

HOUSE BILL No. 1368

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30-5-0.3; IC 35-41-2-2; IC 35-46-9-0.5.

Synopsis: Statutory construction; criminal intent. Specifies that the intent element for a criminal act is "knowingly or intentionally" if the statute defining the crime does not specify the required intent. Provides that: (1) operating while intoxicated; and (2) operating a motorboat while intoxicated; are strict liability offenses. Makes technical corrections.

Effective: July 1, 2018.

Borders

January 16, 2018, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1368

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 9-30-5-0.3 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2018]: **Sec. 0.3. Unless otherwise specified, all criminal offenses**
- 4 **defined in this chapter are strict liability offenses.**
- 5 SECTION 2. IC 35-41-2-2 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) A person engages
- 7 in conduct "intentionally" if, when ~~he~~ **the person** engages in the
- 8 conduct, it is ~~his~~ **the person's** conscious objective to do so.
- 9 (b) A person engages in conduct "knowingly" if, when ~~he~~ **the**
- 10 **person** engages in the conduct, ~~he~~ **the person** is aware of a high
- 11 probability that ~~he~~ **the person** is doing so.
- 12 (c) A person engages in conduct "recklessly" if ~~he~~ **the person**
- 13 engages in the conduct in plain, conscious, and unjustifiable disregard
- 14 of harm that might result and the disregard involves a substantial
- 15 deviation from acceptable standards of conduct.
- 16 (d) Unless the statute defining the offense provides otherwise, if a
- 17 kind of culpability is required for commission of an offense, it is



1 required with respect to every material element of the prohibited
2 conduct.
3 **(e) If a statute defining a crime does not specify the culpability**
4 **required for the commission of the offense, a person commits the**
5 **offense only if the prohibited conduct is performed knowingly or**
6 **intentionally.**
7 SECTION 3. IC 35-46-9-0.5 IS ADDED TO THE INDIANA CODE
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2018]: **Sec. 0.5. Unless otherwise specified, all criminal offenses**
10 **defined in this chapter are strict liability offenses.**

