or

(2) anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6, in, on, or within *one thousand (1,000) five two hundred (500) fifty (250)* feet of:

(A) school property; *while a person under eighteen (18) years of age was reasonably expected to be present; or*

(B) a public park; *while a person under eighteen (18) years of age was reasonably expected to be present.*

(C) a family housing complex; *or*

~~(D) a youth program center.~~

**(D) a child care facility.**

(d) Subsection (b) does not apply to a:

(1) licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier or an agent of any of these persons if the possession is in the regular course of lawful business activities; or

(2) person who possesses more than ten (10) grams of a substance described in subsection (b) if the substance is possessed under circumstances consistent with typical medicinal or household use, including:

(A) the location in which the substance is stored;

(B) the possession of the substance in a variety of:

(i) strengths;

(ii) brands; or

(iii) types; or

(C) the possession of the substance:

(i) with different expiration dates; or

(ii) in forms used for different purposes.

(e) A person who possesses two (2) or more chemical reagents or precursors with the intent to manufacture a controlled substance commits a *Class D Level 6* felony.

(f) An offense under subsection (e) is a *Class E Level 5* felony if the person possessed:





(1) a firearm while possessing two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance;  
or

(2) two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance in, on, or within *one thousand (1,000) five two hundred (500) fifty (250)* feet of:

(A) school property; *while a person under eighteen (18) years of age was reasonably expected to be present; or*

(B) a public park; *while a person under eighteen (18) years of age was reasonably expected to be present.*

(C) a family housing complex; or

~~(D) a youth program center.~~

**(D) a child care facility.**

(g) A person who sells, transfers, distributes, or furnishes a chemical reagent or precursor to another person with knowledge or the intent that the recipient will use the chemical reagent or precursors to manufacture a controlled substance commits unlawful sale of a precursor, a ~~Class D~~ Level 6 felony. *However, the offense is a ~~Class C~~ Level 5 felony if the person sells, transfers, distributes, or furnishes more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine.*

*(h) This subsection does not apply to a drug containing ephedrine, pseudoephedrine, or phenylpropanolamine that is dispensed under a prescription. A person who:*

*(1) has been convicted of:*

*(A) dealing in methamphetamine (IC 35-48-4-1.1);*

*(B) possession of more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine (subsection (b));*

*(C) possession of anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine (subsection (c));*

*(D) possession of two (2) or more chemical reagents or precursors with the intent to manufacture a controlled substance (subsection (e)); or*

*(E) unlawful sale of a precursor (subsection (g)); and*

*(2) not later than seven (7) years from the date the person was sentenced for the offense;*

*knowingly or intentionally possesses ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits possession of a precursor by a methamphetamine offender, a ~~Class D~~ Level 6 felony.*

SECTION 104. IC 35-48-4-16, AS AMENDED BY P.L.158-2013, SECTION 644, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) For an offense under this



chapter that requires proof of:

- (1) delivery of cocaine, a narcotic drug, methamphetamine, or a controlled substance;
- (2) financing the delivery of cocaine, a narcotic drug, methamphetamine, or a controlled substance; or
- (3) possession of cocaine, a narcotic drug, methamphetamine, or a controlled substance;

within ~~five two~~ hundred ~~(500)~~ **fifty (250)** feet of school property, ~~or a public park, while a person less than eighteen (18) years of age was reasonably expected to be present;~~ **a family housing complex, or a child care facility**, the person charged may assert the defense in subsection (b). ~~or (c)~~:

(b) It is a defense for a person charged under this chapter with an offense that contains an element listed in subsection (a) that:

- (1) a person was briefly in, on, or within five hundred (500) feet of school property or a public park while a person less than eighteen (18) years of age was reasonably expected to be present; and
- (2) no person under eighteen (18) years of age at least three (3) years junior to the person was in, on, or within five hundred (500) feet of the school property or public park at the time of the offense.

