

SENATE BILL No. 183

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-43-4-9.

Synopsis: Foreclosure mischief. Provides that a person who knowingly or intentionally damages, permanently removes an object from, or defaces residential real property that is the subject of a foreclosure action commits a Class A misdemeanor, unless the damage, removal, or defacement was the result of repair, renovation, replacement, or maintenance performed in good faith.

Effective: July 1, 2016.

Bray

January 6, 2016, read first time and referred to Committee on Corrections & Criminal Law.



Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

SENATE BILL No. 183



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 35-43-4-9 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2016]: **Sec. 9. (a) This section applies only to residential real**
- 4 **property in foreclosure.**
- 5 **(b) The following definitions apply throughout this section:**
- 6 **(1) "Damages, permanently removes an object from, or**
- 7 **defaces the residential real property" means to damage,**
- 8 **permanently remove, or deface one (1) or more of the**
- 9 **following:**
- 10 **(A) Fixtures (as defined in IC 26-1-2.1-309) of the**
- 11 **residential real property.**
- 12 **(B) A component or subsystem of the heating, ventilation,**
- 13 **or air conditioning system of the residential real property.**
- 14 **(C) Wiring of the residential real property.**
- 15 **(D) Pipes, fittings, or another part of the plumbing system**
- 16 **of the residential real property.**
- 17 **(E) The structure, including the roof and foundation, of the**



- 1 residential real property.
 2 (F) The windows of the residential real property.
 3 (G) The floors, ceilings, walls, or doors of the residential
 4 real property.
 5 (H) The landscaping of the residential real property.
 6 (I) An unattached structure, carport, patio, fence, or
 7 swimming pool located on the residential real property.
 8 (2) "Residential real property" means real property that is
 9 primarily used as a dwelling.
 10 (3) "Residential real property in foreclosure" means
 11 residential real property with respect to which a foreclosure
 12 action has been filed or joined by a person having a security
 13 interest in the property that is used to secure:
 14 (A) a mortgage;
 15 (B) a land contract; or
 16 (C) another agreement similar to a mortgage or a land
 17 contract.
 18 The term does not include property that is the subject of a
 19 foreclosure action brought by a person having any other type
 20 of security interest in the property, including a mechanic's
 21 lien, a tax lien, or a lien placed by a homeowners association,
 22 unless the property is also the subject of a foreclosure action
 23 described in clauses (A) through (C).
 24 (c) A person who knowingly or intentionally damages,
 25 permanently removes an object from, or defaces residential real
 26 property in foreclosure commits foreclosure mischief, a Class A
 27 misdemeanor.
 28 (d) It is a defense to a prosecution under this section that the
 29 damage, removal, or defacement was the result of repair,
 30 renovation, replacement, or maintenance performed in good faith.

