



April 1, 2021

ENGROSSED SENATE BILL No. 197

DIGEST OF SB 197 (Updated March 31, 2021 1:16 pm - DI 131)

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 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 forcibly 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 consolidates it with identity deception. 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. Replaces references to delta-9 THC with THC.
(Continued next page)

Effective: July 1, 2021.

Young M, Sandlin, Kruse, Tallian
(HOUSE SPONSOR — STEUERWALD)

January 14, 2021, read first time and referred to Committee on Corrections and Criminal Law.

February 11, 2021, amended, reported favorably — Do Pass.

February 15, 2021, read second time, amended, ordered engrossed.

February 16, 2021, engrossed. Read third time, passed. Yeas 45, nays 0.

HOUSE ACTION

March 1, 2021, read first time and referred to Committee on Courts and Criminal Code.

April 1, 2021, amended, reported — Do Pass.

ES 197—LS 7132/DI 106



Digest Continued

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. Makes fraud a Level 4 felony if the amount involved is at least \$100,000. Defines attempted murder as a "serious violent felony". Amends the definition of "emergency medical services provider" for the offense of battery to include a staff member in the emergency department of a hospital. Provides a procedure for a law enforcement officer to request a blood sample if the law enforcement officer has probable cause to believe that a person has committed the offense of operating a vehicle or motorboat while intoxicated causing: (1) serious bodily injury; or (2) death or catastrophic injury. Provides that the law enforcement training board may establish certain standards for training programs. Resolves technical conflicts with SEA 81, HEA 1006, and HEA 1564. Makes technical corrections. Makes conforming amendments.



April 1, 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.

ENGROSSED 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**

ES 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 5-2-1-9, AS AMENDED BY SEA 81-2021,
10 SECTION 1, AND AS AMENDED BY HEA 1006-2021, SECTION
11 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
12 2021]: Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2
13 all necessary rules to carry out the provisions of this chapter. The rules,
14 which shall be adopted only after necessary and proper investigation
15 and inquiry by the board, shall include the establishment of the
16 following:

17 (1) Minimum standards of physical, educational, mental, and
18 moral fitness which shall govern the acceptance of any person for
19 training by any law enforcement training school or academy
20 meeting or exceeding the minimum standards established
21 pursuant to this chapter.

22 (2) Minimum standards for law enforcement training schools
23 administered by towns, cities, counties, law enforcement training
24 centers, agencies, or departments of the state.

25 (3) Minimum standards for courses of study, attendance
26 requirements, equipment, and facilities for approved town, city,
27 county, and state law enforcement officer, police reserve officer,
28 and conservation reserve officer training schools.

29 (4) Minimum standards for a course of study on cultural diversity
30 awareness, including training on the U nonimmigrant visa created
31 through the federal Victims of Trafficking and Violence
32 Protection Act of 2000 (P.L. 106-386) that must be required for
33 each person accepted for training at a law enforcement training
34 school or academy. Cultural diversity awareness study must
35 include an understanding of cultural issues related to race,
36 religion, gender, age, domestic violence, national origin, and
37 physical and mental disabilities.

38 (5) Minimum qualifications for instructors at approved law
39 enforcement training schools.

40 (6) Minimum basic training requirements which law enforcement
41 officers appointed to probationary terms shall complete before
42 being eligible for continued or permanent employment.



(7) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with:

(A) persons with autism, mental illness, addictive disorders, intellectual disabilities, and developmental disabilities;

(B) missing endangered adults (as defined in IC 12-7-2-131.3); and

(C) persons with Alzheimer's disease or related senile dementia;

to be provided by persons approved by the secretary of family and social services and the board. The training must include an overview of the crisis intervention teams.

(10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The course must cover the following topics:

(A) Examination of the human and sexual trafficking laws (IC 35-42-3.5).

(B) Identification of human and sexual trafficking.

(C) Communicating with traumatized persons.

(D) Therapeutically appropriate investigative techniques.

(E) Collaboration with federal law enforcement officials.

(F) Rights of and protections afforded to victims.

(G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914, Supplement B) requirements established under federal law.

(H) The availability of community resources to assist human and sexual trafficking victims.

(11) Minimum standards for ongoing specialized, intensive, and integrative training for persons responsible for investigating sexual assault cases involving adult victims. This training must include instruction on:

(A) the neurobiology of trauma;



(B) trauma informed interviewing; and

(C) investigative techniques.

~~(H)~~ **(12)** Minimum standards for de-escalation training.

De-escalation training shall be taught as a part of existing use-of-force training and not as a separate topic.

(b) A law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), (m), (t), and (u), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

(1) make an arrest;

(2) conduct a search or a seizure of a person or property; or

(3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy or at a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) This subsection does not apply to:

(1) a gaming agent employed as a law enforcement officer by the Indiana gaming commission; or

(2) an:

(A) attorney; or

(B) investigator;

designated by the securities commissioner as a police officer of the state under IC 23-19-6-1(k).

Before a law enforcement officer appointed after June 30, 1993,



1 completes the basic training requirements, the law enforcement officer
2 may exercise the police powers described in subsection (d) if the
3 officer successfully completes the pre-basic course established in
4 subsection (f). Successful completion of the pre-basic course authorizes
5 a law enforcement officer to exercise the police powers described in
6 subsection (d) for one (1) year after the date the law enforcement
7 officer is appointed.

8 (f) The board shall adopt rules under IC 4-22-2 to establish a
9 pre-basic course for the purpose of training:

10 (1) law enforcement officers;

11 (2) police reserve officers (as described in IC 36-8-3-20); and

12 (3) conservation reserve officers (as described in IC 14-9-8-27);

13 regarding the subjects of arrest, search and seizure, the lawful use of
14 force, de-escalation training, interacting with individuals with autism,
15 and the operation of an emergency vehicle. The pre-basic course must
16 be offered on a periodic basis throughout the year at regional sites
17 statewide. The pre-basic course must consist of at least forty (40) hours
18 of course work. The board may prepare the classroom part of the
19 pre-basic course using available technology in conjunction with live
20 instruction. The board shall provide the course material, the instructors,
21 and the facilities at the regional sites throughout the state that are used
22 for the pre-basic course. In addition, the board may certify pre-basic
23 courses that may be conducted by other public or private training
24 entities, including postsecondary educational institutions.

25 (g) Subject to subsection (h), the board shall adopt rules under
26 IC 4-22-2 to establish a mandatory inservice training program for
27 police officers and police reserve officers (as described in
28 IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has
29 satisfactorily completed basic training and has been appointed to a law
30 enforcement department or agency on either a full-time or part-time
31 basis is not eligible for continued employment unless the officer
32 satisfactorily completes the mandatory inservice training requirements
33 established by rules adopted by the board. Inservice training must
34 include de-escalation training. Inservice training must also include
35 training in interacting with persons with mental illness, addictive
36 disorders, intellectual disabilities, autism, developmental disabilities,
37 and Alzheimer's disease or related senile dementia, to be provided by
38 persons approved by the secretary of family and social services and the
39 board, and training concerning human and sexual trafficking and high
40 risk missing persons (as defined in IC 5-2-17-1). The board may
41 approve courses offered by other public or private training entities,
42 including postsecondary educational institutions, as necessary in order



to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to either an emergency situation or the unavailability of courses.

(h) This subsection applies only to a mandatory inservice training program under subsection (g). Notwithstanding subsection (g), the board may, without adopting rules under IC 4-22-2, modify the course work of a training subject matter, modify the number of hours of training required within a particular subject matter, or add a new subject matter, if the board satisfies the following requirements:

(1) The board must conduct at least two (2) public meetings on the proposed modification or addition.

(2) After approving the modification or addition at a public meeting, the board must post notice of the modification or addition on the Indiana law enforcement academy's Internet web site at least thirty (30) days before the modification or addition takes effect.

If the board does not satisfy the requirements of this subsection, the modification or addition is void. This subsection does not authorize the board to eliminate any inservice training subject matter required under subsection (g).

(i) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

(1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.

(2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.

(3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having not more than one (1) marshal and two (2) deputies.

(4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.

(5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.

(6) The program must require training in interacting with individuals with autism.



(j) The board shall adopt rules under IC 4-22-2 to establish an executive training program. The executive training program must include training in the following areas:

- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- (6) Lawful use of force and de-escalation training.
- (7) Department programs.
- (8) Emergency vehicle operation.
- (9) Cultural diversity.