(c) (b) It is a defense for a person charged under this chapter with an offense that contains an element listed in subsection (a) that a person was in, on, or within ~~five two~~ hundred ~~(500)~~ **fifty (250)** feet of school property, ~~or a public park,~~ **a family housing complex, or a child care facility**

- (1) at the request or suggestion of a law enforcement officer or an agent of a law enforcement officer. and
- (2) while a person less than eighteen (18) years of age was reasonably expected to be present.

(d) (c) The defense under this section applies only to the element of the offense that requires proof that the delivery, financing of the delivery, or possession of cocaine, a narcotic drug, methamphetamine, or a controlled substance occurred in, on, or within ~~five two~~ hundred ~~(500)~~ **fifty (250)** feet of school property, ~~or a public park, while a person less than eighteen (18) years of age was reasonably expected to be present.~~ **a family housing complex, or a child care facility."**

Delete pages 119 through 120.

Page 121, delete lines 1 through 38.

Page 126, delete lines 16 through 29, begin a new paragraph and insert:

**EH 1006—LS 7113/DI 106**



"SECTION 110. IC 35-50-2-2.2, AS ADDED BY P.L.158-2013, SECTION 654, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.2. (a) Except as provided in subsection (b) or (c) the court may suspend any part of a sentence for a felony.

(b) If a person is convicted of a ~~Level 1 felony~~ or a Level 2 felony **or a Level 3 felony, except a Level 2 felony or a Level 3 felony concerning a controlled substance under IC 35-48-4**, and has any prior unrelated felony conviction, the court may suspend only that part of a sentence that is in excess of the minimum sentence for the:

- (1) ~~Level 1~~ **Level 2** felony; or
- (2) ~~Level 2~~ **Level 3** felony.

(c) The court may suspend only that part of a sentence for murder **or a Level 1 felony conviction** that is in excess of the minimum sentence for murder **or the Level 1 felony conviction."**

Page 136, delete line 42, begin a new paragraph and insert:

"SECTION 117. IC 35-50-6-3, AS AMENDED BY P.L.158-2013, SECTION 667, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) This section applies to a person ~~convicted who commits an offense~~ before July 1, 2014.

(b) A person assigned to Class I earns one (1) day of credit time for each day the person is imprisoned for a crime or confined awaiting trial or sentencing.

(c) A person assigned to Class II earns one (1) day of credit time for every two (2) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

(d) A person assigned to Class III earns no credit time.

(e) A person assigned to Class IV earns one (1) day of credit time for every six (6) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

SECTION 118. IC 35-50-6-3.1, AS ADDED BY P.L.158-2013, SECTION 668, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.1. (a) This section applies to a person ~~convicted who commits an offense~~ after June 30, 2014.

**(b) A person assigned to Class A earns one (1) day of credit time for each day the person is imprisoned for a crime or confined awaiting sentencing.**

~~(b)~~ (c) A person assigned to ~~Class A~~ **Class B** earns one (1) day of credit time for every three (3) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

~~(c)~~ (d) A person assigned to ~~Class B~~ **Class C** earns one (1) day of credit time for every six (6) days the person is imprisoned for a crime



or confined awaiting trial or sentencing.

~~(d)~~ (e) A person assigned to ~~Class C~~ **Class D** earns no credit time.

SECTION 119. IC 35-50-6-3.3, AS AMENDED BY P.L.158-2013, SECTION 669, AND AS AMENDED BY P.L.214-2013, SECTION 46, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.3. (a) In addition to any credit time a person earns under subsection (b) or section 3 of this chapter, a person earns credit time if the person:

- (1) is in credit Class I, ~~or Class A~~, **or Class B**;
- (2) has demonstrated a pattern consistent with rehabilitation; and
- (3) successfully completes requirements to obtain one (1) of the following:

(A) A general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person has not previously obtained a high school diploma.

(B) Except as provided in subsection ~~(n)~~, (o), a high school diploma, if the person has not previously obtained a general educational development (GED) diploma.

(C) An ~~associate's~~ *associate* degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) *earned during the person's incarceration*.

(D) A ~~bachelor's~~ *bachelor* degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) *earned during the person's incarceration*.

