



February 12, 2021

SENATE BILL No. 197

DIGEST OF SB 197 (Updated February 9, 2021 3:39 pm - DI 140)

Citations Affected: Numerous provisions throughout the Indiana Code.

Synopsis: Criminal law issues. Specifies that a conviction for certain sex offenses requires mandatory revocation of a teaching license. Provides that a child who: (1) commits indecent display by a youth; or (2) commits dangerous possession of a firearm or provides a firearm to another child in certain circumstances; has committed a delinquent act subject to the jurisdiction of a juvenile court. Provides that bail provisions that apply to persons on probation and parole also apply to persons on community supervision. Removes and replaces certain references to "official investigations", "official proceedings", and methods of reporting. Adds to the crime of resisting law enforcement the act of resisting, refusing, obstructing, or interfering with a law enforcement officer's lawful: (1) entry into a structure; or (2) order to exit a structure. Provides that all Level 1 and Level 2 felonies may be prosecuted at any time. Repeals synthetic identity deception and
(Continued next page)

Effective: July 1, 2021.

Young M

January 14, 2021, read first time and referred to Committee on Corrections and Criminal Law.
February 11, 2021, amended, reported favorably — Do Pass.

SB 197—LS 7132/DI 106



Digest Continued

consolidates it with identity deception. Provides that all felony battery and domestic battery crimes are crimes of violence, and adds arson and criminal confinement to the list of crimes of violence. Makes attempted murder a predicate offense for the use of a firearm sentence enhancement. Makes certain changes to the definition of "substantially similar" for purposes of the controlled substance law. Adds controlled substance analogs to certain statutes prohibiting controlled substances in penal facilities. Repeals and consolidates various fraud and deception offenses. Defines "financial institution" for purposes of crimes involving financial institutions. Defines "pecuniary loss" for purposes of fraud in connection with insurance. Repeals or decriminalizes certain infrequently charged misdemeanors. Specifies that a person convicted of attempted murder is a sex or violent offender. Adds to the definition of "violent criminal" a person convicted of certain battery and domestic battery offenses. Adds adult protective services investigator to the definition of "public safety official" for purposes of the battery statute. Specifies that locking the door to a building or structure denies entry to another person for purposes of the trespass statute. Makes fraud a Level 4 felony if the amount involved is at least \$100,000. Defines attempted murder as a "serious violent felony". Makes conforming amendments.

SB 197—LS 7132/DI 106



February 12, 2021

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. 197

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 1-1-5.5-23 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2021]: **Sec. 23. (a) A section of IC 35-43-5, as amended and**
4 **enacted during the 2021 regular session of the Indiana general**
5 **assembly, does not affect:**
6 **(1) penalties incurred;**
7 **(2) crimes committed; or**
8 **(3) proceedings begun;**
9 **before the effective date of that section of IC 35-43-5. Those**
10 **penalties, crimes, and proceedings continue and shall be imposed**
11 **and enforced under prior law as if that section of IC 35-43-5 had**
12 **not been amended or enacted.**
13 **(b) The general assembly does not intend the doctrine of**
14 **amelioration (see *Vicory v. State*, 400 N.E.2d 1380 (Ind. 1980)) to**
15 **apply to any section of IC 35-43-5, as amended or enacted during**

SB 197—LS 7132/DI 106



1 the 2021 regular session of the Indiana general assembly.

2 (c) The general assembly does not intend any section of
3 IC 35-43-5, as amended or enacted during the 2021 regular session
4 of the Indiana general assembly, to affect the:

5 (1) statutory or common law as it relates to insurance
6 coverage or the construction of an insurance policy; or

7 (2) holding of Colonial Penn Ins. Co. v. Guzorek, 690 N.E.2d
8 664 (Ind. 1997).

9 SECTION 2. IC 6-2.5-9-7 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) Any person who:

11 (1) removes;

12 (2) alters;

13 (3) defaces; or

14 (4) covers;

15 a sign posted by the department that states that no retail transactions or
16 sales can be made at a retail merchant's location commits a ~~Class B~~
17 ~~misdemeanor~~: **Class C infraction**.

18 (b) A retail merchant shall notify the department of any violation of
19 subsection (a) that occurs on the retail merchant's premises.

20 (c) A retail merchant who fails to give the notice required by
21 subsection (b) within two (2) business days after the violation of
22 subsection (a) occurs commits a ~~Class B misdemeanor~~: **Class B**
23 **infraction**.

24 SECTION 3. IC 9-30-6-6, AS AMENDED BY P.L.224-2019,
25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2021]: Sec. 6. (a) A physician, a person trained in retrieving
27 contraband or obtaining bodily substance samples and acting under the
28 direction of or under a protocol prepared by a physician, or a licensed
29 health care professional acting within the professional's scope of
30 practice and under the direction of or under a protocol prepared by a
31 physician, who:

32 (1) obtains a blood, urine, or other bodily substance sample from
33 a person, regardless of whether the sample is taken for diagnostic
34 purposes or at the request of a law enforcement officer under this
35 section;

36 (2) performs a chemical test on blood, urine, or other bodily
37 substance obtained from a person; or

38 (3) searches for or retrieves contraband from the body cavity of an
39 individual;

40 shall deliver the sample or contraband or disclose the results of the test
41 to a law enforcement officer who requests the sample, contraband, or
42 results as a part of a criminal investigation. Samples, contraband, and



1 test results shall be provided to a law enforcement officer even if the
2 person has not consented to or otherwise authorized their release.

3 (b) A physician, a licensed health care professional, a hospital, or an
4 agent of a physician or hospital is not civilly or criminally liable for any
5 of the following:

- 6 (1) Disclosing test results in accordance with this section.
- 7 (2) Delivering contraband, or a blood, urine, or other bodily
8 substance sample in accordance with this section.
- 9 (3) Searching for or retrieving contraband or obtaining a blood,
10 urine, or other bodily substance sample in accordance with this
11 section.
- 12 (4) Disclosing to the prosecuting attorney or the deputy
13 prosecuting attorney for use at or testifying at the criminal trial of
14 the person as to facts observed or opinions formed.
- 15 (5) Failing to treat a person from whom contraband is retrieved or
16 a blood, urine, or other bodily substance sample is obtained at the
17 request of a law enforcement officer if the person declines
18 treatment.
- 19 (6) Injury to a person arising from the performance of duties in
20 good faith under this section. However, immunity does not apply
21 if the physician, licensed health care professional, hospital, or
22 agent of a physician or hospital acts with gross negligence or
23 willful or wanton misconduct.

24 (c) For the purposes of a criminal proceeding:

- 25 (1) the privileges arising from a patient-physician relationship do
26 not apply to the contraband, samples, test results, or testimony
27 described in this section; and
- 28 (2) contraband, samples, test results, and testimony may be
29 admitted in a proceeding in accordance with the applicable rules
30 of evidence.

31 (d) The exceptions to the patient-physician relationship specified in
32 subsection (c) do not affect those relationships in a proceeding that is
33 not a criminal proceeding.

34 (e) The contraband, test results, and samples obtained by a law
35 enforcement officer under subsection (a) may be disclosed only to a
36 prosecuting attorney or a deputy prosecuting attorney for use as
37 evidence in a criminal proceeding.

38 (f) This section does not require a physician or a person under the
39 direction of a physician to perform a chemical test or to retrieve
40 contraband.

41 (g) If the person:

- 42 (1) from whom the contraband is to be retrieved or the bodily



- 1 substance sample is to be obtained under this section does not
 2 consent; and
 3 (2) resists the retrieval of the contraband or the taking of a
 4 sample;
 5 the law enforcement officer may use reasonable force to assist an
 6 individual, who must be authorized under this section to retrieve
 7 contraband or obtain a sample, in the retrieval of the contraband or the
 8 taking of the sample.
- 9 (h) The person authorized under this section to retrieve contraband
 10 or obtain a bodily substance sample shall take the sample or retrieve
 11 the contraband in a medically accepted manner.
- 12 (i) This subsection does not apply to contraband retrieved or a
 13 bodily substance sample taken at a licensed hospital (as defined in
 14 IC 16-18-2-179(a) and IC 16-18-2-179(b)). A law enforcement officer
 15 may transport the person to a place where the contraband may be
 16 retrieved or the sample may be obtained by any of the following
 17 persons who are trained in retrieving contraband or obtaining bodily
 18 substance samples and who have been engaged to retrieve contraband
 19 or obtain samples under this section:
- 20 (1) A physician holding an unlimited license to practice medicine
 21 or osteopathy.
 - 22 (2) A registered nurse.
 - 23 (3) A licensed practical nurse.
 - 24 (4) An advanced emergency medical technician (as defined in
 25 IC 16-18-2-6.5).
 - 26 (5) A paramedic (as defined in IC 16-18-2-266).
 - 27 (6) Except as provided in subsections (j) through (k), any other
 28 person qualified through training, experience, or education to
 29 retrieve contraband or obtain a bodily substance sample.
- 30 (j) A law enforcement officer may not retrieve contraband or obtain
 31 a bodily substance sample under this section if the contraband is to be
 32 retrieved or the sample is to be obtained from another law enforcement
 33 officer as a result of the other law enforcement officer's involvement in
 34 an accident or alleged crime.
- 35 (k) A law enforcement officer who is otherwise qualified to obtain
 36 a bodily substance sample under this section may obtain a bodily
 37 substance sample from a person involved in an accident or alleged
 38 crime who is not a law enforcement officer only if:
- 39 (1) before January 1, 2013, the officer obtained a bodily substance
 40 sample from an individual as part of the officer's official duties as
 41 a law enforcement officer; and
 - 42 (2) the:



- 1 (A) person consents to the officer obtaining a bodily substance
 2 sample; or
 3 (B) obtaining of the bodily substance sample is authorized by
 4 a search warrant.

5 SECTION 4. IC 11-8-5-2, AS AMENDED BY P.L.10-2019,
 6 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2021]: Sec. 2. (a) The department may, under IC 4-22-2,
 8 classify as confidential the following personal information maintained
 9 on a person who has been committed to the department or who has
 10 received correctional services from the department:

- 11 (1) Medical, psychiatric, or psychological data or opinion which
 12 might adversely affect that person's emotional well-being.
 13 (2) Information relating to a pending investigation of alleged
 14 criminal activity or other misconduct.
 15 (3) Information which, if disclosed, might result in physical harm
 16 to that person or other persons.
 17 (4) Sources of information obtained only upon a promise of
 18 confidentiality.
 19 (5) Information required by law or promulgated rule to be
 20 maintained as confidential.

21 (b) The department may deny the person about whom the
 22 information pertains and other persons access to information classified
 23 as confidential under subsection (a). However, confidential information
 24 shall be disclosed:

- 25 (1) upon the order of a court;
 26 (2) to employees of the department who need the information in
 27 the performance of their lawful duties;
 28 (3) to other agencies in accord with IC 4-1-6-2(13) and
 29 IC 4-1-6-8.5;
 30 (4) to the governor or the governor's designee;
 31 (5) for research purposes in accord with IC 4-1-6-8.6(a);
 32 (6) to the department of correction ombudsman bureau in accord
 33 with IC 11-11-1.5;
 34 (7) to a person who is or may be the victim of ~~inmate fraud (IC~~
 35 ~~35-43-5-20) fraud under IC 35-43-5-4(b)(6)~~ if the commissioner
 36 determines that the interest in disclosure overrides the interest to
 37 be served by nondisclosure; or
 38 (8) if the commissioner determines there exists a compelling
 39 public interest for disclosure which overrides the interest to be
 40 served by nondisclosure.

41 (c) The department shall disclose information classified as
 42 confidential under subsection (a)(1) to a physician, psychiatrist, or



1 psychologist designated in writing by the person about whom the
2 information pertains.

3 (d) The department may disclose confidential information to the
4 following:

5 (1) A provider of sex offender management, treatment, or
6 programming.

7 (2) A provider of mental health services.

8 (3) Any other service provider working with the department to
9 assist in the successful return of an offender to the community
10 following the offender's release from incarceration.

11 (e) This subsection does not prohibit the department from sharing
12 information available on the Indiana sex offender registry with another
13 person.

14 SECTION 5. IC 11-8-8-5, AS AMENDED BY P.L.142-2020,
15 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2021]: Sec. 5. (a) Except as provided in section 22 of this
17 chapter, as used in this chapter, "sex or violent offender" means a
18 person convicted of any of the following offenses:

19 (1) Rape (IC 35-42-4-1).

20 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

21 (3) Child molesting (IC 35-42-4-3).

22 (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

23 (5) Vicarious sexual gratification (including performing sexual
24 conduct in the presence of a minor) (IC 35-42-4-5).

25 (6) Child solicitation (IC 35-42-4-6).

26 (7) Child seduction (IC 35-42-4-7).

27 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,
28 Class B, or Class C felony (for a crime committed before July 1,
29 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a
30 crime committed after June 30, 2014), unless:

31 (A) the person is convicted of sexual misconduct with a minor
32 as a Class C felony (for a crime committed before July 1,
33 2014) or a Level 5 felony (for a crime committed after June
34 30, 2014);

35 (B) the person is not more than:

36 (i) four (4) years older than the victim if the offense was
37 committed after June 30, 2007; or

38 (ii) five (5) years older than the victim if the offense was
39 committed before July 1, 2007; and

40 (C) the sentencing court finds that the person should not be
41 required to register as a sex offender.

42 (9) Incest (IC 35-46-1-3).



- 1 (10) Sexual battery (IC 35-42-4-8).
 2 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
 3 (18) years of age, and the person who kidnapped the victim is not
 4 the victim's parent or guardian.
 5 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
 6 than eighteen (18) years of age, and the person who confined or
 7 removed the victim is not the victim's parent or guardian.
 8 (13) Possession of child pornography (IC 35-42-4-4(d) or
 9 IC 35-42-4-4(e)).
 10 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony
 11 (for a crime committed before July 1, 2014) or a Level 4 felony
 12 (for a crime committed after June 30, 2014).
 13 (15) Promotion of human sexual trafficking under
 14 IC 35-42-3.5-1.1.
 15 (16) Promotion of child sexual trafficking under
 16 IC 35-42-3.5-1.2(a).
 17 (17) Promotion of sexual trafficking of a younger child (IC
 18 35-42-3.5-1.2(c)).
 19 (18) Child sexual trafficking (IC 35-42-3.5-1.3).
 20 (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is
 21 less than eighteen (18) years of age.
 22 (20) Murder (IC 35-42-1-1).
 23 **(21) Attempted murder (IC 35-42-1-1 and IC 35-41-5-1).**
 24 ~~(21)~~ **(22)** Voluntary manslaughter (IC 35-42-1-3).
 25 ~~(22)~~ **(23)** Sexual misconduct by a service provider with a detained
 26 or supervised child (IC 35-44.1-3-10(c)).
 27 (b) The term includes:
 28 (1) a person who is required to register as a sex or violent
 29 offender in any jurisdiction; and
 30 (2) a child who has committed a delinquent act and who:
 31 (A) is at least fourteen (14) years of age;
 32 (B) is on probation, is on parole, is discharged from a facility
 33 by the department of correction, is discharged from a secure
 34 private facility (as defined in IC 31-9-2-115), or is discharged
 35 from a juvenile detention facility as a result of an adjudication
 36 as a delinquent child for an act that would be an offense
 37 described in subsection (a) if committed by an adult; and
 38 (C) is found by a court by clear and convincing evidence to be
 39 likely to repeat an act that would be an offense described in
 40 subsection (a) if committed by an adult.
 41 (c) In making a determination under subsection (b)(2)(C), the court
 42 shall consider expert testimony concerning whether a child is likely to



1 repeat an act that would be an offense described in subsection (a) if
2 committed by an adult.

3 SECTION 6. IC 11-11-2-1, AS AMENDED BY P.L.81-2008,
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2021]: Sec. 1. As used in this chapter:

6 "Contraband" means property the possession of which is in violation
7 of an Indiana or federal statute.

8 "Prohibited property" means property other than contraband that the
9 department does not permit a confined person to possess. The term
10 includes money in a confined person's account that was derived from
11 ~~inmate fraud (IC 35-43-5-20)~~: **fraud under IC 35-43-5-4(b)(6)**.

12 SECTION 7. IC 11-11-2-6, AS ADDED BY P.L.81-2008,
13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2021]: Sec. 6. (a) This section applies if the department has
15 reasonable suspicion that money in a confined person's account was
16 derived from the commission of ~~inmate fraud (IC 35-43-5-20)~~: **fraud**
17 **under IC 35-43-5-4(b)(6)**.

18 (b) If the department has reasonable suspicion that money in a
19 confined person's account was derived from the commission of ~~inmate~~
20 fraud, the department may freeze all or a part of the confined person's
21 account for not more than one hundred eighty (180) days while the
22 department conducts an investigation to determine whether money in
23 the confined person's account derives from ~~inmate~~ fraud. If the
24 department freezes the account of a confined person under this
25 subsection, the department shall notify the confined person in writing.

26 (c) If the department's investigation reveals that no money in the
27 confined person's account was derived from ~~inmate~~ fraud, the
28 department shall unfreeze the account at the conclusion of the
29 investigation.

30 (d) If the department's investigation reveals that money in the
31 confined person's account may have been derived from the commission
32 of ~~inmate~~ fraud, the department shall notify the prosecuting attorney of
33 the results of the department's investigation.

34 (e) If the prosecuting attorney charges the confined person with
35 ~~inmate~~ fraud, the department shall freeze the confined person's account
36 until the case reaches final judgment.

37 (f) If the prosecuting attorney does not charge the confined person
38 with ~~inmate~~ fraud, or if the confined person is acquitted of the charge
39 of ~~inmate~~ fraud, the department shall unfreeze the confined person's
40 account.

41 (g) If the confined person is convicted of ~~inmate~~ fraud, the
42 department, in consultation with the prosecuting attorney, shall locate



1 the money or property derived from ~~inmate~~ fraud and return it to the
2 rightful owner.

3 (h) If, ninety (90) days after the date of a confined person's
4 conviction for ~~inmate~~ fraud, the department has located the money or
5 property derived from the commission of ~~inmate~~ fraud but is unable to
6 return the money to the rightful owner, the department shall deposit the
7 money in the violent crime victims compensation fund established by
8 IC 5-2-6.1-40.

9 SECTION 8. IC 12-14-1-1, AS AMENDED BY P.L.161-2007,
10 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2021]: Sec. 1. (a) Assistance under TANF shall be given to a
12 dependent child who otherwise qualifies for assistance if the child is
13 living in a family home of a person who is:

14 (1) at least eighteen (18) years of age; and

15 (2) the child's relative, including:

16 (A) the child's mother, father, stepmother, stepfather,
17 grandmother, or grandfather; or

18 (B) a relative not listed in clause (A) who has custody of the
19 child.

20 (b) A parent or relative and a dependent child of the parent or
21 relative are not eligible for TANF assistance when the physical custody
22 of the dependent child was obtained for the purpose of establishing
23 TANF eligibility.

24 (c) Except as provided in IC 12-14-28-3.3, a person convicted of a
25 felony under ~~IC 35-43-5-7~~ **IC 35-43-5** relating to **public relief or**
26 **assistance fraud** or IC 35-48-4 is not eligible to receive assistance
27 under TANF for ten (10) years after the conviction.

28 (d) The assistance paid to a dependent child under this section may
29 not be affected by the conviction of a parent or an essential person of
30 the dependent child under subsection (c).

31 SECTION 9. IC 12-14-2-21, AS AMENDED BY P.L.160-2012,
32 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2021]: Sec. 21. (a) A TANF recipient or the parent or
34 essential person of a TANF recipient, if the TANF recipient is less than
35 eighteen (18) years of age, must sign a personal responsibility
36 agreement to do the following:

37 (1) Develop an individual self-sufficiency plan with other family
38 members and a caseworker.

39 (2) Accept any reasonable employment as soon as it becomes
40 available.

41 (3) Agree to a loss of assistance, including TANF assistance
42 under this article, if convicted of a felony under ~~IC 35-43-5-7~~ or



1 ~~IC 35-43-5-7.1~~ **IC 35-43-5 for fraud relating to Medicaid or**
2 **public relief or assistance** for ten (10) years after the conviction.
3 (4) Subject to section 5.3 of this chapter, understand that
4 additional TANF assistance under this article will not be available
5 for a child born more than ten (10) months after the person
6 qualifies for assistance.
7 (5) Accept responsibility for ensuring that each child of the
8 person receives all appropriate vaccinations against disease at an
9 appropriate age.
10 (6) If the person is less than eighteen (18) years of age and is a
11 parent, live with the person's parents, legal guardian, or an adult
12 relative other than a parent or legal guardian in order to receive
13 public assistance.
14 (7) Subject to IC 12-8-1.5-11 and section 5.1 of this chapter,
15 agree to accept assistance for not more than twenty-four (24)
16 months under the TANF program (IC 12-14).
17 (8) Be available for and actively seek and maintain employment.
18 (9) Participate in any training program required by the division.
19 (10) Accept responsibility for ensuring that the person and each
20 child of the person attend school until the person and each child
21 of the person graduate from high school or attain a high school
22 equivalency certificate (as defined in IC 12-14-5-2).
23 (11) Raise the person's children in a safe, secure home.
24 (12) Agree not to abuse illegal drugs or other substances that
25 would interfere with the person's ability to attain self-sufficiency.
26 (b) Except as provided in subsection (c), assistance under the TANF
27 program shall be withheld or denied to a person who does not fulfill the
28 requirements of the personal responsibility agreement under subsection
29 (a).
30 (c) A person who is granted an exemption under section 23 of this
31 chapter may be excused from specific provisions of the personal
32 responsibility agreement as determined by the director.
33 SECTION 10. IC 12-15-22-1.5 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.5. In addition to any
35 sanction imposed on a provider under section 1 of this chapter, a
36 provider convicted of an offense under ~~IC 35-43-5-7.1~~ **IC 35-43-5**
37 **for fraud relating to Medicaid** is ineligible to participate in the Medicaid
38 program for ten (10) years after the conviction.
39 SECTION 11. IC 12-17.6-6-3 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. In addition to any
41 sanction imposed on a provider under section 2 of this chapter, a
42 provider convicted of an offense under ~~IC 35-43-5-7.2~~ **IC 35-43-5**



1 **relating to the program** is ineligible to participate in the program for
2 ten (10) years after the conviction.

3 SECTION 12. IC 12-20-6-0.5 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 0.5. (a) As used in this
5 section, "member of the applicant's household" includes any person
6 who lives in the same residence as the applicant.

7 (b) The township trustee shall determine whether an applicant or a
8 member of the applicant's household has been denied assistance under
9 IC 12-14-1-1, IC 12-14-1-1.5, IC 12-14-2-5.1, IC 12-14-2-5.3,
10 IC 12-14-2-18, IC 12-14-2-20, IC 12-14-2-21, IC 12-14-2-24,
11 IC 12-14-2-26, IC 12-14-2.5, or IC 12-14-5.5.

12 (c) A township trustee has no obligation to extend aid to an
13 applicant or to a member of an applicant's household who has been
14 denied assistance as described in subsection (b).

15 (d) A township trustee shall not extend aid to an applicant or to a
16 member of an applicant's household if the applicant or the member of
17 the applicant's household has been convicted of an offense under
18 ~~IC 35-43-5-7~~ or ~~IC 35-43-5-7.1~~ **IC 35-43-5 concerning fraud relating**
19 **to Medicaid or public relief or assistance** as follows:

20 (1) If the conviction is a misdemeanor, a township trustee shall
21 not extend aid to the applicant or the member of the applicant's
22 household for one (1) year after the conviction.

23 (2) If the conviction is a felony, a township trustee shall not
24 extend aid to the applicant or the member of the applicant's
25 household for ten (10) years after the conviction.

26 SECTION 13. IC 12-20-6-6.5, AS AMENDED BY P.L.73-2005,
27 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2021]: Sec. 6.5. (a) If an individual has been convicted of an
29 offense under ~~IC 35-43-5-7~~, **IC 35-43-5 concerning fraud relating to**
30 **public relief or assistance**, a township trustee may not extend aid to
31 or for the benefit of that individual for the following periods:

32 (1) If the conviction is for a misdemeanor, for one (1) year after
33 the conviction.

34 (2) If the conviction is for a felony, for ten (10) years after the
35 conviction.

36 (b) If a township trustee finds that an individual has obtained
37 township assistance from any township by means of conduct described
38 in ~~IC 35-43-5-7~~, **IC 35-43-5**, the township trustee may refuse to extend
39 aid to or for the benefit of that individual for sixty (60) days after the
40 later of the:

41 (1) date of the improper conduct; or

42 (2) date aid was last extended to the individual based on the



1 improper conduct.

2 SECTION 14. IC 13-25-2-10, AS AMENDED BY P.L.85-2015,
3 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2021]: Sec. 10. (a) On or after January 1 and before March 1
5 of each year, a facility that is required to prepare or have available a
6 material safety data sheet for a hazardous chemical under the federal
7 Occupational Safety and Health Act (29 U.S.C. 651 through 658) and
8 regulations adopted under the Act shall submit the following to the
9 commission:

10 (1) A tier II emergency and hazardous chemical inventory form
11 containing the information required by section 9 of this chapter.

12 (2) A fee in the amount established by section 10.4 of this
13 chapter. This fee shall be deposited in the local emergency
14 planning and right to know fund established in section 10.5 of this
15 chapter.

16 The tier II inventory form must contain data with respect to the
17 preceding calendar year, and the inventory form and the fee shall be
18 submitted in the form and manner established by the commission.

19 (b) The commission shall make the tier II emergency and hazardous
20 chemical inventory form information provided to the commission by a
21 facility under subsection (a)(1) available to the following:

22 (1) The appropriate local emergency planning committee.

23 (2) The fire department that has jurisdiction over the facility.

24 (c) Upon the request of:

25 (1) a local emergency planning committee; or

26 (2) a fire department with jurisdiction over a facility;

27 the owner or operator of a facility that is required to prepare or have
28 available a material safety data sheet for a hazardous chemical under
29 the federal Occupational Safety and Health Act (29 U.S.C. 651 through
30 658) and regulations adopted under the Act shall provide the tier II
31 emergency and hazardous chemical inventory form information to the
32 person making the request. A request must be made with respect to a
33 specific facility.

34 (d) A state or local official acting in the official's capacity may have
35 access to information on the tier II emergency and hazardous chemical
36 inventory forms by submitting a request to the commission or a local
37 emergency planning committee. If the commission or the emergency
38 planning committee does not already possess the requested
39 information, upon receipt of a request for tier II emergency and
40 hazardous chemical inventory form information, the commission or
41 committee shall request the facility owner or operator to provide the
42 tier II emergency and hazardous chemical inventory form information.



1 The commission or the local emergency planning committee shall
2 make the information available to the official.

3 (e) A person may make a request to the commission or a local
4 emergency planning committee for tier II emergency and hazardous
5 chemical inventory form information relating to the preceding year
6 with respect to a facility. The request must be in writing and must be
7 made with respect to a specific facility.

8 (f) Any tier II emergency and hazardous chemical inventory form
9 information that the commission or a local emergency planning
10 committee possesses shall be made available to a person making a
11 request under this section in accordance with section 14 of this chapter.
12 If the commission or local emergency planning committee does not
13 possess the tier II emergency and hazardous chemical inventory form
14 information requested, the commission or local emergency planning
15 committee shall request the facility owner or operator to:

16 (1) provide the tier II emergency and hazardous chemical
17 inventory form information with respect to a hazardous chemical
18 that a facility has stored in an amount of at least ten thousand
19 (10,000) pounds present at the facility at any time during the
20 preceding year; and

21 (2) make the information available in accordance with section 14
22 of this chapter;

23 to the person making the request.

24 (g) For tier II emergency and hazardous chemical inventory form
25 information that is not in the possession of the commission or a local
26 emergency planning committee with respect to a hazardous chemical
27 that a facility has stored in an amount that is less than ten thousand
28 (10,000) pounds at the facility at any time during the preceding year,
29 a request from a person must include a statement specifying the general
30 need for the information. The commission or local emergency planning
31 committee may request the facility owner or operator for the tier II
32 emergency and hazardous chemical inventory form information on
33 behalf of the person making the request. Upon receipt of any
34 information requested on behalf of the person, the commission or local
35 emergency planning committee shall make the information available
36 in accordance with section 14 of this chapter to the person.

37 (h) The commission or a local emergency planning committee shall
38 respond to a request for tier II emergency and hazardous chemical
39 inventory form information under this section not later than seven (7)
40 days after the date the request is received.

