

# HOUSE BILL No. 1526

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-18-2; IC 20-20-46; IC 21-7-13; IC 21-27-11; IC 34-24-1-1; IC 35-31.5-2; IC 35-42-2.

**Synopsis:** Hazing. Requires a qualified educational entity and a state educational institution to establish and adopt a policy regarding hazing. Requires that the policy include a requirement that a designated office of a qualified educational entity or a state educational institution, not later than January 1, 2021, and not later than January 1 of each year thereafter, submit to the department of education (department) and the commission for higher education (commission) a report regarding the number of reports of incidents or suspected incidents of hazing or contributory hazing, and any other information requested by the department or commission. Allows for the department or commission to adopt rules regarding the hazing policy. Requires mandatory reporting to a law enforcement agency of any incident or suspected incident of hazing or contributory hazing. Requires a qualified educational entity and state educational institution to, not later than August 1, 2020, develop and implement a hazing education program for all new students as part of the qualified educational entity's and state educational institution's new student orientation. Amends the elements and penalty levels to the offense of hazing. Creates the crime of contributory hazing, a Class A misdemeanor. Allows for a civil forfeiture of property as it relates to hazing or contributory hazing.

**Effective:** July 1, 2019.

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**Austin, Clere**

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January 17, 2019, read first time and referred to Committee on Education.

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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. 1526

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 20-18-2-2.4 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2019]: **Sec. 2.4. "Contributory hazing" means an offense**  
4 **described in IC 35-42-2-2.6.**

5 SECTION 2. IC 20-18-2-6.8 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2019]: **Sec. 6.8. "Hazing" has the meaning described in**  
8 **IC 35-42-2-2.5(c).**

9 SECTION 3. IC 20-18-2-15.5 IS ADDED TO THE INDIANA  
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2019]: **Sec. 15.5. "Qualified educational**  
12 **entity" has the meaning set forth in IC 20-20-46-1(b).**

13 SECTION 4. IC 20-20-46 IS ADDED TO THE INDIANA CODE  
14 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2019]:

16 **Chapter 46. Anti-hazing Program**  
17 **Sec. 1. (a) As used in this chapter, "policy" means a written**



1 policy against hazing or contributory hazing as described under  
2 section 2(a)(1) of this chapter.

3 (b) As used in this chapter, "qualified educational entity"  
4 means:

5 (1) a school corporation; or

6 (2) a charter school;

7 for grades 6, 7, 8, 9, 10, 11, and 12.

8 Sec. 2. (a) A qualified educational entity shall, not later than  
9 January 1, 2020, establish and adopt an anti-hazing policy that  
10 does the following:

11 (1) Includes rules prohibiting students or other persons  
12 associated with an organization operating under the sanction  
13 of or recognized as an organization by a qualified educational  
14 entity from committing the offense of hazing or contributory  
15 hazing.

16 (2) Provides for a copy of the policy, including the qualified  
17 educational entity's rules, penalties, and procedure of  
18 enforcement, to be provided to each organization within the  
19 qualified educational entity.

20 A qualified educational entity shall ensure that every student is  
21 informed of the policy. A qualified educational entity shall post the  
22 policy, as described under subdivision (1), on the qualified  
23 educational entity's publicly accessible Internet web site.

24 (b) A qualified educational entity shall, not later than January  
25 1, 2020:

26 (1) implement and administer a program for the enforcement  
27 of the policy; and

28 (2) adopt appropriate penalties for violations of the policy  
29 that may include the following:

30 (A) Imposition of:

31 (i) fines;

32 (ii) probation;

33 (iii) suspension;

34 (iv) dismissal; or

35 (v) expulsion.

36 (B) Withholding of diplomas or transcripts pending  
37 compliance with the rules of the policy or payment of fines.

38 (C) Revoking permission for the organization to operate on  
39 campus or school property.

40 (c) A penalty imposed under this section shall be in addition to  
41 any penalty imposed under:

42 (1) this chapter;



1           (2) IC 35-42-2-2.5; or

2           (3) IC 35-42-2-2.6.

3           (d) A policy adopted under this section shall apply to each  
4 violation or offense conducted on or off campus or school property  
5 if the acts constitute the offense of hazing or contributory hazing  
6 or any offense under this chapter.