(b) In addition to any credit time that a person earns under subsection (a) or section 3 of this chapter, a person may earn credit time if, while confined by the department of correction, the person:

- (1) is in credit Class I, ~~or Class A~~, **or Class B**;
- (2) demonstrates a pattern consistent with rehabilitation; and
- (3) successfully completes requirements to obtain at least one (1) of the following:

(A) A certificate of completion of a career and technical *or vocational* education program approved by the department of correction.

(B) A certificate of completion of a substance abuse program approved by the department of correction.

(C) A certificate of completion of a literacy and basic life skills program approved by the department of correction.

(D) A certificate of completion of a reformatory program approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning credit time



under subsection (b). A person may not earn credit time under both subsections (a) and (b) for the same program of study. *The department of correction, in consultation with the department of workforce development, shall approve a program only if the program is likely to lead to an employable occupation.*

(d) The amount of credit time a person may earn under this section is the following:

- (1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18.
- (2) One (1) year for graduation from high school.
- (3) ~~One~~ *Not more than one* (1) year for completion of an ~~associate's~~ *associate* degree.
- (4) ~~Two~~ *Not more than two* (2) years for completion of a ~~bachelor's~~ *bachelor* degree.
- (5) Not more than a total of ~~six (6) months~~ *one (1) year* of credit, as determined by the department of correction, for the completion of one (1) or more career and technical *or vocational* education programs approved by the department of correction.
- (6) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the department of correction.
- (7) Not more than a total of six (6) months credit, as determined by the department of correction, for the completion of one (1) or more literacy and basic life skills programs approved by the department of correction.
- (8) Not more than a total of six (6) months credit time, as determined by the department of correction, for completion of one (1) or more reformatory programs approved by the department of correction. However, a person who is serving a sentence for an offense listed under IC 11-8-8-4.5 may not earn credit time under this subdivision.

However, a person who does not have a substance abuse problem that qualifies the person to earn credit in a substance abuse program may earn not more than a total of twelve (12) months of credit, as determined by the department of correction, for the completion of one (1) or more career and technical *or vocational* education programs approved by the department of correction. If a person earns more than six (6) months of credit for the completion of one (1) or more career and technical education programs, the person is ineligible to earn credit for the completion of one (1) or more substance abuse programs.



(e) Credit time earned under this section must be directly proportional to the time served and course work completed while incarcerated. The department of correction shall adopt rules under IC 4-22-2 necessary to implement this subsection.

~~(e)~~ (f) Credit time earned by a person under this section is subtracted from the release date that would otherwise apply to ~~period of imprisonment imposed on~~ the person by the sentencing court after subtracting all other credit time earned by the person.

~~(f)~~ (g) A person does not earn credit time under subsection (a) unless the person completes at least a portion of the degree requirements after June 30, 1993.

~~(g)~~ (h) A person does not earn credit time under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

~~(h)~~ (i) Credit time earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from:

- (1) the release date that would otherwise apply to the person after subtracting all other credit time earned by the person, if the person has not been convicted of an offense described in subdivision (2); or
- (2) the period of imprisonment imposed on the person by the sentencing court, if the person has been convicted of one (1) of the following crimes:
  - (A) Rape (IC 35-42-4-1).
  - (B) Criminal deviate conduct (IC 35-42-4-2) ~~(repealed)~~: **(before its repeal)**.
  - (C) Child molesting (IC 35-42-4-3).
  - (D) Child exploitation (IC 35-42-4-4(b)).
  - (E) Vicarious sexual gratification (IC 35-42-4-5).
  - (F) Child solicitation (IC 35-42-4-6).
  - (G) Child seduction (IC 35-42-4-7).
  - (H) Sexual misconduct with a minor (IC 35-42-4-9) as a:
    - (i) Class A felony, Class B felony, or Class C felony ~~(IC 35-42-4-9)~~; for a crime committed before July 1, 2014; or
    - (ii) Level 1, Level 2, or Level 4 felony, for a crime committed after June 30, 2014.
  - (I) Incest (IC 35-46-1-3).
  - (J) Sexual battery (IC 35-42-4-8).
  - (K) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.



(L) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(M) An attempt or a conspiracy to commit a crime listed in clauses (A) through (L).