41 (i) The following provisions apply to the fee required by subsection
42 (a)(2):



1 (1) A facility that is subject to the fee required by subsection
 2 (a)(2) that fails to pay the entire fee by March 1 of each year shall
 3 pay to the commission a late fee of twenty dollars (\$20) in
 4 addition to the fee payable under subsection (a)(2). This late fee
 5 shall increase by twenty dollars (\$20) for each month that the
 6 required fee is not paid. This late fee shall never exceed one
 7 hundred percent (100%) of the fee required by subsection (a)(2).
 8 (2) If a payment is made by bank draft, check, cashier's check,
 9 electronic check, or money order, the liability is not finally
 10 discharged and the person has not paid the fee until the draft,
 11 check, or money order has been honored by the institution on
 12 which it is drawn. If the payment is made by credit card, debit
 13 card, charge card, or similar method, the liability is not finally
 14 discharged and the person has not paid the fee until the
 15 commission receives payment or credit from the institution
 16 responsible for making the payment or credit.
 17 (3) If a financial institution reports that it dishonors or rejects a
 18 person's check, credit card payment, electronic funds transfer, or
 19 other form of payment, the commission shall assess and collect
 20 the fees and charges authorized in ~~IC 35-43-5-5(e)~~, **IC 35-43-5,**
 21 **if applicable**, in addition to the applicable late fee assessed under
 22 subdivision (1). If the person subject to the penalty under this
 23 subsection can show that there is reasonable cause for the
 24 payment not being honored, the commission may waive the fees
 25 and charges imposed under this subsection.

26 SECTION 15. IC 16-20-1-25, AS AMENDED BY P.L.292-2013,
 27 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2021]: Sec. 25. (a) A person shall not institute, permit, or
 29 maintain any conditions that may transmit, generate, or promote
 30 disease.

31 (b) A health officer, upon receiving a complaint asserting the
 32 existence of unlawful conditions described in subsection (a) within the
 33 officer's jurisdiction, shall document the complaint as provided in
 34 subsection (d). Upon verifying the information contained in the
 35 complaint, the health officer shall order the abatement of those
 36 conditions. The order must:

- 37 (1) be in writing;
- 38 (2) specify the conditions that may transmit disease; and
- 39 (3) name the shortest reasonable time for abatement.

40 (c) If a person refuses or neglects to obey an order issued under this
 41 section, the attorney representing the county of the health jurisdiction
 42 where the offense occurs shall, upon receiving the information from the



1 health officer, institute proceedings in the courts for enforcement. An
 2 order may be enforced by injunction. If the action concerning public
 3 health is a criminal offense, a law enforcement authority with
 4 jurisdiction over the place where the offense occurred shall be notified.

5 (d) A complaint made under subsection (b) must include adequate
 6 details to allow the health officer to verify the existence of the unlawful
 7 conditions that are the subject of the complaint. A health officer shall
 8 provide a copy of a complaint upon request to the person who is the
 9 subject of the complaint.

10 ~~(e) A person who provides false information upon which a health~~
 11 ~~officer relies in issuing an order under this section commits a Class C~~
 12 ~~misdemeanor.~~

13 SECTION 16. IC 16-37-3-16 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. (a) **This section**
 15 **does not apply to section 3 of this chapter.**

16 (b) Except as provided, a person who recklessly violates or fails to
 17 comply with this chapter commits a Class B misdemeanor.

18 ~~(b)~~ (c) Each day a violation continues constitutes a separate offense.

19 SECTION 17. IC 16-42-1-9 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) This section does
 21 not apply to an advertisement that:

22 (1) is disseminated only to members of the medical, dental,
 23 pharmaceutical, and other legally recognized professions dealing
 24 with the healing arts;

25 (2) appears only in the scientific periodicals of those professions;
 26 or

27 (3) is disseminated only for the purpose of public health education
 28 by persons not commercially interested in the sale of such drugs
 29 or devices.

30 (b) The advertisement of a drug or device that represents that the
 31 drug or device has any effect in:

32 albuminuria

33 appendicitis

34 arteriosclerosis

35 blood poison

36 bone disease

37 Bright's disease

38 carbuncles

39 cancer

40 cholecystitis

41 diabetes

42 diphtheria



1 dropsy
 2 erysipelas
 3 gallstones
 4 heart and vascular diseases
 5 high blood pressure
 6 mastoiditis
 7 measles
 8 mumps
 9 nephritis
 10 otitis media
 11 paralysis
 12 pneumonia
 13 poliomyelitis (infantile paralysis)
 14 prostate gland disorders
 15 pyelitis
 16 scarlet fever
 17 sexual impotence
 18 sinus infection
 19 smallpox
 20 tuberculosis
 21 tumors
 22 typhoid
 23 uremia
 24 venereal disease
 25 meningitis

26 is considered false for purposes of ~~IC 35-43-5-3~~. **IC 35-43-5-4.**

27 (c) Whenever the state department determines that an advance in
 28 medical science has made a type of self medication safe as to any of the
 29 diseases listed in this section, the state department shall adopt rules to
 30 authorize the advertisement of drugs having curative or therapeutic
 31 effect for the disease, subject to conditions and restrictions the state
 32 department considers necessary in the interests of public health.

33 SECTION 18. IC 20-27-7-19, AS AMENDED BY P.L.231-2005,
 34 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2021]: Sec. 19. A person who knowingly, intentionally, or
 36 recklessly violates this chapter commits a Class C ~~misdemeanor~~.
 37 **infraction.**

38 SECTION 19. IC 20-28-5-8, AS AMENDED BY P.L.80-2019,
 39 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2021]: Sec. 8. (a) This section applies when a prosecuting
 41 attorney knows that a licensed employee of a public school or a
 42 nonpublic school has been convicted of an offense listed in subsection



1 (c). The prosecuting attorney shall immediately give written notice of
2 the conviction to the following:

3 (1) The state superintendent.

4 (2) Except as provided in subdivision (3), the superintendent of
5 the school corporation that employs the licensed employee or the
6 equivalent authority if a nonpublic school employs the licensed
7 employee.

8 (3) The presiding officer of the governing body of the school
9 corporation that employs the licensed employee, if the convicted
10 licensed employee is the superintendent of the school corporation.

11 (b) The superintendent of a school corporation, presiding officer of
12 the governing body, or equivalent authority for a nonpublic school shall
13 immediately notify the state superintendent when the individual knows
14 that a current or former licensed employee of the public school or
15 nonpublic school has been convicted of an offense listed in subsection
16 (c), or when the governing body or equivalent authority for a nonpublic
17 school takes any final action in relation to an employee who engaged
18 in any offense listed in subsection (c).

19 (c) Except as provided in section 8.5 of this chapter, the department
20 shall permanently revoke the license of a person who is known by the
21 department to have been convicted of any of the following felonies:

22 (1) Kidnapping (IC 35-42-3-2).

23 (2) Criminal confinement (IC 35-42-3-3).

24 (3) Rape (IC 35-42-4-1).

25 (4) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

26 (5) Child molesting (IC 35-42-4-3).

27 (6) ~~Child exploitation~~ **An offense under** IC 35-42-4-4(b) or
28 IC 35-42-4-4(c).

29 (7) Vicarious sexual gratification (IC 35-42-4-5).

30 (8) Child solicitation (IC 35-42-4-6).

31 (9) Child seduction (IC 35-42-4-7).

32 (10) Sexual misconduct with a minor (IC 35-42-4-9).

33 (11) Incest (IC 35-46-1-3).

34 (12) Dealing in or manufacturing cocaine or a narcotic drug (IC
35 35-48-4-1).

36 (13) Dealing in methamphetamine (IC 35-48-4-1.1).

37 (14) Manufacturing methamphetamine (IC 35-48-4-1.2).

38 (15) Dealing in a schedule I, II, or III controlled substance (IC
39 35-48-4-2).

40 (16) Dealing in a schedule IV controlled substance (IC
41 35-48-4-3).

42 (17) Dealing in a schedule V controlled substance (IC 35-48-4-4).



- 1 (18) Dealing in a counterfeit substance (IC 35-48-4-5).
 2 (19) Dealing in marijuana, hash oil, hashish, or salvia as a felony
 3 (IC 35-48-4-10).
 4 (20) An offense under IC 35-48-4 involving the manufacture or
 5 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 6 synthetic drug lookalike substance (as defined in
 7 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 8 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 9 substance analog (as defined in IC 35-48-1-9.3), or a substance
 10 represented to be a controlled substance (as described in
 11 IC 35-48-4-4.6).
 12 (21) Possession of child pornography (IC 35-42-4-4(d) or
 13 IC 35-42-4-4(e)).
 14 (22) Homicide (IC 35-42-1).
 15 (23) Voluntary manslaughter (IC 35-42-1-3).
 16 (24) Reckless homicide (IC 35-42-1-5).
 17 (25) Battery as any of the following:
 18 (A) A Class A felony (for a crime committed before July 1,
 19 2014) or a Level 2 felony (for a crime committed after June
 20 30, 2014).
 21 (B) A Class B felony (for a crime committed before July 1,
 22 2014) or a Level 3 felony (for a crime committed after June
 23 30, 2014).
 24 (C) A Class C felony (for a crime committed before July 1,
 25 2014) or a Level 5 felony (for a crime committed after June
 26 30, 2014).
 27 (26) Aggravated battery (IC 35-42-2-1.5).
 28 (27) Robbery (IC 35-42-5-1).
 29 (28) Carjacking (IC 35-42-5-2) (before its repeal).
 30 (29) Arson as a Class A felony or Class B felony (for a crime
 31 committed before July 1, 2014) or as a Level 2, Level 3, or Level
 32 4 felony (for a crime committed after June 30, 2014) (IC
 33 35-43-1-1(a)).
 34 (30) Burglary as a Class A felony or Class B felony (for a crime
 35 committed before July 1, 2014) or as a Level 1, Level 2, Level 3,
 36 or Level 4 felony (for a crime committed after June 30, 2014) (IC
 37 35-43-2-1).
 38 (31) Human trafficking (IC 35-42-3.5).
 39 (32) Dealing in a controlled substance resulting in death (IC
 40 35-42-1-1.5).
 41 (33) Attempt under IC 35-41-5-1 to commit an offense listed in
 42 this subsection.



- 1 (34) Conspiracy under IC 35-41-5-2 to commit an offense listed
2 in this subsection.
- 3 (d) The department shall permanently revoke the license of a person
4 who is known by the department to have been convicted of a federal
5 offense or an offense in another state that is comparable to a felony
6 listed in subsection (c).
- 7 (e) A license may be suspended by the state superintendent as
8 specified in IC 20-28-7.5.
- 9 (f) The department shall develop a data base of information on
10 school corporation employees who have been reported to the
11 department under this section.
- 12 (g) Upon receipt of information from the office of judicial
13 administration in accordance with IC 33-24-6-3 concerning persons
14 convicted of an offense listed in subsection (c), the department shall:
- 15 (1) cross check the information received from the office of
16 judicial administration with information concerning licensed
17 teachers (as defined in IC 20-18-2-22(b)) maintained by the
18 department; and
- 19 (2) if a licensed teacher (as defined in IC 20-18-2-22(b)) has been
20 convicted of an offense described in subsection (c), revoke the
21 licensed teacher's license.
- 22 SECTION 20. IC 20-33-2-44, AS AMENDED BY P.L.32-2019,
23 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2021]: Sec. 44. (a) This section does not apply to section **18**
25 **or section 47** of this chapter.
- 26 (b) Except as otherwise provided, a person who knowingly violates
27 this chapter commits a Class B misdemeanor.
- 28 SECTION 21. IC 24-5-14.5-11 IS REPEALED [EFFECTIVE JULY
29 1, 2021]. ~~Sec. 11. A person who knowingly violates this chapter~~
30 ~~commits a Class B misdemeanor. However, the offense is a Class A~~
31 ~~misdemeanor if the person has a previous unrelated conviction under~~
32 ~~this chapter.~~
- 33 SECTION 22. IC 24-5-26-1, AS AMENDED BY P.L.142-2020,
34 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2021]: Sec. 1. As used in this chapter, "identity theft" means:
36 (1) identity deception (IC 35-43-5-3.5); or
37 (2) synthetic identity deception (IC 35-43-5-3.8) **(before its**
38 **repeal).**
- 39 SECTION 23. IC 24-5-26-2, AS ADDED BY P.L.137-2009,
40 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2021]: Sec. 2. A person shall not do any of the following in
42 the conduct of trade or commerce:



1 (1) Deny credit or public utility service to or reduce the credit
 2 limit of a consumer solely because the consumer was a victim of
 3 identity theft, if the person had prior knowledge that the consumer
 4 was a victim of identity deception or synthetic identity deception
 5 **(before its repeal)**. A consumer is presumed to be a victim of
 6 identity theft for purposes of this subdivision if the consumer
 7 provides to the person:

8 (A) a copy of a police report evidencing the claim of the victim
 9 of identity theft; and

10 (B) either:

11 (i) a properly completed copy of a standardized affidavit of
 12 identity theft developed and made available by the Federal
 13 Trade Commission under 15 U.S.C. 1681g; or

14 (ii) an affidavit of fact that is acceptable to the person for
 15 that purpose.

16 This subdivision does not prohibit denial of credit or public utility
 17 service if a consumer has placed a security freeze on the
 18 consumer's consumer report and does not wish to temporarily lift
 19 the freeze for purposes of the credit or public utility service
 20 request or application.

21 (2) Solicit to extend credit to a consumer who does not have an
 22 existing line of credit, or has not had or applied for a line of credit
 23 within the preceding year, through the use of an unsolicited check
 24 that includes personal identifying information other than the
 25 recipient's name, address, and a partial, encoded, or truncated
 26 personal identifying number. In addition to any other penalty or
 27 remedy under this chapter or under IC 24-5-0.5, a credit card
 28 issuer, financial institution, or other lender that violates this
 29 subdivision, and not the consumer, is liable for the amount of the
 30 instrument if the instrument is used by an unauthorized user and
 31 for any fees assessed to the consumer if the instrument is
 32 dishonored.

33 (3) Solicit to extend credit to a consumer who does not have a
 34 current credit card, or has not had or applied for a credit card
 35 within the preceding year, through the use of an unsolicited credit
 36 card sent to the consumer. In addition to any other penalty or
 37 remedy under this chapter or under IC 24-5-0.5, a credit card
 38 issuer, financial institution, or other lender that violates this
 39 subdivision, and not the consumer, is liable for any charges if the
 40 credit card is used by an unauthorized user and for any interest or
 41 finance charges assessed to the consumer.

42 (4) Extend credit to a consumer without exercising reasonable



1 procedures to verify the identity of that consumer. Compliance
 2 with regulations issued for depository institutions, and to be
 3 issued for other financial institutions, by the United States
 4 Department of Treasury under Section 326 of the USA PATRIOT
 5 Act, 31 U.S.C. 5318, is considered compliance with this
 6 subdivision. This subdivision does not apply to a purchase of a
 7 credit obligation in an acquisition, a merger, a purchase of assets,
 8 or an assumption of liabilities or any change to or review of an
 9 existing credit account.

10 SECTION 24. IC 27-2-16-3, AS AMENDED BY P.L.181-2005,
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2021]: Sec. 3. (a) All preprinted claim forms provided by an
 13 insurer to a claimant that are required as a condition of payment of a
 14 claim must contain a statement that clearly states in substance the
 15 following:

16 "A person who knowingly and with intent to defraud an insurer
 17 files a statement of claim containing any false, incomplete, or
 18 misleading information commits a felony."

19 (b) The lack of a statement required under subsection (a) does not
 20 constitute a defense against a prosecution under ~~IC 35-43-5-4.5.~~
 21 **IC 35-43-5.**

22 SECTION 25. IC 27-8-17-16 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. A provider of
 24 record, an enrollee, or the agent of a provider of record or an enrollee
 25 who provides fraudulent or misleading information is subject to
 26 appropriate administrative, civil, and criminal penalties, including ~~the~~
 27 ~~penalty for deception under IC 35-43-5-3.~~ **criminal penalties under**
 28 **IC 35-43-5.**

29 SECTION 26. IC 31-37-1-2 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. A child commits a
 31 delinquent act if, before becoming eighteen (18) years of age, the child
 32 commits an act:

- 33 (1) that would be an offense if committed by an adult;
- 34 (2) in violation of 35-45-4-6; or
- 35 (3) in violation of 35-47-10-5;

36 except an act committed by a person over which the juvenile court
 37 lacks jurisdiction under IC 31-30-1.

38 SECTION 27. IC 32-37-1-1, AS AMENDED BY P.L.181-2005,
 39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2021]: Sec. 1. This article does not apply to the following:

- 41 (1) A contract between a performing rights society and:
- 42 (A) a broadcaster licensed by the Federal Communications



- 1 Commission;
- 2 (B) a cable television operator or programmer; or
- 3 (C) another transmission service.
- 4 (2) An investigation by a law enforcement agency.
- 5 (3) An investigation by a law enforcement agency or other person
- 6 concerning a suspected violation of IC 24-4-10-4, IC 35-43-4-2,
- 7 or ~~IC 35-43-5-4(10)~~: **IC 35-43-5-4 relating to a recording that**
- 8 **does not conspicuously display the true name and**
- 9 **manufacturer of the recording.**
- 10 SECTION 28. IC 33-23-8-4, AS AMENDED BY P.L.142-2020,
- 11 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2021]: Sec. 4. If a practitioner: ~~is convicted under~~
- 13 ~~IC 35-43-5-4.5 of insurance fraud,~~
- 14 **(1) violates IC 35-43-5-4.7 (insurance fraud); or**
- 15 **(2) is convicted under IC 35-43-5-4 of an offense that relates**
- 16 **to insurance (including an attempt or a conspiracy);**
- 17 the sentencing court shall provide notice of the conviction to each
- 18 governmental body that has issued a license to the practitioner.
- 19 SECTION 29. IC 34-24-1-1, AS AMENDED BY P.L.142-2020,
- 20 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2021]: Sec. 1. (a) The following may be seized:
- 22 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used
- 23 or are intended for use by the person or persons in possession of
- 24 them to transport or in any manner to facilitate the transportation
- 25 of the following:
- 26 (A) A controlled substance for the purpose of committing,
- 27 attempting to commit, or conspiring to commit any of the
- 28 following:
- 29 (i) Dealing in or manufacturing cocaine or a narcotic drug
- 30 (IC 35-48-4-1).
- 31 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
- 32 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 33 (iv) Dealing in a schedule I, II, or III controlled substance
- 34 (IC 35-48-4-2).
- 35 (v) Dealing in a schedule IV controlled substance (IC
- 36 35-48-4-3).
- 37 (vi) Dealing in a schedule V controlled substance (IC
- 38 35-48-4-4).
- 39 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).
- 40 (viii) Possession of cocaine or a narcotic drug (IC
- 41 35-48-4-6).
- 42 (ix) Possession of methamphetamine (IC 35-48-4-6.1).



- 1 (x) Dealing in paraphernalia (IC 35-48-4-8.5).
 2 (xi) Dealing in marijuana, hash oil, hashish, or salvia (IC
 3 35-48-4-10).
 4 (xii) An offense under IC 35-48-4 involving a synthetic drug
 5 (as defined in IC 35-31.5-2-321), a synthetic drug lookalike
 6 substance (as defined in IC 35-31.5-2-321.5 (before its
 7 repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its
 8 repeal on July 1, 2019), a controlled substance analog (as
 9 defined in IC 35-48-1-9.3), or a substance represented to be
 10 a controlled substance (as described in IC 35-48-4-4.6).
 11 (B) Any stolen (IC 35-43-4-2) or converted property (IC
 12 35-43-4-3) if the retail or repurchase value of that property is
 13 one hundred dollars (\$100) or more.
 14 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
 15 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of
 16 mass destruction (as defined in IC 35-31.5-2-354) used to
 17 commit, used in an attempt to commit, or used in a conspiracy
 18 to commit a felony terrorist offense (as defined in
 19 IC 35-50-2-18) or an offense under IC 35-47 as part of or in
 20 furtherance of an act of terrorism (as defined by
 21 IC 35-31.5-2-329).
 22 (2) All money, negotiable instruments, securities, weapons,
 23 communications devices, or any property used to commit, used in
 24 an attempt to commit, or used in a conspiracy to commit a felony
 25 terrorist offense (as defined in IC 35-50-2-18) or an offense under
 26 IC 35-47 as part of or in furtherance of an act of terrorism or
 27 commonly used as consideration for a violation of IC 35-48-4
 28 (other than items subject to forfeiture under IC 16-42-20-5 or
 29 IC 16-6-8.5-5.1, before its repeal):
 30 (A) furnished or intended to be furnished by any person in
 31 exchange for an act that is in violation of a criminal statute;
 32 (B) used to facilitate any violation of a criminal statute; or
 33 (C) traceable as proceeds of the violation of a criminal statute.
 34 (3) Any portion of real or personal property purchased with
 35 money that is traceable as a proceed of a violation of a criminal
 36 statute.
 37 (4) A vehicle that is used by a person to:
 38 (A) commit, attempt to commit, or conspire to commit;
 39 (B) facilitate the commission of; or
 40 (C) escape from the commission of;
 41 murder (IC 35-42-1-1), dealing in a controlled substance resulting
 42 in death (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal



- 1 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
 2 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
 3 under IC 35-47 as part of or in furtherance of an act of terrorism.
 4 (5) Real property owned by a person who uses it to commit any of
 5 the following as a Level 1, Level 2, Level 3, Level 4, or Level 5
 6 felony:
- 7 (A) Dealing in or manufacturing cocaine or a narcotic drug (IC
 8 35-48-4-1).
 - 9 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
 - 10 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).
 - 11 (D) Dealing in a schedule I, II, or III controlled substance (IC
 12 35-48-4-2).
 - 13 (E) Dealing in a schedule IV controlled substance (IC
 14 35-48-4-3).
 - 15 (F) Dealing in marijuana, hash oil, hashish, or salvia (IC
 16 35-48-4-10).
 - 17 (G) Dealing in a synthetic drug (as defined in
 18 IC 35-31.5-2-321) or synthetic drug lookalike substance (as
 19 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
 20 2019)) under IC 35-48-4-10.5 (before its repeal on July 1,
 21 2019).
 - 22 (H) Dealing in a controlled substance resulting in death (IC
 23 35-42-1-1.5).
- 24 (6) Equipment and recordings used by a person to commit fraud
 25 under ~~IC 35-43-5-4(10)~~. **IC 35-43-5.**
- 26 (7) Recordings sold, rented, transported, or possessed by a person
 27 in violation of IC 24-4-10.
- 28 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as
 29 defined by IC 35-45-6-1) that is the object of a corrupt business
 30 influence violation (IC 35-45-6-2).
- 31 (9) Unlawful telecommunications devices (as defined in
 32 IC 35-45-13-6) and plans, instructions, or publications used to
 33 commit an offense under IC 35-45-13.
- 34 (10) Any equipment, including computer equipment and cellular
 35 telephones, used for or intended for use in preparing,
 36 photographing, recording, videotaping, digitizing, printing,
 37 copying, or disseminating matter in violation of IC 35-42-4.
- 38 (11) Destructive devices used, possessed, transported, or sold in
 39 violation of IC 35-47.5.
- 40 (12) Tobacco products that are sold in violation of IC 24-3-5,
 41 tobacco products that a person attempts to sell in violation of
 42 IC 24-3-5, and other personal property owned and used by a



1 person to facilitate a violation of IC 24-3-5.

2 (13) Property used by a person to commit counterfeiting or
3 forgery in violation of IC 35-43-5-2.

4 (14) After December 31, 2005, if a person is convicted of an
5 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
6 following real or personal property:

7 (A) Property used or intended to be used to commit, facilitate,
8 or promote the commission of the offense.

9 (B) Property constituting, derived from, or traceable to the
10 gross proceeds that the person obtained directly or indirectly
11 as a result of the offense.

12 (15) Except as provided in subsection (e), a vehicle used by a
13 person who operates the vehicle:

14 (A) while intoxicated, in violation of IC 9-30-5-1 through
15 IC 9-30-5-5, if in the previous five (5) years the person has two
16 (2) or more prior unrelated convictions for operating a motor
17 vehicle while intoxicated in violation of IC 9-30-5-1 through
18 IC 9-30-5-5; or

19 (B) on a highway while the person's driving privileges are
20 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,
21 if in the previous five (5) years the person has two (2) or more
22 prior unrelated convictions for operating a vehicle while
23 intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5.

24 If a court orders the seizure of a vehicle under this subdivision,
25 the court shall transmit an order to the bureau of motor vehicles
26 recommending that the bureau not permit a vehicle to be
27 registered in the name of the person whose vehicle was seized
28 until the person possesses a current driving license (as defined in
29 IC 9-13-2-41).

30 (16) The following real or personal property:

31 (A) Property used or intended to be used to commit, facilitate,
32 or promote the commission of an offense specified in
33 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or
34 IC 30-2-13-38(f).

35 (B) Property constituting, derived from, or traceable to the
36 gross proceeds that a person obtains directly or indirectly as a
37 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
38 IC 30-2-10-9(b), or IC 30-2-13-38(f).

39 ~~(17) An automated sales suppression device (as defined in~~
40 ~~IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in~~
41 ~~IC 35-43-5-4.6(a)(3)).~~

42 ~~(18)~~ (17) Real or personal property, including a vehicle, that is



- 1 used by a person to:
- 2 (A) commit, attempt to commit, or conspire to commit;
- 3 (B) facilitate the commission of; or
- 4 (C) escape from the commission of;
- 5 a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human
- 6 trafficking) or IC 35-45-4-4 (promoting prostitution).
- 7 (b) A vehicle used by any person as a common or contract carrier in
- 8 the transaction of business as a common or contract carrier is not
- 9 subject to seizure under this section, unless it can be proven by a
- 10 preponderance of the evidence that the owner of the vehicle knowingly
- 11 permitted the vehicle to be used to engage in conduct that subjects it to
- 12 seizure under subsection (a).
- 13 (c) Equipment under subsection (a)(10) may not be seized unless it
- 14 can be proven by a preponderance of the evidence that the owner of the
- 15 equipment knowingly permitted the equipment to be used to engage in
- 16 conduct that subjects it to seizure under subsection (a)(10).
- 17 (d) Money, negotiable instruments, securities, weapons,
- 18 communications devices, or any property commonly used as
- 19 consideration for a violation of IC 35-48-4 found near or on a person
- 20 who is committing, attempting to commit, or conspiring to commit any
- 21 of the following offenses shall be admitted into evidence in an action
- 22 under this chapter as prima facie evidence that the money, negotiable
- 23 instrument, security, or other thing of value is property that has been
- 24 used or was to have been used to facilitate the violation of a criminal
- 25 statute or is the proceeds of the violation of a criminal statute:
- 26 (1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in
- 27 death).
- 28 (2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
- 29 narcotic drug).
- 30 (3) IC 35-48-4-1.1 (dealing in methamphetamine).
- 31 (4) IC 35-48-4-1.2 (manufacturing methamphetamine).
- 32 (5) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
- 33 substance).
- 34 (6) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
- 35 (7) IC 35-48-4-4 (dealing in a schedule V controlled substance)
- 36 as a Level 4 felony.
- 37 (8) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
- 38 Level 3, Level 4, or Level 5 felony.
- 39 (9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level
- 40 3, Level 4, or Level 5 felony.
- 41 (10) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or
- 42 salvia) as a Level 5 felony.



1 (11) IC 35-48-4-10.5 (before its repeal on July 1, 2019) (dealing
 2 in a synthetic drug or synthetic drug lookalike substance) as a
 3 Level 5 felony or Level 6 felony (or as a Class C felony or Class
 4 D felony under IC 35-48-4-10 before its amendment in 2013).

5 (e) A vehicle operated by a person who is not:

- 6 (1) an owner of the vehicle; or
 7 (2) the spouse of the person who owns the vehicle;

8 is not subject to seizure under subsection (a)(15) unless it can be
 9 proven by a preponderance of the evidence that the owner of the
 10 vehicle knowingly permitted the vehicle to be used to engage in
 11 conduct that subjects it to seizure under subsection (a)(15).

12 SECTION 30. IC 34-30-2-150.2 IS REPEALED [EFFECTIVE
 13 JULY 1, 2021]. ~~Sec. 150.2. IC 35-43-5-5 (Concerning the payee or~~
 14 ~~holder of a check, draft, or order that gives notice that the check, draft,~~
 15 ~~or order was not paid by the credit institution).~~

16 SECTION 31. IC 35-31.5-2-34 IS REPEALED [EFFECTIVE JULY
 17 1, 2021]. ~~Sec. 34. "Card skimming device"; for purposes of~~
 18 ~~IC 35-43-5-4.3, has the meaning set forth in IC 35-43-5-4.3(a).~~

19 SECTION 32. IC 35-31.5-2-132.5 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2021]: **Sec. 132.5. "Financial institution":**

- 22 (1) has the meaning set forth in IC 28-1-1-3(1); and
 23 (2) includes any bank, trust company, corporate fiduciary,
 24 savings association, credit union, savings bank, bank of
 25 discount and deposit, or industrial loan and investment
 26 company organized or reorganized under the laws of this
 27 state, any other state, or the United States.

28 SECTION 33. IC 35-31.5-2-170 IS REPEALED [EFFECTIVE
 29 JULY 1, 2021]. ~~Sec. 170. "Inmate"; for purposes of IC 35-43-5-20, has~~
 30 ~~the meaning set forth in IC 35-43-5-20(a).~~

31 SECTION 34. IC 35-31.5-2-176.8 IS ADDED TO THE INDIANA
 32 CODE AS A NEW SECTION TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2021]: **Sec. 176.8. "Item of sentimental**
 34 **value" means:**

- 35 (1) an heirloom;
 36 (2) family papers and photographs;
 37 (3) a gift from a family member; or
 38 (4) a trophy;

39 that the owner values beyond the fair market value of the item due
 40 to the owner's reasonable personal or emotional attachment to the
 41 item.