(k) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(l) A police chief who fails to comply with subsection (k) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection (k), "police chief" refers to:

- (1) the police chief of any city;
- (2) the police chief of any town having a metropolitan police department; and
- (3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.

(m) A fire investigator in the division of fire and building safety appointed after December 31, 1993, is required to comply with the basic training standards established under this chapter.

(n) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).



(o) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

(1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;

(2) has not been employed as a law enforcement officer for:

(A) at least two (2) years; and

(B) less than six (6) years before the officer is hired under subdivision (1); and

(3) completed at any time a basic training course certified or recognized by the board before the officer is hired under subdivision (1).

(p) An officer to whom subsection (o) applies must successfully complete the refresher course described in subsection (o) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:

(1) arrest;

(2) search; and

(3) seizure.

(q) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

(1) is appointed by an Indiana law enforcement department or agency as a reserve police officer; and

(2) has not worked as a reserve police officer for at least two (2) years after:

(A) completing the pre-basic course; or

(B) leaving the individual's last appointment as a reserve police officer.

An officer to whom this subsection applies must successfully complete the refresher course established by the board in order to work as a reserve police officer.

(r) This subsection applies to an individual who, at the time the individual completes a board certified or recognized basic training course, has not been appointed as a law enforcement officer by an Indiana law enforcement department or agency. If the individual is not employed as a law enforcement officer for at least two (2) years after completing the basic training course, the individual must successfully retake and complete the basic training course as set forth in subsection (d).

(s) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an individual who:

(1) is appointed as a board certified instructor of law enforcement training; and



(2) has not provided law enforcement training instruction for more than one (1) year after the date the individual's instructor certification expired.

An individual to whom this subsection applies must successfully complete the refresher course established by the board in order to renew the individual's instructor certification.

(t) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

(1) the agent successfully completes the pre-basic course established in subsection (f); and

(2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

(u) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police powers described in subsection (d) if:

(1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and

(2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.

(v) As used in this section, "upper level policymaking position" refers to the following:

(1) If the authorized size of the department or town marshal system is not more than ten (10) members, the term refers to the position held by the police chief or town marshal.

(2) If the authorized size of the department or town marshal system is more than ten (10) members but less than fifty-one (51) members, the term refers to:

(A) the position held by the police chief or town marshal; and

(B) each position held by the members of the police department or town marshal system in the next rank and pay grade immediately below the police chief or town marshal.

(3) If the authorized size of the department or town marshal system is more than fifty (50) members, the term refers to:

(A) the position held by the police chief or town marshal; and

(B) each position held by the members of the police department or town marshal system in the next two (2) ranks and pay grades immediately below the police chief or town



1 marshal.

2 (w) This subsection applies only to a correctional police officer
3 employed by the department of correction. A correctional police officer
4 may exercise the police powers described in subsection (d) if:

5 (1) the officer successfully completes the pre-basic course
6 described in subsection (f); and

7 (2) the officer successfully completes any other training courses
8 established by the department of correction in conjunction with
9 the board.

10 (x) This subsection applies only to the sexual assault training
11 described in subsection (a)(11). The board shall:

12 (1) consult with experts on the neurobiology of trauma, trauma
13 informed interviewing, and investigative techniques in developing
14 the sexual assault training; and

15 (2) develop the sexual assault training and begin offering the
16 training not later than July 1, 2022.

17 (y) After July 1, 2023, a law enforcement officer who regularly
18 investigates sexual assaults involving adult victims must complete the
19 training requirements described in subsection (a)(11) within one (1)
20 year of being assigned to regularly investigate sexual assaults involving
21 adult victims.

22 (z) A law enforcement officer who regularly investigates sexual
23 assaults involving adult victims may complete the training
24 requirements described in subsection (a)(11) by attending a:

25 (1) statewide or national training; or

26 (2) department hosted local training.

27 **(aa) Notwithstanding any other provisions of this section, the**
28 **board is authorized to establish certain required standards of**
29 **training and procedure.**

30 SECTION 3. IC 6-2.5-9-7 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) Any person who:

32 (1) removes;

33 (2) alters;

34 (3) defaces; or

35 (4) covers;

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

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

41 (c) A retail merchant who fails to give the notice required by
42 subsection (b) within two (2) business days after the violation of



1 subsection (a) occurs commits a ~~Class B misdemeanor~~. **Class B**
 2 **infraction.**

3 SECTION 4. IC 9-30-6-6, AS AMENDED BY P.L.224-2019,
 4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2021]: Sec. 6. (a) A physician, a person trained in retrieving
 6 contraband or obtaining bodily substance samples and acting under the
 7 direction of or under a protocol prepared by a physician, or a licensed
 8 health care professional acting within the professional's scope of
 9 practice and under the direction of or under a protocol prepared by a
 10 physician, who:

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

19 shall deliver the sample or contraband or disclose the results of the test
 20 to a law enforcement officer who requests the sample, contraband, or
 21 results as a part of a criminal investigation. Samples, contraband, and
 22 test results shall be provided to a law enforcement officer even if the
 23 person has not consented to or otherwise authorized their release.

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

- 27 (1) Disclosing test results in accordance with this section.
- 28 (2) Delivering contraband, or a blood, urine, or other bodily
- 29 substance sample in accordance with this section.
- 30 (3) Searching for or retrieving contraband or obtaining a blood,
- 31 urine, or other bodily substance sample in accordance with this
- 32 section.
- 33 (4) Disclosing to the prosecuting attorney or the deputy
- 34 prosecuting attorney for use at or testifying at the criminal trial of
- 35 the person as to facts observed or opinions formed.
- 36 (5) Failing to treat a person from whom contraband is retrieved or
- 37 a blood, urine, or other bodily substance sample is obtained at the
- 38 request of a law enforcement officer if the person declines
- 39 treatment.
- 40 (6) Injury to a person arising from the performance of duties in
- 41 good faith under this section. However, immunity does not apply
- 42 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.

(l) A physician or a person trained in obtaining bodily samples who is acting under the direction of or under a protocol prepared by a physician shall obtain a blood sample if the following conditions are satisfied:

(1) A law enforcement officer requests that the sample be obtained.

(2) The law enforcement officer has certified in writing the following:

(A) That the officer has probable cause to believe the person from whom the sample is to be obtained has violated IC 9-30-5-4, IC 9-30-5-5, IC 35-46-9-6(b)(2), or IC 35-46-9-6(c).

(B) That the offense resulting in a criminal investigation described in subsection (a) occurred not more than three (3) hours before the time the sample is requested.

(C) That exigent circumstances exist that create pressing health, safety, or law enforcement needs that would take



1 **priority over a warrant application.**
 2 **(3) Not more than the use of reasonable force is necessary to**
 3 **obtain the sample.**

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

10 (1) Medical, psychiatric, or psychological data or opinion which
 11 might adversely affect that person's emotional well-being.

12 (2) Information relating to a pending investigation of alleged
 13 criminal activity or other misconduct.

14 (3) Information which, if disclosed, might result in physical harm
 15 to that person or other persons.

16 (4) Sources of information obtained only upon a promise of
 17 confidentiality.

18 (5) Information required by law or promulgated rule to be
 19 maintained as confidential.

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

24 (1) upon the order of a court;

25 (2) to employees of the department who need the information in
 26 the performance of their lawful duties;

27 (3) to other agencies in accord with IC 4-1-6-2(13) and
 28 IC 4-1-6-8.5;

29 (4) to the governor or the governor's designee;

30 (5) for research purposes in accord with IC 4-1-6-8.6(a);

31 (6) to the department of correction ombudsman bureau in accord
 32 with IC 11-11-1.5;

33 (7) to a person who is or may be the victim of ~~inmate fraud~~
 34 ~~(IC 35-43-5-20)~~ **fraud under IC 35-43-5-4(b)(6)** if the
 35 commissioner determines that the interest in disclosure overrides
 36 the interest to be served by nondisclosure; or

37 (8) if the commissioner determines there exists a compelling
 38 public interest for disclosure which overrides the interest to be
 39 served by nondisclosure.

40 (c) The department shall disclose information classified as
 41 confidential under subsection (a)(1) to a physician, psychiatrist, or
 42 psychologist designated in writing by the person about whom the



1 information pertains.

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

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

6 (2) A provider of mental health services.

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

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

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

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

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

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

28 (b) If the department has reasonable suspicion that money in a
29 confined person's account was derived from the commission of ~~inmate~~
30 fraud, the department may freeze all or a part of the confined person's
31 account for not more than one hundred eighty (180) days while the
32 department conducts an investigation to determine whether money in
33 the confined person's account derives from ~~inmate~~ fraud. If the
34 department freezes the account of a confined person under this
35 subsection, the department shall notify the confined person in writing.