~~(j)~~ (j) The maximum amount of credit time a person may earn under this section is the lesser of:

(1) ~~four~~ ~~(4)~~ two (2) years; or

(2) one-third (1/3) of the person's total applicable credit time.

~~(k)~~ (k) Credit time earned under this section by an offender serving a sentence for a felony against a person under IC 35-42 or for a crime listed in IC 11-8-8-5 shall be reduced to the extent that application of the credit time would otherwise result in:

(1) postconviction release (as defined in IC 35-40-4-6); or

(2) assignment of the person to a community transition program; in less than forty-five (45) days after the person earns the credit time.

~~(l)~~ (l) A person may earn credit time for multiple degrees at the same education level under subsection (d) only in accordance with guidelines approved by the department of correction. The department of correction may approve guidelines for proper sequence of education degrees under subsection (d).

~~(m)~~ (m) A person may not earn credit time:

(1) for a general educational development (GED) diploma if the person has previously earned a high school diploma; or

(2) for a high school diploma if the person has previously earned a general educational development (GED) diploma.

~~(n)~~ (n) A person may not earn credit time under this section if the person:

(1) commits an offense listed in IC 11-8-8-4.5 while the person is required to register as a sex or violent offender under IC 11-8-8-7; and

(2) is committed to the department of correction after being convicted of the offense listed in IC 11-8-8-4.5.

~~(o)~~ (o) For a person to earn credit time under subsection (a)(3)(B) for successfully completing the requirements for a high school diploma through correspondence courses, each correspondence course must be approved by the department before the person begins the correspondence course. The department may approve a correspondence course only if the entity administering the course is recognized and accredited by the department of education in the state where the entity is located.

SECTION 120. IC 35-50-6-4, AS AMENDED BY P.L.158-2013, SECTION 670, IS AMENDED TO READ AS FOLLOWS

**EH 1006—LS 7113/DI 106**



[EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person:

- (1) who is not a credit restricted felon; and
- (2) who is imprisoned for a Level 6 felony or a misdemeanor or imprisoned awaiting trial or sentencing for a Level 6 felony or misdemeanor;

is initially assigned to Class A.

(a) (b) A person:

- (1) who is not a credit restricted felon; and
- (2) who is imprisoned for a crime **other than a Level 6 felony or misdemeanor** or imprisoned awaiting trial or sentencing for a **crime other than a Level 6 felony or misdemeanor**;

is initially assigned to ~~Class A~~: **Class B**.

(b) (c) A person who is a credit restricted felon and who is imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to ~~Class B~~: **Class C**. A credit restricted felon may not be assigned to Class A or **Class B**.

(c) (d) A person who is not a credit restricted felon may be reassigned to ~~Class B~~ **Class C** or ~~Class C~~ **Class D** if the person violates any of the following:

- (1) A rule of the department of correction.
- (2) A rule of the penal facility in which the person is imprisoned.
- (3) A rule or condition of a community transition program.

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to a lower credit time class, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive the right to the hearing.

(d) (e) A person who is a credit restricted felon may be reassigned to ~~Class C~~ **Class D** and a person who is assigned to Class IV may be assigned to Class III if the person violates any of the following:

- (1) A rule of the department of correction.
- (2) A rule of the penal facility in which the person is imprisoned.
- (3) A rule or condition of a community transition program.

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to Class III or ~~Class C~~: **Class D**, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive the right to the hearing.

(e) (f) In connection with the hearing granted under subsection (c) (d) or (d) (e), the person is entitled to:





- (1) have not less than twenty-four (24) hours advance written notice of the date, time, and place of the hearing, and of the alleged misconduct and the rule the misconduct is alleged to have violated;
- (2) have reasonable time to prepare for the hearing;
- (3) have an impartial decisionmaker;
- (4) appear and speak in the person's own behalf;
- (5) call witnesses and present evidence;
- (6) confront and cross-examine each witness, unless the hearing authority finds that to do so would subject a witness to a substantial risk of harm;
- (7) have the assistance of a lay advocate (the department may require that the advocate be an employee of, or a fellow prisoner in, the same facility or program);
- (8) have a written statement of the findings of fact, the evidence relied upon, and the reasons for the action taken;
- (9) have immunity if the person's testimony or any evidence derived from the person's testimony is used in any criminal proceedings; and
- (10) have the person's record expunged of any reference to the charge if the person is found not guilty or if a finding of guilt is later overturned.