7           Sec. 3. (a) A qualified educational entity shall, not later than  
8 January 1, 2020, maintain a report of all violations of the qualified  
9 educational entity's anti-hazing policy or federal or state laws  
10 related to any incidents or suspected incidents of hazing or  
11 contributory hazing that are reported to the qualified educational  
12 entity. The report shall include the following:

13           (1) The name of the minor in violation of the policy.

14           (2) The date when the minor was charged with a violation of  
15 the qualified educational entity's anti-hazing policy or federal  
16 or state laws related to any incidents or suspected incidents of  
17 hazing or contributory hazing.

18           (3) A general description of:

19           (A) the violation;

20           (B) any investigation and findings by the qualified  
21 educational entity; and

22           (C) any penalties, if applicable.

23           (4) The date the matter was resolved.

24           (b) A qualified educational entity shall, not later than January  
25 1, 2020, include information concerning violations that have been  
26 reported to the qualified educational entity for the last five (5)  
27 consecutive years prior to July 1, 2019, to the extent the qualified  
28 educational entity has retained information concerning the  
29 violations.

30           (c) Not later than January 1, 2020, a qualified educational entity  
31 shall:

32           (1) redact from the initial report required under subsection

33           (a):

34           (A) the name of:

35           (i) any minor child;

36           (ii) the alleged victim; and

37           (B) any personal identifying information of any individual;  
38 listed in the report;

39           (2) post the report described in subdivision (1) on its publicly  
40 accessible Internet web site;

41           (3) update the report described in subdivision (1) biannually  
42 on January 1 and August 1 of each year; and



1           (4) post the updated report on its publicly accessible Internet  
2           web site as described in subdivision (3).

3           (d) A qualified educational entity shall retain reports for not less  
4           than five (5) years.

5           Sec. 4. In addition to the requirements under sections 1, 2, and  
6           3 of this chapter, a qualified educational entity shall, not later than  
7           January 1, 2020, establish and adopt a policy that does the  
8           following:

9           (1) Designates an office at the qualified educational entity to  
10          which:

11          (A) a student of the qualified educational entity may report  
12          an incident or suspected incident of hazing or contributory  
13          hazing; and

14          (B) a qualified educational entity employee must report an  
15          incident or suspected incident of hazing or contributory  
16          hazing as required under subdivision (2).

17          (2) Requires any qualified educational entity employee who  
18          knows of or suspects an incident of hazing or contributory  
19          hazing to report the incident to the office designated under  
20          subdivision (1).

21          (3) Includes procedures that the office described in  
22          subdivision (1) is required to implement in investigating  
23          reports of incidents or suspected incidents of hazing or  
24          contributory hazing.

25          (4) Requires the office described in subdivision (1) to report  
26          all incidents or suspected incidents of hazing or contributory  
27          hazing to a law enforcement agency.

28          (5) Requires the office described in subdivision (1) to, not later  
29          than January 1, 2021, and not later than January 1 each year  
30          thereafter, submit to the department a report, as described  
31          under section 3 of this chapter, that includes:

32          (A) the number of incidents or suspected incidents of  
33          hazing or contributory hazing reports made to the office  
34          during the previous calendar year; and

35          (B) any other information concerning the reports as  
36          described in clause (A) requested by the department.

37          Sec. 5. The department may adopt rules regarding the policy as  
38          described in section 2 of this chapter.

39          Sec. 6. A qualified educational entity shall, not later than August  
40          1, 2020, develop and implement a hazing education program for all  
41          new students as part of the qualified educational entity's new  
42          student orientation.



1 SECTION 5. IC 21-7-13-13.1 IS ADDED TO THE INDIANA  
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2019]: **Sec. 13.1. "Contributory hazing"**  
 4 **means an offense described in IC 35-42-2-2.6.**

5 SECTION 6. IC 21-7-13-18.5 IS ADDED TO THE INDIANA  
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2019]: **Sec. 18.5. "Hazing" has the meaning**  
 8 **described in IC 35-42-2-2.5(c).**

9 SECTION 7. IC 21-27-11 IS ADDED TO THE INDIANA CODE  
 10 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2019]:

12 **Chapter 11. Anti-hazing Program**

13 **Sec. 1. As used in this chapter, "policy" means a written policy**  
 14 **against hazing or contributory hazing as described under section**  
 15 **2(a)(1) of this chapter.**