42 SECTION 35. IC 35-31.5-2-312 IS REPEALED [EFFECTIVE



1 JULY 1, 2021]. Sec. 312: "State or federally chartered or federally
 2 insured financial institution", for purposes of IC 35-43-5-8, has the
 3 meaning set forth in IC 35-43-5-8(b).

4 SECTION 36. IC 35-31.5-2-322 IS REPEALED [EFFECTIVE
 5 JULY 1, 2021]. Sec. 322: "Synthetic identifying information", for
 6 purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(r).

7 SECTION 37. IC 35-31.5-2-344, AS ADDED BY P.L.114-2012,
 8 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2021]: Sec. 344. "Utility", for purposes of IC 35-43-5, has the
 10 meaning set forth in ~~IC 35-43-5-1(s)~~. **IC 35-43-5-1.**

11 SECTION 38. IC 35-31.5-2-356, AS ADDED BY P.L.114-2012,
 12 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2021]: Sec. 356. "Written instrument", for purposes of
 14 IC 35-43-5, has the meaning set forth in ~~IC 35-43-5-1(t)~~. **IC 35-43-5-1.**

15 SECTION 39. IC 35-32-2-6, AS AMENDED BY P.L.137-2009,
 16 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2021]: Sec. 6. (a) Subject to subsection (b), a person who
 18 commits the offense of identity deception or synthetic identity
 19 deception (**before its repeal**) may be tried in a county in which:

20 (1) the victim resides; or

21 (2) the person:

22 (A) obtains;

23 (B) possesses;

24 (C) transfers; or

25 (D) uses;

26 the information used to commit the offense.

27 (b) If:

28 (1) a person is charged with more than one (1) offense of identity
 29 deception or synthetic identity deception (**before its repeal**), or
 30 if a person is charged with both identity deception and synthetic
 31 identity deception (**before its repeal**); and

32 (2) either:

33 (A) the victims of the crimes reside in more than one (1)
 34 county; or

35 (B) the person performs an act described in subsection (a)(2)
 36 in more than one (1) county;

37 the person may be tried in any county described in subdivision (2).

38 SECTION 40. IC 35-33-8-6 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. The court may
 40 detain, for a maximum period of fifteen (15) calendar days, a person
 41 charged with any offense who comes before it for a bail determination,
 42 if the person is on probation, ~~or~~ parole, **or other community**



1 **supervision.** During the fifteen (15) day period, the prosecuting
 2 attorney shall notify the appropriate parole, ~~or~~ probation, **or other**
 3 **community supervision** authority. If that authority fails to initiate
 4 probation or parole revocation proceedings during the fifteen (15) day
 5 period, the person shall be treated in accordance with the other sections
 6 of this chapter.

7 SECTION 41. IC 35-37-4-6, AS AMENDED BY P.L.142-2020,
 8 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2021]: Sec. 6. (a) This section applies to a criminal action
 10 involving the following offenses where the victim is a protected person
 11 under subsection (c)(1) or (c)(2):

- 12 (1) Sex crimes (IC 35-42-4).
- 13 (2) A battery offense included in IC 35-42-2 upon a child less
 14 than fourteen (14) years of age.
- 15 (3) Kidnapping and confinement (IC 35-42-3).
- 16 (4) Incest (IC 35-46-1-3).
- 17 (5) Neglect of a dependent (IC 35-46-1-4).
- 18 (6) Human and sexual trafficking crimes (IC 35-42-3.5).

19 (b) This section applies to a criminal action involving the following
 20 offenses where the victim is a protected person under subsection (c)(3):

- 21 (1) Exploitation of a dependent or endangered adult (IC
 22 35-46-1-12).
- 23 (2) A sex crime (IC 35-42-4).
- 24 (3) A battery offense included in IC 35-42-2.
- 25 (4) Kidnapping, confinement, or interference with custody (IC
 26 35-42-3).
- 27 (5) Home improvement fraud (IC 35-43-6).
- 28 (6) Fraud (IC 35-43-5).
- 29 (7) Identity deception (IC 35-43-5-3.5).
- 30 (8) Synthetic identity deception (IC 35-43-5-3.8) **(before its**
 31 **repeal).**
- 32 (9) Theft (IC 35-43-4-2).
- 33 (10) Conversion (IC 35-43-4-3).
- 34 (11) Neglect of a dependent (IC 35-46-1-4).
- 35 (12) Human and sexual trafficking crimes (IC 35-42-3.5).

36 (c) As used in this section, "protected person" means:

- 37 (1) a child who is less than fourteen (14) years of age;
- 38 (2) an individual with a mental disability who has a disability
 39 attributable to an impairment of general intellectual functioning
 40 or adaptive behavior that:
 41 (A) is manifested before the individual is eighteen (18) years
 42 of age;



- 1 (B) is likely to continue indefinitely;
 2 (C) constitutes a substantial impairment of the individual's
 3 ability to function normally in society; and
 4 (D) reflects the individual's need for a combination and
 5 sequence of special, interdisciplinary, or generic care,
 6 treatment, or other services that are of lifelong or extended
 7 duration and are individually planned and coordinated; or
 8 (3) an individual who is:
 9 (A) at least eighteen (18) years of age; and
 10 (B) incapable by reason of mental illness, intellectual
 11 disability, dementia, or other physical or mental incapacity of:
 12 (i) managing or directing the management of the individual's
 13 property; or
 14 (ii) providing or directing the provision of self-care.
 15 (d) A statement or videotape that:
 16 (1) is made by a person who at the time of trial is a protected
 17 person;
 18 (2) concerns an act that is a material element of an offense listed
 19 in subsection (a) or (b) that was allegedly committed against the
 20 person; and
 21 (3) is not otherwise admissible in evidence;
 22 is admissible in evidence in a criminal action for an offense listed in
 23 subsection (a) or (b) if the requirements of subsection (e) are met.
 24 (e) A statement or videotape described in subsection (d) is
 25 admissible in evidence in a criminal action listed in subsection (a) or
 26 (b) if, after notice to the defendant of a hearing and of the defendant's
 27 right to be present, all of the following conditions are met:
 28 (1) The court finds, in a hearing:
 29 (A) conducted outside the presence of the jury; and
 30 (B) attended by the protected person in person or by using
 31 closed circuit television testimony as described in section 8(f)
 32 and 8(g) of this chapter;
 33 that the time, content, and circumstances of the statement or
 34 videotape provide sufficient indications of reliability.
 35 (2) The protected person:
 36 (A) testifies at the trial; or
 37 (B) is found by the court to be unavailable as a witness for one
 38 (1) of the following reasons:
 39 (i) From the testimony of a psychiatrist, physician, or
 40 psychologist, and other evidence, if any, the court finds that
 41 the protected person's testifying in the physical presence of
 42 the defendant will cause the protected person to suffer



- 1 serious emotional distress such that the protected person
2 cannot reasonably communicate.
- 3 (ii) The protected person cannot participate in the trial for
4 medical reasons.
- 5 (iii) The court has determined that the protected person is
6 incapable of understanding the nature and obligation of an
7 oath.
- 8 (f) If a protected person is unavailable to testify at the trial for a
9 reason listed in subsection (e)(2)(B), a statement or videotape may be
10 admitted in evidence under this section only if the protected person was
11 available for cross-examination:
- 12 (1) at the hearing described in subsection (e)(1); or
13 (2) when the statement or videotape was made.
- 14 (g) A statement or videotape may not be admitted in evidence under
15 this section unless the prosecuting attorney informs the defendant and
16 the defendant's attorney at least ten (10) days before the trial of:
- 17 (1) the prosecuting attorney's intention to introduce the statement
18 or videotape in evidence; and
19 (2) the content of the statement or videotape.
- 20 (h) If a statement or videotape is admitted in evidence under this
21 section, the court shall instruct the jury that it is for the jury to
22 determine the weight and credit to be given the statement or videotape
23 and that, in making that determination, the jury shall consider the
24 following:
- 25 (1) The mental and physical age of the person making the
26 statement or videotape.
27 (2) The nature of the statement or videotape.
28 (3) The circumstances under which the statement or videotape
29 was made.
30 (4) Other relevant factors.
- 31 (i) If a statement or videotape described in subsection (d) is
32 admitted into evidence under this section, a defendant may introduce
33 a:
- 34 (1) transcript; or
35 (2) videotape;
- 36 of the hearing held under subsection (e)(1) into evidence at trial.
- 37 SECTION 42. IC 35-37-4-7, AS AMENDED BY P.L.153-2017,
38 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2021]: Sec. 7. (a) Except as provided in ~~subsection~~
40 **subsections (b) through (c)**, whenever an element of an offense
41 involves a pecuniary loss or a pecuniary gain, then the element shall be
42 established by proof of the fair market value of the property at the time



- 1 of the offense.
- 2 (b) For purposes of IC 35-43-1-8, "pecuniary loss" includes:
- 3 (1) damage to the victim's property caused, directly or indirectly,
- 4 by commission of the offense, based on the actual cost of
- 5 securing, repairing, or replacing a computer, a computer system,
- 6 computer software, a network, and data; and
- 7 (2) revenue, salary, or wages lost by the victim as a result of the
- 8 crime.
- 9 (c) **For purposes of a misrepresentation under IC 35-43-5-4**
- 10 **relating to the fraudulent provision of goods or services,**
- 11 **"pecuniary loss" includes:**
- 12 **(1) the total cost charged for the provision of goods or**
- 13 **services, and not merely the difference in value between the**
- 14 **goods or services provided and the goods or services**
- 15 **promised; or**
- 16 **(2) the total cost to replace the fraudulently provided goods or**
- 17 **services with goods or services equivalent to the goods or**
- 18 **services promised;**
- 19 **whichever is higher.**
- 20 (d) **For purposes of a misrepresentation under IC 35-43-5-4**
- 21 **relating to insurance, "pecuniary loss" means the highest policy**
- 22 **limit available through any coverage in the policy.**
- 23 SECTION 43. IC 35-38-1-17, AS AMENDED BY P.L.45-2018,
- 24 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2021]: Sec. 17. (a) Notwithstanding IC 1-1-5.5-21, this section
- 26 applies to a person who:
- 27 (1) commits an offense; or
- 28 (2) is sentenced;
- 29 before July 1, 2014.
- 30 (b) This section does not apply to a credit restricted felon.
- 31 (c) Except as provided in subsections (k) and (m), this section does
- 32 not apply to a violent criminal.
- 33 (d) As used in this section, "violent criminal" means a person
- 34 convicted of any of the following offenses:
- 35 (1) Murder (IC 35-42-1-1).
- 36 (2) Attempted murder (IC 35-41-5-1).
- 37 (3) Voluntary manslaughter (IC 35-42-1-3).
- 38 (4) Involuntary manslaughter (IC 35-42-1-4).
- 39 (5) Reckless homicide (IC 35-42-1-5).
- 40 (6) Aggravated battery (IC 35-42-2-1.5).
- 41 **(7) Battery (IC 35-42-2-1) as a Class A or Class B felony (for**
- 42 **a crime committed before July 1, 2014) or battery as a Level**



- 1 **2 or Level 3 felony (for a crime committed after June 30,**
 2 **2014).**
 3 **(8) Domestic battery (IC 35-42-2-1.3) as a Level 2 or Level 3**
 4 **felony.**
 5 ~~(7)~~ **(9) Kidnapping (IC 35-42-3-2).**
 6 ~~(8)~~ **(10) Rape (IC 35-42-4-1).**
 7 ~~(9)~~ **(11) Criminal deviate conduct (IC 35-42-4-2) (before its**
 8 **repeal).**
 9 ~~(10)~~ **(12) Child molesting (IC 35-42-4-3).**
 10 ~~(11)~~ **(13) Sexual misconduct with a minor as a Class A felony**
 11 **under IC 35-42-4-9(a)(2) or a Class B felony under**
 12 **IC 35-42-4-9(b)(2) (for a crime committed before July 1, 2014) or**
 13 **sexual misconduct with a minor as a Level 1 felony under**
 14 **IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2)**
 15 **(for a crime committed after June 30, 2014).**
 16 ~~(12)~~ **(14) Robbery as a Class A felony or a Class B felony (IC**
 17 **35-42-5-1) (for a crime committed before July 1, 2014) or robbery**
 18 **as a Level 2 felony or a Level 3 felony (IC 35-42-5-1) (for a crime**
 19 **committed after June 30, 2014).**
 20 ~~(13)~~ **(15) Burglary as Class A felony or a Class B felony (IC**
 21 **35-43-2-1) (for a crime committed before July 1, 2014) or**
 22 **burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or**
 23 **Level 4 felony (IC 35-43-2-1) (for a crime committed after June**
 24 **30, 2014).**
 25 ~~(14)~~ **(16) Unlawful possession of a firearm by a serious violent**
 26 **felon (IC 35-47-4-5).**
 27 (e) At any time after:
 28 (1) a convicted person begins serving the person's sentence; and
 29 (2) the court obtains a report from the department of correction
 30 concerning the convicted person's conduct while imprisoned;
 31 the court may reduce or suspend the sentence and impose a sentence
 32 that the court was authorized to impose at the time of sentencing.
 33 However, if the convicted person was sentenced under the terms of a
 34 plea agreement, the court may not, without the consent of the
 35 prosecuting attorney, reduce or suspend the sentence and impose a
 36 sentence not authorized by the plea agreement. The court must
 37 incorporate its reasons in the record.
 38 (f) If the court sets a hearing on a petition under this section, the
 39 court must give notice to the prosecuting attorney and the prosecuting
 40 attorney must give notice to the victim (as defined in IC 35-31.5-2-348)
 41 of the crime for which the convicted person is serving the sentence.
 42 (g) The court may suspend a sentence for a felony under this section



1 only if suspension is permitted under IC 35-50-2-2.2.

2 (h) The court may deny a request to suspend or reduce a sentence
3 under this section without making written findings and conclusions.

4 (i) The court is not required to conduct a hearing before reducing or
5 suspending a sentence under this section if:

6 (1) the prosecuting attorney has filed with the court an agreement
7 of the reduction or suspension of the sentence; and

8 (2) the convicted person has filed with the court a waiver of the
9 right to be present when the order to reduce or suspend the
10 sentence is considered.

11 (j) This subsection applies only to a convicted person who is not a
12 violent criminal. A convicted person who is not a violent criminal may
13 file a petition for sentence modification under this section:

14 (1) not more than one (1) time in any three hundred sixty-five
15 (365) day period; and

16 (2) a maximum of two (2) times during any consecutive period of
17 incarceration;

18 without the consent of the prosecuting attorney.

19 (k) This subsection applies to a convicted person who is a violent
20 criminal. A convicted person who is a violent criminal may, not later
21 than three hundred sixty-five (365) days from the date of sentencing,
22 file one (1) petition for sentence modification under this section
23 without the consent of the prosecuting attorney. After the elapse of the
24 three hundred sixty-five (365) day period, a violent criminal may not
25 file a petition for sentence modification without the consent of the
26 prosecuting attorney.

27 (l) A person may not waive the right to sentence modification under
28 this section as part of a plea agreement. Any purported waiver of the
29 right to sentence modification under this section in a plea agreement is
30 invalid and unenforceable as against public policy. This subsection
31 does not prohibit the finding of a waiver of the right to:

32 (1) have a court modify a sentence and impose a sentence not
33 authorized by the plea agreement, as described under subsection
34 (e); or

35 (2) sentence modification for any other reason, including failure
36 to comply with the provisions of this section.

37 (m) Notwithstanding subsection (k), a person who commits an
38 offense after June 30, 2014, and before May 15, 2015, may file one (1)
39 petition for sentence modification without the consent of the
40 prosecuting attorney, even if the person has previously filed a petition
41 for sentence modification.

42 SECTION 44. IC 35-40-5-11.5, AS ADDED BY P.L.62-2020,

SB 197—LS 7132/DI 106



1 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2021]: Sec. 11.5. (a) This section applies only to a criminal
3 case involving a child less than sixteen (16) years of age who is the
4 victim or alleged victim of a sex offense.

5 (b) The following definitions apply throughout this section:

6 (1) "Accused" or "the accused" means a person charged with
7 committing a sex offense against a child victim. The term does
8 not include an attorney who represents the accused.

9 (2) "Child victim" means a child less than sixteen (16) years of
10 age who is the victim or alleged victim of a sex offense.

11 (3) "Defendant" means a person charged with committing a sex
12 offense against a child victim and an attorney who represents the
13 defendant.

14 (4) "Deposition" or "depose" means a deposition upon oral **or**
15 **written** examination, or taking a deposition upon oral **or written**
16 examination, as described in Indiana Trial Rule 30 **and 31**.

17 (5) "Sex offense" has the meaning set forth in IC 11-8-8-5.2.

18 (c) A defendant may depose a child victim only in accordance with
19 this section.

20 (d) A defendant may not take the deposition of a child victim unless
21 the defendant contacts the prosecuting attorney before contacting the
22 child, and one (1) or more of the following apply:

23 (1) The prosecuting attorney agrees to the deposition. The
24 prosecuting attorney may condition the prosecuting attorney's
25 agreement to the deposition upon the defendant's acceptance of
26 the manner in which the deposition shall be conducted.

27 (2) The court authorizes the deposition after finding, following a
28 hearing under subsection (f), that there is a reasonable likelihood
29 that the child victim will be unavailable for trial and the
30 deposition is necessary to preserve the child victim's testimony.

31 (3) The court authorizes the deposition after finding, following a
32 hearing under subsection (g), that the deposition is necessary:

33 (A) due to the existence of extraordinary circumstances; and

34 (B) in the interest of justice.

35 (e) If the prosecuting attorney does not agree to the deposition, the
36 defendant may petition the court for authorization to depose the child
37 victim under subsection (d)(2), (d)(3), or both subsection (d)(2) and
38 (d)(3). Upon receipt of the petition, the court shall notify the
39 prosecuting attorney and set a hearing to determine whether to
40 authorize a deposition of the child victim, and, if applicable, to
41 determine the manner in which the deposition shall be conducted.

42 (f) The court shall authorize the deposition of a child victim under



1 subsection (d)(2) if the defendant proves by a preponderance of the
 2 evidence that there is a reasonable likelihood that the child victim will
 3 be unavailable for trial and the deposition is necessary to preserve the
 4 child victim's testimony.

5 (g) The court may not authorize the deposition of a child victim
 6 under subsection (d)(3) unless the defendant establishes by a
 7 preponderance of the evidence that the deposition is necessary:

- 8 (1) due to the existence of extraordinary circumstances; and
- 9 (2) in the interest of justice.

10 **The mere fact that the victim is a child or the charged crime is**
 11 **serious does not constitute "extraordinary circumstances" or mean**
 12 **that a deposition should be held in the interest of justice.**

13 (h) If the court authorizes the deposition of a child victim under
 14 subsection (f) or (g), the court shall determine the manner in which the
 15 deposition shall be conducted, after considering:

- 16 (1) the age of the child;
- 17 (2) the rights of the victim under IC 35-40-5-1; and
- 18 (3) any other relevant factors or special considerations.

19 (i) If the court denies a petition to depose a child victim, the court
 20 shall issue a written order describing the reason for the denial.

21 (j) If the court grants a request to depose a child victim, the court
 22 shall issue a written order describing the reason for granting the
 23 petition and setting forth the manner in which the deposition shall be
 24 conducted. The order shall:

- 25 (1) expressly prohibit the accused from deposing or being present
 26 at the deposition of the child victim unless:
 - 27 (A) there is a reasonable likelihood that the child victim will
 28 be unavailable for trial;
 - 29 (B) the deposition is necessary to preserve the child victim's
 30 testimony; and
 - 31 (C) the presence of the accused is necessary to preserve the
 32 constitutional rights of the accused under the Sixth
 33 Amendment of the Constitution of the United States or Article
 34 1, Section 13 of the Constitution of the State of Indiana;
- 35 (2) describe the manner in which the deposition shall be
 36 conducted; and
- 37 (3) if applicable, issue a protective order under Indiana Trial Rule
 38 26(C).

39 SECTION 45. IC 35-40-14-1, AS AMENDED BY P.L.142-2020,
 40 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2021]: Sec. 1. As used in this chapter, "identity theft" means:

- 42 (1) identity deception (IC 35-43-5-3.5); or



- 1 (2) synthetic identity deception (IC 35-43-5-3.8) **(before its**
 2 **repeal).**
 3 SECTION 46. IC 35-41-1-1, AS AMENDED BY P.L.137-2009,
 4 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2021]: Sec. 1. (a) As used in this section, "Indiana" includes:
 6 (1) the area within the boundaries of the state of Indiana, as set
 7 forth in Article 14, Section 1 of the Constitution of the State of
 8 Indiana;
 9 (2) the portion of the Ohio River on which Indiana possesses
 10 concurrent jurisdiction with the state of Kentucky under Article
 11 14, Section 2 of the Constitution of the State of Indiana; and
 12 (3) the portion of the Wabash River on which Indiana possesses
 13 concurrent jurisdiction with the state of Illinois under Article 14,
 14 Section 2 of the Constitution of the State of Indiana.
 15 (b) A person may be convicted under Indiana law of an offense if:
 16 (1) either the conduct that is an element of the offense, the result
 17 that is an element, or both, occur in Indiana;
 18 (2) conduct occurring outside Indiana is sufficient under Indiana
 19 law to constitute an attempt to commit an offense in Indiana;
 20 (3) conduct occurring outside Indiana is sufficient under Indiana
 21 law to constitute a conspiracy to commit an offense in Indiana,
 22 and an overt act in furtherance of the conspiracy occurs in
 23 Indiana;
 24 (4) conduct occurring in Indiana establishes complicity in the
 25 commission of, or an attempt or conspiracy to commit, an offense
 26 in another jurisdiction that also is an offense under Indiana law;
 27 (5) the offense consists of the omission to perform a duty imposed
 28 by Indiana law with respect to domicile, residence, or a
 29 relationship to a person, thing, or transaction in Indiana;
 30 (6) conduct that is an element of the offense or the result of
 31 conduct that is an element of the offense, or both, involve the use
 32 of the Internet or another computer network (as defined in
 33 IC 35-43-2-3) and access to the Internet or other computer
 34 network occurs in Indiana; or
 35 (7) conduct:
 36 (A) involves the use of:
 37 (i) the Internet or another computer network (as defined in
 38 IC 35-43-2-3); or
 39 (ii) another form of electronic communication;
 40 (B) occurs outside Indiana and the victim of the offense
 41 resides in Indiana at the time of the offense; and
 42 (C) is sufficient under Indiana law to constitute an offense in



1 Indiana.

2 (c) When the offense is homicide, either the death of the victim or
3 bodily impact causing death constitutes a result under subsection
4 (b)(1). If the body of a homicide victim is found in Indiana, it is
5 presumed that the result occurred in Indiana.

6 (d) If the offense is identity deception or synthetic identity deception
7 **(before its repeal)**, the lack of the victim's consent constitutes conduct
8 that is an element of the offense under subsection (b)(1). If a victim of
9 identity deception or synthetic identity deception **(before its repeal)**
10 resides in Indiana when a person knowingly or intentionally obtains,
11 possesses, transfers, or uses the victim's identifying information, it is
12 presumed that the conduct that is the lack of the victim's consent
13 occurred in Indiana.

14 SECTION 47. IC 35-41-4-2, AS AMENDED BY P.L.31-2020,
15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2021]: Sec. 2. (a) Except as otherwise provided in this section,
17 a prosecution for an offense is barred unless it is commenced:

18 (1) within five (5) years after the commission of the offense, in
19 the case of a Class B, Class C, or Class D felony (for a crime
20 committed before July 1, 2014) or a Level 3, Level 4, Level 5, or
21 Level 6 felony (for a crime committed after June 30, 2014); or
22 (2) within two (2) years after the commission of the offense, in the
23 case of a misdemeanor.

24 (b) A prosecution for a Class B or Class C felony (for a crime
25 committed before July 1, 2014) or a Level 3, Level 4, or Level 5 felony
26 (for a crime committed after June 30, 2014) that would otherwise be
27 barred under this section may be commenced within one (1) year after
28 the earlier of the date on which the state:

29 (1) first discovers evidence sufficient to charge the offender with
30 the offense through DNA (deoxyribonucleic acid) analysis; or
31 (2) could have discovered evidence sufficient to charge the
32 offender with the offense through DNA (deoxyribonucleic acid)
33 analysis by the exercise of due diligence.

34 (c) ~~Except as provided in subsection (c);~~ A prosecution for a Class
35 A felony (for a crime committed before July 1, 2014) or a Level 1
36 felony or Level 2 felony (for a crime committed after June 30, 2014)
37 may be commenced at any time.