Any finding of guilt must be supported by a preponderance of the evidence presented at the hearing.

(f) (g) Except for a credit restricted felon, a person may be reassigned from:

- (1) Class III to Class I, Class II or Class IV;
- (2) Class II to Class I;
- (3) ~~Class E~~ **Class D** to Class A, ~~or~~ Class B, **or Class C**;
- (4) ~~Class B~~ **Class C** to Class A **or Class B**.

A person's assignment to Class III, Class II, ~~Class B~~, **or Class C, or Class D** shall be reviewed at least once every six (6) months to determine if the person should be reassigned to a higher credit time class. A credit restricted felon may not be reassigned to Class I or Class II or to Class A, ~~or Class B, or Class C~~.

SECTION 121. IC 35-50-6-5, AS AMENDED BY P.L.158-2013, SECTION 671, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person may, with respect to the same transaction, be deprived of any part of the credit time the person has earned for any of the following:

- (1) A violation of one (1) or more rules of the department of correction.



- (2) If the person is not committed to the department, a violation of one (1) or more rules of the penal facility in which the person is imprisoned.
- (3) A violation of one (1) or more rules or conditions of a:
  - (A) community transition program; or
  - (B) community corrections program.
- (4) If a court determines that a civil claim brought by the person in a state or an administrative court is frivolous, unreasonable, or groundless.
- (5) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to register before being released from the department as required under IC 11-8-8-7.
- (6) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to participate in a sex offender treatment program specifically offered to the sex offender by the department of correction while the person is serving a period of incarceration with the department of correction.

However, the violation of a condition of parole or probation may not be the basis for deprivation. Whenever a person is deprived of credit time, the person may also be reassigned to Class II (if the person is not a credit restricted felon) or Class III, ~~Class B~~, or Class C, **or Class D**.

(b) Before a person may be deprived of earned credit time, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether deprivation of earned credit time is an appropriate disciplinary action for the violation. In connection with the hearing, the person is entitled to the procedural safeguards listed in section 4(c) of this chapter. The person may waive the person's right to the hearing.

(c) Any part of the credit time of which a person is deprived under this section may be restored."

Delete pages 137 through 139.

Page 140, delete lines 1 through 37.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1006 as introduced.)

MCMILLIN, Chair

Committee Vote: yeas 9, nays 1.

**EH 1006—LS 7113/DI 106**



## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1006, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 65, between lines 9 and 10, begin a new paragraph and insert:  
 "SECTION 53. IC 35-31.5-2-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 15.5. "Amount involved", or "amount of the drug involved", for purposes of IC 35-48-4, means the aggregate amount of a controlled substance that a person:**

- (1) possessed;**
- (2) manufactured;**
- (3) financed; or**
- (4) delivered;**

**in any thirty (30) day period."**

Page 65, line 16, delete "licensed" and insert "**registered**".

Page 119, line 34, after "salvia" delete "." and insert "**in any thirty (30) day period."**

**in any thirty (30) day period."**

Page 140, line 25, after "awaiting" insert "**trial or**".

Page 142, line 29, after "technical" insert "**or vocational**".

Page 146, between lines 23 and 24, begin a new paragraph and insert:

**"(h) This subsection applies only to a person imprisoned awaiting trial. A person imprisoned awaiting trial is initially assigned to a credit class based on the most serious offense with which the person is charged. If all the offenses of which a person is convicted have a higher credit time class than the most serious offense with which the person is charged, the person earns credit time for the time imprisoned awaiting trial at the credit time class of the most serious offense of which the person was convicted. However, this section does not apply to any period during which**



**the person is reassigned to a lower credit time class for a disciplinary violation."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1006 as printed January 24, 2014.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 6, Nays 2.