16 **Sec. 2. (a) A state educational institution shall, not later than**  
 17 **January 1, 2020, establish and adopt an anti-hazing policy that**  
 18 **does the following:**

19 (1) **Includes rules prohibiting students or other persons**  
 20 **associated with an organization operating under the sanction**  
 21 **of or recognized as an organization by a state educational**  
 22 **institution from committing the offense of hazing or**  
 23 **contributory hazing.**

24 (2) **Provides for a copy of the policy, including the state**  
 25 **educational institution's rules, penalties, and procedure of**  
 26 **enforcement, to be provided to each organization within the**  
 27 **institution.**

28 **A state educational institution shall ensure that every student is**  
 29 **informed of the policy. A state educational institution shall post the**  
 30 **policy, as described under subdivision (1), on the state educational**  
 31 **institution's publicly accessible Internet web site.**

32 **(b) A state educational institution shall, not later than January**  
 33 **1, 2020:**

34 (1) **implement and administer a program for the enforcement**  
 35 **of the policy; and**

36 (2) **adopt appropriate penalties for violations of the policy**  
 37 **that may include the following:**

38 **(A) Imposition of:**

39 **(i) fines;**

40 **(ii) probation;**

41 **(iii) suspension;**

42 **(iv) dismissal; or**



- 1 (v) expulsion.
- 2 (B) Withholding of diplomas or transcripts pending
- 3 compliance with the rules of the policy or payment of fines.
- 4 (C) Revoking permission for the organization to operate on
- 5 campus or school property.
- 6 (c) A penalty imposed under this section shall be in addition to
- 7 any penalty imposed under:
- 8 (1) this chapter;
- 9 (2) IC 35-42-2-2.5; or
- 10 (3) IC 35-42-2-2.6.
- 11 (d) A policy adopted under this section shall apply to each
- 12 violation or offense conducted on or off campus of the state
- 13 educational institution if the acts constitute the offense of hazing or
- 14 contributory hazing or any offense under this chapter.
- 15 **Sec. 3. (a) A state educational institution shall, not later than**
- 16 **January 1, 2020, maintain a report of all violations of the state**
- 17 **educational institution's anti-hazing policy or federal or state laws**
- 18 **related to any incidents or suspected incidents of hazing or**
- 19 **contributory hazing that are reported to the state educational**
- 20 **institution. The report shall include the following:**
- 21 (1) The name of the person in violation of the policy.
- 22 (2) The date when the person was charged with a violation of
- 23 the state educational institution's anti-hazing policy or federal
- 24 or state laws related to any incidents or suspected incidents of
- 25 hazing or contributory hazing.
- 26 (3) A general description of:
- 27 (A) the violation;
- 28 (B) any investigation and findings by the state educational
- 29 institution; and
- 30 (C) any penalties, if applicable.
- 31 (4) The date the matter was resolved.
- 32 (b) A state educational institution shall, not later than January
- 33 1, 2020, include information concerning violations that have been
- 34 reported to the state educational institution for the last five (5)
- 35 consecutive years prior to July 1, 2019, to the extent the state
- 36 educational institution has retained information concerning the
- 37 violations.
- 38 (c) Not later than January 1, 2020, a state educational
- 39 institution shall:
- 40 (1) redact from the initial report required under subsection
- 41 (a):
- 42 (A) the name of the alleged victim; and



1           **(B) any personal identifying information of any individual;**  
 2           **listed in the report;**

3           **(2) post the report described in subdivision (1) on its publicly**  
 4           **accessible Internet web site;**

5           **(3) update the report described in subdivision (1) biannually**  
 6           **on January 1 and August 1 of each year; and**

7           **(4) post the updated report on its publicly accessible Internet**  
 8           **web site as described in subdivision (3).**

9           **(d) A state educational institution shall retain reports for not**  
 10          **less than five (5) years.**

11          **Sec. 4. In addition to the requirements under sections 1, 2, and**  
 12          **3 of this chapter, a state educational institution shall, not later than**  
 13          **January 1, 2020, establish and adopt a policy that does the**  
 14          **following:**

15           **(1) Designates an office at the state educational institution to**  
 16           **which:**

17           **(A) a student of the state educational institution may**  
 18           **report an incident or suspected incident of hazing or**  
 19           **contributory hazing; and**