36 (c) If the department's investigation reveals that no money in the
37 confined person's account was derived from ~~inmate~~ fraud, the
38 department shall unfreeze the account at the conclusion of the
39 investigation.

40 (d) If the department's investigation reveals that money in the
41 confined person's account may have been derived from the commission
42 of ~~inmate~~ fraud, the department shall notify the prosecuting attorney of



the results of the department's investigation.

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

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

(g) If the confined person is convicted of ~~inmate~~ fraud, the department, in consultation with the prosecuting attorney, shall locate the money or property derived from ~~inmate~~ fraud and return it to the rightful owner.

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

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

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

(2) the child's relative, including:

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

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

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

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

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

SECTION 9. IC 12-14-2-21, AS AMENDED BY P.L.160-2012, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2021]: Sec. 21. (a) A TANF recipient or the parent or essential person of a TANF recipient, if the TANF recipient is less than eighteen (18) years of age, must sign a personal responsibility agreement to do the following:

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

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

(3) Agree to a loss of assistance, including TANF assistance under this article, if convicted of a felony under ~~IC 35-43-5-7 or IC 35-43-5-7.1~~ **IC 35-43-5 for fraud relating to Medicaid or public relief or assistance** for ten (10) years after the conviction.

(4) Subject to section 5.3 of this chapter, understand that additional TANF assistance under this article will not be available for a child born more than ten (10) months after the person qualifies for assistance.

(5) Accept responsibility for ensuring that each child of the person receives all appropriate vaccinations against disease at an appropriate age.

(6) If the person is less than eighteen (18) years of age and is a parent, live with the person's parents, legal guardian, or an adult relative other than a parent or legal guardian in order to receive public assistance.

(7) Subject to IC 12-8-1.5-11 and section 5.1 of this chapter, agree to accept assistance for not more than twenty-four (24) months under the TANF program (IC 12-14).

(8) Be available for and actively seek and maintain employment.

(9) Participate in any training program required by the division.

(10) Accept responsibility for ensuring that the person and each child of the person attend school until the person and each child of the person graduate from high school or attain a high school equivalency certificate (as defined in IC 12-14-5-2).

(11) Raise the person's children in a safe, secure home.

(12) Agree not to abuse illegal drugs or other substances that would interfere with the person's ability to attain self-sufficiency.

(b) Except as provided in subsection (c), assistance under the TANF program shall be withheld or denied to a person who does not fulfill the requirements of the personal responsibility agreement under subsection (a).

(c) A person who is granted an exemption under section 23 of this chapter may be excused from specific provisions of the personal responsibility agreement as determined by the director.



1 SECTION 10. IC 12-15-22-1.5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.5. In addition to any
 3 sanction imposed on a provider under section 1 of this chapter, a
 4 provider convicted of an offense under ~~IC 35-43-5-7.1~~ **IC 35-43-5 for**
 5 **fraud relating to Medicaid** is ineligible to participate in the Medicaid
 6 program for ten (10) years after the conviction.

7 SECTION 11. IC 12-17.6-6-3 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. In addition to any
 9 sanction imposed on a provider under section 2 of this chapter, a
 10 provider convicted of an offense under ~~IC 35-43-5-7.2~~ **IC 35-43-5**
 11 **relating to the program** is ineligible to participate in the program for
 12 ten (10) years after the conviction.

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

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

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

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

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

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

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

42 (1) If the conviction is for a misdemeanor, for one (1) year after



the conviction.

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

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

(1) date of the improper conduct; or

(2) date aid was last extended to the individual based on the improper conduct.

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

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

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

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

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

(1) The appropriate local emergency planning committee.

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

(c) Upon the request of:

(1) a local emergency planning committee; or

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

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



1 specific facility.

2 (d) A state or local official acting in the official's capacity may have
3 access to information on the tier II emergency and hazardous chemical
4 inventory forms by submitting a request to the commission or a local
5 emergency planning committee. If the commission or the emergency
6 planning committee does not already possess the requested
7 information, upon receipt of a request for tier II emergency and
8 hazardous chemical inventory form information, the commission or
9 committee shall request the facility owner or operator to provide the
10 tier II emergency and hazardous chemical inventory form information.
11 The commission or the local emergency planning committee shall
12 make the information available to the official.

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

18 (f) Any tier II emergency and hazardous chemical inventory form
19 information that the commission or a local emergency planning
20 committee possesses shall be made available to a person making a
21 request under this section in accordance with section 14 of this chapter.
22 If the commission or local emergency planning committee does not
23 possess the tier II emergency and hazardous chemical inventory form
24 information requested, the commission or local emergency planning
25 committee shall request the facility owner or operator to:

26 (1) provide the tier II emergency and hazardous chemical
27 inventory form information with respect to a hazardous chemical
28 that a facility has stored in an amount of at least ten thousand
29 (10,000) pounds present at the facility at any time during the
30 preceding year; and

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

33 to the person making the request.

34 (g) For tier II emergency and hazardous chemical inventory form
35 information that is not in the possession of the commission or a local
36 emergency planning committee with respect to a hazardous chemical
37 that a facility has stored in an amount that is less than ten thousand
38 (10,000) pounds at the facility at any time during the preceding year,
39 a request from a person must include a statement specifying the general
40 need for the information. The commission or local emergency planning
41 committee may request the facility owner or operator for the tier II
42 emergency and hazardous chemical inventory form information on



1 behalf of the person making the request. Upon receipt of any
 2 information requested on behalf of the person, the commission or local
 3 emergency planning committee shall make the information available
 4 in accordance with section 14 of this chapter to the person.

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

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

11 (1) A facility that is subject to the fee required by subsection
 12 (a)(2) that fails to pay the entire fee by March 1 of each year shall
 13 pay to the commission a late fee of twenty dollars (\$20) in
 14 addition to the fee payable under subsection (a)(2). This late fee
 15 shall increase by twenty dollars (\$20) for each month that the
 16 required fee is not paid. This late fee shall never exceed one
 17 hundred percent (100%) of the fee required by subsection (a)(2).

18 (2) If a payment is made by bank draft, check, cashier's check,
 19 electronic check, or money order, the liability is not finally
 20 discharged and the person has not paid the fee until the draft,
 21 check, or money order has been honored by the institution on
 22 which it is drawn. If the payment is made by credit card, debit
 23 card, charge card, or similar method, the liability is not finally
 24 discharged and the person has not paid the fee until the
 25 commission receives payment or credit from the institution
 26 responsible for making the payment or credit.

27 (3) If a financial institution reports that it dishonors or rejects a
 28 person's check, credit card payment, electronic funds transfer, or
 29 other form of payment, the commission shall assess and collect
 30 the fees and charges authorized in ~~IC 35-43-5-5(e)~~, **IC 35-43-5,**
 31 **if applicable**, in addition to the applicable late fee assessed under
 32 subdivision (1). If the person subject to the penalty under this
 33 subsection can show that there is reasonable cause for the
 34 payment not being honored, the commission may waive the fees
 35 and charges imposed under this subsection.

36 SECTION 15. IC 15-15-13-6.5, AS ADDED BY P.L.190-2019,
 37 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2021]: Sec. 6.5. As used in this chapter, "hemp product"
 39 means a product derived from, or made by, processing hemp plants or
 40 plant parts including derivatives, extracts, cannabinoids, isomers, acids,
 41 salts, and salts of isomers. However, the term does not include:

42 (1) smokable hemp (as defined by IC 35-48-1-26.6); or



(2) products that contain a total ~~delta-9-tetrahydrocannabinol~~
tetrahydrocannabinol concentration of more than three-tenths
 of one percent (0.3%) by weight.

SECTION 16. 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 17. 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.