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#### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill No. 1006, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

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

Page 26, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 27. IC 11-12-2-1, AS AMENDED BY P.L.105-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) For the purpose of encouraging counties to develop a coordinated local corrections-criminal justice system and providing effective alternatives to imprisonment at the state level, the commissioner shall, out of funds appropriated for such purposes, make grants to counties for the establishment and operation of community corrections programs. Appropriations intended for this purpose may not be used by the department for any other purpose. Money appropriated to the department of correction for the purpose of making grants under this chapter and any financial aid payments suspended under section 6 of this chapter do not revert to the state general fund at the close of any fiscal year, but remain available to the department of correction for its use in making grants under this chapter.

**(b) Before March 1, 2015, the department shall estimate the amount of any operational cost savings that will be realized in the state fiscal year ending June 30, 2015, from a reduction in the number of individuals who are in the custody or made a ward of**



the department of correction (as described in IC 11-8-1-5) that is attributable to the sentencing changes made in HEA 1006-2014 as enacted in the 2014 session of the general assembly. The department shall make the estimate under this subsection based on the best available information. If the department estimates that operational cost savings described in this subsection will be realized in the state fiscal year ending June 30, 2015, the following apply to the department:

(1) The department shall certify the estimated amount of operational cost savings that will be realized to the budget agency and to the auditor of state.

(2) The department may, after review by the budget committee and approval by the budget agency, make additional grants as provided in this chapter to counties for the establishment and operation of community corrections programs from funds appropriated to the department for the department's operating expenses for the state fiscal year.

(3) The department may, after review by the budget committee and approval by the budget agency, transfer funds appropriated to the department for the department's operating expenses for the state fiscal year to the judicial conference of Indiana to be used by the judicial conference of Indiana to provide additional financial aid for the support of court probation services under the program established under IC 11-13-2.

(4) The maximum aggregate amount of additional grants and transfers that may be made by the department under subdivisions (2) and (3) for the state fiscal year may not exceed the lesser of:

(A) the amount of operational cost savings certified under subdivision (1); or

(B) eleven million dollars (\$11,000,000).

Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of funds necessary to make any additional grants authorized and approved under this subsection and for any transfers authorized and approved under this subsection, and for providing the additional financial aid to courts from transfers authorized and approved under this subsection, is appropriated for those purposes for the state fiscal year ending June 30, 2015, and the amount of the department's appropriation for operating expenses for the state fiscal year ending June 30, 2015, is reduced by a corresponding amount. This subsection expires June 30, 2015.



~~(b)~~ (c) The commissioner shall give priority in issuing community corrections grants to programs that provide alternative sentencing projects for persons with mental illness, addictive disorders, mental retardation, and developmental disabilities."

Page 86, between lines 23 and 24, begin a new paragraph and insert:

**"(h) It is a defense to a prosecution under this section that:**

- (1) the person was less than eighteen (18) years of age at the time the alleged offense was committed; and**
- (2) the circumstances described in IC 35-45-4-6(a)(2) through IC 35-45-4-6(a)(4) apply.**

**(i) A person is entitled to present the defense described in subsection (h) in a pretrial hearing. If a person proves by a preponderance of the evidence in a pretrial hearing that the defense described in subsection (h) applies, the court shall dismiss the charges under this section with prejudice."**

Page 90, between lines 37 and 38, begin a new paragraph and insert:

**"(o) A law enforcement officer who:**

- (1) is at least five (5) years older than a child who is:**
  - (A) at least sixteen (16) years of age; and**
  - (B) less than eighteen (18) years of age;**
- (2) has contact with the child while acting within the scope of the law enforcement officer's official duties with respect to the child; and**
- (3) uses or exerts the law enforcement officer's professional relationship with the child to engage with the child in:**
  - (A) sexual intercourse;**
  - (B) other sexual conduct (as defined in IC 35-31.5-2-221.5);**
  - or**
  - (C) any fondling or touching with the child with the intent to arouse or satisfy the sexual desires of the child or the law enforcement officer;**

**commits child seduction."**

Page 90, line 38, strike "(o)" and insert "(p)".

Page 91, line 1, strike "subsection (n)," and insert "**this section,**".