20           **(B) a state educational institution employee must report an**  
 21           **incident or suspected incident of hazing or contributory**  
 22           **hazing as required under subdivision (2).**

23           **(2) Requires any state educational institution employee who**  
 24           **knows of or suspects an incident of hazing or contributory**  
 25           **hazing to report the incident to the office designated under**  
 26           **subdivision (1).**

27           **(3) Includes procedures the office described in subdivision (1)**  
 28           **is required to implement in investigating reports of incidents**  
 29           **or suspected incidents of hazing or contributory hazing.**

30           **(4) Requires the office described in subdivision (1) to report**  
 31           **all incidents or suspected incidents of hazing or contributory**  
 32           **hazing to a law enforcement agency.**

33           **(5) Requires the office described in subdivision (1) to, not later**  
 34           **than January 1, 2021, and not later than January 1 each year**  
 35           **thereafter, submit to the commission a report, as described**  
 36           **under section 3 of this chapter, that includes:**

37           **(A) the number of incidents or suspected incidents of**  
 38           **hazing or contributory hazing reports made to the office**  
 39           **during the previous calendar year; and**

40           **(B) any other information concerning the reports as**  
 41           **described in clause (A) requested by the commission.**

42          **Sec. 5. The commission may adopt rules regarding the policy as**





1 **described in section 2 of this chapter.**

2 **Sec. 6. A state educational institution shall, not later than**  
 3 **August 1, 2020, develop and implement a hazing education**  
 4 **program for all new students as part of the state educational**  
 5 **institution's new student orientation.**

6 SECTION 8. IC 34-24-1-1, AS AMENDED BY P.L.215-2018(ss),  
 7 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2019]: Sec. 1. (a) The following may be seized:

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

13 (A) A controlled substance for the purpose of committing,  
 14 attempting to commit, or conspiring to commit any of the  
 15 following:

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

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

19 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).

20 (iv) Dealing in a schedule I, II, or III controlled substance  
 21 (IC 35-48-4-2).

22 (v) Dealing in a schedule IV controlled substance  
 23 (IC 35-48-4-3).

24 (vi) Dealing in a schedule V controlled substance  
 25 (IC 35-48-4-4).

26 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).

27 (viii) Possession of cocaine or a narcotic drug  
 28 (IC 35-48-4-6).

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

30 (x) Dealing in paraphernalia (IC 35-48-4-8.5).

31 (xi) Dealing in marijuana, hash oil, hashish, or salvia  
 32 (IC 35-48-4-10).

33 (xii) Dealing in a synthetic drug or synthetic drug lookalike  
 34 substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its  
 35 amendment in 2013).

36 (B) Any stolen (IC 35-43-4-2) or converted property  
 37 (IC 35-43-4-3) if the retail or repurchase value of that property  
 38 is one hundred dollars (\$100) or more.

39 (C) Any hazardous waste in violation of IC 13-30-10-1.5.

40 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of  
 41 mass destruction (as defined in IC 35-31.5-2-354) used to  
 42 commit, used in an attempt to commit, or used in a conspiracy