38 (d) A prosecution for murder may be commenced:

39 (1) at any time; and
40 (2) regardless of the amount of time that passes between:
41 (A) the date a person allegedly commits the elements of
42 murder; and



- 1 (B) the date the alleged victim of the murder dies.
- 2 (e) Except as provided in subsection (p), a prosecution for the
 3 following offenses **as a Level 3 through Level 6 felony** is barred
 4 unless commenced before the date that the alleged victim of the offense
 5 reaches thirty-one (31) years of age:
- 6 (1) IC 35-42-4-3 (Child molesting).
 - 7 (2) IC 35-42-4-5 (Vicarious sexual gratification).
 - 8 (3) IC 35-42-4-6 (Child solicitation).
 - 9 (4) IC 35-42-4-7 (Child seduction).
 - 10 (5) IC 35-42-4-9 (Sexual misconduct with a minor).
 - 11 (6) IC 35-46-1-3 (Incest).
- 12 (f) A prosecution for forgery of an instrument for payment of
 13 money, or for the uttering of a forged instrument, under IC 35-43-5-2,
 14 is barred unless it is commenced within five (5) years after the maturity
 15 of the instrument.
- 16 (g) If a complaint, indictment, or information is dismissed because
 17 of an error, defect, insufficiency, or irregularity, a new prosecution may
 18 be commenced within ninety (90) days after the dismissal even if the
 19 period of limitation has expired at the time of dismissal, or will expire
 20 within ninety (90) days after the dismissal.
- 21 (h) The period within which a prosecution must be commenced does
 22 not include any period in which:
- 23 (1) the accused person is not usually and publicly resident in
 24 Indiana or so conceals himself or herself that process cannot be
 25 served;
 - 26 (2) the accused person conceals evidence of the offense, and
 27 evidence sufficient to charge the person with that offense is
 28 unknown to the prosecuting authority and could not have been
 29 discovered by that authority by exercise of due diligence; or
 - 30 (3) the accused person is a person elected or appointed to office
 31 under statute or constitution, if the offense charged is theft or
 32 conversion of public funds or bribery while in public office.
- 33 (i) For purposes of tolling the period of limitation only, a
 34 prosecution is considered commenced on the earliest of these dates:
- 35 (1) The date of filing of an indictment, information, or complaint
 36 before a court having jurisdiction.
 - 37 (2) The date of issuance of a valid arrest warrant.
 - 38 (3) The date of arrest of the accused person by a law enforcement
 39 officer without a warrant, if the officer has authority to make the
 40 arrest.
- 41 (j) A prosecution is considered timely commenced for any offense
 42 to which the defendant enters a plea of guilty, notwithstanding that the



- 1 period of limitation has expired.
- 2 (k) The following apply to the specified offenses:
- 3 (1) A prosecution for an offense under IC 30-2-9-7(b) (misuse of
- 4 funeral trust funds) is barred unless commenced within five (5)
- 5 years after the date of death of the settlor (as described in
- 6 IC 30-2-9).
- 7 (2) A prosecution for an offense under IC 30-2-10-9(b) (misuse
- 8 of funeral trust funds) is barred unless commenced within five (5)
- 9 years after the date of death of the settlor (as described in
- 10 IC 30-2-10).
- 11 (3) A prosecution for an offense under IC 30-2-13-38(f) (misuse
- 12 of funeral trust or escrow account funds) is barred unless
- 13 commenced within five (5) years after the date of death of the
- 14 purchaser (as defined in IC 30-2-13-9).
- 15 (l) A prosecution for an offense under IC 23-2-6, IC 23-2.5,
- 16 IC 23-14-48-9, or IC 23-19 is barred unless commenced within five (5)
- 17 years after the earlier of the date on which the state:
- 18 (1) first discovers evidence sufficient to charge the offender with
- 19 the offense; or
- 20 (2) could have discovered evidence sufficient to charge the
- 21 offender with the offense by the exercise of due diligence.
- 22 (m) A prosecution for a sex offense listed in IC 11-8-8-4.5 that is
- 23 committed against a child and that is not:
- 24 (1) a Class A felony (for a crime committed before July 1, 2014)
- 25 or a Level 1 felony or Level 2 felony (for a crime committed after
- 26 June 30, 2014); or
- 27 (2) listed in subsection (e);
- 28 is barred unless commenced within ten (10) years after the commission
- 29 of the offense, or within four (4) years after the person ceases to be a
- 30 dependent of the person alleged to have committed the offense,
- 31 whichever occurs later.
- 32 (n) A prosecution for rape (IC 35-42-4-1) as a Class B felony (for a
- 33 crime committed before July 1, 2014) or as a Level 3 felony (for a
- 34 crime committed after June 30, 2014) that would otherwise be barred
- 35 under this section may be commenced not later than five (5) years after
- 36 the earlier of the date on which:
- 37 (1) the state first discovers evidence sufficient to charge the
- 38 offender with the offense through DNA (deoxyribonucleic acid)
- 39 analysis;
- 40 (2) the state first becomes aware of the existence of a recording
- 41 (as defined in IC 35-31.5-2-273) that provides evidence sufficient
- 42 to charge the offender with the offense; or



- 1 (3) a person confesses to the offense.
- 2 (o) A prosecution for criminal deviate conduct (IC 35-42-4-2)
- 3 (repealed) as a Class B felony for a crime committed before July 1,
- 4 2014, that would otherwise be barred under this section may be
- 5 commenced not later than five (5) years after the earliest of the date on
- 6 which:
- 7 (1) the state first discovers evidence sufficient to charge the
- 8 offender with the offense through DNA (deoxyribonucleic acid)
- 9 analysis;
- 10 (2) the state first becomes aware of the existence of a recording
- 11 (as defined in IC 35-31.5-2-273) that provides evidence sufficient
- 12 to charge the offender with the offense; or
- 13 (3) a person confesses to the offense.
- 14 (p) A prosecution for an offense described in subsection (e) that
- 15 would otherwise be barred under this section may be commenced not
- 16 later than five (5) years after the earliest of the date on which:
- 17 (1) the state first discovers evidence sufficient to charge the
- 18 offender with the offense through DNA (deoxyribonucleic acid)
- 19 analysis;
- 20 (2) the state first becomes aware of the existence of a recording
- 21 (as defined in IC 35-31.5-2-273) that provides evidence sufficient
- 22 to charge the offender with the offense; or
- 23 (3) a person confesses to the offense.
- 24 SECTION 48. IC 35-42-2-1, AS AMENDED BY P.L.142-2020,
- 25 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2021]: Sec. 1. (a) As used in this section, "public safety
- 27 official" means:
- 28 (1) a law enforcement officer, including an alcoholic beverage
- 29 enforcement officer;
- 30 (2) an employee of a penal facility or a juvenile detention facility
- 31 (as defined in IC 31-9-2-71);
- 32 (3) an employee of the department of correction;
- 33 (4) a probation officer;
- 34 (5) a parole officer;
- 35 (6) a community corrections worker;
- 36 (7) a home detention officer;
- 37 (8) a department of child services employee;
- 38 (9) a firefighter;
- 39 (10) an emergency medical services provider;
- 40 (11) a judicial officer;
- 41 (12) a bailiff of any court; ~~or~~
- 42 (13) a special deputy (as described in IC 36-8-10-10.6); **or**



- 1 **(14) an adult protective services investigator.**
 2 (b) As used in this section, "relative" means an individual related by
 3 blood, half-blood, adoption, marriage, or remarriage, including:
 4 (1) a spouse;
 5 (2) a parent or stepparent;
 6 (3) a child or stepchild;
 7 (4) a grandchild or stepgrandchild;
 8 (5) a grandparent or stepgrandparent;
 9 (6) a brother, sister, stepbrother, or stepsister;
 10 (7) a niece or nephew;
 11 (8) an aunt or uncle;
 12 (9) a daughter-in-law or son-in-law;
 13 (10) a mother-in-law or father-in-law; or
 14 (11) a first cousin.
 15 (c) Except as provided in subsections (d) through (k), a person who
 16 knowingly or intentionally:
 17 (1) touches another person in a rude, insolent, or angry manner;
 18 or
 19 (2) in a rude, insolent, or angry manner places any bodily fluid or
 20 waste on another person;
 21 commits battery, a Class B misdemeanor.
 22 (d) The offense described in subsection (c)(1) or (c)(2) is a Class A
 23 misdemeanor if it:
 24 (1) results in bodily injury to any other person; or
 25 (2) is committed against a member of a foster family home (as
 26 defined in IC 35-31.5-2-139.3) by a person who is not a resident
 27 of the foster family home if the person who committed the offense
 28 is a relative of a person who lived in the foster family home at the
 29 time of the offense.
 30 (e) The offense described in subsection (c)(1) or (c)(2) is a Level 6
 31 felony if one (1) or more of the following apply:
 32 (1) The offense results in moderate bodily injury to any other
 33 person.
 34 (2) The offense is committed against a public safety official while
 35 the official is engaged in the official's official duty.
 36 (3) The offense is committed against a person less than fourteen
 37 (14) years of age and is committed by a person at least eighteen
 38 (18) years of age.
 39 (4) The offense is committed against a person of any age who has
 40 a mental or physical disability and is committed by a person
 41 having the care of the person with the mental or physical
 42 disability, whether the care is assumed voluntarily or because of



- 1 a legal obligation.
- 2 (5) The offense is committed against an endangered adult (as
- 3 defined in IC 12-10-3-2).
- 4 (6) The offense:
- 5 (A) is committed against a member of a foster family home (as
- 6 defined in IC 35-31.5-2-139.3) by a person who is not a
- 7 resident of the foster family home if the person who committed
- 8 the offense is a relative of a person who lived in the foster
- 9 family home at the time of the offense; and
- 10 (B) results in bodily injury to the member of the foster family.
- 11 (f) The offense described in subsection (c)(2) is a Level 6 felony if
- 12 the person knew or recklessly failed to know that the bodily fluid or
- 13 waste placed on another person was infected with hepatitis,
- 14 tuberculosis, or human immunodeficiency virus.
- 15 (g) The offense described in subsection (c)(1) or (c)(2) is a Level 5
- 16 felony if one (1) or more of the following apply:
- 17 (1) The offense results in serious bodily injury to another person.
- 18 (2) The offense is committed with a deadly weapon.
- 19 (3) The offense results in bodily injury to a pregnant woman if the
- 20 person knew of the pregnancy.
- 21 (4) The person has a previous conviction for a battery offense
- 22 included in this chapter against the same victim.
- 23 (5) The offense results in bodily injury to one (1) or more of the
- 24 following:
- 25 (A) A public safety official while the official is engaged in the
- 26 official's official duties.
- 27 (B) A person less than fourteen (14) years of age if the offense
- 28 is committed by a person at least eighteen (18) years of age.
- 29 (C) A person who has a mental or physical disability if the
- 30 offense is committed by an individual having care of the
- 31 person with the disability, regardless of whether the care is
- 32 assumed voluntarily or because of a legal obligation.
- 33 (D) An endangered adult (as defined in IC 12-10-3-2).
- 34 (h) The offense described in subsection (c)(2) is a Level 5 felony if:
- 35 (1) the person knew or recklessly failed to know that the bodily
- 36 fluid or waste placed on another person was infected with
- 37 hepatitis, tuberculosis, or human immunodeficiency virus; and
- 38 (2) the person placed the bodily fluid or waste on a public safety
- 39 official.
- 40 (i) The offense described in subsection (c)(1) or (c)(2) is a Level 4
- 41 felony if it results in serious bodily injury to an endangered adult (as
- 42 defined in IC 12-10-3-2).



1 (j) The offense described in subsection (c)(1) or (c)(2) is a Level 3
 2 felony if it results in serious bodily injury to a person less than fourteen
 3 (14) years of age if the offense is committed by a person at least
 4 eighteen (18) years of age.

5 (k) The offense described in subsection (c)(1) or (c)(2) is a Level 2
 6 felony if it results in the death of one (1) or more of the following:

7 (1) A person less than fourteen (14) years of age if the offense is
 8 committed by a person at least eighteen (18) years of age.

9 (2) An endangered adult (as defined in IC 12-10-3-2).

10 SECTION 49. IC 35-43-2-2, AS AMENDED BY P.L.276-2019,
 11 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2021]: Sec. 2. (a) As used in this section, "authorized person"
 13 means a person authorized by an agricultural operation to act on behalf
 14 of the agricultural operation.

15 (b) A person who:

16 (1) not having a contractual interest in the property, knowingly or
 17 intentionally enters the real property of another person after
 18 having been denied entry by the other person or that person's
 19 agent;

20 (2) not having a contractual interest in the property, knowingly or
 21 intentionally refuses to leave the real property of another person
 22 after having been asked to leave by the other person or that
 23 person's agent;

24 (3) accompanies another person in a vehicle, with knowledge that
 25 the other person knowingly or intentionally is exerting
 26 unauthorized control over the vehicle;

27 (4) knowingly or intentionally interferes with the possession or
 28 use of the property of another person without the person's consent;

29 (5) not having a contractual interest in the property, knowingly or
 30 intentionally enters the:

31 (A) property of an agricultural operation that is used for the
 32 production, processing, propagation, packaging, cultivation,
 33 harvesting, care, management, or storage of an animal, plant,
 34 or other agricultural product, including any pasturage or land
 35 used for timber management, without the consent of the owner
 36 of the agricultural operation or an authorized person; or

37 (B) dwelling of another person without the person's consent;

38 (6) knowingly or intentionally:

39 (A) travels by train without lawful authority or the railroad
 40 carrier's consent; and

41 (B) rides on the outside of a train or inside a passenger car,
 42 locomotive, or freight car, including a boxcar, flatbed, or



- 1 container without lawful authority or the railroad carrier's
 2 consent;
- 3 (7) not having a contractual interest in the property, knowingly or
 4 intentionally enters or refuses to leave the property of another
 5 person after having been prohibited from entering or asked to
 6 leave the property by a law enforcement officer when the property
 7 is:
- 8 (A) vacant real property (as defined in IC 36-7-36-5) or a
 9 vacant structure (as defined in IC 36-7-36-6); or
- 10 (B) designated by a municipality or county enforcement
 11 authority to be abandoned property or an abandoned structure
 12 (as defined in IC 36-7-36-1);
- 13 (8) not having a contractual interest in the property, knowingly or
 14 intentionally enters the real property of an agricultural operation
 15 (as defined in IC 32-30-6-1) without the permission of the owner
 16 of the agricultural operation or an authorized person, and
 17 knowingly or intentionally engages in conduct that causes
 18 property damage to:
- 19 (A) the owner of or a person having a contractual interest in
 20 the agricultural operation;
- 21 (B) the operator of the agricultural operation; or
- 22 (C) a person having personal property located on the property
 23 of the agricultural operation; or
- 24 (9) knowingly or intentionally enters the property of another
 25 person after being denied entry by a court order that has been
 26 issued to the person or issued to the general public by
 27 conspicuous posting on or around the premises in areas where a
 28 person can observe the order when the property has been
 29 designated by a municipality or county enforcement authority to
 30 be a vacant property, an abandoned property, or an abandoned
 31 structure (as defined in IC 36-7-36-1);
- 32 commits criminal trespass, a Class A misdemeanor. However, the
 33 offense is a Level 6 felony if it is committed on a scientific research
 34 facility, on a facility belonging to a public utility (as defined in
 35 IC 32-24-1-5.9(a)), on school property, or on a school bus or the person
 36 has a prior unrelated conviction for an offense under this section
 37 concerning the same property. The offense is a Level 6 felony, for
 38 purposes of subdivision (8), if the property damage is more than seven
 39 hundred fifty dollars (\$750) and less than fifty thousand dollars
 40 (\$50,000). The offense is a Level 5 felony, for purposes of subdivision
 41 (8), if the property damage is at least fifty thousand dollars (\$50,000).
- 42 (c) A person has been denied entry under subsection (b)(1) when the



- 1 person has been denied entry by means of:
- 2 (1) personal communication, oral or written;
- 3 (2) posting or exhibiting a notice at the main entrance in a manner
- 4 that is either prescribed by law or likely to come to the attention
- 5 of the public;
- 6 (3) a hearing authority or court order under IC 32-30-6,
- 7 IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36; ~~or~~
- 8 (4) posting the property by placing identifying purple marks on
- 9 trees or posts around the area where entry is denied; **or**
- 10 **(5) locking the door to a building, structure, or part of a**
- 11 **building or structure.**
- 12 (d) For the purposes of subsection (c)(4):
- 13 (1) each purple mark must be readily visible to any person
- 14 approaching the property and must be placed:
- 15 (A) on a tree:
- 16 (i) as a vertical line of at least eight (8) inches in length and
- 17 with the bottom of the mark at least three (3) feet and not
- 18 more than five (5) feet from the ground; and
- 19 (ii) not more than one hundred (100) feet from the nearest
- 20 other marked tree; or
- 21 (B) on a post:
- 22 (i) with the mark covering at least the top two (2) inches of
- 23 the post, and with the bottom of the mark at least three (3)
- 24 feet and not more than five (5) feet six (6) inches from the
- 25 ground; and
- 26 (ii) not more than thirty-six (36) feet from the nearest other
- 27 marked post; and
- 28 (2) before a purple mark that would be visible from both sides of
- 29 a fence shared by different property owners or lessees may be
- 30 applied, all of the owners or lessees of the properties must agree
- 31 to post the properties with purple marks under subsection (c)(4).
- 32 (e) A law enforcement officer may not deny entry to property or ask
- 33 a person to leave a property under subsection (b)(7) unless there is
- 34 reasonable suspicion that criminal activity has occurred or is occurring.
- 35 (f) A person described in subsection (b)(7) violates subsection
- 36 (b)(7) unless the person has the written permission of the owner, the
- 37 owner's agent, an enforcement authority, or a court to come onto the
- 38 property for purposes of performing maintenance, repair, or demolition.
- 39 (g) A person described in subsection (b)(9) violates subsection
- 40 (b)(9) unless the court that issued the order denying the person entry
- 41 grants permission for the person to come onto the property.
- 42 (h) Subsections (b), (c), and (g) do not apply to the following:



- 1 (1) A passenger on a train.
 2 (2) An employee of a railroad carrier while engaged in the
 3 performance of official duties.
 4 (3) A law enforcement officer, firefighter, or emergency response
 5 personnel while engaged in the performance of official duties.
 6 (4) A person going on railroad property in an emergency to rescue
 7 a person or animal from harm's way or to remove an object that
 8 the person reasonably believes poses an imminent threat to life or
 9 limb.
 10 (5) A person on the station grounds or in the depot of a railroad
 11 carrier:
 12 (A) as a passenger; or
 13 (B) for the purpose of transacting lawful business.
 14 (6) A:
 15 (A) person; or
 16 (B) person's:
 17 (i) family member;
 18 (ii) invitee;
 19 (iii) employee;
 20 (iv) agent; or
 21 (v) independent contractor;
 22 going on a railroad's right-of-way for the purpose of crossing at a
 23 private crossing site approved by the railroad carrier to obtain
 24 access to land that the person owns, leases, or operates.
 25 (7) A person having written permission from the railroad carrier
 26 to go on specified railroad property.
 27 (8) A representative of the Indiana department of transportation
 28 while engaged in the performance of official duties.
 29 (9) A representative of the federal Railroad Administration while
 30 engaged in the performance of official duties.
 31 (10) A representative of the National Transportation Safety Board
 32 while engaged in the performance of official duties.
 33 SECTION 50. IC 35-43-5-1, AS AMENDED BY P.L.43-2017,
 34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2021]: Sec. 1. (a) The definitions set forth in this section apply
 36 throughout this chapter.
 37 (b) "Claim statement" means an insurance policy, a document, or a
 38 statement made in support of or in opposition to a claim for payment
 39 or other benefit under an insurance policy, or other evidence of
 40 expense, injury, or loss. The term includes statements made orally, in
 41 writing, or electronically, including the following:
 42 (1) An account.



- 1 (2) A bill for services.
 2 (3) A bill of lading.
 3 (4) A claim.
 4 (5) A diagnosis.
 5 (6) An estimate of property damages.
 6 (7) A hospital record.
 7 (8) An invoice.
 8 (9) A notice.
 9 (10) A proof of loss.
 10 (11) A receipt for payment.
 11 (12) A physician's records.
 12 (13) A prescription.
 13 (14) A statement.
 14 (15) A test result.
 15 (16) X-rays.
- 16 (c) "Coin machine" means a coin box, vending machine, or other
 17 mechanical or electronic device or receptacle designed:
 18 (1) to receive a coin, bill, or token made for that purpose; and
 19 (2) in return for the insertion or deposit of a coin, bill, or token
 20 automatically:
 21 (A) to offer, provide, or assist in providing; or
 22 (B) to permit the acquisition of;
 23 some property.
- 24 (d) "Credit card" means an instrument or device (whether known as
 25 a credit card or charge plate, or by any other name) issued by an issuer
 26 for use by or on behalf of the credit card holder in obtaining property.
- 27 (e) "Credit card holder" means the person to whom or for whose
 28 benefit the credit card is issued by an issuer.
- 29 (f) "Customer" means a person who receives or has contracted for
 30 a utility service.
- 31 (g) "Drug or alcohol screening test" means a test that:
 32 (1) is used to determine the presence or use of alcohol, a
 33 controlled substance, or a drug in a person's bodily substance; and
 34 (2) is:
 35 (A) administered in the course of monitoring a person who is:
 36 (i) incarcerated in a prison or jail;
 37 (ii) placed in a community corrections program;
 38 (iii) on probation or parole;
 39 (iv) participating in a court ordered alcohol or drug
 40 treatment program; or
 41 (v) on court ordered pretrial release; or
 42 (B) ordered by a court as part of a civil action.



1 (h) "Entrusted" means held in a fiduciary capacity or placed in
 2 charge of a person engaged in the business of transporting, storing,
 3 lending on, or otherwise holding property of others.

4 (i) "Identifying information" means information, **genuine or**
 5 **fabricated**, that identifies or purports to identify a person, including:
 6 a person's:

7 (1) a name, address, date of birth, place of employment, employer
 8 identification number, mother's maiden name, Social Security
 9 number, or any identification number issued by a governmental
 10 entity;

11 (2) unique biometric data, including ~~the person's~~ a fingerprint,
 12 voice print, or retina or iris image;

13 (3) unique electronic identification number, address, or routing
 14 code;

15 (4) telecommunication identifying information; or

16 (5) telecommunication access device, including a card, a plate, a
 17 code, a telephone number, an account number, a personal
 18 identification number, an electronic serial number, a mobile
 19 identification number, or another telecommunications service or
 20 device or means of account access that may be used to:

21 (A) obtain money, goods, services, or any other thing of value;
 22 or

23 (B) initiate a transfer of funds.

24 (j) "Insurance policy" includes the following:

25 (1) An insurance policy.

26 (2) A contract with a health maintenance organization (as defined
 27 in IC 27-13-1-19) or a limited service health maintenance
 28 organization (as defined in IC 27-13-1-27).

29 (3) A written agreement entered into under IC 27-1-25.

30 (k) "Insurer" has the meaning set forth in IC 27-1-2-3(x). The term
 31 also includes the following:

32 (1) A reinsurer.

33 (2) A purported insurer or reinsurer.

34 (3) A broker.

35 (4) An agent of an insurer, a reinsurer, a purported insurer or
 36 reinsurer, or a broker.

37 (5) A health maintenance organization.

38 (6) A limited service health maintenance organization.

39 (l) "Manufacturer" means a person who manufactures a recording.
 40 The term does not include a person who manufactures a medium upon
 41 which sounds or visual images can be recorded or stored.

42 (m) "Make" means to draw, prepare, complete, counterfeit, copy or



- 1 otherwise reproduce, or alter any written instrument in whole or in part.
 2 (n) "Metering device" means a mechanism or system used by a
 3 utility to measure or record the quantity of services received by a
 4 customer.
 5 (o) "Public relief or assistance" means any payment made, service
 6 rendered, hospitalization provided, or other benefit extended to a
 7 person by a governmental entity from public funds and includes
 8 township assistance, food stamps, direct relief, unemployment
 9 compensation, and any other form of support or aid.
 10 (p) "Recording" means a tangible medium upon which sounds or
 11 visual images are recorded or stored. The term includes the following:
 12 (1) An original:
 13 (A) phonograph record;
 14 (B) compact disc;
 15 (C) wire;
 16 (D) tape;
 17 (E) audio cassette;
 18 (F) video cassette; or
 19 (G) film.
 20 (2) Any other medium on which sounds or visual images are or
 21 can be recorded or otherwise stored.
 22 (3) A copy or reproduction of an item in subdivision (1) or (2)
 23 that duplicates an original recording in whole or in part.
 24 (q) "Slug" means an article or object that is capable of being
 25 deposited in a coin machine as an improper substitute for a genuine
 26 coin, bill, or token.
 27 (r) ~~"Synthetic identifying information" means identifying~~
 28 ~~information that identifies:~~
 29 ~~(1) a false or fictitious person;~~
 30 ~~(2) a person other than the person who is using the information;~~
 31 ~~or~~
 32 ~~(3) a combination of persons described under subdivisions (1) and~~
 33 ~~(2);~~
 34 (s) "Utility" means a person who owns or operates, for public use,
 35 any plant, equipment, property, franchise, or license for the production,
 36 storage, transmission, sale, or delivery of electricity, water, steam,
 37 telecommunications, information, or gas.
 38 (t) (s) "Written instrument" means a paper, a document, or other
 39 instrument containing written matter and includes money, coins,
 40 tokens, stamps, seals, credit cards, badges, trademarks, medals, retail
 41 sales receipts, labels or markings (including a universal product code
 42 (UPC) or another product identification code), or other objects or



1 symbols of value, right, privilege, or identification.

2 SECTION 51. IC 35-43-5-2, AS AMENDED BY P.L.197-2015,
3 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2021]: Sec. 2. (a) A person who knowingly or intentionally:

5 (1) makes or utters a written instrument in such a manner that it
6 purports to have been made:

7 (A) by another person;

8 (B) at another time;

9 (C) with different provisions; or

10 (D) by authority of one who did not give authority; or

11 (2) possesses more than one (1) written instrument knowing that
12 the written instruments were made in a manner that they purport
13 to have been made:

14 (A) by another person;

15 (B) at another time;

16 (C) with different provisions; or

17 (D) by authority of one who did not give authority;

18 commits counterfeiting, a Level 6 felony.

19 (b) A person who, with intent to defraud:

20 (1) makes or delivers to another person:

21 (A) a false sales receipt;

22 (B) a duplicate of a sales receipt; or

23 (C) a label or other item with a false universal product code

24 (UPC) or other product identification code; or

25 (2) places a false universal product code (UPC) or another
26 product identification code on property displayed or offered for
27 sale;

28 commits making or delivering a false sales document, a Level 6 felony:

29 (c) A person who, with intent to defraud, possesses:

30 (1) a retail sales receipt;

31 (2) a label or other item with a universal product code (UPC); or

32 (3) a label or other item that contains a product identification code
33 that applies to an item other than the item to which the label or
34 other item applies;

35 commits possession of a fraudulent sales document, a Class A
36 misdemeanor. However, the offense is a Level 6 felony if the person
37 possesses at least fifteen (15) retail sales receipts; at least fifteen (15)
38 labels containing a universal product code (UPC); at least fifteen (15)
39 labels containing another product identification code; or at least fifteen
40 (15) of any combination of the items described in subdivisions (1)
41 through (3).

42 (d) (b) A person who, with intent to defraud, makes, utters, or



1 possesses a written instrument in such a manner that it purports to have
2 been made:

- 3 (1) by another person;
- 4 (2) at another time;
- 5 (3) with different provisions; or
- 6 (4) by authority of one who did not give authority;

7 commits forgery, a Level 6 felony.

8 (e) This subsection applies to a person who applies for a driver's
9 license (as defined in IC 9-13-2-48), a state identification card (as
10 described in IC 9-24-16), or a photo exempt identification card (as
11 described in IC 9-24-16.5): A person who:

12 (1) knowingly or intentionally uses a false or fictitious name or
13 gives a false or fictitious address in an application for a driver's
14 license, a state identification card, or a photo exempt
15 identification card or for a renewal or a duplicate of a driver's
16 license, a state identification card, or a photo exempt
17 identification card; or

18 (2) knowingly or intentionally makes a false statement or conceals
19 a material fact in an application for a driver's license, a state
20 identification card, or a photo exempt identification card;

21 commits application fraud, a Level 6 felony.

22 SECTION 52. IC 35-43-5-3 IS REPEALED [EFFECTIVE JULY 1,
23 2021]. Sec. 3: (a) A person who:

24 (1) being an officer, manager, or other person participating in the
25 direction of a credit institution, knowingly or intentionally
26 receives or permits the receipt of a deposit or other investment,
27 knowing that the institution is insolvent;

28 (2) knowingly or intentionally makes a false or misleading written
29 statement with intent to obtain property, employment, or an
30 educational opportunity;

31 (3) misapplies entrusted property, property of a governmental
32 entity, or property of a credit institution in a manner that the
33 person knows is unlawful or that the person knows involves
34 substantial risk of loss or detriment to either the owner of the
35 property or to a person for whose benefit the property was
36 entrusted;

37 (4) knowingly or intentionally, in the regular course of business,
38 either:

39 (A) uses or possesses for use a false weight or measure or
40 other device for falsely determining or recording the quality or
41 quantity of any commodity; or

42 (B) sells, offers, or displays for sale or delivers less than the



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



- 1 (A) a disadvantaged business enterprise (as defined in
 2 IC 5-16-6.5-1); or
 3 (B) a women-owned business enterprise (as defined in
 4 IC 5-16-6.5-3);
 5 in order to qualify for certification as such an enterprise under a
 6 program conducted by a public agency (as defined in
 7 IC 5-16-6.5-2) designed to assist disadvantaged business
 8 enterprises or women-owned business enterprises in obtaining
 9 contracts with public agencies for the provision of goods and
 10 services; or
 11 (2) an entity with which the person will subcontract all or part of
 12 a contract with a public agency (as defined in IC 5-16-6.5-2) as:
 13 (A) a disadvantaged business enterprise (as defined in
 14 IC 5-16-6.5-1); or
 15 (B) a women-owned business enterprise (as defined in
 16 IC 5-16-6.5-3);
 17 in order to qualify for certification as an eligible bidder under a
 18 program that is conducted by a public agency designed to assist
 19 disadvantaged business enterprises or women-owned business
 20 enterprises in obtaining contracts with public agencies for the
 21 provision of goods and services;
 22 commits a Level 6 felony.
- 23 SECTION 53. IC 35-43-5-3.5, AS AMENDED BY P.L.158-2013,
 24 SECTION 471, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2021]: Sec. 3.5. (a) Except as provided in
 26 subsection (c), a person who knowingly or intentionally obtains,
 27 possesses, transfers, or uses the identifying information: of another
 28 person; including the identifying information of a person who is
 29 deceased:
 30 (1) without the other person's consent; and
 31 (2) with intent to:
 32 (A) (1) harm or defraud another person;
 33 (B) (2) assume another person's identity; or
 34 (C) (3) profess to be another person;
 35 commits identity deception, a Level 6 felony.
 36 (b) However, the offense defined in subsection (a) is a Level 5
 37 felony if:
 38 (1) a person obtains, possesses, transfers, or uses the identifying
 39 information of more than one hundred (100) persons;
 40 (2) the fair market value of the fraud or harm caused by the
 41 offense is at least fifty thousand dollars (\$50,000); or
 42 (3) a person obtains, possesses, transfers, or uses the identifying



1 information of a person who is less than eighteen (18) years of
2 age and is:

- 3 (A) the person's son or daughter;
4 (B) a dependent of the person;
5 (C) a ward of the person; or
6 (D) an individual for whom the person is a guardian.

7 (c) The conduct prohibited in subsections (a) and (b) does not apply
8 to:

9 (1) a person less than twenty-one (21) years of age who uses ~~the~~
10 identifying information of ~~another person~~ to acquire an alcoholic
11 beverage (as defined in IC 7.1-1-3-5);

12 (2) a minor (as defined in IC 35-49-1-4) who uses ~~the~~ identifying
13 information of ~~another person~~ to acquire:

14 (A) a cigarette, an electronic cigarette (as defined in
15 IC 35-46-1-1.5), or a tobacco product (as defined in
16 IC 6-7-2-5);

17 (B) a periodical, a videotape, or other communication medium
18 that contains or depicts nudity (as defined in IC 35-49-1-5);

19 (C) admittance to a performance (live or film) that prohibits
20 the attendance of the minor based on age; or

21 (D) an item that is prohibited by law for use or consumption by
22 a minor; or

23 (3) any person who uses ~~the~~ identifying information for a lawful
24 purpose.

25 (d) It is not a defense in a prosecution under subsection (a) or (b)
26 that no person was harmed or defrauded.

27 SECTION 54. IC 35-43-5-3.8 IS REPEALED [EFFECTIVE JULY
28 1, 2021]. Sec. 3.8: (a) A person who knowingly or intentionally obtains;
29 possesses; transfers; or uses the synthetic identifying information:

30 (1) with intent to harm or defraud another person;

31 (2) with intent to assume another person's identity; or

32 (3) with intent to profess to be another person;

33 commits synthetic identity deception; a Level 6 felony:

34 (b) The offense under subsection (a) is a Level 5 felony if:

35 (1) a person obtains; possesses; transfers; or uses the synthetic
36 identifying information of more than one hundred (100) persons;
37 or

38 (2) the fair market value of the fraud or harm caused by the
39 offense is at least fifty thousand dollars (\$50,000).