Page 91, line 13, strike "(p)" and insert "(q)".

Page 91, line 14, after "person" insert "**or law enforcement officer**".

Page 91, line 16, after "of" insert ":

**(A)**".

Page 91, line 16, after "child" insert ";

Page 91, line 16, after "or" begin a new line double block indented and insert:



"(B)".

Page 91, line 16, after "person" delete ";" and insert "**or law enforcement officer;**".

Page 91, line 17, after "person" insert "**or law enforcement officer**".

Page 95, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 82. IC 35-43-1-1, AS AMENDED BY P.L.158-2013, SECTION 452, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages:

- (1) a dwelling of another person without the other person's consent;
- (2) property of any person under circumstances that endanger human life;
- (3) property of another person without the other person's consent if the pecuniary loss is at least five thousand dollars (\$5,000); or
- (4) a structure used for religious worship without the consent of the owner of the structure;

commits arson, a Level 4 felony. However, the offense is a Level 3 felony if it results in bodily injury to any person other than a defendant and a Level 2 felony if it results in serious bodily injury to any person other than a defendant.

(b) A person who commits arson for hire commits a Level 4 felony. However, the offense is:

- (1) a Level 3 felony if it results in bodily injury to any other person; and
- (2) a Level 2 felony if it results in serious bodily injury to any other person.

(c) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages property of any person with intent to defraud commits arson, a ~~Level 5~~ Level 6 felony.

(d) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages property of another person without the other person's consent so that the resulting pecuniary loss is at least two hundred fifty dollars (\$250) but less than five thousand dollars (\$5,000) commits arson, a Level 6 felony.

(e) A person who commits an offense under subsection (a), (b), (c), or (d) commits a separate offense for each person who suffers a bodily injury or serious bodily injury that is caused by the violation of subsection (a), (b), (c), or (d).

SECTION 83. IC 35-43-1-2, AS AMENDED BY P.L.158-2013,

**EH 1006—LS 7113/DI 106**



SECTION 453, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent commits criminal mischief, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500); and

(2) a Level 6 felony if:

(A) the pecuniary loss is at least two thousand five hundred dollars (\$2,500);

(B) the damage causes a substantial interruption or impairment of utility service rendered to the public;

(C) the damage is to a public record; or

(D) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5).

(b) A person who recklessly, knowingly, or intentionally damages:

(1) a structure used for religious worship;

(2) a school or community center;

(3) the grounds:

(A) adjacent to; and

(B) owned or rented in common with;

a structure or facility identified in subdivision (1) or (2); or

(4) personal property contained in a structure or located at a facility identified in subdivision (1) or (2);

without the consent of the owner, possessor, or occupant of the property that is damaged, commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Level 6 felony if the pecuniary loss is at least two hundred fifty dollars (\$250). ~~but less than two thousand five hundred dollars (\$2,500); and a Level 5 felony if the pecuniary loss is at least two thousand five hundred dollars (\$2,500).~~

(c) If a person is convicted of an offense under this section that involves the use of graffiti, the court may, in addition to any other penalty, order that the person's operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one (1) year.

(d) The court may rescind an order for suspension or invalidation under subsection (c) and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that the person has removed or painted over the graffiti or has made other suitable restitution.

SECTION 84. IC 35-43-1-7, AS ADDED BY P.L.158-2013,

**EH 1006—LS 7113/DI 106**





SECTION 458, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. ~~(a)~~ A person who knowingly or intentionally and who without authorization:

- (1) modifies data, a computer program, or supporting documentation;
- (2) destroys data, a computer program, or supporting documentation; or
- (3) discloses or takes data, a computer program, or supporting documentation that is:
  - (A) a trade secret (as defined in IC 24-2-3-2); or
  - (B) otherwise confidential as provided by law;

and that resides or exists internally or externally on a computer, computer system, or computer network, commits an offense against intellectual property, a Level 6 felony.

~~(b) However, the offense is a Level 5 felony if the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property."~~

Page 98, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 87. IC 35-43-4-2.5, AS AMENDED BY P.L.158-2013, SECTION 465, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) As used in this section, "motor vehicle" has the meaning set forth in IC 9-13-2-105(a).

