



March 17, 2017

ENGROSSED SENATE BILL No. 55

DIGEST OF SB 55 (Updated March 15, 2017 2:16 pm - DI 84)

Citations Affected: IC 35-43.

Synopsis: Drug or alcohol screening tests. Expands the definition of "drug or alcohol screening test" for purposes of the criminal law governing forgery, fraud, and other deceptions to include testing that is ordered by a court as part of a civil action.

Effective: July 1, 2017.

Bray, Young M, Randolph Lonnie M
(HOUSE SPONSOR — MCNAMARA)

January 3, 2017, read first time and referred to Committee on Corrections and Criminal Law.

January 12, 2017, reported favorably — Do Pass.

January 17, 2017, read second time, ordered engrossed. Engrossed.

January 23, 2017, read third time, passed. Yeas 43, nays 7.

HOUSE ACTION

February 28, 2017, read first time and referred to Committee on Courts and Criminal Code.

March 16, 2017, reported — Do Pass.

ES 55—LS 6204/DI 107



March 17, 2017

First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 55

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 35-43-5-1, AS AMENDED BY P.L.137-2009,
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 1. (a) The definitions set forth in this section apply
4 throughout this chapter.
5 (b) "Claim statement" means an insurance policy, a document, or a
6 statement made in support of or in opposition to a claim for payment
7 or other benefit under an insurance policy, or other evidence of
8 expense, injury, or loss. The term includes statements made orally, in
9 writing, or electronically, including the following:
10 (1) An account.
11 (2) A bill for services.
12 (3) A bill of lading.
13 (4) A claim.
14 (5) A diagnosis.
15 (6) An estimate of property damages.
16 (7) A hospital record.
17 (8) An invoice.

ES 55—LS 6204/DI 107



- 1 (9) A notice.
 2 (10) A proof of loss.
 3 (11) A receipt for payment.
 4 (12) A physician's records.
 5 (13) A prescription.
 6 (14) A statement.
 7 (15) A test result.
 8 (16) X-rays.
- 9 (c) "Coin machine" means a coin box, vending machine, or other
 10 mechanical or electronic device or receptacle designed:
 11 (1) to receive a coin, bill, or token made for that purpose; and
 12 (2) in return for the insertion or deposit of a coin, bill, or token
 13 automatically:
 14 (A) to offer, provide, or assist in providing; or
 15 (B) to permit the acquisition of;
 16 some property.
- 17 (d) "Credit card" means an instrument or device (whether known as
 18 a credit card or charge plate, or by any other name) issued by an issuer
 19 for use by or on behalf of the credit card holder in obtaining property.
- 20 (e) "Credit card holder" means the person to whom or for whose
 21 benefit the credit card is issued by an issuer.
- 22 (f) "Customer" means a person who receives or has contracted for
 23 a utility service.
- 24 (g) "Drug or alcohol screening test" means a test that:
 25 (1) is used to determine the presence or use of alcohol, a
 26 controlled substance, or a drug in a person's bodily substance; and
 27 (2) is:
 28 (A) administered in the course of monitoring a person who is:
 29 ~~(A)~~ (i) incarcerated in a prison or jail;
 30 ~~(B)~~ (ii) placed in a community corrections program;
 31 ~~(C)~~ (iii) on probation or parole;
 32 ~~(D)~~ (iv) participating in a court ordered alcohol or drug
 33 treatment program; or
 34 ~~(E)~~ (v) on court ordered pretrial release; **or**
 35 **(B) ordered by a court as part of a civil action.**
- 36 (h) "Entrusted" means held in a fiduciary capacity or placed in
 37 charge of a person engaged in the business of transporting, storing,
 38 lending on, or otherwise holding property of others.
- 39 (i) "Identifying information" means information that identifies a
 40 person, including a person's:
 41 (1) name, address, date of birth, place of employment, employer
 42 identification number, mother's maiden name, Social Security



- 1 number, or any identification number issued by a governmental
 2 entity;
- 3 (2) unique biometric data, including the person's fingerprint,
 4 voice print, or retina or iris image;
- 5 (3) unique electronic identification number, address, or routing
 6 code;
- 7 (4) telecommunication identifying information; or
- 8 (5) telecommunication access device, including a card, a plate, a
 9 code, a telephone number, an account number, a personal
 10 identification number, an electronic serial number, a mobile
 11 identification number, or another telecommunications service or
 12 device or means of account access that may be used to:
- 13 (A) obtain money, goods, services, or any other thing of value;
 14 or
 15 (B) initiate a transfer of funds.
- 16 (j) "Insurance policy" includes the following:
- 17 (1) An insurance policy.
- 18 (2) A contract with a health maintenance organization (as defined
 19 in IC 27-13-1-19) or a limited service health maintenance
 20 organization (as defined in IC 27-13-1-27).
- 21 (3) A written agreement entered into under IC 27-1-25.
- 22 (k) "Insurer" has the meaning set forth in IC 27-1-2-3(x). The term
 23 also includes the following:
- 24 (1) A reinsurer.
- 25 (2) A purported insurer or reinsurer.
- 26 (3) A broker.
- 27 (4) An agent of an insurer, a reinsurer, a purported insurer or
 28 reinsurer, or a broker.
- 29 (5) A health maintenance organization.
- 30 (6) A limited service health maintenance organization.
- 31 (l) "Manufacturer" means a person who manufactures a recording.
 32 The term does not include a person who manufactures a medium upon
 33 which sounds or visual images can be recorded or stored.
- 34 (m) "Make" means to draw, prepare, complete, counterfeit, copy or
 35 otherwise reproduce, or alter any written instrument in whole or in part.
- 36 (n) "Metering device" means a mechanism or system used by a
 37 utility to measure or record the quantity of services received by a
 38 customer.
- 39 (o) "Public relief or assistance" means any payment made, service
 40 rendered, hospitalization provided, or other benefit extended to a
 41 person by a governmental entity from public funds and includes
 42 township assistance, food stamps, direct relief, unemployment



- 1 compensation, and any other form of support or aid.
2 (p) "Recording" means a tangible medium upon which sounds or
3 visual images are recorded or stored. The term includes the following:
4 (1) An original:
5 (A) phonograph record;
6 (B) compact disc;
7 (C) wire;
8 (D) tape;
9 (E) audio cassette;
10 (F) video cassette; or
11 (G) film.
12 (2) Any other medium on which sounds or visual images are or
13 can be recorded or otherwise stored.
14 (3) A copy or reproduction of an item in subdivision (1) or (2)
15 that duplicates an original recording in whole or in part.
16 (q) "Slug" means an article or object that is capable of being
17 deposited in a coin machine as an improper substitute for a genuine
18 coin, bill, or token.
19 (r) "Synthetic identifying information" means identifying
20 information that identifies:
21 (1) a false or fictitious person;
22 (2) a person other than the person who is using the information;
23 or
24 (3) a combination of persons described under subdivisions (1) and
25 (2).
26 (s) "Utility" means a person who owns or operates, for public use,
27 any plant, equipment, property, franchise, or license for the production,
28 storage, transmission, sale, or delivery of electricity, water, steam,
29 telecommunications, information, or gas.
30 (t) "Written instrument" means a paper, a document, or other
31 instrument containing written matter and includes money, coins,
32 tokens, stamps, seals, credit cards, badges, trademarks, medals, retail
33 sales receipts, labels or markings (including a universal product code
34 (UPC) or another product identification code), or other objects or
35 symbols of value, right, privilege, or identification.



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 55, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 55 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 7, Nays 2

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 55, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 55 as printed January 13, 2017.)

WASHBURN

Committee Vote: Yeas 9, Nays 0