SECTION 18. IC 16-42-1-9 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) This section does
 not apply to an advertisement that:

- (1) is disseminated only to members of the medical, dental,



- 1 pharmaceutical, and other legally recognized professions dealing
- 2 with the healing arts;
- 3 (2) appears only in the scientific periodicals of those professions;
- 4 or
- 5 (3) is disseminated only for the purpose of public health education
- 6 by persons not commercially interested in the sale of such drugs
- 7 or devices.
- 8 (b) The advertisement of a drug or device that represents that the
- 9 drug or device has any effect in:
- 10 albuminuria
- 11 appendicitis
- 12 arteriosclerosis
- 13 blood poison
- 14 bone disease
- 15 Bright's disease
- 16 carbuncles
- 17 cancer
- 18 cholecystitis
- 19 diabetes
- 20 diphtheria
- 21 dropsy
- 22 erysipelas
- 23 gallstones
- 24 heart and vascular diseases
- 25 high blood pressure
- 26 mastoiditis
- 27 measles
- 28 mumps
- 29 nephritis
- 30 otitis media
- 31 paralysis
- 32 pneumonia
- 33 poliomyelitis (infantile paralysis)
- 34 prostate gland disorders
- 35 pyelitis
- 36 scarlet fever
- 37 sexual impotence
- 38 sinus infection
- 39 smallpox
- 40 tuberculosis
- 41 tumors
- 42 typhoid



1 uremia
 2 venereal disease
 3 meningitis

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

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

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

16 SECTION 20. IC 20-28-5-8, AS AMENDED BY HEA 1564-2021,
 17 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2021]: Sec. 8. (a) This section applies when a prosecuting
 19 attorney knows that a licensed employee of a public school or a
 20 nonpublic school has been convicted of an offense listed in subsection
 21 (c). The prosecuting attorney shall immediately give written notice of
 22 the conviction to the following:

23 (1) The secretary of education.

24 (2) Except as provided in subdivision (3), the superintendent of
 25 the school corporation that employs the licensed employee or the
 26 equivalent authority if a nonpublic school employs the licensed
 27 employee.

28 (3) The presiding officer of the governing body of the school
 29 corporation that employs the licensed employee, if the convicted
 30 licensed employee is the superintendent of the school corporation.

31 (b) The superintendent of a school corporation, presiding officer of
 32 the governing body, or equivalent authority for a nonpublic school shall
 33 immediately notify the secretary of education when the individual
 34 knows that a current or former licensed employee of the public school
 35 or nonpublic school has been convicted of an offense listed in
 36 subsection (c), or when the governing body or equivalent authority for
 37 a nonpublic school takes any final action in relation to an employee
 38 who engaged in any offense listed in subsection (c).

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

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



- 1 (2) Criminal confinement (IC 35-42-3-3).
- 2 (3) Rape (IC 35-42-4-1).
- 3 (4) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- 4 (5) Child molesting (IC 35-42-4-3).
- 5 (6) ~~Child exploitation~~ **An offense under IC 35-42-4-4(b) or**
- 6 **IC 35-42-4-4(c).**
- 7 (7) Vicarious sexual gratification (IC 35-42-4-5).
- 8 (8) Child solicitation (IC 35-42-4-6).
- 9 (9) Child seduction (IC 35-42-4-7).
- 10 (10) Sexual misconduct with a minor (IC 35-42-4-9).
- 11 (11) Incest (IC 35-46-1-3).
- 12 (12) Dealing in or manufacturing cocaine or a narcotic drug
- 13 (IC 35-48-4-1).
- 14 (13) Dealing in methamphetamine (IC 35-48-4-1.1).
- 15 (14) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 16 (15) Dealing in a schedule I, II, or III controlled substance
- 17 (IC 35-48-4-2).
- 18 (16) Dealing in a schedule IV controlled substance
- 19 (IC 35-48-4-3).
- 20 (17) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 21 (18) Dealing in a counterfeit substance (IC 35-48-4-5).
- 22 (19) Dealing in marijuana, hash oil, hashish, or salvia as a felony
- 23 (IC 35-48-4-10).
- 24 (20) An offense under IC 35-48-4 involving the manufacture or
- 25 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
- 26 synthetic drug lookalike substance (as defined in
- 27 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
- 28 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
- 29 substance analog (as defined in IC 35-48-1-9.3), or a substance
- 30 represented to be a controlled substance (as described in
- 31 IC 35-48-4-4.6).
- 32 (21) Possession of child pornography (IC 35-42-4-4(d) or
- 33 IC 35-42-4-4(e)).
- 34 (22) Homicide (IC 35-42-1).
- 35 (23) Voluntary manslaughter (IC 35-42-1-3).
- 36 (24) Reckless homicide (IC 35-42-1-5).
- 37 (25) Battery as any of the following:
- 38 (A) A Class A felony (for a crime committed before July 1,
- 39 2014) or a Level 2 felony (for a crime committed after June
- 40 30, 2014).
- 41 (B) A Class B felony (for a crime committed before July 1,
- 42 2014) or a Level 3 felony (for a crime committed after June



- 1 30, 2014).
- 2 (C) A Class C felony (for a crime committed before July 1,
- 3 2014) or a Level 5 felony (for a crime committed after June
- 4 30, 2014).
- 5 (26) Aggravated battery (IC 35-42-2-1.5).
- 6 (27) Robbery (IC 35-42-5-1).
- 7 (28) Carjacking (IC 35-42-5-2) (before its repeal).
- 8 (29) Arson as a Class A felony or Class B felony (for a crime
- 9 committed before July 1, 2014) or as a Level 2, Level 3, or Level
- 10 4 felony (for a crime committed after June 30, 2014)
- 11 (IC 35-43-1-1(a)).
- 12 (30) Burglary as a Class A felony or Class B felony (for a crime
- 13 committed before July 1, 2014) or as a Level 1, Level 2, Level 3,
- 14 or Level 4 felony (for a crime committed after June 30, 2014)
- 15 (IC 35-43-2-1).
- 16 (31) Human trafficking (IC 35-42-3.5).
- 17 (32) Dealing in a controlled substance resulting in death
- 18 (IC 35-42-1-1.5).
- 19 (33) Attempt under IC 35-41-5-1 to commit an offense listed in
- 20 this subsection.
- 21 (34) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 22 in this subsection.
- 23 (d) The department shall permanently revoke the license of a person
- 24 who is known by the department to have been convicted of a federal
- 25 offense or an offense in another state that is comparable to a felony
- 26 listed in subsection (c).
- 27 (e) A license may be suspended by the secretary of education as
- 28 specified in IC 20-28-7.5.
- 29 (f) The department shall develop a data base of information on
- 30 school corporation employees who have been reported to the
- 31 department under this section.
- 32 (g) Upon receipt of information from the office of judicial
- 33 administration in accordance with IC 33-24-6-3 concerning persons
- 34 convicted of an offense listed in subsection (c), the department shall:
- 35 (1) cross check the information received from the office of
- 36 judicial administration with information concerning licensed
- 37 teachers (as defined in IC 20-18-2-22(b)) maintained by the
- 38 department; and
- 39 (2) if a licensed teacher (as defined in IC 20-18-2-22(b)) has been
- 40 convicted of an offense described in subsection (c), revoke the
- 41 licensed teacher's license.
- 42 SECTION 21. 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 22. IC 24-4-21-3, AS AMENDED BY P.L.190-2019, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. A person may distribute low THC hemp extract in Indiana only if the distributor has a certificate of analysis prepared by an independent testing laboratory showing:

(1) that the low THC hemp extract is the product of a batch tested by the independent testing laboratory;

(2) that the independent testing laboratory determined that the batch contained not more than three-tenths percent (0.3%) total ~~delta-9-tetrahydrocannabinol~~ **tetrahydrocannabinol** (THC), including precursors **and isomers**, by weight, based on the testing of a random sample of the batch; and

(3) the cannabidiol percent present of the low THC hemp extract.

SECTION 23. IC 24-4-21-4, AS ADDED BY P.L.153-2018, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) Except as provided in subsection (b), low THC hemp extract must be distributed in packaging that contains the following information:

(1) A scannable bar code or QR code linked to a document that contains information with respect to the manufacture of the low THC hemp extract, including the:

(A) batch identification number;

(B) product name;

(C) batch date;

(D) expiration date, which must be not more than two (2) years from the date of manufacture;

(E) batch size;

(F) total quantity produced;

(G) ingredients used, including the:

(i) ingredient name;

(ii) name of the company that manufactured the ingredient;

(iii) company or product identification number or code, if applicable; and

(iv) ingredient lot number; and

(H) download link for a certificate of analysis for the low THC hemp extract.

(2) The batch number.



- (3) The Internet address of a web site to obtain batch information.
- (4) The expiration date.
- (5) The number of milligrams of low THC hemp extract.
- (6) The manufacturer.
- (7) The fact that the product contains not more than three-tenths percent (0.3%) total ~~delta-9-tetrahydrocannabinol~~ **tetrahydrocannabinol** (THC), including precursors **and isomers**, by weight.

(b) Before July 1, 2018, low THC hemp extract may be distributed in Indiana without having met the requirements described in subsection (a).