40 (c) The conduct prohibited in subsections (a) and (b) does not apply
41 to:

42 (1) a person less than twenty-one (21) years of age who uses the



1 synthetic identifying information of another person to acquire:

2 (A) an alcoholic beverage (as defined in IC 7-1-1-3-5); or

3 (B) a cigarette, e-liquid, or tobacco product (as defined in
4 IC 6-7-2-5); or

5 (2) a minor (as defined in IC 35-49-1-4) who uses the synthetic
6 identifying information of another person to acquire:

7 (A) a periodical; a videotape; or other communication medium
8 that contains or depicts nudity (as defined in IC 35-49-1-5);

9 (B) admittance to a performance (live or on film) that prohibits
10 the attendance of the minor based on age; or

11 (C) an item that is prohibited by law for use or consumption by
12 a minor.

13 (d) It is not a defense in a prosecution under subsection (a) or (b)
14 that no person was harmed or defrauded.

15 SECTION 55. IC 35-43-5-4, AS AMENDED BY P.L.158-2013,
16 SECTION 474, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2021]: Sec. 4. A person who:

18 (1) with intent to defraud, obtains property by:

19 (A) using a credit card, knowing that the credit card was
20 unlawfully obtained or retained;

21 (B) using a credit card, knowing that the credit card is forged;
22 revoked; or expired;

23 (C) using, without consent, a credit card that was issued to
24 another person;

25 (D) representing, without the consent of the credit card holder,
26 that the person is the authorized holder of the credit card; or

27 (E) representing that the person is the authorized holder of a
28 credit card when the card has not in fact been issued;

29 (2) being authorized by an issuer to furnish property upon
30 presentation of a credit card; fails to furnish the property and, with
31 intent to defraud the issuer or the credit card holder, represents in
32 writing to the issuer that the person has furnished the property;

33 (3) being authorized by an issuer to furnish property upon
34 presentation of a credit card; furnishes, with intent to defraud the
35 issuer or the credit card holder, property upon presentation of a
36 credit card, knowing that the credit card was unlawfully obtained
37 or retained or that the credit card is forged; revoked; or expired;

38 (4) not being the issuer, knowingly or intentionally sells a credit
39 card;

40 (5) not being the issuer, receives a credit card, knowing that the
41 credit card was unlawfully obtained or retained or that the credit
42 card is forged; revoked; or expired;



- 1 (6) with intent to defraud; receives a credit card as security for
 2 debt;
- 3 (7) receives property; knowing that the property was obtained in
 4 violation of subdivision (1) of this section;
- 5 (8) with intent to defraud the person's creditor or purchaser;
 6 conceals; encumbers; or transfers property;
- 7 (9) with intent to defraud; damages property; or
 8 (10) knowingly or intentionally:
- 9 (A) sells;
- 10 (B) rents;
- 11 (C) transports; or
- 12 (D) possesses;
- 13 a recording for commercial gain or personal financial gain that
 14 does not conspicuously display the true name and address of the
 15 manufacturer of the recording;
- 16 commits fraud; a Level 6 felony.
- 17 (a) A person who:
- 18 (1) with the intent to obtain property or data to which the
 19 person is not entitled or an educational, governmental, or
 20 employment benefit to which the person is not entitled,
 21 knowingly or intentionally:
- 22 (A) makes a false or misleading statement; or
- 23 (B) creates a false impression in another person;
- 24 (2) with the intent to cause another person to obtain property
 25 to which the other person would not otherwise be entitled,
 26 knowingly or intentionally:
- 27 (A) makes a false or misleading statement;
- 28 (B) creates a false impression in a third person; or
- 29 (C) causes to be presented a claim that:
- 30 (i) contains a false or misleading statement; or
- 31 (ii) creates a false or misleading impression in a third
 32 person;
- 33 (3) possesses, manufactures, uses, or alters a document,
 34 instrument, computer program, or device with the intent to
 35 obtain:
- 36 (A) property;
- 37 (B) data; or
- 38 (C) an educational, governmental, or employment benefit;
 39 to which the person is not entitled; or
- 40 (4) knowingly or intentionally engages in a scheme or artifice
 41 to commit an offense described in subdivision (1) through (3);
 42 commits fraud, a Class A misdemeanor except as otherwise



- 1 provided in this section.
- 2 (b) The offense described in subsection (a) is a Level 6 felony if
- 3 one (1) or more of the following apply:
- 4 (1) The offense is committed not later than seven (7) years
- 5 from the date the person:
- 6 (A) was convicted of a prior unrelated conviction for an
- 7 offense under this article; or
- 8 (B) was released from a term of incarceration, probation,
- 9 or parole (whichever occurred last) imposed for a prior
- 10 unrelated conviction for an offense under this article;
- 11 whichever occurred last.
- 12 (2) The pecuniary loss is at least seven hundred fifty dollars
- 13 (\$750) but less than fifty thousand dollars (\$50,000).
- 14 (3) The victim is:
- 15 (A) an endangered adult (as defined in IC 12-10-3-2(a)); or
- 16 (B) less than eighteen (18) years of age.
- 17 (4) The person makes a false or misleading statement
- 18 representing an entity as:
- 19 (A) a disadvantaged business enterprise (as defined in
- 20 IC 5-16-6.5-1); or
- 21 (B) a women-owned business enterprise (as defined in
- 22 IC 5-16-6.5-3);
- 23 in order to qualify for certification as such an enterprise
- 24 under a program conducted by a public agency (as defined in
- 25 IC 5-16-6.5-2) designed to assist disadvantaged business
- 26 enterprises or women-owned business enterprises in obtaining
- 27 contracts with public agencies for the provision of goods and
- 28 services.
- 29 (5) The person makes a false or misleading statement
- 30 representing an entity with which the person will subcontract
- 31 all or part of a contract with a public agency (as defined in
- 32 IC 5-16-6.5-2) as:
- 33 (A) a disadvantaged business enterprise (as defined in
- 34 IC 5-16-6.5-1); or
- 35 (B) a women-owned business enterprise (as defined in
- 36 IC 5-16-6.5-3);
- 37 in order to qualify for certification as an eligible bidder under
- 38 a program that is conducted by a public agency designed to
- 39 assist disadvantaged business enterprises or women-owned
- 40 business enterprises in obtaining contracts with public
- 41 agencies for the provision of goods and services.
- 42 (6) The offense is committed by a person who is confined in:



- 1 (A) the department of correction;
 2 (B) a county jail; or
 3 (C) a secure juvenile facility.
- 4 (7) The document or instrument that the person possesses,
 5 manufactures, uses, or alters is a document or instrument:
 6 (A) issued by a public servant or a governmental entity;
 7 (B) that has been manufactured or altered to appear to
 8 have been issued by a public servant or a governmental
 9 entity; or
 10 (C) that the person tendered to, or intends to tender to a
 11 public servant or a governmental entity.
- 12 (8) The property is an item of sentimental value.
- 13 (9) Except as provided in subsection (e), the person:
 14 (A) made the false or misleading statement; or
 15 (B) created the false impression in another person;
 16 on or by means of a document or written instrument.
- 17 (c) The offense described in subsection (a) is a Level 5 felony if
 18 one (1) or more of the following apply:
 19 (1) The pecuniary loss is at least fifty thousand dollars
 20 (\$50,000) and less than one hundred thousand dollars
 21 (\$100,000).
 22 (2) The pecuniary loss is at least seven hundred fifty dollars
 23 (\$750) and the victim is:
 24 (A) an endangered adult (as defined in IC 12-10-3-2(a)); or
 25 (B) less than eighteen (18) years of age.
 26 (3) The victim was a financial institution.
- 27 (d) The offense described in subsection (a) is a Level 4 felony if
 28 the pecuniary loss is at least one hundred thousand dollars
 29 (\$100,000).
- 30 (e) The offense described in subsection (b)(9) is a Class A
 31 misdemeanor if the defendant proves by a preponderance of the
 32 evidence that the:
 33 (1) value of the property, data, or benefit intended to be
 34 obtained; and
 35 (2) actual pecuniary loss;
 36 is less than seven hundred fifty dollars (\$750).
- 37 SECTION 56. IC 35-43-5-4.3 IS REPEALED [EFFECTIVE JULY
 38 1, 2021]. Sec. 4.3: (a) As used in this section, "card skimming device"
 39 means a device that is designed to read information encoded on a credit
 40 card. The term includes a device designed to read, record, or transmit
 41 information encoded on a credit card:
 42 (1) directly from a credit card; or



- 1 (2) from another device that reads information directly from a
 2 credit card.
- 3 (b) A person who possesses a card skimming device with intent to
 4 commit:
- 5 (1) identity deception (IC 35-43-5-3.5);
 6 (2) synthetic identity deception (IC 35-43-5-3.8);
 7 (3) fraud (IC 35-43-5-4); or
 8 (4) terroristic deception (IC 35-46.5-2-4) (or IC 35-43-5-3.6
 9 before its repeal);
- 10 commits unlawful possession of a card skimming device. Unlawful
 11 possession of a card skimming device under subdivision (1), (2), or (3)
 12 is a Level 6 felony. Unlawful possession of a card skimming device
 13 under subdivision (4) is a Level 5 felony.
- 14 SECTION 57. IC 35-43-5-4.5 IS REPEALED [EFFECTIVE JULY
 15 1, 2021]. Sec. 4-5: (a) A person who, knowingly and with intent to
 16 defraud:
- 17 (1) makes, utters, presents, or causes to be presented to an insurer
 18 or an insurance claimant, a claim statement that contains false,
 19 incomplete, or misleading information concerning the claim;
 20 (2) presents, causes to be presented, or prepares with knowledge
 21 or belief that it will be presented to or by an insurer, an oral, a
 22 written, or an electronic statement that the person knows to
 23 contain materially false information as part of, in support of, or
 24 concerning a fact that is material to:
- 25 (A) the rating of an insurance policy;
 26 (B) a claim for payment or benefit under an insurance policy;
 27 (C) premiums paid on an insurance policy;
 28 (D) payments made in accordance with the terms of an
 29 insurance policy;
 30 (E) an application for a certificate of authority;
 31 (F) the financial condition of an insurer; or
 32 (G) the acquisition of an insurer;
- 33 or conceals any information concerning a subject set forth in
 34 clauses (A) through (G);
- 35 (3) solicits or accepts new or renewal insurance risks by or for an
 36 insolvent insurer or other entity regulated under IC 27;
- 37 (4) removes:
- 38 (A) the assets;
 39 (B) the record of assets, transactions, and affairs; or
 40 (C) a material part of the assets or the record of assets,
 41 transactions, and affairs;
 42 of an insurer or another entity regulated under IC 27; from the



1 home office, other place of business, or place of safekeeping of
 2 the insurer or other regulated entity; or conceals or attempts to
 3 conceal from the department of insurance assets or records
 4 referred to in clauses (A) through (B); or

5 (5) diverts funds of an insurer or another person in connection
 6 with:

7 (A) the transaction of insurance or reinsurance;

8 (B) the conduct of business activities by an insurer or another
 9 entity regulated under IC 27; or

10 (C) the formation, acquisition, or dissolution of an insurer or
 11 another entity regulated under IC 27;

12 commits insurance fraud. Except as provided in subsection (b);
 13 insurance fraud is a Level 6 felony.

14 (b) An offense described in subsection (a) is a Level 5 felony if:

15 (1) the person who commits the offense has a prior unrelated
 16 conviction under this section; or

17 (2) the:

18 (A) value of property, services, or other benefits obtained or
 19 attempted to be obtained by the person as a result of the
 20 offense; or

21 (B) economic loss suffered by another person as a result of the
 22 offense;

23 is at least two thousand five hundred dollars (\$2,500).

24 (c) A person who knowingly and with intent to defraud makes a
 25 material misstatement in support of an application for the issuance of
 26 an insurance policy commits insurance application fraud, a Class A
 27 misdemeanor.

28 SECTION 58. IC 35-43-5-4.6 IS REPEALED [EFFECTIVE JULY
 29 1, 2021]. Sec. 4.6: (a) The following definitions apply throughout this
 30 section:

31 (1) "Automated sales suppression device" means a software
 32 program:

33 (A) carried on a memory stick or removable compact disc;

34 (B) accessed through an Internet link; or

35 (C) accessed through any other means;

36 that falsifies the electronic records of electronic cash registers and
 37 other point-of-sale systems, including transaction data and
 38 transaction reports.

39 (2) "Electronic cash register" means a device that keeps a register
 40 or supporting documents through the means of an electronic
 41 device or a computer system designed to record transaction data
 42 for the purpose of computing, compiling, or processing retail sales



1 transaction data in any manner.

2 (3) "Phantom-ware" means a hidden; a pre-installed; or an
3 installed at a later time programming option embedded in the
4 operating system of an electronic cash register or hardwired into
5 the electronic cash register that:

6 (A) can be used to create a virtual second till; or

7 (B) may eliminate or manipulate transaction records that may
8 or may not be preserved in digital formats to represent the true
9 or manipulated record of transactions in the electronic cash
10 register.

11 (4) "Transaction data" includes information regarding:

12 (A) items purchased by a customer;

13 (B) the price for each item;

14 (C) a taxability determination for each item;

15 (D) a segregated tax amount for each of the taxed items;

16 (E) the amount of cash or credit tendered;

17 (F) the net amount returned to the customer in change;

18 (G) the date and time of the purchase;

19 (H) the name, address, and identification number of the
20 vendor; and

21 (I) the receipt or invoice number of the transaction.

22 (5) "Transaction report" means:

23 (A) a report that includes:

24 (i) the sales;

25 (ii) taxes collected;

26 (iii) media totals; and

27 (iv) discount voids;

28 at an electronic cash register that is printed on cash register
29 tape at the end of a day or shift; or

30 (B) a report documenting every action at an electronic cash
31 register that is stored electronically.

32 (6) "Zapper" refers to an automated sales suppression device:

33 (b) A person who knowingly or intentionally sells; purchases;
34 installs; transfers; or possesses:

35 (1) an automated sales suppression device or a zapper; or

36 (2) phantom-ware;

37 after June 30, 2013; commits unlawful sale or possession of a
38 transaction manipulation device; a Level 5 felony.

39 SECTION 59. IC 35-43-5-4.7 IS ADDED TO THE INDIANA
40 CODE AS A NEW SECTION TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2021]: **Sec. 4.7. (a) A person who, knowingly**
42 **or intentionally:**



1 (1) solicits or accepts new or renewal insurance risks by or for
 2 an insolvent insurer or other entity regulated under IC 27;

3 (2) removes:

4 (A) the assets;

5 (B) the record of assets, transactions, and affairs; or

6 (C) a material part of the assets or the record of assets,
 7 transactions, and affairs;

8 of an insurer or another entity regulated under IC 27, from
 9 the home office, other place of business, or place of
 10 safekeeping of the insurer or other regulated entity, or
 11 conceals or attempts to conceal from the department of
 12 insurance assets or records referred to in clauses (A) through
 13 (B); or

14 (3) diverts funds of an insurer or another person in connection
 15 with:

16 (A) the transaction of insurance or reinsurance;

17 (B) the conduct of business activities by an insurer or
 18 another entity regulated under IC 27; or

19 (C) the formation, acquisition, or dissolution of an insurer
 20 or another entity regulated under IC 27;

21 commits insurance fraud, a Class A infraction.

22 (b) Notwithstanding IC 34-28-5-4, a judgment of up to one
 23 hundred thousand dollars (\$100,000) may be entered for a
 24 violation of this section. In determining the amount of the
 25 judgment, the court shall consider:

26 (1) whether the person who commits the violation has a prior
 27 unrelated judgment under this section or conviction under
 28 this article;

29 (2) the:

30 (A) value of property, services, or other benefits obtained
 31 or attempted to be obtained by the person as a result of the
 32 violation;

33 (B) economic loss suffered by another person as a result of
 34 the violation; and

35 (C) risk and magnitude of economic loss to another person
 36 which could have resulted as a consequence of the
 37 violation; and

38 (3) whether the judgment imposed is proportional to the
 39 gravity of the offense.

40 SECTION 60. IC 35-43-5-5 IS REPEALED [EFFECTIVE JULY 1,
 41 2021]. Sec. 5: (a) A person who knowingly or intentionally issues or
 42 delivers a check, a draft, or an order on a credit institution for the



1 payment of or to acquire money or other property, knowing that it will
 2 not be paid or honored by the credit institution upon presentment in the
 3 usual course of business; commits check deception; a Class A
 4 misdemeanor. However, the offense is:

5 (1) a Level 6 felony if the amount of the check, draft, or order is
 6 at least seven hundred fifty dollars (\$750) and less than fifty
 7 thousand dollars (\$50,000); and

8 (2) a Level 5 felony if the amount of the check, draft, or order is
 9 at least fifty thousand dollars (\$50,000).

10 (b) An unpaid and dishonored check, a draft, or an order that has the
 11 drawee's refusal to pay and reason printed, stamped, or written on or
 12 attached to it constitutes prima facie evidence:

13 (1) that due presentment of it was made to the drawee for payment
 14 and dishonor thereof; and

15 (2) that it properly was dishonored for the reason stated.

16 (c) The fact that a person issued or delivered a check, a draft, or an
 17 order, payment of which was refused by the drawee, constitutes prima
 18 facie evidence that the person knew that it would not be paid or
 19 honored. In addition, evidence that a person had insufficient funds in
 20 or no account with a drawee credit institution constitutes prima facie
 21 evidence that the person knew that the check, draft, or order would not
 22 be paid or honored.

23 (d) The following two (2) items constitute prima facie evidence of
 24 the identity of the maker of a check, draft, or order if at the time of its
 25 acceptance they are obtained and recorded, either on the check, draft,
 26 or order itself or on file, by the payee:

27 (1) Name and residence, business, or mailing address of the
 28 maker.

29 (2) Motor vehicle operator's license number, Social Security
 30 number, home telephone number, or place of employment of the
 31 maker.

32 (e) It is a defense under subsection (a) if a person who:

33 (1) has an account with a credit institution but does not have
 34 sufficient funds in that account; and

35 (2) issues or delivers a check, a draft, or an order for payment on
 36 that credit institution;

37 pays the payee or holder the amount due, together with protest fees and
 38 any service fee or charge, which may not exceed the greater of
 39 twenty-seven dollars and fifty cents (\$27.50) or five percent (5%) (but
 40 not more than two hundred fifty dollars (\$250)) of the amount due; that
 41 may be charged by the payee or holder, within ten (10) days after the
 42 date of mailing by the payee or holder of notice to the person that the



1 check, draft, or order has not been paid by the credit institution. Notice
 2 sent in the manner set forth in IC 26-2-7-3 constitutes notice to the
 3 person that the check, draft, or order has not been paid by the credit
 4 institution. The payee or holder of a check, draft, or order that has been
 5 dishonored incurs no civil or criminal liability for sending notice under
 6 this subsection:

- 7 (f) A person does not commit a crime under subsection (a) when:
 8 (1) the payee or holder knows that the person has insufficient
 9 funds to ensure payment or that the check, draft, or order is
 10 postdated; or
 11 (2) insufficiency of funds or credit results from an adjustment to
 12 the person's account by the credit institution without notice to the
 13 person.

14 SECTION 61. IC 35-43-5-6 IS REPEALED [EFFECTIVE JULY 1,
 15 2021]. Sec. 6: (a) A customer who utilizes any device or scheme to
 16 avoid being assessed for the full amount of services received from a
 17 utility or a cable TV service provider commits a Class B infraction:

18 (b) Evidence that a customer's metering device has been altered,
 19 removed, or bypassed without the knowledge of or notification to the
 20 utility is prima facie evidence that the customer has utilized a device
 21 or scheme to avoid being assessed for the full amount of services
 22 received from the utility:

23 (c) Evidence that access to services of a utility or a cable TV service
 24 provider has been obtained without authority from the utility or the
 25 cable TV service provider constitutes prima facie evidence that the
 26 person benefiting from the access has utilized a device or scheme to
 27 avoid being assessed for the full amount of services received from the
 28 utility or the cable TV service provider:

29 SECTION 62. IC 35-43-5-6.5 IS REPEALED [EFFECTIVE JULY
 30 1, 2021]. Sec. 6.5: (a) A person who manufactures, distributes, sells,
 31 leases, or offers for sale or lease:

32 (1) a device; or
 33 (2) a kit of parts to construct a device;
 34 designed in whole or in part to intercept, unscramble, or decode a
 35 transmission by a cable television system with the intent that the device
 36 or kit be used to obtain cable television system services without full
 37 payment to the cable television system commits a Level 6 felony:

38 (b) The sale or distribution by a person of:
 39 (1) any device; or
 40 (2) a kit of parts to construct a device;
 41 described in subsection (a) constitutes prima facie evidence of a
 42 violation of subsection (a) if, before or at the time of sale or



1 distribution; the person advertised or indicated that the device or the
 2 assembled kit will enable a person to receive cable television system
 3 service without making full payment to the cable television system:

4 SECTION 63. IC 35-43-5-7 IS REPEALED [EFFECTIVE JULY 1,
 5 2021]. Sec. 7: (a) A person who knowingly or intentionally:

6 (1) obtains public relief or assistance by means of impersonation;
 7 fictitious transfer; false or misleading oral or written statement;
 8 fraudulent conveyance; or other fraudulent means;

9 (2) acquires; possesses; uses; transfers; sells; trades; issues; or
 10 disposes of:

11 (A) an authorization document to obtain public relief or
 12 assistance; or

13 (B) public relief or assistance;

14 except as authorized by law;

15 (3) uses; transfers; acquires; issues; or possesses a blank or
 16 incomplete authorization document to participate in public relief
 17 or assistance programs; except as authorized by law;

18 (4) counterfeits or alters an authorization document to receive
 19 public relief or assistance; or knowingly uses; transfers; acquires;
 20 or possesses a counterfeit or altered authorization document to
 21 receive public relief or assistance; or

22 (5) conceals information for the purpose of receiving public relief
 23 or assistance to which he is not entitled;

24 commits welfare fraud; a Class A misdemeanor; except as provided in
 25 subsection (b):

26 (b) The offense is:

27 (1) a Level 6 felony if the amount of public relief or assistance
 28 involved is more than seven hundred fifty dollars (\$750) but less
 29 than fifty thousand dollars (\$50,000); and

30 (2) a Level 5 felony if the amount of public relief or assistance
 31 involved is at least fifty thousand dollars (\$50,000):

32 (c) Whenever a person is convicted of welfare fraud under this
 33 section; the clerk of the sentencing court shall certify to the appropriate
 34 state agency and the appropriate agency of the county of the defendant's
 35 residence:

36 (1) the defendant's conviction; and

37 (2) whether the defendant is placed on probation and restitution
 38 is ordered under IC 35-38-2.

39 SECTION 64. IC 35-43-5-7.1 IS REPEALED [EFFECTIVE JULY
 40 1, 2021]. Sec. 7.1: (a) Except as provided in subsection (b); a person
 41 who knowingly or intentionally:

42 (1) makes; utters; presents; or causes to be presented to the



1 Medicaid program under IC 12-15 a Medicaid claim that contains
 2 materially false or misleading information concerning the claim;
 3 (2) obtains payment from the Medicaid program under IC 12-15
 4 by means of a false or misleading oral or written statement or
 5 other fraudulent means;
 6 (3) acquires a provider number under the Medicaid program
 7 except as authorized by law;
 8 (4) alters with the intent to defraud or falsifies documents or
 9 records of a provider (as defined in 42 CFR 1000.30) that are
 10 required to be kept under the Medicaid program; or
 11 (5) conceals information for the purpose of applying for or
 12 receiving unauthorized payments from the Medicaid program;
 13 commits Medicaid fraud; a Class A misdemeanor.

14 (b) The offense described in subsection (a) is:

- 15 (1) a Level 6 felony if the fair market value of the offense is at
 16 least seven hundred fifty dollars (\$750) and less than fifty
 17 thousand dollars (\$50,000); and
 18 (2) a Level 5 felony if the fair market value of the offense is at
 19 least fifty thousand dollars (\$50,000):

20 SECTION 65. IC 35-43-5-7.2 IS REPEALED [EFFECTIVE JULY
 21 1, 2021]. Sec. 7.2: (a) Except as provided in subsection (b); a person
 22 who knowingly or intentionally:

- 23 (1) files a children's health insurance program claim, including an
 24 electronic claim, in violation of IC 12-17.6;
 25 (2) obtains payment from the children's health insurance program
 26 under IC 12-17.6 by means of a false or misleading oral or written
 27 statement or other fraudulent means;
 28 (3) acquires a provider number under the children's health
 29 insurance program except as authorized by law;
 30 (4) alters with intent to defraud or falsifies documents or records
 31 of a provider (as defined in 42 CFR 400.203) that are required to
 32 be kept under the children's health insurance program; or
 33 (5) conceals information for the purpose of applying for or
 34 receiving unauthorized payments from the children's health
 35 insurance program;

36 commits insurance fraud; a Class A misdemeanor.

37 (b) The offense described in subsection (a) is:

- 38 (1) a Level 6 felony if the fair market value of the offense is at
 39 least seven hundred fifty dollars (\$750) and less than fifty
 40 thousand dollars (\$50,000); and
 41 (2) a Level 5 felony if the fair market value of the offense is at
 42 least fifty thousand dollars (\$50,000):



1 SECTION 66. IC 35-43-5-8 IS REPEALED [EFFECTIVE JULY 1,
2 2021]. Sec. 8: (a) A person who knowingly executes, or attempts to
3 execute, a scheme or artifice:

4 (1) to defraud a state or federally chartered or federally insured
5 financial institution; or

6 (2) to obtain any of the money, funds, credits, assets, securities,
7 or other property owned by or under the custody or control of a
8 state or federally chartered or federally insured financial
9 institution by means of false or fraudulent pretenses,
10 representations; or promises;

11 commits a Level 5 felony:

12 (b) As used in this section, the term "state or federally chartered or
13 federally insured financial institution" means:

14 (1) an institution with accounts insured by the Federal Deposit
15 Insurance Corporation;

16 (2) a credit union with accounts insured by the National Credit
17 Union Administration Board;

18 (3) a federal home loan bank or a member, as defined in Section
19 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422); as in
20 effect on December 31, 1990; of the Federal Home Loan Bank
21 System; or

22 (4) a bank, banking association, land bank, intermediate credit
23 bank, bank for cooperatives, production credit association, land
24 bank association, mortgage association, trust company, savings
25 bank, or other banking or financial institution organized or
26 operating under the laws of the United States or of the state.

27 The term does not include a lender licensed under IC 24-4-5.

28 SECTION 67. IC 35-43-5-12 IS REPEALED [EFFECTIVE JULY
29 1, 2021]. Sec. 12: (a) As used in this section, "financial institution"
30 refers to a state or federally chartered bank, savings bank, savings
31 association, or credit union.

32 (b) A person who knowingly or intentionally obtains property,
33 through a scheme or artifice, with intent to defraud:

34 (1) by issuing or delivering a check, a draft, an electronic debit,
35 or an order on a financial institution:

36 (A) knowing that the check, draft, order, or electronic debit
37 will not be paid or honored by the financial institution upon
38 presentment in the usual course of business;

39 (B) using false or altered evidence of identity or residence;

40 (C) using a false or an altered account number; or

41 (D) using a false or an altered check, draft, order or electronic
42 instrument;



- 1 (2) by:
- 2 (A) depositing the minimum initial deposit required to open an
- 3 account; and
- 4 (B) either making no additional deposits or making insufficient
- 5 additional deposits to insure debits to the account; or
- 6 (3) by opening accounts with more than one (1) financial
- 7 institution in either a consecutive or concurrent time period;
- 8 commits check fraud; a Class A misdemeanor:
- 9 (c) However, an offense under subsection (b) is:
- 10 (1) a Level 6 felony if the aggregate amount of property obtained
- 11 is at least seven hundred fifty dollars (\$750) and less than fifty
- 12 thousand dollars (\$50,000); and
- 13 (2) a Level 5 felony if the aggregate amount of the property
- 14 obtained is at least fifty thousand dollars (\$50,000).
- 15 SECTION 68. IC 35-43-5-15 IS REPEALED [EFFECTIVE JULY
- 16 1, 2021]. Sec. 15: A person who, with intent to defraud, possesses a
- 17 device to make retail sales receipts, universal product codes (UPC), or
- 18 other product identification codes, commits possession of a fraudulent
- 19 sales document manufacturing device; a Class A misdemeanor.
- 20 SECTION 69. IC 35-43-5-16 IS REPEALED [EFFECTIVE JULY
- 21 1, 2021]. Sec. 16: A person who, with intent to defraud:
- 22 (1) makes or puts a false universal product code (UPC) or another
- 23 product identification code on property displayed or offered for
- 24 sale; or
- 25 (2) makes a false sales receipt;
- 26 commits making a false sales document; a Level 6 felony.
- 27 SECTION 70. IC 35-43-5-20 IS REPEALED [EFFECTIVE JULY
- 28 1, 2021]. Sec. 20: (a) As used in this section, "inmate" means a person
- 29 who is confined in:
- 30 (1) the custody of:
- 31 (A) the department of correction; or
- 32 (B) a sheriff;
- 33 (2) a county jail; or
- 34 (3) a secure juvenile facility.
- 35 (b) An inmate who:
- 36 (1) is a pretrial detainee; and
- 37 (2) with the intent of obtaining money or other property from a
- 38 person who is not an inmate, knowingly or intentionally:
- 39 (A) makes a misrepresentation to a person who is not an
- 40 inmate and obtains or attempts to obtain money or other
- 41 property from the person who is not an inmate; or
- 42 (B) obtains or attempts to obtain money or other property from



1 the person who is not an inmate through a misrepresentation
2 made by another person;
3 commits inmate fraud; a Level 6 felony.