- 1 to commit an offense under IC 35-47 as part of or in  
 2 furtherance of an act of terrorism (as defined by  
 3 IC 35-31.5-2-329).
- 4 (2) All money, negotiable instruments, securities, weapons,  
 5 communications devices, or any property used to commit, used in  
 6 an attempt to commit, or used in a conspiracy to commit an  
 7 offense under IC 35-47 as part of or in furtherance of an act of  
 8 terrorism or commonly used as consideration for a violation of  
 9 IC 35-48-4 (other than items subject to forfeiture under  
 10 IC 16-42-20-5 or IC 16-6-8.5-5.1, before its repeal):
- 11 (A) furnished or intended to be furnished by any person in  
 12 exchange for an act that is in violation of a criminal statute;  
 13 (B) used to facilitate any violation of a criminal statute; or  
 14 (C) traceable as proceeds of the violation of a criminal statute.
- 15 (3) Any portion of real or personal property purchased with  
 16 money that is traceable as a proceed of a violation of a criminal  
 17 statute.
- 18 (4) A vehicle that is used by a person to:
- 19 (A) commit, attempt to commit, or conspire to commit;  
 20 (B) facilitate the commission of; or  
 21 (C) escape from the commission of;  
 22 murder (IC 35-42-1-1), dealing in a controlled substance resulting  
 23 in death (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal  
 24 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting  
 25 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense  
 26 under IC 35-47 as part of or in furtherance of an act of terrorism.
- 27 (5) Real property owned by a person who uses it to commit any of  
 28 the following as a Level 1, Level 2, Level 3, Level 4, or Level 5  
 29 felony:
- 30 (A) Dealing in or manufacturing cocaine or a narcotic drug  
 31 (IC 35-48-4-1).  
 32 (B) Dealing in methamphetamine (IC 35-48-4-1.1).  
 33 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).  
 34 (D) Dealing in a schedule I, II, or III controlled substance  
 35 (IC 35-48-4-2).  
 36 (E) Dealing in a schedule IV controlled substance  
 37 (IC 35-48-4-3).  
 38 (F) Dealing in marijuana, hash oil, hashish, or salvia  
 39 (IC 35-48-4-10).  
 40 (G) Dealing in a synthetic drug or synthetic drug lookalike  
 41 substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its  
 42 amendment in 2013).



- 1 (H) Dealing in a controlled substance resulting in death  
 2 (IC 35-42-1-1.5).
- 3 (6) Equipment and recordings used by a person to commit fraud  
 4 under IC 35-43-5-4(10).
- 5 (7) Recordings sold, rented, transported, or possessed by a person  
 6 in violation of IC 24-4-10.
- 7 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as  
 8 defined by IC 35-45-6-1) that is the object of a corrupt business  
 9 influence violation (IC 35-45-6-2).
- 10 (9) Unlawful telecommunications devices (as defined in  
 11 IC 35-45-13-6) and plans, instructions, or publications used to  
 12 commit an offense under IC 35-45-13.
- 13 (10) Any equipment, including computer equipment and cellular  
 14 telephones, used for or intended for use in preparing,  
 15 photographing, recording, videotaping, digitizing, printing,  
 16 copying, or disseminating matter in violation of IC 35-42-4.
- 17 (11) Destructive devices used, possessed, transported, or sold in  
 18 violation of IC 35-47.5.
- 19 (12) Tobacco products that are sold in violation of IC 24-3-5,  
 20 tobacco products that a person attempts to sell in violation of  
 21 IC 24-3-5, and other personal property owned and used by a  
 22 person to facilitate a violation of IC 24-3-5.
- 23 (13) Property used by a person to commit counterfeiting or  
 24 forgery in violation of IC 35-43-5-2.
- 25 (14) After December 31, 2005, if a person is convicted of an  
 26 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the  
 27 following real or personal property:
- 28 (A) Property used or intended to be used to commit, facilitate,  
 29 or promote the commission of the offense.
- 30 (B) Property constituting, derived from, or traceable to the  
 31 gross proceeds that the person obtained directly or indirectly  
 32 as a result of the offense.
- 33 (15) Except as provided in subsection (e), a vehicle used by a  
 34 person who operates the vehicle:
- 35 (A) while intoxicated, in violation of IC 9-30-5-1 through  
 36 IC 9-30-5-5, if in the previous five (5) years the person has two  
 37 (2) or more prior unrelated convictions:
- 38 (i) for operating a motor vehicle while intoxicated in  
 39 violation of IC 9-30-5-1 through IC 9-30-5-5; or  
 40 (ii) for an offense that is substantially similar to IC 9-30-5-1  
 41 through IC 9-30-5-5 in another jurisdiction; or  
 42 (B) on a highway while the person's driving privileges are



1 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,  
 2 if in the previous five (5) years the person has two (2) or more  
 3 prior unrelated convictions:

- 4 (i) for operating a vehicle while intoxicated in violation of  
 5 IC 9-30-5-1 through IC 9-30-5-5; or  
 6 (ii) for an offense that is substantially similar to IC 9-30-5-1  
 7 through IC 9-30-5-5 in another jurisdiction.

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

14 (16) The following real or personal property:

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

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

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

26 (18) Real or personal property, including a vehicle, that is used by  
 27 a person to:

- 28 (A) commit, attempt to commit, or conspire to commit;  
 29 (B) facilitate the commission of; or  
 30 (C) escape from the commission of;

31 a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human  
 32 trafficking) or IC 35-45-4-4 (promoting prostitution).