SECTION 24. 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.~~

SECTION 25. IC 24-5-26-1, AS AMENDED BY P.L.142-2020, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. As used in this chapter, "identity theft" means:

- (1) identity deception (IC 35-43-5-3.5); or
- (2) synthetic identity deception (IC 35-43-5-3.8) **(before its repeal).**

SECTION 26. IC 24-5-26-2, AS ADDED BY P.L.137-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. A person shall not do any of the following in the conduct of trade or commerce:

- (1) Deny credit or public utility service to or reduce the credit limit of a consumer solely because the consumer was a victim of identity theft, if the person had prior knowledge that the consumer was a victim of identity deception or synthetic identity deception **(before its repeal)**. A consumer is presumed to be a victim of identity theft for purposes of this subdivision if the consumer provides to the person:
 - (A) a copy of a police report evidencing the claim of the victim of identity theft; and
 - (B) either:
 - (i) a properly completed copy of a standardized affidavit of identity theft developed and made available by the Federal Trade Commission under 15 U.S.C. 1681g; or
 - (ii) an affidavit of fact that is acceptable to the person for that purpose.

This subdivision does not prohibit denial of credit or public utility



1 service if a consumer has placed a security freeze on the
 2 consumer's consumer report and does not wish to temporarily lift
 3 the freeze for purposes of the credit or public utility service
 4 request or application.

5 (2) Solicit to extend credit to a consumer who does not have an
 6 existing line of credit, or has not had or applied for a line of credit
 7 within the preceding year, through the use of an unsolicited check
 8 that includes personal identifying information other than the
 9 recipient's name, address, and a partial, encoded, or truncated
 10 personal identifying number. In addition to any other penalty or
 11 remedy under this chapter or under IC 24-5-0.5, a credit card
 12 issuer, financial institution, or other lender that violates this
 13 subdivision, and not the consumer, is liable for the amount of the
 14 instrument if the instrument is used by an unauthorized user and
 15 for any fees assessed to the consumer if the instrument is
 16 dishonored.

17 (3) Solicit to extend credit to a consumer who does not have a
 18 current credit card, or has not had or applied for a credit card
 19 within the preceding year, through the use of an unsolicited credit
 20 card sent to the consumer. In addition to any other penalty or
 21 remedy under this chapter or under IC 24-5-0.5, a credit card
 22 issuer, financial institution, or other lender that violates this
 23 subdivision, and not the consumer, is liable for any charges if the
 24 credit card is used by an unauthorized user and for any interest or
 25 finance charges assessed to the consumer.

26 (4) Extend credit to a consumer without exercising reasonable
 27 procedures to verify the identity of that consumer. Compliance
 28 with regulations issued for depository institutions, and to be
 29 issued for other financial institutions, by the United States
 30 Department of Treasury under Section 326 of the USA PATRIOT
 31 Act, 31 U.S.C. 5318, is considered compliance with this
 32 subdivision. This subdivision does not apply to a purchase of a
 33 credit obligation in an acquisition, a merger, a purchase of assets,
 34 or an assumption of liabilities or any change to or review of an
 35 existing credit account.

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

42 "A person who knowingly and with intent to defraud an insurer



files a statement of claim containing any false, incomplete, or misleading information commits a felony."

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

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

SECTION 29. IC 32-37-1-1, AS AMENDED BY P.L.181-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. This article does not apply to the following:

- (1) A contract between a performing rights society and:
 - (A) a broadcaster licensed by the Federal Communications Commission;
 - (B) a cable television operator or programmer; or
 - (C) another transmission service.
- (2) An investigation by a law enforcement agency.
- (3) An investigation by a law enforcement agency or other person concerning a suspected violation of IC 24-4-10-4, IC 35-43-4-2, or ~~IC 35-43-5-4(10)~~. **IC 35-43-5-4 relating to a recording that does not conspicuously display the true name and manufacturer of the recording.**

SECTION 30. IC 33-23-8-4, AS AMENDED BY P.L.142-2020, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. If a practitioner: ~~is convicted under IC 35-43-5-4.5 of insurance fraud,~~

- (1) violates **IC 35-43-5-4.7 (insurance fraud); or**
- (2) is convicted under **IC 35-43-5-4 of an offense that relates to insurance (including an attempt or a conspiracy);**

the sentencing court shall provide notice of the conviction to each governmental body that has issued a license to the practitioner.

SECTION 31. IC 34-24-1-1, AS AMENDED BY P.L.142-2020, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The following may be seized:

- (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:



(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

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

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

(iii) Manufacturing methamphetamine (IC 35-48-4-1.2).

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

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

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

(vii) Dealing in a counterfeit substance (IC 35-48-4-5).

(viii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).

(ix) Possession of methamphetamine (IC 35-48-4-6.1).

(x) Dealing in paraphernalia (IC 35-48-4-8.5).

(xi) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).

(xii) An offense under IC 35-48-4 involving a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).

(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars (\$100) or more.

(C) Any hazardous waste in violation of IC 13-30-10-1.5.

(D) A bomb (as defined in IC 35-31.5-2-31) or weapon of mass destruction (as defined in IC 35-31.5-2-354) used to commit, used in an attempt to commit, or used in a conspiracy to commit a felony terrorist offense (as defined in IC 35-50-2-18) or an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-31.5-2-329).

(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit a felony terrorist offense (as defined in IC 35-50-2-18) or an offense under



IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1, before its repeal):

- (A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;
- (B) used to facilitate any violation of a criminal statute; or
- (C) traceable as proceeds of the violation of a criminal statute.

(3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.

(4) A vehicle that is used by a person to:

- (A) commit, attempt to commit, or conspire to commit;
 - (B) facilitate the commission of; or
 - (C) escape from the commission of;
- murder (IC 35-42-1-1), dealing in a controlled substance resulting in death (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.

(5) Real property owned by a person who uses it to commit any of the following as a Level 1, Level 2, Level 3, Level 4, or Level 5 felony:

- (A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (B) Dealing in methamphetamine (IC 35-48-4-1.1).
- (C) Manufacturing methamphetamine (IC 35-48-4-1.2).
- (D) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (E) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (F) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).
- (G) Dealing in a synthetic drug (as defined in IC 35-31.5-2-321) or synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019).
- (H) Dealing in a controlled substance resulting in death (IC 35-42-1-1.5).

(6) Equipment and recordings used by a person to commit fraud under ~~IC 35-43-5-4(10)~~. **IC 35-43-5.**



- 1 (7) Recordings sold, rented, transported, or possessed by a person
2 in violation of IC 24-4-10.
- 3 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as
4 defined by IC 35-45-6-1) that is the object of a corrupt business
5 influence violation (IC 35-45-6-2).
- 6 (9) Unlawful telecommunications devices (as defined in
7 IC 35-45-13-6) and plans, instructions, or publications used to
8 commit an offense under IC 35-45-13.
- 9 (10) Any equipment, including computer equipment and cellular
10 telephones, used for or intended for use in preparing,
11 photographing, recording, videotaping, digitizing, printing,
12 copying, or disseminating matter in violation of IC 35-42-4.
- 13 (11) Destructive devices used, possessed, transported, or sold in
14 violation of IC 35-47.5.
- 15 (12) Tobacco products that are sold in violation of IC 24-3-5,
16 tobacco products that a person attempts to sell in violation of
17 IC 24-3-5, and other personal property owned and used by a
18 person to facilitate a violation of IC 24-3-5.
- 19 (13) Property used by a person to commit counterfeiting or
20 forgery in violation of IC 35-43-5-2.
- 21 (14) After December 31, 2005, if a person is convicted of an
22 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
23 following real or personal property:
24 (A) Property used or intended to be used to commit, facilitate,
25 or promote the commission of the offense.
26 (B) Property constituting, derived from, or traceable to the
27 gross proceeds that the person obtained directly or indirectly
28 as a result of the offense.
- 29 (15) Except as provided in subsection (e), a vehicle used by a
30 person who operates the vehicle:
31 (A) while intoxicated, in violation of IC 9-30-5-1 through
32 IC 9-30-5-5, if in the previous five (5) years the person has two
33 (2) or more prior unrelated convictions for operating a motor
34 vehicle while intoxicated in violation of IC 9-30-5-1 through
35 IC 9-30-5-5; or
36 (B) on a highway while the person's driving privileges are
37 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,
38 if in the previous five (5) years the person has two (2) or more
39 prior unrelated convictions for operating a vehicle while
40 intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5.
41 If a court orders the seizure of a vehicle under this subdivision,
42 the court shall transmit an order to the bureau of motor vehicles



recommending that the bureau not permit a vehicle to be registered in the name of the person whose vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).