4 (c) An inmate:

5 (1) who is incarcerated because the inmate has been:

6 (A) convicted of an offense; or

7 (B) adjudicated a delinquent; and

8 (2) who, with the intent of obtaining money or other property
9 from a person who is not an inmate, knowingly or intentionally:

10 (A) makes a misrepresentation to a person who is not an
11 inmate and obtains or attempts to obtain money or other
12 property from the person who is not an inmate; or

13 (B) obtains or attempts to obtain money or other property from
14 the person who is not an inmate through a misrepresentation
15 made by another person;

16 commits inmate fraud; a Level 5 felony.

17 SECTION 71. IC 35-43-5-21 IS REPEALED [EFFECTIVE JULY
18 1, 2021]. Sec. 21: (a) A person who, with intent to avoid the obligation
19 to obtain worker's compensation coverage as required by IC 22-3-5-1
20 and IC 22-3-7-34, falsely classifies an employee as one (1) of the
21 following commits worker's compensation fraud:

22 (1) An independent contractor.

23 (2) A sole proprietor.

24 (3) An owner.

25 (4) A partner.

26 (5) An officer.

27 (6) A member in a limited liability company.

28 (b) The offense described in subsection (a) is a Class A
29 misdemeanor.

30 SECTION 72. IC 35-43-5-22 IS REPEALED [EFFECTIVE JULY
31 1, 2021]. Sec. 22: A person who, with the intent to obtain money,
32 property, or another benefit, knowingly or intentionally:

33 (1) fraudulently represents himself or herself to be an active
34 member or veteran of:

35 (A) the United States Air Force;

36 (B) the United States Army;

37 (C) the United States Coast Guard;

38 (D) the United States Marines;

39 (E) the United States National Guard;

40 (F) the United States Navy; or

41 (G) a reserve component of the armed forces of the United
42 States;



- 1 (2) uses a falsified military identification; or
 2 (3) fraudulently represents himself or herself to be a recipient of
 3 the:
- 4 (A) Congressional Medal of Honor;
 - 5 (B) Distinguished Service Cross;
 - 6 (C) Navy Cross;
 - 7 (D) Air Force Cross;
 - 8 (E) Silver Star;
 - 9 (F) Purple Heart;
 - 10 (G) Combat Infantryman Badge;
 - 11 (H) Combat Action Badge;
 - 12 (I) Combat Medical Badge;
 - 13 (J) Combat Action Ribbon; or
 - 14 (K) Air Force Combat Action Medal;
- 15 commits stolen valor; a Class A misdemeanor:
- 16 SECTION 73. IC 35-43-6-12 IS REPEALED [EFFECTIVE JULY
 17 1, 2021]. Sec. 12: (a) A home improvement supplier who enters into a
 18 home improvement contract and knowingly:
- 19 (+) misrepresents a material fact relating to:
 - 20 (A) the terms of the home improvement contract; or
 - 21 (B) a preexisting or existing condition of any part of the
 22 property involved; including a misrepresentation concerning
 23 the threat of:
 - 24 (i) fire; or
 - 25 (ii) structural damage;
 - 26 if the property is not repaired;
 - 27 (2) creates or confirms a consumer's impression that is false and
 28 that the home improvement supplier does not believe to be true;
 - 29 (3) promises performance that the home improvement supplier
 30 does not intend to perform or knows will not be performed;
 - 31 (4) uses or employs any deception, false pretense, or false promise
 32 to cause a consumer to enter into a home improvement contract;
 - 33 (5) enters into an unconscionable home improvement contract
 34 with a home improvement contract price of four thousand dollars
 35 (\$4,000) or more; but less than seven thousand dollars (\$7,000);
 - 36 (6) misrepresents or conceals the home improvement supplier's:
 - 37 (A) real name;
 - 38 (B) business name;
 - 39 (C) physical or mailing business address; or
 - 40 (D) telephone number;
 - 41 (7) upon request by the consumer, fails to provide the consumer
 42 with any copy of a written warranty or guarantee that states:



- 1 (A) the length of the warranty or guarantee;
 2 (B) the home improvement that is covered by the warranty or
 3 guarantee; or
 4 (C) how the consumer could make a claim for a repair under
 5 the warranty or guarantee;
 6 (8) uses a product in a home improvement that has been diluted;
 7 modified; or altered in a manner that would void the
 8 manufacturer's warranty of the product without disclosing to the
 9 consumer the reasons for the dilution, modification, or alteration
 10 and that the manufacturer's warranty may be compromised; or
 11 (9) falsely claims to a consumer that the home improvement
 12 supplier:
 13 (A) was referred to the consumer by a contractor who
 14 previously worked for the consumer;
 15 (B) is licensed, certified, or insured; or
 16 (C) has obtained all necessary permits or licenses before
 17 starting a home improvement;
 18 commits home improvement fraud, a Class B misdemeanor, except as
 19 provided in section 13 of this chapter.
 20 (b) A home improvement supplier who, with the intent to enter into
 21 a home improvement contract, knowingly:
 22 (1) damages the property of a consumer;
 23 (2) does work on the property of a consumer without the
 24 consumer's prior authorization;
 25 (3) misrepresents that the supplier or another person is an
 26 employee or agent of the federal government, the state, a political
 27 subdivision of the state, or any other governmental agency or
 28 entity; or
 29 (4) misrepresents that the supplier or another person is an
 30 employee or agent of any public or private utility;
 31 commits a Class A misdemeanor, except as provided in section 13(b)
 32 of this chapter.
 33 SECTION 74. IC 35-43-6-13 IS REPEALED [EFFECTIVE JULY
 34 1, 2021]. Sec. 13: (a) The offense in section 12(a) of this chapter is a
 35 Class A misdemeanor:
 36 (1) in the case of an offense under section 12(a)(1) through
 37 12(a)(4) of this chapter or section 12(a)(6) through 12(a)(9) of
 38 this chapter, if the home improvement contract price is one
 39 thousand dollars (\$1,000) or more;
 40 (2) for the second or subsequent offense under this chapter;
 41 (3) if two (2) or more home improvement contracts exceed an
 42 aggregate amount of one thousand dollars (\$1,000) and are



1 entered into with the same consumer by one (1) or more suppliers
 2 as part of or in furtherance of a common fraudulent scheme;
 3 design; or intention; or

4 (4) if, in a violation of section 12(a)(5) of this chapter, the home
 5 improvement contract price is at least seven thousand dollars
 6 (\$7,000); but less than ten thousand dollars (\$10,000):

7 (b) The offense in section 12 of this chapter is a Level 6 felony:

8 (1) if, in a violation of section 12(a)(5) of this chapter, the home
 9 improvement contract price is at least ten thousand dollars
 10 (\$10,000);

11 (2) if, in a violation of:

12 (A) section 12(a)(1) through 12(a)(5); or

13 (B) section 12(a)(7) through 12(a)(9);

14 of this chapter, the consumer is at least sixty (60) years of age and
 15 the home improvement contract price is less than ten thousand
 16 dollars (\$10,000);

17 (3) if, in a violation of section 12(b) of this chapter, the consumer
 18 is at least sixty (60) years of age; or

19 (4) if the home improvement supplier violates more than one (1)
 20 subdivision of section 12(a) of this chapter.

21 (c) The offense in section 12(a) of this chapter is a Level 5 felony:

22 (1) if, in a violation of:

23 (A) section 12(a)(1) through 12(a)(5); or

24 (B) section 12(a)(7) through 12(a)(9);

25 of this chapter, the consumer is at least sixty (60) years of age and
 26 the home improvement contract price is at least ten thousand
 27 dollars (\$10,000); or

28 (2) if, in a violation of:

29 (A) section 12(a)(1) through 12(a)(4); or

30 (B) section 12(a)(7) through 12(a)(9);

31 of this chapter, the consumer is at least sixty (60) years of age;
 32 and two (2) or more home improvement contracts exceed an
 33 aggregate amount of one thousand dollars (\$1,000) and are
 34 entered into with the same consumer by one (1) or more suppliers
 35 as part of or in furtherance of a common fraudulent scheme;
 36 design; or intention.

37 SECTION 75. IC 35-43-6-14 IS REPEALED [EFFECTIVE JULY
 38 1, 2021]. Sec. 14. For the purposes of section 13 of this chapter, it is
 39 not a defense to home improvement fraud committed against a
 40 consumer who is at least sixty (60) years of age that the supplier
 41 reasonably believed the consumer to be an individual less than sixty
 42 (60) years of age.



1 SECTION 76. IC 35-43-6.5-1 IS REPEALED [EFFECTIVE JULY
2 1, 2021]. Sec. 1: (a) A person that sells or offers for sale a vehicle; a
3 vehicle part; or a watercraft knowing that an identification number or
4 certificate of title of the vehicle; vehicle part; or watercraft has been:

- 5 (1) destroyed;
- 6 (2) removed;
- 7 (3) altered;
- 8 (4) covered; or
- 9 (5) defaced;

10 commits a Class A misdemeanor. However, the offense is a Level 6
11 felony if the aggregate fair market value of all vehicles; vehicle parts;
12 and watercraft sold or offered for sale is at least seven hundred fifty
13 dollars (\$750) and less than fifty thousand dollars (\$50,000); and a
14 Level 5 felony if the aggregate fair market value of all vehicles; vehicle
15 parts; and watercraft sold or offered for sale is at least fifty thousand
16 dollars (\$50,000).

17 (b) Subsection (c) does not apply to a person that manufactures or
18 installs a plate or label containing an original identification number:

- 19 (1) in a program authorized by a manufacturer of motor vehicles
20 or motor vehicle parts; or
- 21 (2) as authorized by the bureau under IC 9-17-4.

22 (c) A person that knowingly or intentionally possesses a plate or
23 label that:

- 24 (1) contains an identification number; and
- 25 (2) is not attached to the motor vehicle or motor vehicle part to
26 which the identification number was assigned by the
27 manufacturer or governmental entity;

28 commits a Class A misdemeanor; except as provided in subsection (d):

29 (d) The offense described in subsection (c) is a:

30 (1) Level 6 felony if:

31 (A) the person possesses more than one (1) plate or label and
32 the plates or labels are not attached to a motor vehicle or motor
33 vehicle part; or

34 (B) the aggregate fair market value of all plates and labels; and
35 of all motor vehicles and motor vehicle parts to which the
36 plates or labels are wrongfully attached; is at least seven
37 hundred fifty dollars (\$750) and less than fifty thousand
38 dollars (\$50,000); and

39 (2) Level 5 felony if the aggregate fair market value of all plates
40 or labels; and of all motor vehicles and motor vehicle parts to
41 which the plate or label is wrongfully attached; is at least fifty
42 thousand dollars (\$50,000):



1 (e) A person that knowingly:

- 2 (1) damages;
3 (2) removes; or
4 (3) alters;

5 an original or special identification number commits a Level 6 felony.

6 (f) A person who counterfeits or falsely reproduces a certificate of
7 title for a motor vehicle, semitrailer, or recreational vehicle with intent
8 to:

- 9 (1) use the certificate of title; or
10 (2) permit another person to use the certificate of title;

11 commits a Class A misdemeanor. However, the offense is a Level 6
12 felony if the aggregate fair market value of all motor vehicles,
13 semitrailers, and recreational vehicles for which the person counterfeits
14 or falsely reproduces a certificate of title is at least seven hundred fifty
15 dollars (\$750) and less than fifty thousand dollars (\$50,000); and a
16 Level 5 felony if the aggregate fair market value of all motor vehicles,
17 semitrailers, and recreational vehicles for which the person counterfeits
18 or falsely reproduces a certificate of title is at least fifty thousand
19 dollars (\$50,000).

20 SECTION 77. IC 35-43-6.5-2 IS REPEALED [EFFECTIVE JULY
21 1, 2021]. Sec. 2: (a) A person who, with the intent to defraud:

- 22 (1) advertises for sale;
23 (2) sells;
24 (3) uses; or
25 (4) installs;

26 any device that causes an odometer to register mileage other than the
27 mileage driven by the vehicle as registered by the odometer within the
28 manufacturer's designed tolerance commits a Level 6 felony.

29 (b) A person who, with the intent to defraud:

- 30 (1) disconnects; resets; or alters the odometer of any motor
31 vehicle with intent to change the number of miles or kilometers
32 indicated on the odometer; or
33 (2) sells a motor vehicle that has a broken odometer or an
34 odometer that is not displaying correct mileage of the vehicle;

35 commits a Level 6 felony.

36 SECTION 78. IC 35-43-9-7 IS REPEALED [EFFECTIVE JULY 1,
37 2021]. Sec. 7: (a) An officer, a director, or an employee of a title
38 insurer, an individual associated with the title insurer as an independent
39 contractor, or a title insurance agent who knowingly or intentionally:

- 40 (1) converts or misappropriates money received or held in a title
41 insurance escrow account; or
42 (2) receives or conspires to receive money described in



1 subdivision (1);
 2 commits a Level 6 felony; except as provided in subsection (b):
 3 (b) The offense is:
 4 (1) a Level 5 felony if the amount of money:
 5 (A) converted; misappropriated; or received; or
 6 (B) for which there is a conspiracy;
 7 is more than ten thousand dollars (\$10,000) but less than one
 8 hundred thousand dollars (\$100,000); and
 9 (2) a Level 4 felony if the amount of money:
 10 (A) converted; misappropriated; or received; or
 11 (B) for which there is a conspiracy;
 12 is at least one hundred thousand dollars (\$100,000).

13 SECTION 79. IC 35-43-9-8 IS REPEALED [EFFECTIVE JULY 1,
 14 2021]. Sec. 8: The court shall direct the clerk of court to notify the
 15 Indiana department of insurance about a conviction of an offense under
 16 section 7 of this chapter.

17 SECTION 80. IC 35-43-9-9 IS REPEALED [EFFECTIVE JULY 1,
 18 2021]. Sec. 9: In addition to any sentence or fine imposed for a
 19 conviction of an offense in section 7 of this chapter, the court shall
 20 order the person convicted to make restitution to the victim of the
 21 crime pursuant to IC 35-50-5-3.

22 SECTION 81. IC 35-44.1-2-2, AS AMENDED BY P.L.252-2017,
 23 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2021]: Sec. 2. (a) A person who:

25 (1) knowingly or intentionally induces, by threat, coercion, false
 26 statement, or offer of goods, services, or anything of value, a
 27 witness or informant in ~~an official~~ **a legal proceeding or an**
 28 **administrative or criminal** investigation to:

29 (A) withhold or unreasonably delay in producing any
 30 testimony, information, document, or thing;

31 (B) avoid legal process summoning the person to testify or
 32 supply evidence; or

33 (C) absent the person from a proceeding or investigation to
 34 which the person has been legally summoned;

35 (2) knowingly or intentionally in ~~an official criminal a legal~~
 36 **proceeding or an administrative or criminal** investigation:

37 (A) withholds or unreasonably delays in producing any
 38 testimony, information, document, or thing after a court orders
 39 the person to produce the testimony, information, document,
 40 or thing;

41 (B) avoids legal process summoning the person to testify or
 42 supply evidence; or



- 1 (C) absents the person from a proceeding or investigation to
 2 which the person has been legally summoned;
- 3 (3) alters, damages, or removes any record, document, or thing,
 4 with intent to prevent it from being produced or used as evidence
 5 in any ~~official proceeding or investigation~~; **legal proceeding or**
 6 **administrative or criminal investigation**;
- 7 (4) makes, presents, or uses a false record, document, or thing
 8 with intent that the record, document, or thing, material to the
 9 point in question, appear in evidence in ~~an official proceeding or~~
 10 ~~investigation~~ **a legal proceeding or an administrative or**
 11 **criminal investigation** to mislead a public servant; or
- 12 (5) communicates, directly or indirectly, with a juror otherwise
 13 than as authorized by law, with intent to influence the juror
 14 regarding any matter that is or may be brought before the juror;
 15 commits obstruction of justice, a Level 6 felony, except as provided in
 16 subsection (b).
- 17 (b) Except as provided in subsection (e), the offense described in
 18 subsection (a) is a Level 5 felony if, during the investigation or
 19 pendency of a domestic violence or child abuse case under subsection
 20 (c), a person knowingly or intentionally:
- 21 (1) offers, gives, or promises any benefit to;
- 22 (2) communicates a threat as defined by IC 35-45-2-1(c) to; or
- 23 (3) intimidates, unlawfully influences, or unlawfully persuades;
 24 any witness to abstain from attending or giving testimony at any
 25 hearing, trial, deposition, probation, or other criminal proceeding or
 26 from giving testimony or other statements to a court or law
 27 enforcement officer under IC 35-31.5-2-185.
- 28 (c) As used in this section, "domestic violence or child abuse case"
 29 means any case involving an allegation of:
- 30 (1) the commission of a crime involving domestic or family
 31 violence under IC 35-31.5-2-76 involving a family or household
 32 member under IC 35-31.5-2-128;
- 33 (2) the commission of a crime of domestic violence under
 34 IC 35-31.5-2-78 involving a family or household member under
 35 IC 35-31.5-2-128; or
- 36 (3) physical abuse, sexual abuse, or child neglect, including
 37 crimes listed under IC 35-31.5-2-76 involving a victim who was
 38 less than eighteen (18) years of age at the time of the offense,
 39 whether or not the person is a family or household member under
 40 IC 35-31.5-2-128.
- 41 (d) Subsection (a)(2)(A) does not apply to:
- 42 (1) a person who qualifies for a special privilege under IC 34-46-4



- 1 with respect to the testimony, information, document, or thing; or
 2 (2) a person who, as:
 3 (A) an attorney;
 4 (B) a physician;
 5 (C) a member of the clergy; or
 6 (D) a husband or wife;
 7 is not required to testify under IC 34-46-3-1.
 8 (e) Subsection (b) does not apply to:
 9 (1) an attorney;
 10 (2) an investigator;
 11 (3) a law enforcement officer; or
 12 (4) a judge;
 13 engaged in that person's professional or official duties.
 14 SECTION 82. IC 35-44.1-2-3, AS AMENDED BY P.L.142-2020,
 15 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2021]: Sec. 3. (a) As used in this section, "consumer product"
 17 has the meaning set forth in IC 35-45-8-1.
 18 (b) As used in this section, "misconduct" means a violation of a
 19 departmental rule or procedure of a law enforcement agency.
 20 (c) A person who reports ~~by telephone, telegraph, mail, or other~~
 21 ~~written or oral communication~~, that:
 22 (1) the person or another person has placed or intends to place an
 23 explosive, a destructive device, or other destructive substance in
 24 a building or transportation facility;
 25 (2) there has been or there will be tampering with a consumer
 26 product introduced into commerce; or
 27 (3) there has been or will be placed or introduced a weapon of
 28 mass destruction in a building or a place of assembly;
 29 knowing the report to be false, commits false reporting, a Level 6
 30 felony.
 31 (d) A person who:
 32 (1) gives:
 33 (A) a false report of the commission of a crime; or
 34 (B) ~~gives false information in the official investigation of to a~~
 35 **law enforcement officer that relates to** the commission of a
 36 crime;
 37 knowing the report or information to be false;
 38 (2) gives a false alarm of fire to the fire department of a
 39 governmental entity, knowing the alarm to be false;
 40 (3) makes a false request for ambulance service to an ambulance
 41 service provider, knowing the request to be false;
 42 (4) gives a false report concerning a missing child (as defined in



1 IC 10-13-5-4) or missing endangered adult (as defined in
 2 IC 12-7-2-131.3) or gives false information ~~in the official~~
 3 ~~investigation of~~ **to a law enforcement officer or a governmental**
 4 **entity that relates to** a missing child or missing endangered adult
 5 knowing the report or information to be false;

6 (5) makes a complaint against a law enforcement officer to the
 7 state or municipality (as defined in IC 8-1-13-3(b)) that employs
 8 the officer:

9 (A) alleging the officer engaged in misconduct while
 10 performing the officer's duties; and

11 (B) knowing the complaint to be false;

12 (6) makes a false report of a missing person, knowing the report
 13 or information is false;

14 (7) gives a false report of actions, behavior, or conditions
 15 concerning:

16 (A) a septic tank soil absorption system under IC 8-1-2-125 or
 17 IC 13-26-5-2.5; or

18 (B) a septic tank soil absorption system or constructed wetland
 19 septic system under IC 36-9-23-30.1;

20 knowing the report or information to be false; or

21 (8) makes a false report that a person is dangerous (as defined in
 22 IC 35-47-14-1) knowing the report or information to be false;

23 commits false informing, a Class B misdemeanor. However, the offense
 24 is a Class A misdemeanor if it substantially hinders any law
 25 enforcement process or if it results in harm to another person.

26 SECTION 83. IC 35-44.1-3-1, AS AMENDED BY THE
 27 TECHNICAL CORRECTIONS BILL OF THE 2021 GENERAL
 28 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2021]: Sec. 1. (a) A person who knowingly or intentionally:

30 (1) forcibly resists, obstructs, or interferes with a law enforcement
 31 officer or a person assisting the officer while the officer is
 32 lawfully engaged in the execution of the officer's duties;

33 (2) ~~forcibly~~ resists, obstructs, or interferes with the authorized
 34 service or execution of a civil or criminal process or order of a
 35 court; ~~or~~

36 (3) flees from a law enforcement officer after the officer has, by
 37 visible or audible means, including operation of the law
 38 enforcement officer's siren or emergency lights, identified himself
 39 or herself and ordered the person to stop; ~~or~~

40 **(4) resists, obstructs, refuses, or interferes with a law**
 41 **enforcement officer's lawful:**

42 (A) **entry into a structure; or**



- 1 **(B) order to exit a structure;**
 2 commits resisting law enforcement, a Class A misdemeanor, except as
 3 provided in subsection (c).
 4 (b) A person who, having been denied entry by an emergency
 5 medical services provider or a law enforcement officer, knowingly or
 6 intentionally enters an area that is marked off with barrier tape or other
 7 physical barriers, commits interfering with public safety, a Class B
 8 misdemeanor, except as provided in subsection (c) or (k).
 9 (c) The offense under subsection (a) or (b) is a:
 10 (1) Level 6 felony if:
 11 (A) the person uses a vehicle to commit the offense; or
 12 (B) while committing the offense, the person draws or uses a
 13 deadly weapon, inflicts bodily injury on or otherwise causes
 14 bodily injury to another person, or operates a vehicle in a
 15 manner that creates a substantial risk of bodily injury to
 16 another person;
 17 (2) Level 5 felony if, while committing the offense, the person
 18 operates a vehicle in a manner that causes serious bodily injury to
 19 another person;
 20 (3) Level 3 felony if, while committing the offense, the person
 21 operates a vehicle in a manner that causes the death or
 22 catastrophic injury of another person; and
 23 (4) Level 2 felony if, while committing any offense described in
 24 subsection (a), the person operates a vehicle in a manner that
 25 causes the death or catastrophic injury of an emergency medical
 26 services provider or a law enforcement officer while the
 27 emergency medical services provider or law enforcement officer
 28 is engaged in the emergency medical services provider's or
 29 officer's official duties.
 30 (d) The offense under subsection (a) is a Level 6 felony if, while
 31 committing an offense under:
 32 (1) subsection (a)(1) or (a)(2), the person:
 33 (A) creates a substantial risk of bodily injury to the person or
 34 another person; and
 35 (B) has two (2) or more prior unrelated convictions under
 36 subsection (a); or
 37 (2) subsection (a)(3), the person has two (2) or more prior
 38 unrelated convictions under subsection (a).
 39 (e) If a person uses a vehicle to commit a felony offense under
 40 subsection (c)(1)(B), (c)(2), (c)(3), or (c)(4), as part of the criminal
 41 penalty imposed for the offense, the court shall impose a minimum
 42 executed sentence of at least:



- 1 (1) thirty (30) days, if the person does not have a prior unrelated
 2 conviction under this section;
 3 (2) one hundred eighty (180) days, if the person has one (1) prior
 4 unrelated conviction under this section; or
 5 (3) one (1) year, if the person has two (2) or more prior unrelated
 6 convictions under this section.
- 7 (f) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory
 8 minimum sentence imposed under subsection (e) may not be
 9 suspended.
- 10 (g) If a person is convicted of an offense involving the use of a
 11 motor vehicle under:
 12 (1) subsection (c)(1)(A), if the person exceeded the speed limit by
 13 at least twenty (20) miles per hour while committing the offense;
 14 (2) subsection (c)(2); or
 15 (3) subsection (c)(3);
 16 the court may notify the bureau of motor vehicles to suspend or revoke
 17 the person's driver's license and all certificates of registration and
 18 license plates issued or registered in the person's name in accordance
 19 with ~~IC 9-30-4-6.1(b)(3)~~ **IC 9-30-4-6.1(b)** for the period described in
 20 IC 9-30-4-6.1(d)(1) or IC 9-30-4-6.1(d)(2). The court shall inform the
 21 bureau whether the person has been sentenced to a term of
 22 incarceration. At the time of conviction, the court may obtain the
 23 person's current driver's license and return the license to the bureau of
 24 motor vehicles.
- 25 (h) A person may not be charged or convicted of a crime under
 26 subsection (a)(3) if the law enforcement officer is a school resource
 27 officer acting in the officer's capacity as a school resource officer.
- 28 (i) A person who commits an offense described in subsection (c)
 29 commits a separate offense for each person whose bodily injury,
 30 serious bodily injury, catastrophic injury, or death is caused by a
 31 violation of subsection (c).
- 32 (j) A court may order terms of imprisonment imposed on a person
 33 convicted of more than one (1) offense described in subsection (c) to
 34 run consecutively. Consecutive terms of imprisonment imposed under
 35 this subsection are not subject to the sentencing restrictions set forth in
 36 IC 35-50-1-2(c) through IC 35-50-1-2(d).
- 37 (k) As used in this subsection, "family member" means a child,
 38 grandchild, parent, grandparent, or spouse of the person. It is a defense
 39 to a prosecution under subsection (b) that the person reasonably
 40 believed that the person's family member:
 41 (1) was in the marked off area; and
 42 (2) had suffered bodily injury or was at risk of suffering bodily



1 injury;
 2 if the person is not charged as a defendant in connection with the
 3 offense, if applicable, that caused the area to be secured by barrier tape
 4 or other physical barriers.

5 SECTION 84. IC 35-44.1-3-5, AS AMENDED BY P.L.168-2014,
 6 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2021]: Sec. 5. (a) As used in this section, "juvenile facility"
 8 means the following:

9 (1) A secure facility (as defined in IC 31-9-2-114) in which a
 10 child is detained under IC 31 or used for a child awaiting
 11 adjudication or adjudicated under IC 31 as a child in need of
 12 services or a delinquent child.

13 (2) A shelter care facility (as defined in IC 31-9-2-117) in which
 14 a child is detained under IC 31 or used for a child awaiting
 15 adjudication or adjudicated under IC 31 as a child in need of
 16 services or a delinquent child.

17 (b) A person who, without the prior authorization of the person in
 18 charge of a penal facility or juvenile facility, knowingly or
 19 intentionally:

20 (1) delivers, or carries into the penal facility or juvenile facility
 21 with intent to deliver, an article to an inmate or child of the
 22 facility;

23 (2) carries, or receives with intent to carry out of the penal facility
 24 or juvenile facility, an article from an inmate or child of the
 25 facility; or

26 (3) delivers, or carries to a worksite with the intent to deliver,
 27 alcoholic beverages to an inmate or child of a jail work crew or
 28 community work crew;

29 commits trafficking with an inmate, a Class A misdemeanor. However,
 30 the offense is a Level 5 felony under subdivision (1) or (2) if the article
 31 is a controlled substance, **a controlled substance analog**, a deadly
 32 weapon, or a cellular telephone or other wireless or cellular
 33 communications device.