33 **(19) Property (as defined in IC 35-31.5-2-253) that is the**  
 34 **object of a violation that includes:**

- 35 **(A) hazing (IC 35-42-2-2.5); or**  
 36 **(B) contributory hazing (IC 35-42-2-2.6).**

37 (b) A vehicle used by any person as a common or contract carrier in  
 38 the transaction of business as a common or contract carrier is not  
 39 subject to seizure under this section, unless it can be proven by a  
 40 preponderance of the evidence that the owner of the vehicle knowingly  
 41 permitted the vehicle to be used to engage in conduct that subjects it to  
 42 seizure under subsection (a).



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

5 (d) Money, negotiable instruments, securities, weapons,  
 6 communications devices, or any property commonly used as  
 7 consideration for a violation of IC 35-48-4 found near or on a person  
 8 who is committing, attempting to commit, or conspiring to commit any  
 9 of the following offenses shall be admitted into evidence in an action  
 10 under this chapter as prima facie evidence that the money, negotiable  
 11 instrument, security, or other thing of value is property that has been  
 12 used or was to have been used to facilitate the violation of a criminal  
 13 statute or is the proceeds of the violation of a criminal statute:

14 (1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in  
 15 death).

16 (2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a  
 17 narcotic drug).

18 (3) IC 35-48-4-1.1 (dealing in methamphetamine).

19 (4) IC 35-48-4-1.2 (manufacturing methamphetamine).

20 (5) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled  
 21 substance).

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

23 (7) IC 35-48-4-4 (dealing in a schedule V controlled substance)  
 24 as a Level 4 felony.

25 (8) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a  
 26 Level 3, Level 4, or Level 5 felony.

27 (9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level  
 28 3, Level 4, or Level 5 felony.

29 (10) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or  
 30 salvia) as a Level 5 felony.

31 (11) IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic  
 32 drug lookalike substance) as a Level 5 felony or Level 6 felony  
 33 (or as a Class C felony or Class D felony under IC 35-48-4-10  
 34 before its amendment in 2013).

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

36 (1) an owner of the vehicle; or

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

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

42 SECTION 9. IC 35-31.5-2-63.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2019]: **Sec. 63.5. "Contributory hazing"**  
 3 **means an offense described in IC 35-42-2-2.6.**

4 SECTION 10. IC 35-31.5-2-151, AS AMENDED BY P.L.86-2018,  
 5 SECTION 331, IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2019]: Sec. 151. "Hazing", for purposes of  
 7 IC 35-42-2-2.5, ~~has the meaning set forth is described in~~  
 8 ~~IC 35-42-2-2.5(a).~~ **IC 35-42-2-2.5(c).**

9 SECTION 11. IC 35-31.5-2-221.2 IS ADDED TO THE INDIANA  
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2019]: **Sec. 221.2. "Organization", for**  
 12 **purposes of IC 35-42-2-2.5 and IC 35-42-2-2.6, has the meaning set**  
 13 **forth in IC 35-42-2-2.5(a).**

14 SECTION 12. IC 35-31.5-2-305.5 IS ADDED TO THE INDIANA  
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2019]: **Sec. 305.5. "Significant bodily**  
 17 **injury", for purposes of IC 35-42-2-2.5 has the meaning set forth**  
 18 **in IC 35-42-2-2.5(b).**

19 SECTION 13. IC 35-42-2-2.5, AS ADDED BY P.L.158-2013,  
 20 SECTION 424, IS AMENDED TO READ AS FOLLOWS  
 21 [EFFECTIVE JULY 1, 2019]: Sec. 2.5. (a) ~~As used in this section;~~  
 22 ~~"hazing" means forcing or requiring another person:~~

23 (1) with or without the consent of the other person; and

24 (2) as a condition of association with a group or organization;  
 25 to perform an act that creates a substantial risk of bodily injury:

26 (a) ~~As used in this section, "organization" means a formal or~~  
 27 ~~informal social group with at least three (3) members and, as a~~  
 28 ~~requirement to join the social group, specifically:~~

29 (1) promotes, sponsors, or assists in;

30 (2) participates in; or

31 (3) has as one (1) of its goals;

32 ~~the commission of an offense under this section or section 2.6 of~~  
 33 ~~this chapter.~~

34 (b) ~~As used in this section, "significant bodily injury" means~~  
 35 ~~serious bodily injury in conjunction with a blood alcohol content~~  
 36 ~~of at least twenty-five hundredths (0.25) grams of alcohol per:~~

37 (1) one hundred (100) milliliters of the person's blood; or

38 (2) two hundred ten (210) liters of the person's breath.