(16) The following real or personal property:

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

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

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

~~(18)~~ (17) Real or personal property, including a vehicle, that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

(C) escape from the commission of;

a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human trafficking) or IC 35-45-4-4 (promoting prostitution).

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:



(1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in death).

(2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).

(3) IC 35-48-4-1.1 (dealing in methamphetamine).

(4) IC 35-48-4-1.2 (manufacturing methamphetamine).

(5) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).

(6) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

(7) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Level 4 felony.

(8) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a Level 3, Level 4, or Level 5 felony.

(9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level 3, Level 4, or Level 5 felony.

(10) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or salvia) as a Level 5 felony.

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

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

(1) an owner of the vehicle; or

(2) the spouse of the person who owns the vehicle;

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

SECTION 32. IC 34-30-2-150.2 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 150.2. IC 35-43-5-5 (Concerning the payee or holder of a check, draft, or order that gives notice that the check, draft, or order was not paid by the credit institution).~~

SECTION 33. IC 35-31.5-2-34 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 34. "Card skimming device", for purposes of IC 35-43-5-4.3, has the meaning set forth in IC 35-43-5-4.3(a).~~

SECTION 34. IC 35-31.5-2-115.5, AS ADDED BY P.L.238-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 115.5. (a) "Emergency medical services provider", **for purposes of IC 35-42-2-1**, has the meaning set forth in IC 16-41-10-1. **This term includes a staff member in the emergency department of a hospital.**

(b) "Emergency medical services provider", for purposes of



1 **IC 35-44.1-3-1 and IC 35-46-1-4, has the meaning set forth in**
 2 **IC 16-41-10-1.**

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

- 6 **(1) has the meaning set forth in IC 28-1-1-3(1); and**
 7 **(2) includes any bank, trust company, corporate fiduciary,**
 8 **savings association, credit union, savings bank, bank of**
 9 **discount and deposit, or industrial loan and investment**
 10 **company organized or reorganized under the laws of this**
 11 **state, any other state, or the United States.**

12 SECTION 36. IC 35-31.5-2-170 IS REPEALED [EFFECTIVE
 13 JULY 1, 2021]. ~~Sec. 170: "Inmate", for purposes of IC 35-43-5-20, has~~
 14 ~~the meaning set forth in IC 35-43-5-20(a).~~

15 SECTION 37. IC 35-31.5-2-176.8 IS ADDED TO THE INDIANA
 16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2021]: **Sec. 176.8. "Item of sentimental**
 18 **value" means:**

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

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

26 SECTION 38. IC 35-31.5-2-312 IS REPEALED [EFFECTIVE
 27 JULY 1, 2021]. ~~Sec. 312: "State or federally chartered or federally~~
 28 ~~insured financial institution", for purposes of IC 35-43-5-8, has the~~
 29 ~~meaning set forth in IC 35-43-5-8(b).~~

30 SECTION 39. IC 35-31.5-2-322 IS REPEALED [EFFECTIVE
 31 JULY 1, 2021]. ~~Sec. 322: "Synthetic identifying information", for~~
 32 ~~purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(r).~~

33 SECTION 40. IC 35-31.5-2-344, AS ADDED BY P.L.114-2012,
 34 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2021]: **Sec. 344. "Utility", for purposes of IC 35-43-5, has the**
 36 **meaning set forth in ~~IC 35-43-5-1(s).~~ IC 35-43-5-1.**

37 SECTION 41. IC 35-31.5-2-356, AS ADDED BY P.L.114-2012,
 38 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2021]: **Sec. 356. "Written instrument", for purposes of**
 40 **IC 35-43-5, has the meaning set forth in ~~IC 35-43-5-1(t).~~ IC 35-43-5-1.**

41 SECTION 42. IC 35-32-2-6, AS AMENDED BY P.L.137-2009,
 42 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2021]: Sec. 6. (a) Subject to subsection (b), a person who commits the offense of identity deception or synthetic identity deception **(before its repeal)** may be tried in a county in which:

(1) the victim resides; or

(2) the person:

(A) obtains;

(B) possesses;

(C) transfers; or

(D) uses;

the information used to commit the offense.

(b) If:

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

(2) either:

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

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

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

SECTION 43. IC 35-33-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. The court may detain, for a maximum period of fifteen (15) calendar days, a person charged with any offense who comes before it for a bail determination, if the person is on probation, ~~or~~ parole, ~~or other community supervision~~. During the fifteen (15) day period, the prosecuting attorney shall notify the appropriate parole, ~~or~~ probation, ~~or other community supervision~~ authority. If that authority fails to initiate probation or parole revocation proceedings during the fifteen (15) day period, the person shall be treated in accordance with the other sections of this chapter.

SECTION 44. IC 35-37-4-6, AS AMENDED BY P.L.142-2020, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(1) or (c)(2):

(1) Sex crimes (IC 35-42-4).

(2) A battery offense included in IC 35-42-2 upon a child less than fourteen (14) years of age.

(3) Kidnapping and confinement (IC 35-42-3).

(4) Incest (IC 35-46-1-3).



- 1 (5) Neglect of a dependent (IC 35-46-1-4).
- 2 (6) Human and sexual trafficking crimes (IC 35-42-3.5).
- 3 (b) This section applies to a criminal action involving the following
- 4 offenses where the victim is a protected person under subsection (c)(3):
- 5 (1) Exploitation of a dependent or endangered adult
- 6 (IC 35-46-1-12).
- 7 (2) A sex crime (IC 35-42-4).
- 8 (3) A battery offense included in IC 35-42-2.
- 9 (4) Kidnapping, confinement, or interference with custody
- 10 (IC 35-42-3).
- 11 (5) Home improvement fraud (IC 35-43-6).
- 12 (6) Fraud (IC 35-43-5).
- 13 (7) Identity deception (IC 35-43-5-3.5).
- 14 (8) Synthetic identity deception (IC 35-43-5-3.8) **(before its**
- 15 **repeal).**
- 16 (9) Theft (IC 35-43-4-2).
- 17 (10) Conversion (IC 35-43-4-3).
- 18 (11) Neglect of a dependent (IC 35-46-1-4).
- 19 (12) Human and sexual trafficking crimes (IC 35-42-3.5).
- 20 (c) As used in this section, "protected person" means:
- 21 (1) a child who is less than fourteen (14) years of age;
- 22 (2) an individual with a mental disability who has a disability
- 23 attributable to an impairment of general intellectual functioning
- 24 or adaptive behavior that:
- 25 (A) is manifested before the individual is eighteen (18) years
- 26 of age;
- 27 (B) is likely to continue indefinitely;
- 28 (C) constitutes a substantial impairment of the individual's
- 29 ability to function normally in society; and
- 30 (D) reflects the individual's need for a combination and
- 31 sequence of special, interdisciplinary, or generic care,
- 32 treatment, or other services that are of lifelong or extended
- 33 duration and are individually planned and coordinated; or
- 34 (3) an individual who is:
- 35 (A) at least eighteen (18) years of age; and
- 36 (B) incapable by reason of mental illness, intellectual
- 37 disability, dementia, or other physical or mental incapacity of:
- 38 (i) managing or directing the management of the individual's
- 39 property; or
- 40 (ii) providing or directing the provision of self-care.
- 41 (d) A statement or videotape that:
- 42 (1) is made by a person who at the time of trial is a protected



1 person;

2 (2) concerns an act that is a material element of an offense listed
3 in subsection (a) or (b) that was allegedly committed against the
4 person; and

5 (3) is not otherwise admissible in evidence;

6 is admissible in evidence in a criminal action for an offense listed in
7 subsection (a) or (b) if the requirements of subsection (e) are met.

8 (e) A statement or videotape described in subsection (d) is
9 admissible in evidence in a criminal action listed in subsection (a) or
10 (b) if, after notice to the defendant of a hearing and of the defendant's
11 right to be present, all of the following conditions are met:

12 (1) The court finds, in a hearing:

13 (A) conducted outside the presence of the jury; and

14 (B) attended by the protected person in person or by using
15 closed circuit television testimony as described in section 8(f)
16 and 8(g) of this chapter;

17 that the time, content, and circumstances of the statement or
18 videotape provide sufficient indications of reliability.

