

SENATE BILL No. 94

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-43-5-3.

Synopsis: Deception. Provides that a person commits deception if the person, with intent to defraud, misrepresents the relationship of the person to another person.

Effective: July 1, 2018.

Delph, Young M

January 3, 2018, read first time and referred to Committee on Corrections and Criminal Law.



Second Regular Session 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.

SENATE BILL No. 94



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 35-43-5-3, AS AMENDED BY P.L.85-2017,
2 SECTION 112, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) A person who:
4 (1) being an officer, manager, or other person participating in the
5 direction of a credit institution, knowingly or intentionally
6 receives or permits the receipt of a deposit or other investment,
7 knowing that the institution is insolvent;
8 (2) knowingly or intentionally makes a false or misleading written
9 statement with intent to obtain property, employment, or an
10 educational opportunity;
11 (3) misapplies entrusted property, property of a governmental
12 entity, or property of a credit institution in a manner that the
13 person knows is unlawful or that the person knows involves
14 substantial risk of loss or detriment to either the owner of the
15 property or to a person for whose benefit the property was
16 entrusted;
17 (4) knowingly or intentionally, in the regular course of business,



- 1 either:
- 2 (A) uses or possesses for use a false weight or measure or
- 3 other device for falsely determining or recording the quality or
- 4 quantity of any commodity; or
- 5 (B) sells, offers, or displays for sale or delivers less than the
- 6 represented quality or quantity of any commodity;
- 7 (5) with intent to defraud another person furnishing electricity,
- 8 gas, water, telecommunication, or any other utility service, avoids
- 9 a lawful charge for that service by scheme or device or by
- 10 tampering with facilities or equipment of the person furnishing
- 11 the service;
- 12 (6) with intent to defraud, misrepresents the identity of the person
- 13 or another person, **the relationship of the person to another**
- 14 **person**, or the identity or quality of property;
- 15 (7) with intent to defraud an owner of a coin machine, deposits a
- 16 slug in that machine;
- 17 (8) with intent to enable the person or another person to deposit
- 18 a slug in a coin machine, makes, possesses, or disposes of a slug;
- 19 (9) disseminates to the public an advertisement that the person
- 20 knows is false, misleading, or deceptive, with intent to promote
- 21 the purchase or sale of property or the acceptance of employment;
- 22 (10) with intent to defraud, misrepresents a person as being a
- 23 physician licensed under IC 25-22.5;
- 24 (11) knowingly and intentionally defrauds another person
- 25 furnishing cable TV service by avoiding paying compensation for
- 26 that service by any scheme or device or by tampering with
- 27 facilities or equipment of the person furnishing the service; or
- 28 (12) knowingly or intentionally provides false information to a
- 29 governmental entity to obtain a contract from the governmental
- 30 entity;
- 31 commits deception, a Class A misdemeanor. However, an offense
- 32 under subdivision (12) is a Level 6 felony if the provision of false
- 33 information results in financial loss to the governmental entity.
- 34 (b) In determining whether an advertisement is false, misleading, or
- 35 deceptive under subsection (a)(9), there shall be considered, among
- 36 other things, not only representations contained or suggested in the
- 37 advertisement, by whatever means, including device or sound, but also
- 38 the extent to which the advertisement fails to reveal material facts in
- 39 the light of the representations.
- 40 (c) A person who knowingly or intentionally falsely represents:
- 41 (1) any entity as:
- 42 (A) a disadvantaged business enterprise (as defined in



1 IC 5-16-6.5-1); or
2 (B) a women-owned business enterprise (as defined in
3 IC 5-16-6.5-3);
4 in order to qualify for certification as such an enterprise under a
5 program conducted by a public agency (as defined in
6 IC 5-16-6.5-2) designed to assist disadvantaged business
7 enterprises or women-owned business enterprises in obtaining
8 contracts with public agencies for the provision of goods and
9 services; or
10 (2) an entity with which the person will subcontract all or part of
11 a contract with a public agency (as defined in IC 5-16-6.5-2) as:
12 (A) a disadvantaged business enterprise (as defined in
13 IC 5-16-6.5-1); or
14 (B) a women-owned business enterprise (as defined in
15 IC 5-16-6.5-3);
16 in order to qualify for certification as an eligible bidder under a
17 program that is conducted by a public agency designed to assist
18 disadvantaged business enterprises or women-owned business
19 enterprises in obtaining contracts with public agencies for the
20 provision of goods and services;
21 commits a Level 6 felony.

