

# HOUSE BILL No. 1192

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-43-4-2.

**Synopsis:** Theft by public servants. Requires that a public servant who commits theft of public funds having a value of at least \$750 be sentenced to a mandatory term of imprisonment of at least 30 days as part of the sentence. Specifies that: (1) the mandatory term is not suspendible; and (2) the person does not earn good time credit while serving the mandatory term.

**Effective:** July 1, 2019.

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January 8, 2019, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

# HOUSE BILL No. 1192

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

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

1 SECTION 1. IC 35-43-4-2, AS AMENDED BY P.L.176-2018,  
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 2. (a) A person who knowingly or intentionally  
4 exerts unauthorized control over property of another person, with intent  
5 to deprive the other person of any part of its value or use, commits  
6 theft, a Class A misdemeanor. However, the offense is:  
7 (1) a Level 6 felony if:  
8 (A) the value of the property is at least seven hundred fifty  
9 dollars (\$750) and less than fifty thousand dollars (\$50,000);  
10 (B) the property is a:  
11 (i) firearm;  
12 (ii) motor vehicle (as defined in IC 9-13-2-105(a)); or  
13 (iii) component part (as defined in IC 9-13-2-34) of a motor  
14 vehicle; or  
15 (C) the person has a prior unrelated conviction for  
16 (i) theft under this section; or  
17 (ii) criminal conversion under section 3 of this chapter; and



- 1 (2) a Level 5 felony if:  
 2 (A) the value of the property is at least fifty thousand dollars  
 3 (\$50,000);  
 4 (B) the property that is the subject of the theft is a valuable  
 5 metal (as defined in IC 25-37.5-1-1) and:  
 6 (i) relates to transportation safety;  
 7 (ii) relates to public safety; or  
 8 (iii) is taken from a hospital or other health care facility,  
 9 telecommunications provider, public utility (as defined in  
 10 IC 32-24-1-5.9(a)), or key facility;  
 11 and the absence of the property creates a substantial risk of  
 12 bodily injury to a person; or  
 13 (C) the property is a:  
 14 (i) motor vehicle (as defined in IC 9-13-2-105(a)); or  
 15 (ii) component part (as defined in IC 9-13-2-34) of a motor  
 16 vehicle; and  
 17 the person has a prior unrelated conviction for theft of a motor  
 18 vehicle (as defined in IC 9-13-2-105(a)) or theft of a  
 19 component part (as defined in IC 9-13-2-34).  
 20 (b) For purposes of this section, "the value of property" means:  
 21 (1) the fair market value of the property at the time and place the  
 22 offense was committed; or  
 23 (2) if the fair market value of the property cannot be satisfactorily  
 24 determined, the cost to replace the property within a reasonable  
 25 time after the offense was committed.  
 26 A price tag or price marking on property displayed or offered for sale  
 27 constitutes prima facie evidence of the value of the property.  
 28 **(c) If the offense described in subsection (a) is committed by a**  
 29 **public servant who exerted unauthorized control over public funds**  
 30 **(as defined by IC 5-22-2-23) having a value of at least seven**  
 31 **hundred fifty dollars (\$750), the court shall order, as part of the**  
 32 **sentence, that the public servant be imprisoned for at least thirty**  
 33 **(30) days.**  
 34 **(d) Notwithstanding:**  
 35 **(1) IC 35-50-2-2.2 and IC 35-50-3-1, a term of imprisonment**  
 36 **imposed under subsection (c) may not be suspended; and**  
 37 **(2) IC 35-50-6, a person does not earn good time credit while**  
 38 **servicing a term of imprisonment imposed under subsection (c).**