19 (2) The protected person:

20 (A) testifies at the trial; or

21 (B) is found by the court to be unavailable as a witness for one
22 (1) of the following reasons:

23 (i) From the testimony of a psychiatrist, physician, or
24 psychologist, and other evidence, if any, the court finds that
25 the protected person's testifying in the physical presence of
26 the defendant will cause the protected person to suffer
27 serious emotional distress such that the protected person
28 cannot reasonably communicate.

29 (ii) The protected person cannot participate in the trial for
30 medical reasons.

31 (iii) The court has determined that the protected person is
32 incapable of understanding the nature and obligation of an
33 oath.

34 (f) If a protected person is unavailable to testify at the trial for a
35 reason listed in subsection (e)(2)(B), a statement or videotape may be
36 admitted in evidence under this section only if the protected person was
37 available for cross-examination:

38 (1) at the hearing described in subsection (e)(1); or

39 (2) when the statement or videotape was made.

40 (g) A statement or videotape may not be admitted in evidence under
41 this section unless the prosecuting attorney informs the defendant and
42 the defendant's attorney at least ten (10) days before the trial of:



(1) the prosecuting attorney's intention to introduce the statement or videotape in evidence; and

(2) the content of the statement or videotape.

(h) If a statement or videotape is admitted in evidence under this section, the court shall instruct the jury that it is for the jury to determine the weight and credit to be given the statement or videotape and that, in making that determination, the jury shall consider the following:

(1) The mental and physical age of the person making the statement or videotape.

(2) The nature of the statement or videotape.

(3) The circumstances under which the statement or videotape was made.

(4) Other relevant factors.

(i) If a statement or videotape described in subsection (d) is admitted into evidence under this section, a defendant may introduce a:

(1) transcript; or

(2) videotape;

of the hearing held under subsection (e)(1) into evidence at trial.

SECTION 45. IC 35-37-4-7, AS AMENDED BY P.L.153-2017, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) Except as provided in ~~subsection~~ **subsections (b) through (c)**, whenever an element of an offense involves a pecuniary loss or a pecuniary gain, then the element shall be established by proof of the fair market value of the property at the time of the offense.

(b) For purposes of IC 35-43-1-8, "pecuniary loss" includes:

(1) damage to the victim's property caused, directly or indirectly, by commission of the offense, based on the actual cost of securing, repairing, or replacing a computer, a computer system, computer software, a network, and data; and

(2) revenue, salary, or wages lost by the victim as a result of the crime.

(c) For purposes of a misrepresentation under IC 35-43-5-4 relating to the fraudulent provision of goods or services, "pecuniary loss" includes:

(1) the total cost charged for the provision of goods or services, and not merely the difference in value between the goods or services provided and the goods or services promised; or

(2) the total cost to replace the fraudulently provided goods or



1 services with goods or services equivalent to the goods or
 2 services promised;
 3 whichever is higher.

4 (d) For purposes of a misrepresentation under IC 35-43-5-4
 5 relating to insurance, "pecuniary loss" means the highest policy
 6 limit available through any coverage in the policy.

7 SECTION 46. IC 35-40-5-11.5, AS ADDED BY P.L.62-2020,
 8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2021]: Sec. 11.5. (a) This section applies only to a criminal
 10 case involving a child less than sixteen (16) years of age who is the
 11 victim or alleged victim of a sex offense.

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

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

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

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

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

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

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

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

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

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

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

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

41 (B) in the interest of justice.

42 (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



1 conducted; and

2 (3) if applicable, issue a protective order under Indiana Trial Rule
3 26(C).

4 SECTION 47. IC 35-40-14-1, AS AMENDED BY P.L.142-2020,
5 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2021]: Sec. 1. As used in this chapter, "identity theft" means:

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

8 (2) synthetic identity deception (IC 35-43-5-3.8) **(before its**
9 **repeal).**

10 SECTION 48. IC 35-41-1-1, AS AMENDED BY P.L.137-2009,
11 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2021]: Sec. 1. (a) As used in this section, "Indiana" includes:

13 (1) the area within the boundaries of the state of Indiana, as set
14 forth in Article 14, Section 1 of the Constitution of the State of
15 Indiana;

16 (2) the portion of the Ohio River on which Indiana possesses
17 concurrent jurisdiction with the state of Kentucky under Article
18 14, Section 2 of the Constitution of the State of Indiana; and

19 (3) the portion of the Wabash River on which Indiana possesses
20 concurrent jurisdiction with the state of Illinois under Article 14,
21 Section 2 of the Constitution of the State of Indiana.

22 (b) A person may be convicted under Indiana law of an offense if:

23 (1) either the conduct that is an element of the offense, the result
24 that is an element, or both, occur in Indiana;

25 (2) conduct occurring outside Indiana is sufficient under Indiana
26 law to constitute an attempt to commit an offense in Indiana;

27 (3) conduct occurring outside Indiana is sufficient under Indiana
28 law to constitute a conspiracy to commit an offense in Indiana,
29 and an overt act in furtherance of the conspiracy occurs in
30 Indiana;

31 (4) conduct occurring in Indiana establishes complicity in the
32 commission of, or an attempt or conspiracy to commit, an offense
33 in another jurisdiction that also is an offense under Indiana law;

34 (5) the offense consists of the omission to perform a duty imposed
35 by Indiana law with respect to domicile, residence, or a
36 relationship to a person, thing, or transaction in Indiana;

37 (6) conduct that is an element of the offense or the result of
38 conduct that is an element of the offense, or both, involve the use
39 of the Internet or another computer network (as defined in
40 IC 35-43-2-3) and access to the Internet or other computer
41 network occurs in Indiana; or

42 (7) conduct:



(A) involves the use of:

(i) the Internet or another computer network (as defined in IC 35-43-2-3); or

(ii) another form of electronic communication;

(B) occurs outside Indiana and the victim of the offense resides in Indiana at the time of the offense; and

(C) is sufficient under Indiana law to constitute an offense in Indiana.

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

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

SECTION 49. IC 35-41-4-2, AS AMENDED BY P.L.31-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) Except as otherwise provided in this section, a prosecution for an offense is barred unless it is commenced:

(1) within five (5) years after the commission of the offense, in the case of a Class B, Class C, or Class D felony (for a crime committed before July 1, 2014) or a Level 3, Level 4, Level 5, or Level 6 felony (for a crime committed after June 30, 2014); or

(2) within two (2) years after the commission of the offense, in the case of a misdemeanor.

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

(1) first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis; or

(2) could have discovered evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis by the exercise of due diligence.

(c) ~~Except as provided in subsection (e);~~ A prosecution for a Class A felony (for a crime committed before July 1, 2014) or a Level 1



felony or Level 2 felony (for a crime committed after June 30, 2014) may be commenced at any time.

(d) A prosecution for murder may be commenced:

(1) at any time; and

(2) regardless of the amount of time that passes between:

(A) the date a person allegedly commits the elements of murder; and

(B) the date the alleged victim of the murder dies.

(e) Except as provided in subsection (p), a prosecution for the following offenses **as a Level 3 through Level 6 felony** is barred unless commenced before the date that the alleged victim of the offense reaches thirty-one (31) years of age:

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

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

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

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

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

(6) IC 35-46-1-3 (Incest).

(f) A prosecution for forgery of an instrument for payment of money, or for the uttering of a forged instrument, under IC 35-43-5-2, is barred unless it is commenced within five (5) years after the maturity of the instrument.

(g) If a complaint, indictment, or information is dismissed because of an error, defect, insufficiency, or irregularity, a new prosecution may be commenced within ninety (90) days after the dismissal even if the period of limitation has expired at the time of dismissal, or will expire within ninety (90) days after the dismissal.

(h) The period within which a prosecution must be commenced does not include any period in which:

(1) the accused person is not usually and publicly resident in Indiana or so conceals himself or herself that process cannot be served;

(2) the accused person conceals evidence of the offense, and evidence sufficient to charge the person with that offense is unknown to the prosecuting authority and could not have been discovered by that authority by exercise of due diligence; or

(3) the accused person is a person elected or appointed to office under statute or constitution, if the offense charged is theft or conversion of public funds or bribery while in public office.

(i) For purposes of tolling the period of limitation only, a prosecution is considered commenced on the earliest of these dates:

(1) The date of filing of an indictment, information, or complaint



1 before a court having jurisdiction.

2 (2) The date of issuance of a valid arrest warrant.

3 (3) The date of arrest of the accused person by a law enforcement
4 officer without a warrant, if the officer has authority to make the
5 arrest.