39 (c) ~~A person who, with the intent of determining whether~~  
 40 ~~another person should be allowed to join, affiliate with, or continue~~  
 41 ~~as a member of an organization:~~

42 (1) causes bodily injury to the other person;



1           **(2) requires or forces the other person to perform an act that:**

2               **(A) is degrading; or**

3               **(B) creates a substantial risk of:**

4                   **(i) bodily injury; or**

5                   **(ii) mental injury or emotional distress; or**

6           **(3) requires or forces the other person to destroy, remove, or**  
 7           **damage property;**

8           **commits hazing, a Class A misdemeanor.**

9           ~~(b) A person who knowingly or intentionally performs hazing commits~~  
 10           ~~a Class B misdemeanor.~~ However, the offense is a ~~Level 6~~ **Level 5**  
 11           ~~felony if it results in serious~~ **significant** bodily injury or **death** to  
 12           ~~another person, and a Level 5~~ **Level 4** felony if it is committed by  
 13           ~~means of a deadly weapon.~~

14           **(d) For the purposes of subsection (c), the trier of fact may**  
 15           **consider, in addition to other relevant factors, the following:**

16               **(1) Whether any brutality of a physical nature occurred to the**  
 17               **other person such as:**

18                   **(A) whipping;**

19                   **(B) beating; or**

20                   **(C) branding.**

21               **(2) Whether an activity adversely affected the mental and**  
 22               **physical health, safety, or dignity of the other person**  
 23               **including:**

24                   **(A) consumption of any food, liquor, drug, or other**  
 25                   **substance;**

26                   **(B) sleep deprivation;**

27                   **(C) forced calisthenics;**

28                   **(D) exposure to natural elements;**

29                   **(E) exclusion from social contact; or**

30                   **(F) conduct that could result in extreme embarrassment.**

31           **(e) It is not a defense to prosecution that the other person**  
 32           **consented to the activity described under this section.**

33           ~~(e)~~ **(f) A person, other than a person who has committed an offense**  
 34           ~~under this section or a delinquent act that would be an offense under~~  
 35           ~~this section if the violator were an adult, who:~~

36               **(1) makes a report of hazing in good faith;**

37               **(2) participates in good faith in a judicial proceeding resulting**  
 38               ~~from a report of hazing;~~

39               **(3) employs a reporting or participating person described in**  
 40               ~~subdivision (1) or (2); or~~

41               **(4) supervises a reporting or participating person described in**  
 42               ~~subdivision (1) or (2);~~



1 is not liable for civil damages or criminal penalties that might  
 2 otherwise be imposed because of the report or participation.

3 ~~(d)~~ **(g)** A person described in subsection ~~(e)(1)~~ **(f)(1)** or ~~(e)(2)~~ **(f)(2)**  
 4 is presumed to act in good faith.

5 ~~(e)~~ **(h)** A person described in subsection ~~(e)(1)~~ **(f)(1)** or ~~(e)(2)~~ **(f)(2)**  
 6 may not be treated as acting in bad faith solely because the person did  
 7 not have probable cause to believe that a person committed:

8 (1) an offense under this section; or

9 (2) a delinquent act that would be an offense under this section if  
 10 the offender were an adult.

11 SECTION 14. IC 35-42-2-2.6 IS ADDED TO THE INDIANA  
 12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2019]: **Sec. 2.6. (a) As used in this section,**  
 14 **"organization" has the meaning set forth in section 2.5(a) of this**  
 15 **chapter.**

16 **(b) A person who is a member of an organization who knows or**  
 17 **reasonably should know that another member of the organization**  
 18 **has committed or is committing the offense of hazing under section**  
 19 **2.5 of this chapter and fails to:**

20 **(1) stop the other member from committing the offense; or**

21 **(2) report the offense;**

22 **commits contributory hazing, a Class A misdemeanor.**

