

SENATE BILL No. 102

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-24-2-2.5; IC 31-37-19-17; IC 35-43-1.

Synopsis: Historic property criminal mischief. Provides that a person who recklessly, knowingly, or intentionally damages, defaces, or alters, without a permit, historic property that is: (1) owned by the state; or (2) located on property owned or leased by the state; commits historic property criminal mischief, a Class A misdemeanor. Provides that the offense is a Level 6 felony if the pecuniary loss is at least \$750 but less than \$50,000, and a Level 5 felony if the pecuniary loss is at least \$50,000. Repeals the offense of altering historic property and incorporates the offense into the crime of historic property criminal mischief. Makes conforming changes.

Effective: July 1, 2021.

Houchin

January 5, 2021, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

SENATE BILL No. 102

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 9-24-2-2.5, AS AMENDED BY P.L.257-2017,
2 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 2.5. (a) The bureau shall suspend the driving
4 privileges or invalidate the learner's permit of an individual who is
5 under an order entered by a court under ~~IC 35-43-1-2(d)~~.
6 **IC 35-43-1-2(e)**.

7 (b) The bureau shall suspend the driving privileges or invalidate the
8 learner's permit of an individual who is the subject of an order issued
9 under IC 31-37-19-17 (or IC 31-6-4-15.9(f) before its repeal) or
10 ~~IC 35-43-1-2(d)~~. **IC 35-43-1-2(e)**.

11 SECTION 2. IC 31-37-19-17 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) This section
13 applies if a child is a delinquent child under IC 31-37-1 due to the
14 commission of a delinquent act that, if committed by an adult, would
15 be criminal mischief, ~~or~~ institutional criminal mischief, **or historic**
16 **property criminal mischief** under IC 35-43-1-2 that involves the use
17 of graffiti.



1 (b) The juvenile court may, in addition to any other order or decree
 2 the court makes under this chapter, order the bureau of motor vehicles
 3 to:

4 (1) suspend the child's operator's license; or

5 (2) invalidate the child's learner's permit;

6 for one (1) year beginning the date of the order.

7 SECTION 3. IC 35-43-1-2, AS AMENDED BY P.L.111-2018,
 8 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2021]: Sec. 2. (a) A person who recklessly, knowingly, or
 10 intentionally damages or defaces property of another person without
 11 the other person's consent commits criminal mischief, a Class B
 12 misdemeanor. However, the offense is:

13 (1) a Class A misdemeanor if the pecuniary loss is at least seven
 14 hundred fifty dollars (\$750) but less than fifty thousand dollars
 15 (\$50,000); and

16 (2) a Level 6 felony if:

17 (A) the pecuniary loss is at least fifty thousand dollars
 18 (\$50,000);

19 (B) the damage causes a substantial interruption or impairment
 20 of utility service rendered to the public;

21 (C) the damage is to a public record; or

22 (D) the damage is to a law enforcement animal (as defined in
 23 IC 35-46-3-4.5).

24 (b) A person who recklessly, knowingly, or intentionally damages:

25 (1) a structure used for religious worship without the consent of
 26 the owner, possessor, or occupant of the property that is damaged;

27 (2) a school or community center without the consent of the
 28 owner, possessor, or occupant of the property that is damaged;

29 (3) the property of an agricultural operation (as defined in
 30 IC 32-30-6-1) without the consent of the owner, possessor, or
 31 occupant of the property that is damaged;

32 (4) the grounds:

33 (A) adjacent to; and

34 (B) owned or rented in common with;

35 a structure or facility identified in subdivisions (1) through (3)
 36 without the consent of the owner, possessor, or occupant of the
 37 property that is damaged;

38 (5) personal property contained in a structure or located at a
 39 facility identified in subdivisions (1) through (3) without the
 40 consent of the owner, possessor, or occupant of the property that
 41 is damaged;

42 (6) property that is vacant real property (as defined in



- 1 IC 36-7-36-5) or a vacant structure (as defined in IC 36-7-36-6);
 2 or
 3 (7) property after the person has been denied entry to the property
 4 by a court order that was issued:
 5 (A) to the person; or
 6 (B) to the general public by conspicuous posting on or around
 7 the property in areas where a person could observe the order
 8 when the property has been designated by a municipality or
 9 county enforcement authority to be a vacant property, an
 10 abandoned property, or an abandoned structure (as defined in
 11 IC 36-7-36-1);
 12 commits institutional criminal mischief, a Class A misdemeanor.
 13 However, the offense is a Level 6 felony if the pecuniary loss (or
 14 property damage, in the case of an agricultural operation) is at least
 15 seven hundred fifty dollars (\$750) but less than fifty thousand dollars
 16 (\$50,000), and a Level 5 felony if the pecuniary loss (or property
 17 damage, in the case of an agricultural operation) is at least fifty
 18 thousand dollars (\$50,000).
 19 (c) A person who recklessly, knowingly, or intentionally damages
 20 property:
 21 (1) during the dealing or manufacture of or attempted dealing or
 22 manufacture of a controlled substance; and
 23 (2) by means of a fire or an explosion;
 24 commits controlled substances criminal mischief, a Level 6 felony.
 25 However, the offense is a Level 5 felony if the offense results in
 26 moderate bodily injury to any person other than a defendant.
 27 **(d) A person who recklessly, knowingly, or intentionally**
 28 **damages, defaces, or alters, without a permit, historic property (as**
 29 **defined in IC 14-8-2-124) that is:**
 30 **(1) owned by the state; or**
 31 **(2) located on property owned or leased by the state;**
 32 **commits historic property criminal mischief, a Class A**
 33 **misdemeanor. However, the offense is a Level 6 felony if the**
 34 **pecuniary loss is at least seven hundred fifty dollars (\$750) but less**
 35 **than fifty thousand dollars (\$50,000), and a Level 5 felony if the**
 36 **pecuniary loss is at least fifty thousand dollars (\$50,000).**
 37 ~~(d)~~ (e) If a person is convicted of an offense under this section that
 38 involves the use of graffiti, the court may, in addition to any other
 39 penalty, order that the person's operator's license be suspended or
 40 invalidated by the bureau of motor vehicles for not more than one (1)
 41 year.
 42 ~~(e)~~ (f) The court may rescind an order for suspension or invalidation



1 under subsection ~~(d)~~ (e) and allow the person to receive a license or
 2 permit before the period of suspension or invalidation ends if the court
 3 determines that the person has removed or painted over the graffiti or
 4 has made other suitable restitution.

5 ~~(f)~~ (g) For purposes of this section, "pecuniary loss" includes:

6 (1) the total costs incurred in inspecting, cleaning, and
 7 decontaminating property contaminated by a pollutant; and

8 (2) a reasonable estimate of all additional costs not already
 9 incurred under subdivision (1) that are necessary to inspect, clean,
 10 and decontaminate property contaminated by a pollutant, to the
 11 extent that the property has not already been:

12 (A) cleaned;

13 (B) decontaminated; or

14 (C) both cleaned and decontaminated.

15 The term includes inspection, cleaning, or decontamination conducted
 16 by a person certified under IC 16-19-3.1.

17 SECTION 4. IC 35-43-1-6 IS REPEALED [EFFECTIVE JULY 1,
 18 2021]. ~~Sec. 6. A person who knowingly or intentionally alters, without~~
 19 ~~a permit, historic property located on property owned or leased by the~~
 20 ~~state commits a Class B misdemeanor.~~