34 (c) If:

35 (1) the person who committed the offense under subsection (b) is
 36 an employee of:

37 (A) the department of correction; or

38 (B) a penal facility;

39 and the article is a cigarette or tobacco product (as defined in
 40 IC 6-7-2-5), the court shall order the person to pay a fine of at
 41 least five hundred dollars (\$500) and not more than five thousand
 42 dollars (\$5,000) under IC 35-50-3-2, in addition to any term of



1 imprisonment imposed under IC 35-50-3-2; or
 2 (2) a person is convicted of committing a Level 5 felony under
 3 subsection (b)(1) or (b)(2) because the article was a cellular
 4 telephone or other wireless or cellular communication device, the
 5 court shall order the person to pay a fine of at least five hundred
 6 dollars (\$500) and not more than ten thousand dollars (\$10,000)
 7 under IC 35-50-2-6(a) in addition to any term of imprisonment
 8 imposed on the person under IC 35-50-2-6(a).

9 (d) A person who:

10 (1) is not an inmate of a penal facility or a child of a juvenile
 11 facility; and

12 (2) knowingly or intentionally possesses in, or carries or causes to
 13 be brought into, the penal facility or juvenile facility a deadly
 14 weapon without the prior authorization of the person in charge of
 15 the penal facility or juvenile facility;

16 commits carrying a deadly weapon into a correctional facility, a Level
 17 5 felony.

18 SECTION 85. IC 35-44.1-3-6, AS AMENDED BY P.L.158-2013,
 19 SECTION 513, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) As used in this section,
 21 "contraband" means the following:

22 (1) Alcohol.

23 (2) A cigarette or tobacco product.

24 (3) A controlled substance **or controlled substance analog.**

25 (4) An item that may be used as a weapon.

26 (b) As used in this section, "inmate outside a facility" means a
 27 person who is incarcerated in a penal facility or detained in a juvenile
 28 facility on a full-time basis as the result of a conviction or a juvenile
 29 adjudication but who has been or is being transported to another
 30 location to participate in or prepare for a judicial proceeding. The term
 31 does not include the following:

32 (1) An adult or juvenile pretrial detainee.

33 (2) A person serving an intermittent term of imprisonment or
 34 detention.

35 (3) A person serving a term of imprisonment or detention as:

36 (A) a condition of probation;

37 (B) a condition of a community corrections program;

38 (C) part of a community transition program;

39 (D) part of a reentry court program;

40 (E) part of a work release program; or

41 (F) part of a community based program that is similar to a
 42 program described in clauses (A) through (E).



- 1 (4) A person who has escaped from incarceration or walked away
 2 from secure detention.
- 3 (5) A person on temporary leave (as described in IC 11-10-9) or
 4 temporary release (as described in IC 11-10-10).
- 5 (c) A person who, with the intent of providing contraband to an
 6 inmate outside a facility:
- 7 (1) delivers contraband to an inmate outside a facility; or
 8 (2) places contraband in a location where an inmate outside a
 9 facility could obtain the contraband;
- 10 commits trafficking with an inmate outside a facility, a Class A
 11 misdemeanor. However, the offense is a Level 6 felony if the
 12 contraband is an item described in subsection (a)(3), and a Level 5
 13 felony if the contraband is an item described in subsection (a)(4).
- 14 SECTION 86. IC 35-45-6-1, AS AMENDED BY P.L.80-2019,
 15 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2021]: Sec. 1. (a) The definitions in this section apply
 17 throughout this chapter.
- 18 (b) "Documentary material" means any document, drawing,
 19 photograph, recording, or other tangible item containing compiled data
 20 from which information can be either obtained or translated into a
 21 usable form.
- 22 (c) "Enterprise" means:
- 23 (1) a sole proprietorship, corporation, limited liability company,
 24 partnership, business trust, or governmental entity; or
 25 (2) a union, an association, or a group, whether a legal entity or
 26 merely associated in fact.
- 27 (d) "Pattern of racketeering activity" means engaging in at least two
 28 (2) incidents of racketeering activity that have the same or similar
 29 intent, result, accomplice, victim, or method of commission, or that are
 30 otherwise interrelated by distinguishing characteristics that are not
 31 isolated incidents. However, the incidents are a pattern of racketeering
 32 activity only if at least one (1) of the incidents occurred after August
 33 31, 1980, and if the last of the incidents occurred within five (5) years
 34 after a prior incident of racketeering activity.
- 35 (e) "Racketeering activity" means to commit, to attempt to commit,
 36 to conspire to commit a violation of, or aiding and abetting in a
 37 violation of any of the following:
- 38 (1) A provision of IC 23-19, or of a rule or order issued under
 39 IC 23-19.
- 40 (2) A violation of IC 35-45-9.
- 41 (3) A violation of IC 35-47.
- 42 (4) A violation of IC 35-49-3.



- 1 (5) Murder (IC 35-42-1-1).
- 2 (6) Battery as a Class C felony before July 1, 2014, or a Level 5
- 3 felony after June 30, 2014 (IC 35-42-2-1).
- 4 (7) Kidnapping (IC 35-42-3-2).
- 5 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
- 6 (9) Child exploitation (IC 35-42-4-4).
- 7 (10) Robbery (IC 35-42-5-1).
- 8 (11) Carjacking (IC 35-42-5-2) (before its repeal).
- 9 (12) Arson (IC 35-43-1-1).
- 10 (13) Burglary (IC 35-43-2-1).
- 11 (14) Theft (IC 35-43-4-2).
- 12 (15) Receiving stolen property (IC 35-43-4-2) (before its
- 13 amendment on July 1, 2018).
- 14 (16) Forgery (IC 35-43-5-2).
- 15 (17) ~~Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10))~~. **An**
- 16 **offense under IC 35-43-5.**
- 17 (18) Bribery (IC 35-44.1-1-2).
- 18 (19) Official misconduct (IC 35-44.1-1-1).
- 19 (20) Conflict of interest (IC 35-44.1-1-4).
- 20 (21) Perjury (IC 35-44.1-2-1).
- 21 (22) Obstruction of justice (IC 35-44.1-2-2).
- 22 (23) Intimidation (IC 35-45-2-1).
- 23 (24) Promoting prostitution (IC 35-45-4-4).
- 24 (25) Professional gambling (IC 35-45-5-3).
- 25 (26) Maintaining a professional gambling site (IC
- 26 35-45-5-3.5(b)).
- 27 (27) Promoting professional gambling (IC 35-45-5-4).
- 28 (28) Dealing in or manufacturing cocaine or a narcotic drug (IC
- 29 35-48-4-1).
- 30 (29) Dealing in methamphetamine (IC 35-48-4-1.1).
- 31 (30) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 32 (31) Dealing in a schedule I, II, or III controlled substance (IC
- 33 35-48-4-2).
- 34 (32) Dealing in a schedule IV controlled substance (IC
- 35 35-48-4-3).
- 36 (33) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 37 (34) Dealing in marijuana, hash oil, hashish, or salvia (IC
- 38 35-48-4-10).
- 39 (35) Money laundering (IC 35-45-15-5).
- 40 (36) A violation of IC 35-47.5-5.
- 41 (37) A violation of any of the following:
- 42 (A) IC 23-14-48-9.



- 1 (B) IC 30-2-9-7(b).
 2 (C) IC 30-2-10-9(b).
 3 (D) IC 30-2-13-38(f).
- 4 (38) Practice of law by a person who is not an attorney (IC
 5 33-43-2-1).
 6 (39) An offense listed in IC 35-48-4 involving the manufacture or
 7 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 8 synthetic drug lookalike substance (as defined in
 9 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 10 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 11 substance analog (as defined in IC 35-48-1-9.3), or a substance
 12 represented to be a controlled substance (as described in
 13 IC 35-48-4-4.6).
 14 (40) Dealing in a controlled substance resulting in death (IC
 15 35-42-1-1.5).
- 16 SECTION 87. IC 35-45-14-2 IS REPEALED [EFFECTIVE JULY
 17 1, 2021]. Sec. 2: A person who is not an attorney and who:
 18 (1) knowingly or intentionally solicits, advises, requests, or
 19 induces another person to bring an action in a court; and
 20 (2) in making a solicitation under subdivision (1); directly or
 21 indirectly receives any compensation, fee, or commission from
 22 the attorney for the solicitation;
 23 commits unlawful solicitation; a Class A misdemeanor.
- 24 SECTION 88. IC 35-45-21-2, AS ADDED BY P.L.158-2013,
 25 SECTION 547, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The sale or distribution of:
 27 (1) diagnostic testing equipment or apparatus; or
 28 (2) a blood collection kit;
 29 intended for home use to diagnose or confirm human
 30 immunodeficiency virus (HIV) infection or disease is prohibited unless
 31 the testing equipment, apparatus, or kit has been approved for such use
 32 by the federal Food and Drug Administration.
 33 (b) A person who recklessly, knowingly, or intentionally violates
 34 this section commits a ~~Class A misdemeanor~~: **Class C infraction**.
- 35 SECTION 89. IC 35-47-4-5, AS AMENDED BY P.L.142-2020,
 36 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2021]: Sec. 5. (a) As used in this section, "serious violent
 38 felon" means a person who has been convicted of committing a serious
 39 violent felony.
 40 (b) As used in this section, "serious violent felony" means:
 41 (1) murder (IC 35-42-1-1);
 42 (2) attempted murder (IC 35-42-1-1 and IC 35-41-5-1);



- 1 ~~(2)~~ **(3)** voluntary manslaughter (IC 35-42-1-3);
 2 ~~(3)~~ **(4)** reckless homicide not committed by means of a vehicle (IC
 3 35-42-1-5);
 4 ~~(4)~~ **(5)** battery (IC 35-42-2-1) as a:
 5 (A) Class A felony, Class B felony, or Class C felony, for a
 6 crime committed before July 1, 2014; or
 7 (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5
 8 felony, for a crime committed after June 30, 2014;
 9 ~~(5)~~ **(6)** domestic battery (IC 35-42-2-1.3) as a Level 2 felony,
 10 Level 3 felony, Level 4 felony, or Level 5 felony;
 11 ~~(6)~~ **(7)** aggravated battery (IC 35-42-2-1.5);
 12 ~~(7)~~ **(8)** kidnapping (IC 35-42-3-2);
 13 ~~(8)~~ **(9)** criminal confinement (IC 35-42-3-3);
 14 ~~(9)~~ **(10)** rape (IC 35-42-4-1);
 15 ~~(10)~~ **(11)** criminal deviate conduct (IC 35-42-4-2) (before its
 16 repeal);
 17 ~~(11)~~ **(12)** child molesting (IC 35-42-4-3);
 18 ~~(12)~~ **(13)** sexual battery (IC 35-42-4-8) as a:
 19 (A) Class C felony, for a crime committed before July 1, 2014;
 20 or
 21 (B) Level 5 felony, for a crime committed after June 30, 2014;
 22 ~~(13)~~ **(14)** robbery (IC 35-42-5-1);
 23 ~~(14)~~ **(15)** carjacking (IC 5-42-5-2) (before its repeal);
 24 ~~(15)~~ **(16)** arson (IC 35-43-1-1(a)) as a:
 25 (A) Class A felony or Class B felony, for a crime committed
 26 before July 1, 2014; or
 27 (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a
 28 crime committed after June 30, 2014;
 29 ~~(16)~~ **(17)** burglary (IC 35-43-2-1) as a:
 30 (A) Class A felony or Class B felony, for a crime committed
 31 before July 1, 2014; or
 32 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4
 33 felony, for a crime committed after June 30, 2014;
 34 ~~(17)~~ **(18)** assisting a criminal (IC 35-44.1-2-5) as a:
 35 (A) Class C felony, for a crime committed before July 1, 2014;
 36 or
 37 (B) Level 5 felony, for a crime committed after June 30, 2014;
 38 ~~(18)~~ **(19)** resisting law enforcement (IC 35-44.1-3-1) as a:
 39 (A) Class B felony or Class C felony, for a crime committed
 40 before July 1, 2014; or
 41 (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a
 42 crime committed after June 30, 2014;



- 1 ~~(19)~~ **(20)** escape (IC 35-44.1-3-4) as a:
 2 (A) Class B felony or Class C felony, for a crime committed
 3 before July 1, 2014; or
 4 (B) Level 4 felony or Level 5 felony, for a crime committed
 5 after June 30, 2014;
 6 ~~(20)~~ **(21)** trafficking with an inmate (IC 35-44.1-3-5) as a:
 7 (A) Class C felony, for a crime committed before July 1, 2014;
 8 or
 9 (B) Level 5 felony, for a crime committed after June 30, 2014;
 10 ~~(21)~~ **(22)** criminal organization intimidation (IC 35-45-9-4);
 11 ~~(22)~~ **(23)** stalking (IC 35-45-10-5) as a:
 12 (A) Class B felony or Class C felony, for a crime committed
 13 before July 1, 2014; or
 14 (B) Level 4 felony or Level 5 felony, for a crime committed
 15 after June 30, 2014;
 16 ~~(23)~~ **(24)** incest (IC 35-46-1-3);
 17 ~~(24)~~ **(25)** dealing in or manufacturing cocaine or a narcotic drug
 18 (IC 35-48-4-1);
 19 ~~(25)~~ **(26)** dealing in methamphetamine (IC 35-48-4-1.1) or
 20 manufacturing methamphetamine (IC 35-48-4-1.2);
 21 ~~(26)~~ **(27)** dealing in a schedule I, II, or III controlled substance (IC
 22 35-48-4-2);
 23 ~~(27)~~ **(28)** dealing in a schedule IV controlled substance (IC
 24 35-48-4-3);
 25 ~~(28)~~ **(29)** dealing in a schedule V controlled substance (IC
 26 35-48-4-4); or
 27 ~~(29)~~ **(30)** dealing in a controlled substance resulting in death (IC
 28 35-42-1-1.5).
 29 (c) A serious violent felon who knowingly or intentionally possesses
 30 a firearm commits unlawful possession of a firearm by a serious violent
 31 felon, a Level 4 felony.

32 SECTION 90. IC 35-47-7-1 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. Every case of a
 34 bullet wound, gunshot wound, powder burn, or any other injury arising
 35 from or caused by the discharge of a firearm, and every case of a
 36 wound which is likely to or may result in death and is actually or
 37 apparently inflicted by a knife, ice pick, or other sharp or pointed
 38 instrument, shall be reported at once to the law enforcement authorities
 39 of the county, city, or town in which the person reporting is located by
 40 either the physician attending or treating the case, or by the manager,
 41 superintendent, or other person in charge if the case is treated in a
 42 hospital, clinic, sanitarium, or other facility or institution. A person



1 who violates this section commits a ~~Class A misdemeanor~~. **Class C**
 2 **infraction.**

3 SECTION 91. IC 35-48-1-9.3, AS AMENDED BY P.L.80-2019,
 4 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2021]: Sec. 9.3. (a) "Controlled substance analog" means a
 6 substance that, due to its chemical structure and potential for abuse or
 7 misuse, meets the following criteria:

8 (1) The substance is substantially similar to a controlled substance
 9 classified under IC 35-48-2.

10 (2) The substance has a narcotic, stimulant, depressant, or
 11 hallucinogenic effect on the central nervous system or is
 12 represented or intended to have a narcotic, stimulant, depressant,
 13 or hallucinogenic effect on the central nervous system
 14 substantially similar to or greater than that of a controlled
 15 substance classified under IC 35-48-2.

16 (b) The definition set forth in subsection (a) does not include:

17 (1) a controlled substance;

18 (2) a legend drug;

19 (3) a substance for which there is an approved new drug
 20 application;

21 (4) any compound, mixture, or preparation that contains any
 22 controlled substance, that is not for administration to a human
 23 being or an animal, and that is packaged in a form or
 24 concentration, or with adulterants or denaturants, such that as
 25 packaged it does not present any significant potential for abuse;
 26 or

27 (5) a substance to which an investigational exemption applies
 28 under Section 505 of the federal Food, Drug and Cosmetic Act
 29 (chapter 675, 52 Stat. 1052 (21 U.S.C. 355)), but only to the
 30 extent that conduct with respect to the substance is pursuant to the
 31 exemption; or

32 (6) low THC hemp extract.

33 (c) For purposes of subsection (a), "substantially similar", as it
 34 applies to the chemical structure of a substance, means that the
 35 chemical structure of the substance, when compared to the structure of
 36 a controlled substance, has a ~~single difference~~ **not more than three (3)**
 37 **differences, including structural modifications for chemical bonds**
 38 **in the structural formula that substitutes or changes at least one (1)**
 39 **atom or functional group for another, including:**

40 (1) ~~one~~ (+) halogen for another halogen;

41 (2) ~~one~~ (+) hydrogen for a halogen;

42 (3) ~~one~~ (+) halogen for a hydrogen; or



- 1 (4) an alkyl group added or deleted:
 2 (A) as a side chain to or from a molecule; or
 3 (B) from a side chain of a molecule.
- 4 SECTION 92. IC 35-50-1-2, AS AMENDED BY P.L.142-2020,
 5 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2021]: Sec. 2. (a) As used in this section, "crime of violence"
 7 means the following:
- 8 (1) Murder (IC 35-42-1-1).
 9 (2) Attempted murder (IC 35-41-5-1).
 10 (3) Voluntary manslaughter (IC 35-42-1-3).
 11 (4) Involuntary manslaughter (IC 35-42-1-4).
 12 (5) Reckless homicide (IC 35-42-1-5).
 13 (6) Battery (IC 35-42-2-1) as a **felony**.
 14 (A) Level 2 felony;
 15 (B) Level 3 felony;
 16 (C) Level 4 felony; or
 17 (D) Level 5 felony.
 18 (7) Domestic battery (IC 35-42-2-1.3) as a **felony**.
 19 (A) Level 2 felony;
 20 (B) Level 3 felony;
 21 (C) Level 4 felony; or
 22 (D) Level 5 felony.
 23 (8) Aggravated battery (IC 35-42-2-1.5).
 24 (9) Kidnapping (IC 35-42-3-2).
 25 (10) Rape (IC 35-42-4-1).
 26 (11) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 27 (12) Child molesting (IC 35-42-4-3).
 28 (13) Sexual misconduct with a minor as a Level 1 felony under
 29 IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).
 30 (14) Robbery as a Level 2 felony or a Level 3 felony (IC
 31 35-42-5-1).
 32 (15) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony,
 33 or Level 4 felony (IC 35-43-2-1).
 34 (16) Operating a vehicle while intoxicated causing death or
 35 catastrophic injury (IC 9-30-5-5).
 36 (17) Operating a vehicle while intoxicated causing serious bodily
 37 injury to another person (IC 9-30-5-4).
 38 (18) Child exploitation as a Level 5 felony under IC 35-42-4-4(b)
 39 or a Level 4 felony under IC 35-42-4-4(c).
 40 (19) Resisting law enforcement as a felony (IC 35-44.1-3-1).
 41 (20) Unlawful possession of a firearm by a serious violent felon
 42 (IC 35-47-4-5).



- 1 (21) Strangulation (IC 35-42-2-9) as a Level 5 felony.
 2 **(22) Arson (IC 35-43-1-1).**
 3 **(23) Criminal confinement (IC 35-42-3-3).**
 4 (b) As used in this section, "episode of criminal conduct" means
 5 offenses or a connected series of offenses that are closely related in
 6 time, place, and circumstance.
 7 (c) Except as provided in subsection (e) or (f) the court shall
 8 determine whether terms of imprisonment shall be served concurrently
 9 or consecutively. The court may consider the:
 10 (1) aggravating circumstances in IC 35-38-1-7.1(a); and
 11 (2) mitigating circumstances in IC 35-38-1-7.1(b);
 12 in making a determination under this subsection. The court may order
 13 terms of imprisonment to be served consecutively even if the sentences
 14 are not imposed at the same time. However, except for crimes of
 15 violence, the total of the consecutive terms of imprisonment, exclusive
 16 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10
 17 (before its repeal) to which the defendant is sentenced for felony
 18 convictions arising out of an episode of criminal conduct shall not
 19 exceed the period described in subsection (d).
 20 (d) Except as provided in subsection (c), the total of the consecutive
 21 terms of imprisonment to which the defendant is sentenced for felony
 22 convictions arising out of an episode of criminal conduct may not
 23 exceed the following:
 24 (1) If the most serious crime for which the defendant is sentenced
 25 is a Level 6 felony, the total of the consecutive terms of
 26 imprisonment may not exceed four (4) years.
 27 (2) If the most serious crime for which the defendant is sentenced
 28 is a Level 5 felony, the total of the consecutive terms of
 29 imprisonment may not exceed seven (7) years.
 30 (3) If the most serious crime for which the defendant is sentenced
 31 is a Level 4 felony, the total of the consecutive terms of
 32 imprisonment may not exceed fifteen (15) years.
 33 (4) If the most serious crime for which the defendant is sentenced
 34 is a Level 3 felony, the total of the consecutive terms of
 35 imprisonment may not exceed twenty (20) years.
 36 (5) If the most serious crime for which the defendant is sentenced
 37 is a Level 2 felony, the total of the consecutive terms of
 38 imprisonment may not exceed thirty-two (32) years.
 39 (6) If the most serious crime for which the defendant is sentenced
 40 is a Level 1 felony, the total of the consecutive terms of
 41 imprisonment may not exceed forty-two (42) years.
 42 (e) If, after being arrested for one (1) crime, a person commits



- 1 another crime:
- 2 (1) before the date the person is discharged from probation,
- 3 parole, or a term of imprisonment imposed for the first crime; or
- 4 (2) while the person is released:
- 5 (A) upon the person's own recognizance; or
- 6 (B) on bond;
- 7 the terms of imprisonment for the crimes shall be served consecutively,
- 8 regardless of the order in which the crimes are tried and sentences are
- 9 imposed.
- 10 (f) If the factfinder determines under IC 35-50-2-11 that a person
- 11 used a firearm in the commission of the offense for which the person
- 12 was convicted, the term of imprisonment for the underlying offense and
- 13 the additional term of imprisonment imposed under IC 35-50-2-11
- 14 must be served consecutively.
- 15 SECTION 93. IC 35-50-2-11, AS AMENDED BY P.L.157-2016,
- 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 2021]: Sec. 11. (a) As used in this section, "firearm" has the
- 18 meaning set forth in IC 35-47-1-5.
- 19 (b) As used in this section, "offense" means:
- 20 (1) a felony under IC 35-42 that resulted in death or serious bodily
- 21 injury;
- 22 (2) kidnapping; ~~or~~
- 23 (3) criminal confinement as a Level 2 or Level 3 felony; **or**
- 24 **(4) attempted murder.**
- 25 (c) As used in this section, "police officer" means any of the
- 26 following:
- 27 (1) A state police officer.
- 28 (2) A county sheriff.
- 29 (3) A county police officer.
- 30 (4) A city police officer.
- 31 (5) A state educational institution police officer appointed under
- 32 IC 21-39-4.
- 33 (6) A school corporation police officer appointed under
- 34 IC 20-26-16.
- 35 (7) A police officer of a public or private postsecondary
- 36 educational institution whose board of trustees has established a
- 37 police department under IC 21-17-5-2 or IC 21-39-4-2.
- 38 (8) An enforcement officer of the alcohol and tobacco
- 39 commission.
- 40 (9) A conservation officer.
- 41 (10) A gaming agent employed under IC 4-33-4.5 or a gaming
- 42 control officer employed by the gaming control division under



1 IC 4-33-20.

2 (d) The state may seek, on a page separate from the rest of a
3 charging instrument, to have a person who allegedly committed an
4 offense sentenced to an additional fixed term of imprisonment if the
5 state can show beyond a reasonable doubt that the person knowingly or
6 intentionally used a firearm in the commission of the offense.

7 (e) The state may seek, on a page separate from the rest of a
8 charging instrument, to have a person who allegedly committed a
9 felony or misdemeanor other than an offense (as defined under
10 subsection (b)) sentenced to an additional fixed term of imprisonment
11 if the state can show beyond a reasonable doubt that the person, while
12 committing the felony or misdemeanor, knowingly or intentionally:

- 13 (1) pointed a firearm; or
14 (2) discharged a firearm;

15 at an individual whom the person knew, or reasonably should have
16 known, was a police officer.

17 (f) If the person was convicted of:

- 18 (1) the offense under subsection (d); or
19 (2) the felony or misdemeanor under subsection (e);

20 in a jury trial, the jury shall reconvene to hear evidence in the
21 enhancement hearing. If the trial was to the court, or the judgment was
22 entered on a guilty plea, the court alone shall hear evidence in the
23 enhancement hearing.

24 (g) If the jury (if the hearing is by jury) or the court (if the hearing
25 is to the court alone) finds that the state has proved beyond a
26 reasonable doubt that the person knowingly or intentionally used a
27 firearm in the commission of the offense under subsection (d), the court
28 may sentence the person to an additional fixed term of imprisonment
29 of between five (5) years and twenty (20) years.

30 (h) If the jury (if the hearing is by jury) or the court (if the hearing
31 is to the court alone) finds that the state has proved beyond a
32 reasonable doubt that the person, while committing a felony or
33 misdemeanor under subsection (e), knowingly or intentionally:

- 34 (1) pointed a firearm; or
35 (2) discharged a firearm;

36 at an individual whom the person knew, or reasonably should have
37 known, was a police officer, the court may sentence the person to an
38 additional fixed term of imprisonment of between five (5) and twenty
39 (20) years.

40 (i) A person may not be sentenced under subsections (g) and (h) for
41 offenses, felonies, and misdemeanors comprising a single episode of
42 criminal conduct.



1 SECTION 94. IC 35-52-6-17 IS REPEALED [EFFECTIVE JULY
2 1, 2021]. ~~Sec. 17. IC 6-2.5-9-7 defines a crime concerning retail sales.~~
3 SECTION 95. IC 35-52-16-2 IS REPEALED [EFFECTIVE JULY
4 1, 2021]. ~~Sec. 2. IC 16-20-1-25 defines a crime concerning local health~~
5 ~~departments.~~
6 SECTION 96. IC 35-52-20-4, IS REPEALED [EFFECTIVE JULY
7 1, 2021]. ~~Sec. 4. IC 20-27-7-19 defines a crime concerning school~~
8 ~~transportation.~~
9 SECTION 97. IC 35-52-24-28 IS REPEALED [EFFECTIVE JULY
10 1, 2021]. ~~Sec. 28. IC 24-5-14.5-11 defines a crime concerning false or~~
11 ~~misleading caller identification.~~



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 197, 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, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 2. IC 6-2.5-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) Any person who:

- (1) removes;
- (2) alters;
- (3) defaces; or
- (4) covers;

a sign posted by the department that states that no retail transactions or sales can be made at a retail merchant's location commits a ~~Class B misdemeanor~~: **Class C infraction.**

(b) A retail merchant shall notify the department of any violation of subsection (a) that occurs on the retail merchant's premises.

(c) A retail merchant who fails to give the notice required by subsection (b) within two (2) business days after the violation of subsection (a) occurs commits a ~~Class B misdemeanor~~: **Class B infraction.**

SECTION 3. IC 9-30-6-6, AS AMENDED BY P.L.224-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) A physician, a person trained in retrieving contraband or obtaining bodily substance samples and acting under the direction of or under a protocol prepared by a physician, or a licensed health care professional acting within the professional's scope of practice and under the direction of or under a protocol prepared by a physician, who:

- (1) obtains a blood, urine, or other bodily substance sample from a person, regardless of whether the sample is taken for diagnostic purposes or at the request of a law enforcement officer under this section;
- (2) performs a chemical test on blood, urine, or other bodily substance obtained from a person; or
- (3) searches for or retrieves contraband from the body cavity of an individual;

shall deliver the sample or contraband or disclose the results of the test to a law enforcement officer who requests the sample, contraband, or results as a part of a criminal investigation. Samples, contraband, and



test results shall be provided to a law enforcement officer even if the person has not consented to or otherwise authorized their release.

(b) A physician, a licensed health care professional, a hospital, or an agent of a physician or hospital is not civilly or criminally liable for any of the following:

- (1) Disclosing test results in accordance with this section.
- (2) Delivering contraband, or a blood, urine, or other bodily substance sample in accordance with this section.
- (3) Searching for or retrieving contraband or obtaining a blood, urine, or other bodily substance sample in accordance with this section.
- (4) Disclosing to the prosecuting attorney or the deputy prosecuting attorney for use at or testifying at the criminal trial of the person as to facts observed or opinions formed.
- (5) Failing to treat a person from whom contraband is retrieved or a blood, urine, or other bodily substance sample is obtained at the request of a law enforcement officer if the person declines treatment.
- (6) Injury to a person arising from the performance of duties in good faith under this section. However, immunity does not apply if the physician, licensed health care professional, hospital, or agent of a physician or hospital acts with gross negligence or willful or wanton misconduct.

(c) For the purposes of a criminal proceeding:

- (1) the privileges arising from a patient-physician relationship do not apply to the contraband, samples, test results, or testimony described in this section; and
- (2) contraband, samples, test results, and testimony may be admitted in a proceeding in accordance with the applicable rules of evidence.

(d) The exceptions to the patient-physician relationship specified in subsection (c) do not affect those relationships in a proceeding that is not a criminal proceeding.

(e) The contraband, test results, and samples obtained by a law enforcement officer under subsection (a) may be disclosed only to a prosecuting attorney or a deputy prosecuting attorney for use as evidence in a criminal proceeding.

(f) This section does not require a physician or a person under the direction of a physician to perform a chemical test or to retrieve contraband.