(b) A person who knowingly or intentionally exerts unauthorized control over the motor vehicle of another person, with intent to deprive the owner of:

- (1) the vehicle's value or use; or
  - (2) a component part (as defined in IC 9-13-2-34) of the vehicle;
- commits auto theft, a Level 6 felony. ~~However, the offense is a Level 5 felony if the person has a prior conviction of an offense under this subsection or subsection (c).~~

(c) A person who knowingly or intentionally receives, retains, or disposes of a motor vehicle or any part of a motor vehicle of another person that has been the subject of theft commits receiving stolen auto parts, a Level 6 felony. ~~However, the offense is a Level 5 felony if the person has a prior conviction of an offense under this subsection or subsection (b)."~~

Page 105, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 92. IC 35-45-4-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. **(a) This section applies only to a person to whom all of the following apply:**

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- (1) The person is less than eighteen (18) years of age.**
  - (2) The person is not more than four (4) years older than the individual who is depicted in the image or who received the image.**
  - (3) The relationship between the person and the individual who received the image or who is depicted in the image was a dating relationship or an ongoing personal relationship. For purposes of this subdivision, the term "ongoing personal relationship" does not include a family relationship.**
  - (4) The individual receiving the image or who is depicted in the image acquiesced in the person's conduct.**
- (b) The following definitions apply throughout this section:**
- (1) "Disseminate" means to transfer possession for no direct or indirect consideration.**
  - (2) "Matter" has the meaning set forth in IC 35-49-1-3.**
  - (3) "Performance" has the meaning set forth in IC 35-49-1-7.**
  - (4) "Sexual conduct" means sexual intercourse, other sexual conduct, exhibition of the uncovered genitals intended to satisfy or arouse the sexual desires of any person, sadomasochistic abuse, sexual intercourse or other sexual conduct with an animal, or any fondling or touching of a child by another person or of another person by a child intended to arouse or satisfy the sexual desires of either the child or the other person.**
- (c) A person who, on or by means of a cellular telephone, social media web site, or another wireless or cellular communications device, knowingly or intentionally:**
- (1) produces, presents, exhibits, photographs, records, or creates a digitized image of any performance or incident that includes sexual conduct by a child at least twelve (12) years of age;**
  - (2) disseminates, exhibits to another person, or offers to disseminate or exhibit to another person, matter that depicts or describes sexual conduct by a child at least twelve (12) years of age; or**
  - (3) possesses:**
    - (A) a picture;**
    - (B) a drawing;**
    - (C) a photograph;**
    - (D) a motion picture;**
    - (E) a digitized image; or**
    - (F) any pictorial representation;**



that depicts or describes sexual conduct by a child at least twelve (12) years of age who the person knows is less than sixteen (16) years of age or who appears to be less than sixteen (16) years of age, and that lacks serious literary, artistic, political, or scientific value;

commits indecent display by a youth, a Class A misdemeanor.

(d) Subsection (c) does not apply to a bona fide school, museum, or public library that qualifies for certain property tax exemptions under IC 6-1.1-10, or to an employee of that school, museum, or public library acting within the scope of the employee's employment when the possession of the listed materials is for legitimate scientific or educational purposes."

Page 130, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 115. IC 35-50-2-4, AS AMENDED BY P.L.158-2013, SECTION 655, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who commits a Class A felony (for a crime committed before July 1, 2014) or a ~~Level 1~~ ~~felony~~ (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between twenty (20) and fifty (50) years, with the advisory sentence being thirty (30) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

(b) A person who commits a Level 1 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between twenty (20) and forty (40) years, with the advisory sentence being thirty (30) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000)."

Page 130, line 12, strike "twenty (20)" and insert "fifteen (15)".

Page 130, line 13, delete "ten (10)" and insert "eight (8)".

Page 130, line 19, strike "twelve (12)" and insert "ten (10)".

Page 130, line 39, strike "six (6)" and insert "five (5)".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to EHB 1006 as printed February 14, 2014.)

KENLEY, Chairperson

Committee Vote: Yeas 9, Nays 2.

