



January 13, 2017

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## SENATE BILL No. 190

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DIGEST OF SB 190 (Updated January 10, 2017 1:22 pm - DI 106)

**Citations Affected:** IC 35-41; IC 35-43.

**Synopsis:** Value of property. Provides that, with respect to an offense with a penalty that may be enhanced due to the value of the property involved in the offense: (1) if the offense is committed as part of a single episode of criminal conduct, all offenses may be charged in a single count; and (2) if the offenses are charged in a single count, the value of the property involved in the offenses may be aggregated.

**Effective:** July 1, 2017.

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### Young M, Koch

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January 4, 2017, read first time and referred to Committee on Rules and Legislative Procedure.

January 9, 2017, amended; reassigned to Committee on Corrections and Criminal Law.  
January 12, 2017, amended, reported favorably — Do Pass.

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SB 190—LS 6038/DI 13





January 13, 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.

## SENATE BILL No. 190

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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 35-41-2-6 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2017]: **Sec. 6. (a) This section applies to an offense with a penalty  
4 that may be enhanced due to the value of the property involved in  
5 the offense.**

6 **(b) Offenses that are committed in a single episode of criminal  
7 conduct (as defined in IC 35-50-1-2(b)) may be charged in a single  
8 count. The value of property involved in offenses:  
9 (1) committed in a single episode of criminal conduct; and  
10 (2) charged in a single count;  
11 may be aggregated.**

12 SECTION 2. IC 35-43-4-2, AS AMENDED BY P.L.152-2014,  
13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2017]: **Sec. 2. (a) A person who knowingly or intentionally  
15 exerts unauthorized control over property of another person, with intent  
16 to deprive the other person of any part of its value or use, commits  
17 theft, a Class A misdemeanor. However, the offense is:**

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- 1 (1) a Level 6 felony if:
- 2 (A) the value of the property is at least seven hundred fifty
- 3 dollars (\$750) and less than fifty thousand dollars (\$50,000);
- 4 (B) the property is a firearm; or
- 5 (C) the person has a prior unrelated conviction for:
- 6 (i) theft under this section; or
- 7 (ii) criminal conversion under section 3 of this chapter; and
- 8 (2) a Level 5 felony if:
- 9 (A) the value of the property is at least fifty thousand dollars
- 10 (\$50,000); or
- 11 (B) the property that is the subject of the theft is a valuable
- 12 metal (as defined in IC 25-37.5-1-1) and:
- 13 (i) relates to transportation safety;
- 14 (ii) relates to public safety; or
- 15 (iii) is taken from a hospital or other health care facility,
- 16 telecommunications provider, public utility (as defined in
- 17 IC 32-24-1-5.9(a)), or key facility;
- 18 and the absence of the property creates a substantial risk of
- 19 bodily injury to a person.
- 20 ~~(b) In determining the value of property under this section, acts of~~
- 21 ~~theft committed in a single episode of criminal conduct (as defined in~~
- 22 ~~IC 35-50-1-2(b)) may be charged in a single count.~~
- 23 ~~(c)~~ **(b)** For purposes of this section, "the value of property" means:
- 24 (1) the fair market value of the property at the time and place the
- 25 offense was committed; or
- 26 (2) if the fair market value of the property cannot be satisfactorily
- 27 determined, the cost to replace the property within a reasonable
- 28 time after the offense was committed.
- 29 A price tag or price marking on property displayed or offered for sale
- 30 constitutes prima facie evidence of the value of the property.



COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 190, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Corrections and Criminal Law.

(Reference is to SB 190 as introduced.)

LONG, Chairperson

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 190, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 20, strike "(b)".

and when so amended that said bill do pass.

(Reference is to SB 190 as printed January 9, 2017.)

YOUNG M, Chairperson

Committee Vote: Yeas 7, Nays 2.