(g) If the person:

- (1) from whom the contraband is to be retrieved or the bodily



substance sample is to be obtained under this section does not consent; and

(2) resists the retrieval of the contraband or the taking of a sample;

the law enforcement officer may use reasonable force to assist an individual, who must be authorized under this section to retrieve contraband or obtain a sample, in the retrieval of the contraband or the taking of the sample.

(h) The person authorized under this section to retrieve contraband or obtain a bodily substance sample shall take the sample or retrieve the contraband in a medically accepted manner.

(i) This subsection does not apply to contraband retrieved or a bodily substance sample taken at a licensed hospital (as defined in IC 16-18-2-179(a) and IC 16-18-2-179(b)). A law enforcement officer may transport the person to a place where the contraband may be retrieved or the sample may be obtained by any of the following persons who are trained in retrieving contraband or obtaining bodily substance samples and who have been engaged to retrieve contraband or obtain samples under this section:

- (1) A physician holding an unlimited license to practice medicine or osteopathy.
- (2) A registered nurse.
- (3) A licensed practical nurse.
- (4) An advanced emergency medical technician (as defined in IC 16-18-2-6.5).
- (5) A paramedic (as defined in IC 16-18-2-266).
- (6) Except as provided in subsections (j) through (k), any other person qualified through training, experience, or education to retrieve contraband or obtain a bodily substance sample.

(j) A law enforcement officer may not retrieve contraband or obtain a bodily substance sample under this section if the contraband is to be retrieved or the sample is to be obtained from another law enforcement officer as a result of the other law enforcement officer's involvement in an accident or alleged crime.

(k) A law enforcement officer who is otherwise qualified to obtain a bodily substance sample under this section may obtain a bodily substance sample from a person involved in an accident or alleged crime who is not a law enforcement officer only if:

- (1) before January 1, 2013, the officer obtained a bodily substance sample from an individual as part of the officer's official duties as a law enforcement officer; and
- (2) the:



- (A) person consents to the officer obtaining a bodily substance sample; or
- (B) obtaining of the bodily substance sample is authorized by a search warrant."

Page 3, between lines 17 and 18, begin a new paragraph and insert:
 "SECTION 5. IC 11-8-8-5, AS AMENDED BY P.L.142-2020, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
- (5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:
 - (A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);
 - (B) the person is not more than:
 - (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
 - (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
 - (C) the sentencing court finds that the person should not be required to register as a sex offender.
- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
- (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
- (13) Possession of child pornography (IC 35-42-4-4(d) or



IC 35-42-4-4(e)).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).

(15) Promotion of human sexual trafficking under IC 35-42-3.5-1.1.

(16) Promotion of child sexual trafficking under IC 35-42-3.5-1.2(a).

(17) Promotion of sexual trafficking of a younger child (IC 35-42-3.5-1.2(c)).

(18) Child sexual trafficking (IC 35-42-3.5-1.3).

(19) Human trafficking under IC 35-42-3.5-1.4 if the victim is less than eighteen (18) years of age.

(20) Murder (IC 35-42-1-1).

(21) Attempted murder (IC 35-42-1-1 and IC 35-41-5-1).

~~(21)~~ **(22)** Voluntary manslaughter (IC 35-42-1-3).

~~(22)~~ **(23)** Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).

(b) The term includes:

(1) a person who is required to register as a sex or violent offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult."

Page 9, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 15. IC 16-20-1-25, AS AMENDED BY P.L.292-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 25. (a) A person shall not institute, permit, or maintain any conditions that may transmit, generate, or promote disease.



(b) A health officer, upon receiving a complaint asserting the existence of unlawful conditions described in subsection (a) within the officer's jurisdiction, shall document the complaint as provided in subsection (d). Upon verifying the information contained in the complaint, the health officer shall order the abatement of those conditions. The order must:

- (1) be in writing;
- (2) specify the conditions that may transmit disease; and
- (3) name the shortest reasonable time for abatement.

(c) If a person refuses or neglects to obey an order issued under this section, the attorney representing the county of the health jurisdiction where the offense occurs shall, upon receiving the information from the health officer, institute proceedings in the courts for enforcement. An order may be enforced by injunction. If the action concerning public health is a criminal offense, a law enforcement authority with jurisdiction over the place where the offense occurred shall be notified.

(d) A complaint made under subsection (b) must include adequate details to allow the health officer to verify the existence of the unlawful conditions that are the subject of the complaint. A health officer shall provide a copy of a complaint upon request to the person who is the subject of the complaint.

~~(e) A person who provides false information upon which a health officer relies in issuing an order under this section commits a Class C misdemeanor.~~

SECTION 16. IC 16-37-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. (a) **This section does not apply to section 3 of this chapter.**

(b) Except as provided, a person who recklessly violates or fails to comply with this chapter commits a Class B misdemeanor.

~~(b)~~ (c) Each day a violation continues constitutes a separate offense."

Page 11, between line 12 and 13, begin a new paragraph and insert:
"SECTION 18. IC 20-27-7-19, AS AMENDED BY P.L.231-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. A person who knowingly, intentionally, or recklessly violates this chapter commits a Class C ~~misdemeanor~~ **infraction**."

Page 13, between lines 38 and 39, begin a new paragraph and insert:
"SECTION 20. IC 20-33-2-44, AS AMENDED BY P.L.32-2019, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 44. (a) This section does not apply to section **18 or section 47** of this chapter.



(b) Except as otherwise provided, a person who knowingly violates this chapter commits a Class B misdemeanor.

SECTION 21. IC 24-5-14.5-11 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 11. A person who knowingly violates this chapter commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous unrelated conviction under this chapter.~~

Page 21, between lines 36 and 37, begin a new paragraph and insert:
"SECTION 34. IC 35-31.5-2-176.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 176.8. "Item of sentimental value" means:**

- (1) an heirloom;**
- (2) family papers and photographs;**
- (3) a gift from a family member; or**
- (4) a trophy;**

that the owner values beyond the fair market value of the item due to the owner's reasonable personal or emotional attachment to the item."

Page 26, between lines 17 and 18, begin a new paragraph and insert:
"SECTION 43. IC 35-38-1-17, AS AMENDED BY P.L.45-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 17. (a)** Notwithstanding IC 1-1-5.5-21, this section applies to a person who:

- (1) commits an offense; or
- (2) is sentenced;

before July 1, 2014.

(b) This section does not apply to a credit restricted felon.

(c) Except as provided in subsections (k) and (m), this section does not apply to a violent criminal.

(d) As used in this section, "violent criminal" means a person convicted of any of the following offenses:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).

(7) Battery (IC 35-42-2-1) as a Class A or Class B felony (for a crime committed before July 1, 2014) or battery as a Level 2 or Level 3 felony (for a crime committed after June 30, 2014).



(8) Domestic battery (IC 35-42-2-1.3) as a Level 2 or Level 3 felony.

~~(7)~~ **(9)** Kidnapping (IC 35-42-3-2).

~~(8)~~ **(10)** Rape (IC 35-42-4-1).

~~(9)~~ **(11)** Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

~~(10)~~ **(12)** Child molesting (IC 35-42-4-3).

~~(11)~~ **(13)** Sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2) (for a crime committed before July 1, 2014) or sexual misconduct with a minor as a Level 1 felony under IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2) (for a crime committed after June 30, 2014).

~~(12)~~ **(14)** Robbery as a Class A felony or a Class B felony (IC 35-42-5-1) (for a crime committed before July 1, 2014) or robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1) (for a crime committed after June 30, 2014).

~~(13)~~ **(15)** Burglary as Class A felony or a Class B felony (IC 35-43-2-1) (for a crime committed before July 1, 2014) or burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1) (for a crime committed after June 30, 2014).

~~(14)~~ **(16)** Unlawful possession of a firearm by a serious violent felon (IC 35-47-4-5).

(e) At any time after:

(1) a convicted person begins serving the person's sentence; and

(2) the court obtains a report from the department of correction concerning the convicted person's conduct while imprisoned;

the court may reduce or suspend the sentence and impose a sentence that the court was authorized to impose at the time of sentencing. However, if the convicted person was sentenced under the terms of a plea agreement, the court may not, without the consent of the prosecuting attorney, reduce or suspend the sentence and impose a sentence not authorized by the plea agreement. The court must incorporate its reasons in the record.

(f) If the court sets a hearing on a petition under this section, the court must give notice to the prosecuting attorney and the prosecuting attorney must give notice to the victim (as defined in IC 35-31.5-2-348) of the crime for which the convicted person is serving the sentence.

(g) The court may suspend a sentence for a felony under this section only if suspension is permitted under IC 35-50-2-2.2.

(h) The court may deny a request to suspend or reduce a sentence



under this section without making written findings and conclusions.

(i) The court is not required to conduct a hearing before reducing or suspending a sentence under this section if:

- (1) the prosecuting attorney has filed with the court an agreement of the reduction or suspension of the sentence; and
- (2) the convicted person has filed with the court a waiver of the right to be present when the order to reduce or suspend the sentence is considered.

(j) This subsection applies only to a convicted person who is not a violent criminal. A convicted person who is not a violent criminal may file a petition for sentence modification under this section:

- (1) not more than one (1) time in any three hundred sixty-five (365) day period; and
- (2) a maximum of two (2) times during any consecutive period of incarceration;

without the consent of the prosecuting attorney.

(k) This subsection applies to a convicted person who is a violent criminal. A convicted person who is a violent criminal may, not later than three hundred sixty-five (365) days from the date of sentencing, file one (1) petition for sentence modification under this section without the consent of the prosecuting attorney. After the elapse of the three hundred sixty-five (365) day period, a violent criminal may not file a petition for sentence modification without the consent of the prosecuting attorney.

(l) A person may not waive the right to sentence modification under this section as part of a plea agreement. Any purported waiver of the right to sentence modification under this section in a plea agreement is invalid and unenforceable as against public policy. This subsection does not prohibit the finding of a waiver of the right to:

- (1) have a court modify a sentence and impose a sentence not authorized by the plea agreement, as described under subsection (e); or
- (2) sentence modification for any other reason, including failure to comply with the provisions of this section.

(m) Notwithstanding subsection (k), a person who commits an offense after June 30, 2014, and before May 15, 2015, may file one (1) petition for sentence modification without the consent of the prosecuting attorney, even if the person has previously filed a petition for sentence modification.

SECTION 44. IC 35-40-5-11.5, AS ADDED BY P.L.62-2020, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11.5. (a) This section applies only to a criminal



case involving a child less than sixteen (16) years of age who is the victim or alleged victim of a sex offense.

(b) The following definitions apply throughout this section:

(1) "Accused" or "the accused" means a person charged with committing a sex offense against a child victim. The term does not include an attorney who represents the accused.

(2) "Child victim" means a child less than sixteen (16) years of age who is the victim or alleged victim of a sex offense.

(3) "Defendant" means a person charged with committing a sex offense against a child victim and an attorney who represents the defendant.

(4) "Deposition" or "depose" means a deposition upon oral **or written** examination, or taking a deposition upon oral **or written** examination, as described in Indiana Trial Rule 30 **and 31**.

(5) "Sex offense" has the meaning set forth in IC 11-8-8-5.2.

(c) A defendant may depose a child victim only in accordance with this section.

(d) A defendant may not take the deposition of a child victim unless the defendant contacts the prosecuting attorney before contacting the child, and one (1) or more of the following apply:

(1) The prosecuting attorney agrees to the deposition. The prosecuting attorney may condition the prosecuting attorney's agreement to the deposition upon the defendant's acceptance of the manner in which the deposition shall be conducted.

(2) The court authorizes the deposition after finding, following a hearing under subsection (f), that there is a reasonable likelihood that the child victim will be unavailable for trial and the deposition is necessary to preserve the child victim's testimony.

(3) The court authorizes the deposition after finding, following a hearing under subsection (g), that the deposition is necessary:

(A) due to the existence of extraordinary circumstances; and

(B) in the interest of justice.

(e) If the prosecuting attorney does not agree to the deposition, the defendant may petition the court for authorization to depose the child victim under subsection (d)(2), (d)(3), or both subsection (d)(2) and (d)(3). Upon receipt of the petition, the court shall notify the prosecuting attorney and set a hearing to determine whether to authorize a deposition of the child victim, and, if applicable, to determine the manner in which the deposition shall be conducted.

(f) The court shall authorize the deposition of a child victim under subsection (d)(2) if the defendant proves by a preponderance of the evidence that there is a reasonable likelihood that the child victim will



be unavailable for trial and the deposition is necessary to preserve the child victim's testimony.

(g) The court may not authorize the deposition of a child victim under subsection (d)(3) unless the defendant establishes by a preponderance of the evidence that the deposition is necessary:

- (1) due to the existence of extraordinary circumstances; and
- (2) in the interest of justice.

The mere fact that the victim is a child or the charged crime is serious does not constitute "extraordinary circumstances" or mean that a deposition should be held in the interest of justice.

(h) If the court authorizes the deposition of a child victim under subsection (f) or (g), the court shall determine the manner in which the deposition shall be conducted, after considering:

- (1) the age of the child;
- (2) the rights of the victim under IC 35-40-5-1; and
- (3) any other relevant factors or special considerations.

(i) If the court denies a petition to depose a child victim, the court shall issue a written order describing the reason for the denial.

(j) If the court grants a request to depose a child victim, the court shall issue a written order describing the reason for granting the petition and setting forth the manner in which the deposition shall be conducted. The order shall:

- (1) expressly prohibit the accused from deposing or being present at the deposition of the child victim unless:
 - (A) there is a reasonable likelihood that the child victim will be unavailable for trial;
 - (B) the deposition is necessary to preserve the child victim's testimony; and
 - (C) the presence of the accused is necessary to preserve the constitutional rights of the accused under the Sixth Amendment of the Constitution of the United States or Article 1, Section 13 of the Constitution of the State of Indiana;
- (2) describe the manner in which the deposition shall be conducted; and
- (3) if applicable, issue a protective order under Indiana Trial Rule 26(C)."

Page 31, between lines 2 and 3, begin a new paragraph and insert: "SECTION 48. IC 35-42-2-1, AS AMENDED BY P.L.142-2020, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) As used in this section, "public safety official" means:

- (1) a law enforcement officer, including an alcoholic beverage



enforcement officer;

(2) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71);

(3) an employee of the department of correction;

(4) a probation officer;

(5) a parole officer;

(6) a community corrections worker;

(7) a home detention officer;

(8) a department of child services employee;

(9) a firefighter;

(10) an emergency medical services provider;

(11) a judicial officer;

(12) a bailiff of any court; ~~or~~

(13) a special deputy (as described in IC 36-8-10-10.6); **or**

(14) an adult protective services investigator.

(b) As used in this section, "relative" means an individual related by blood, half-blood, adoption, marriage, or remarriage, including:

(1) a spouse;

(2) a parent or stepparent;

(3) a child or stepchild;

(4) a grandchild or stepgrandchild;

(5) a grandparent or stepgrandparent;

(6) a brother, sister, stepbrother, or stepsister;

(7) a niece or nephew;

(8) an aunt or uncle;

(9) a daughter-in-law or son-in-law;

(10) a mother-in-law or father-in-law; or

(11) a first cousin.

(c) Except as provided in subsections (d) through (k), a person who knowingly or intentionally:

(1) touches another person in a rude, insolent, or angry manner;
or

(2) in a rude, insolent, or angry manner places any bodily fluid or waste on another person;

commits battery, a Class B misdemeanor.

(d) The offense described in subsection (c)(1) or (c)(2) is a Class A misdemeanor if it:

(1) results in bodily injury to any other person; or

(2) is committed against a member of a foster family home (as defined in IC 35-31.5-2-139.3) by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the



time of the offense.

(e) The offense described in subsection (c)(1) or (c)(2) is a Level 6 felony if one (1) or more of the following apply:

(1) The offense results in moderate bodily injury to any other person.

(2) The offense is committed against a public safety official while the official is engaged in the official's official duty.

(3) The offense is committed against a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.

(4) The offense is committed against a person of any age who has a mental or physical disability and is committed by a person having the care of the person with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.

(5) The offense is committed against an endangered adult (as defined in IC 12-10-3-2).

(6) The offense:

(A) is committed against a member of a foster family home (as defined in IC 35-31.5-2-139.3) by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense; and

(B) results in bodily injury to the member of the foster family.

(f) The offense described in subsection (c)(2) is a Level 6 felony if the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus.

(g) The offense described in subsection (c)(1) or (c)(2) is a Level 5 felony if one (1) or more of the following apply:

(1) The offense results in serious bodily injury to another person.

(2) The offense is committed with a deadly weapon.

(3) The offense results in bodily injury to a pregnant woman if the person knew of the pregnancy.

(4) The person has a previous conviction for a battery offense included in this chapter against the same victim.

(5) The offense results in bodily injury to one (1) or more of the following:

(A) A public safety official while the official is engaged in the official's official duties.

(B) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.



(C) A person who has a mental or physical disability if the offense is committed by an individual having care of the person with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.

(D) An endangered adult (as defined in IC 12-10-3-2).

(h) The offense described in subsection (c)(2) is a Level 5 felony if:

- (1) the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus; and
- (2) the person placed the bodily fluid or waste on a public safety official.

(i) The offense described in subsection (c)(1) or (c)(2) is a Level 4 felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2).

(j) The offense described in subsection (c)(1) or (c)(2) is a Level 3 felony if it results in serious bodily injury to a person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(k) The offense described in subsection (c)(1) or (c)(2) is a Level 2 felony if it results in the death of one (1) or more of the following:

- (1) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.
- (2) An endangered adult (as defined in IC 12-10-3-2).

SECTION 49. IC 35-43-2-2, AS AMENDED BY P.L.276-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) As used in this section, "authorized person" means a person authorized by an agricultural operation to act on behalf of the agricultural operation.

(b) A person who:

- (1) not having a contractual interest in the property, knowingly or intentionally enters the real property of another person after having been denied entry by the other person or that person's agent;
- (2) not having a contractual interest in the property, knowingly or intentionally refuses to leave the real property of another person after having been asked to leave by the other person or that person's agent;
- (3) accompanies another person in a vehicle, with knowledge that the other person knowingly or intentionally is exerting unauthorized control over the vehicle;
- (4) knowingly or intentionally interferes with the possession or use of the property of another person without the person's consent;



(5) not having a contractual interest in the property, knowingly or intentionally enters the:

(A) property of an agricultural operation that is used for the production, processing, propagation, packaging, cultivation, harvesting, care, management, or storage of an animal, plant, or other agricultural product, including any pasturage or land used for timber management, without the consent of the owner of the agricultural operation or an authorized person; or

(B) dwelling of another person without the person's consent;

(6) knowingly or intentionally:

(A) travels by train without lawful authority or the railroad carrier's consent; and

(B) rides on the outside of a train or inside a passenger car, locomotive, or freight car, including a boxcar, flatbed, or container without lawful authority or the railroad carrier's consent;

(7) not having a contractual interest in the property, knowingly or intentionally enters or refuses to leave the property of another person after having been prohibited from entering or asked to leave the property by a law enforcement officer when the property is:

(A) vacant real property (as defined in IC 36-7-36-5) or a vacant structure (as defined in IC 36-7-36-6); or

(B) designated by a municipality or county enforcement authority to be abandoned property or an abandoned structure (as defined in IC 36-7-36-1);

(8) not having a contractual interest in the property, knowingly or intentionally enters the real property of an agricultural operation (as defined in IC 32-30-6-1) without the permission of the owner of the agricultural operation or an authorized person, and knowingly or intentionally engages in conduct that causes property damage to:

(A) the owner of or a person having a contractual interest in the agricultural operation;

(B) the operator of the agricultural operation; or

(C) a person having personal property located on the property of the agricultural operation; or

(9) knowingly or intentionally enters the property of another person after being denied entry by a court order that has been issued to the person or issued to the general public by conspicuous posting on or around the premises in areas where a person can observe the order when the property has been



designated by a municipality or county enforcement authority to be a vacant property, an abandoned property, or an abandoned structure (as defined in IC 36-7-36-1);

commits criminal trespass, a Class A misdemeanor. However, the offense is a Level 6 felony if it is committed on a scientific research facility, on a facility belonging to a public utility (as defined in IC 32-24-1-5.9(a)), on school property, or on a school bus or the person has a prior unrelated conviction for an offense under this section concerning the same property. The offense is a Level 6 felony, for purposes of subdivision (8), if the property damage is more than seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000). The offense is a Level 5 felony, for purposes of subdivision (8), if the property damage is at least fifty thousand dollars (\$50,000).

(c) A person has been denied entry under subsection (b)(1) when the person has been denied entry by means of:

- (1) personal communication, oral or written;
- (2) posting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the attention of the public;
- (3) a hearing authority or court order under IC 32-30-6, IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36; ~~or~~
- (4) posting the property by placing identifying purple marks on trees or posts around the area where entry is denied; ~~or~~
- (5) locking the door to a building, structure, or part of a building or structure.**

(d) For the purposes of subsection (c)(4):

- (1) each purple mark must be readily visible to any person approaching the property and must be placed:
 - (A) on a tree:
 - (i) as a vertical line of at least eight (8) inches in length and with the bottom of the mark at least three (3) feet and not more than five (5) feet from the ground; and
 - (ii) not more than one hundred (100) feet from the nearest other marked tree; or
 - (B) on a post:
 - (i) with the mark covering at least the top two (2) inches of the post, and with the bottom of the mark at least three (3) feet and not more than five (5) feet six (6) inches from the ground; and
 - (ii) not more than thirty-six (36) feet from the nearest other marked post; and
- (2) before a purple mark that would be visible from both sides of



a fence shared by different property owners or lessees may be applied, all of the owners or lessees of the properties must agree to post the properties with purple marks under subsection (c)(4).

(e) A law enforcement officer may not deny entry to property or ask a person to leave a property under subsection (b)(7) unless there is reasonable suspicion that criminal activity has occurred or is occurring.

(f) A person described in subsection (b)(7) violates subsection (b)(7) unless the person has the written permission of the owner, the owner's agent, an enforcement authority, or a court to come onto the property for purposes of performing maintenance, repair, or demolition.

(g) A person described in subsection (b)(9) violates subsection (b)(9) unless the court that issued the order denying the person entry grants permission for the person to come onto the property.

(h) Subsections (b), (c), and (g) do not apply to the following:

(1) A passenger on a train.

(2) An employee of a railroad carrier while engaged in the performance of official duties.

(3) A law enforcement officer, firefighter, or emergency response personnel while engaged in the performance of official duties.

(4) A person going on railroad property in an emergency to rescue a person or animal from harm's way or to remove an object that the person reasonably believes poses an imminent threat to life or limb.

(5) A person on the station grounds or in the depot of a railroad carrier:

(A) as a passenger; or

(B) for the purpose of transacting lawful business.

(6) A:

(A) person; or

(B) person's:

(i) family member;

(ii) invitee;

(iii) employee;

(iv) agent; or

(v) independent contractor;

going on a railroad's right-of-way for the purpose of crossing at a private crossing site approved by the railroad carrier to obtain access to land that the person owns, leases, or operates.

(7) A person having written permission from the railroad carrier to go on specified railroad property.

(8) A representative of the Indiana department of transportation while engaged in the performance of official duties.



(9) A representative of the federal Railroad Administration while engaged in the performance of official duties.

(10) A representative of the National Transportation Safety Board while engaged in the performance of official duties."

Page 42, line 25, delete "subsection (d)," and insert "**subsection (e),**".

Page 42, delete line 32 and insert "**(\$50,000) and less than one hundred thousand dollars (\$100,000).**".

Page 42, between lines 37 and 38, begin a new paragraph and insert:

"(d) The offense described in subsection (a) is a Level 4 felony if the pecuniary loss is at least one hundred thousand dollars (\$100,000)."

Page 42, line 38, delete "(d)" and insert "(e)".

Page 69, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 87. IC 35-45-14-2 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 2: A person who is not an attorney and who:

(1) knowingly or intentionally solicits, advises, requests, or induces another person to bring an action in a court; and

(2) in making a solicitation under subdivision (1); directly or indirectly receives any compensation, fee, or commission from the attorney for the solicitation;

~~commits unlawful solicitation, a Class A misdemeanor.~~

SECTION 88. IC 35-45-21-2, AS ADDED BY P.L.158-2013, SECTION 547, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The sale or distribution of:

(1) diagnostic testing equipment or apparatus; or

(2) a blood collection kit;

intended for home use to diagnose or confirm human immunodeficiency virus (HIV) infection or disease is prohibited unless the testing equipment, apparatus, or kit has been approved for such use by the federal Food and Drug Administration.

(b) A person who recklessly, knowingly, or intentionally violates this section commits a ~~Class A misdemeanor~~: **Class C infraction**.

SECTION 89. IC 35-47-4-5, AS AMENDED BY P.L.142-2020, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of committing a serious violent felony.

(b) As used in this section, "serious violent felony" means:

(1) murder (IC 35-42-1-1);

(2) attempted murder (IC 35-42-1-1 and IC 35-41-5-1);

~~(2)~~ **(3) voluntary manslaughter (IC 35-42-1-3);**



- ~~(3)~~ **(4)** reckless homicide not committed by means of a vehicle (IC 35-42-1-5);
- ~~(4)~~ **(5)** battery (IC 35-42-2-1) as a:
- (A) Class A felony, Class B felony, or Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony, for a crime committed after June 30, 2014;
- ~~(5)~~ **(6)** domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony;
- ~~(6)~~ **(7)** aggravated battery (IC 35-42-2-1.5);
- ~~(7)~~ **(8)** kidnapping (IC 35-42-3-2);
- ~~(8)~~ **(9)** criminal confinement (IC 35-42-3-3);
- ~~(9)~~ **(10)** rape (IC 35-42-4-1);
- ~~(10)~~ **(11)** criminal deviate conduct (IC 35-42-4-2) (before its repeal);
- ~~(11)~~ **(12)** child molesting (IC 35-42-4-3);
- ~~(12)~~ **(13)** sexual battery (IC 35-42-4-8) as a:
- (A) Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 5 felony, for a crime committed after June 30, 2014;
- ~~(13)~~ **(14)** robbery (IC 35-42-5-1);
- ~~(14)~~ **(15)** carjacking (IC 5-42-5-2) (before its repeal);
- ~~(15)~~ **(16)** arson (IC 35-43-1-1(a)) as a:
- (A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
 - (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
- ~~(16)~~ **(17)** burglary (IC 35-43-2-1) as a:
- (A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
 - (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
- ~~(17)~~ **(18)** assisting a criminal (IC 35-44.1-2-5) as a:
- (A) Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 5 felony, for a crime committed after June 30, 2014;
- ~~(18)~~ **(19)** resisting law enforcement (IC 35-44.1-3-1) as a:
- (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a crime committed after June 30, 2014;
- ~~(19)~~ **(20)** escape (IC 35-44.1-3-4) as a:



- (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
- (B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;
- ~~(20)~~ **(21)** trafficking with an inmate (IC 35-44.1-3-5) as a:
 - (A) Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 5 felony, for a crime committed after June 30, 2014;
- ~~(21)~~ **(22)** criminal organization intimidation (IC 35-45-9-4);
- ~~(22)~~ **(23)** stalking (IC 35-45-10-5) as a:
 - (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;
- ~~(23)~~ **(24)** incest (IC 35-46-1-3);
- ~~(24)~~ **(25)** dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
- ~~(25)~~ **(26)** dealing in methamphetamine (IC 35-48-4-1.1) or manufacturing methamphetamine (IC 35-48-4-1.2);
- ~~(26)~~ **(27)** dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
- ~~(27)~~ **(28)** dealing in a schedule IV controlled substance (IC 35-48-4-3);
- ~~(28)~~ **(29)** dealing in a schedule V controlled substance (IC 35-48-4-4); or
- ~~(29)~~ **(30)** dealing in a controlled substance resulting in death (IC 35-42-1-1.5).

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Level 4 felony.

SECTION 90. IC 35-47-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. Every case of a bullet wound, gunshot wound, powder burn, or any other injury arising from or caused by the discharge of a firearm, and every case of a wound which is likely to or may result in death and is actually or apparently inflicted by a knife, ice pick, or other sharp or pointed instrument, shall be reported at once to the law enforcement authorities of the county, city, or town in which the person reporting is located by either the physician attending or treating the case, or by the manager, superintendent, or other person in charge if the case is treated in a hospital, clinic, sanitarium, or other facility or institution. A person who violates this section commits a ~~Class A misdemeanor~~. **Class C**



infraction."

Page 74, after line 21, begin a new paragraph and insert:

"SECTION 94. IC 35-52-6-17 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 17. IC 6-2.5-9-7 defines a crime concerning retail sales.~~

SECTION 95. IC 35-52-16-2 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 2. IC 16-20-1-25 defines a crime concerning local health departments.~~

SECTION 96. IC 35-52-20-4, IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 4. IC 20-27-7-19 defines a crime concerning school transportation.~~

SECTION 97. IC 35-52-24-28 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 28. IC 24-5-14.5-11 defines a crime concerning false or misleading caller identification."~~

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 197 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 8, Nays 1.

