

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 ENROLLED ACT No. 190

AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

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

(b) Offenses that are committed in a thirty (30) day period may be charged in a single count. The value of property involved in offenses:

- (1) committed in a thirty (30) day period; and**
- (2) charged in a single count;**

may be aggregated.

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

- (1) a Level 6 felony if:**
 - (A) the value of the property is at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000);**
 - (B) the property is a firearm; or**

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- (C) the person has a prior unrelated conviction for:
 - (i) theft under this section; or
 - (ii) criminal conversion under section 3 of this chapter; and
- (2) a Level 5 felony if:
 - (A) the value of the property is at least fifty thousand dollars (\$50,000); or
 - (B) the property that is the subject of the theft is a valuable metal (as defined in IC 25-37.5-1-1) and:
 - (i) relates to transportation safety;
 - (ii) relates to public safety; or
 - (iii) is taken from a hospital or other health care facility, telecommunications provider, public utility (as defined in IC 32-24-1-5.9(a)), or key facility;
 and the absence of the property creates a substantial risk of bodily injury to a person.

~~(b) In determining the value of property under this section, acts of theft committed in a single episode of criminal conduct (as defined in IC 35-50-1-2(b)) may be charged in a single count.~~

- ~~(c) (b) For purposes of this section, "the value of property" means:~~
- ~~(1) the fair market value of the property at the time and place the offense was committed; or~~
 - ~~(2) if the fair market value of the property cannot be satisfactorily determined, the cost to replace the property within a reasonable time after the offense was committed.~~

~~A price tag or price marking on property displayed or offered for sale constitutes prima facie evidence of the value of the property.~~



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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