6 (j) A prosecution is considered timely commenced for any offense
7 to which the defendant enters a plea of guilty, notwithstanding that the
8 period of limitation has expired.

9 (k) The following apply to the specified offenses:

10 (1) A prosecution for an offense under IC 30-2-9-7(b) (misuse of
11 funeral trust funds) is barred unless commenced within five (5)
12 years after the date of death of the settlor (as described in
13 IC 30-2-9).

14 (2) A prosecution for an offense under IC 30-2-10-9(b) (misuse
15 of funeral trust funds) is barred unless commenced within five (5)
16 years after the date of death of the settlor (as described in
17 IC 30-2-10).

18 (3) A prosecution for an offense under IC 30-2-13-38(f) (misuse
19 of funeral trust or escrow account funds) is barred unless
20 commenced within five (5) years after the date of death of the
21 purchaser (as defined in IC 30-2-13-9).

22 (l) A prosecution for an offense under IC 23-2-6, IC 23-2.5,
23 IC 23-14-48-9, or IC 23-19 is barred unless commenced within five (5)
24 years after the earlier of the date on which the state:

25 (1) first discovers evidence sufficient to charge the offender with
26 the offense; or

27 (2) could have discovered evidence sufficient to charge the
28 offender with the offense by the exercise of due diligence.

29 (m) A prosecution for a sex offense listed in IC 11-8-8-4.5 that is
30 committed against a child and that is not:

31 (1) a Class A felony (for a crime committed before July 1, 2014)
32 or a Level 1 felony or Level 2 felony (for a crime committed after
33 June 30, 2014); or

34 (2) listed in subsection (e);

35 is barred unless commenced within ten (10) years after the commission
36 of the offense, or within four (4) years after the person ceases to be a
37 dependent of the person alleged to have committed the offense,
38 whichever occurs later.

39 (n) A prosecution for rape (IC 35-42-4-1) as a Class B felony (for a
40 crime committed before July 1, 2014) or as a Level 3 felony (for a
41 crime committed after June 30, 2014) that would otherwise be barred
42 under this section may be commenced not later than five (5) years after



the earlier of the date on which:

(1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis;

(2) the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or

(3) a person confesses to the offense.

(o) A prosecution for criminal deviate conduct (IC 35-42-4-2) (repealed) as a Class B felony for a crime committed before July 1, 2014, that would otherwise be barred under this section may be commenced not later than five (5) years after the earliest of the date on which:

(1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis;

(2) the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or

(3) a person confesses to the offense.

(p) A prosecution for an offense described in subsection (e) that would otherwise be barred under this section may be commenced not later than five (5) years after the earliest of the date on which:

(1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis;

(2) the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or

(3) a person confesses to the offense.

SECTION 50. IC 35-43-5-1, AS AMENDED BY P.L.43-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The definitions set forth in this section apply throughout this chapter.

(b) "Claim statement" means an insurance policy, a document, or a statement made in support of or in opposition to a claim for payment or other benefit under an insurance policy, or other evidence of expense, injury, or loss. The term includes statements made orally, in writing, or electronically, including the following:

(1) An account.

(2) A bill for services.

(3) A bill of lading.



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



lending on, or otherwise holding property of others.

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

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

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

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

(4) telecommunication identifying information; or

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

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

or

(B) initiate a transfer of funds.

(j) "Insurance policy" includes the following:

(1) An insurance policy.

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

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

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

(1) A reinsurer.

(2) A purported insurer or reinsurer.

(3) A broker.

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

(5) A health maintenance organization.

(6) A limited service health maintenance organization.

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

(m) "Make" means to draw, prepare, complete, counterfeit, copy or otherwise reproduce, or alter any written instrument in whole or in part.

(n) "Metering device" means a mechanism or system used by a



1 utility to measure or record the quantity of services received by a
2 customer.

3 (o) "Public relief or assistance" means any payment made, service
4 rendered, hospitalization provided, or other benefit extended to a
5 person by a governmental entity from public funds and includes
6 township assistance, food stamps, direct relief, unemployment
7 compensation, and any other form of support or aid.

8 (p) "Recording" means a tangible medium upon which sounds or
9 visual images are recorded or stored. The term includes the following:

10 (1) An original:

11 (A) phonograph record;

12 (B) compact disc;

13 (C) wire;

14 (D) tape;

15 (E) audio cassette;

16 (F) video cassette; or

17 (G) film.

18 (2) Any other medium on which sounds or visual images are or
19 can be recorded or otherwise stored.

20 (3) A copy or reproduction of an item in subdivision (1) or (2)
21 that duplicates an original recording in whole or in part.

22 (q) "Slug" means an article or object that is capable of being
23 deposited in a coin machine as an improper substitute for a genuine
24 coin, bill, or token.

25 (r) ~~"Synthetic identifying information" means identifying~~
26 ~~information that identifies:~~

27 ~~(1) a false or fictitious person;~~

28 ~~(2) a person other than the person who is using the information;~~

29 ~~or~~

30 ~~(3) a combination of persons described under subdivisions (1) and~~

31 ~~(2).~~

32 ~~(s)~~ "Utility" means a person who owns or operates, for public use,
33 any plant, equipment, property, franchise, or license for the production,
34 storage, transmission, sale, or delivery of electricity, water, steam,
35 telecommunications, information, or gas.

36 ~~(t)~~ (s) "Written instrument" means a paper, a document, or other
37 instrument containing written matter and includes money, coins,
38 tokens, stamps, seals, credit cards, badges, trademarks, medals, retail
39 sales receipts, labels or markings (including a universal product code
40 (UPC) or another product identification code), or other objects or
41 symbols of value, right, privilege, or identification.

42 SECTION 51. IC 35-43-5-2, AS AMENDED BY P.L.197-2015,



SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) A person who knowingly or intentionally:

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

(A) by another person;

(B) at another time;

(C) with different provisions; or

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

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

(A) by another person;

(B) at another time;

(C) with different provisions; or

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

commits counterfeiting, a Level 6 felony.

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

~~(1) makes or delivers to another person:~~

~~(A) a false sales receipt;~~

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

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

~~(UPC) or other product identification code; or~~

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

~~commits making or delivering a false sales document, a Level 6 felony.~~

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

~~(1) a retail sales receipt;~~

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

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

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

~~(d) (b) A person who, with intent to defraud, makes, utters, or possesses a written instrument in such a manner that it purports to have been made:~~

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- (1) by another person;
 - (2) at another time;
 - (3) with different provisions; or
 - (4) by authority of one who did not give authority;
- commits forgery, a Level 6 felony.

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

- (1) knowingly or intentionally uses a false or fictitious name or gives a false or fictitious address in an application for a driver's license, a state identification card, or a photo exempt identification card or for a renewal or a duplicate of a driver's license, a state identification card, or a photo exempt identification card; or
 - (2) knowingly or intentionally makes a false statement or conceals a material fact in an application for a driver's license, a state identification card, or a photo exempt identification card;
- commits application fraud, a Level 6 felony.

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

- (1) being an officer, manager, or other person participating in the direction of a credit institution, knowingly or intentionally receives or permits the receipt of a deposit or other investment, knowing that the institution is insolvent;
- (2) knowingly or intentionally makes a false or misleading written statement with intent to obtain property, employment, or an educational opportunity;
- (3) misapplies entrusted property, property of a governmental entity, or property of a credit institution in a manner that the person knows is unlawful or that the person knows involves substantial risk of loss or detriment to either the owner of the property or to a person for whose benefit the property was entrusted;
- (4) knowingly or intentionally, in the regular course of business, either:
 - (A) uses or possesses for use a false weight or measure or other device for falsely determining or recording the quality or quantity of any commodity; or
 - (B) sells, offers, or displays for sale or delivers less than the represented quality or quantity of any commodity;
- (5) with intent to defraud another person furnishing electricity;



gas; water; telecommunication; or any other utility service; avoids a lawful charge for that service by scheme or device or by tampering with facilities or equipment of the person furnishing the service;

(6) with intent to defraud; misrepresents the identity of the person or another person or the identity or quality of property;

(7) with intent to defraud an owner of a coin machine; deposits a slug in that machine;

(8) with intent to enable the person or another person to deposit a slug in a coin machine; makes; possesses; or disposes of a slug;

(9) disseminates to the public an advertisement that the person knows is false; misleading; or deceptive; with intent to promote the purchase or sale of property or the acceptance of employment;

(10) with intent to defraud; misrepresents a person as being a physician licensed under IC 25-22.5;

(11) knowingly and intentionally defrauds another person furnishing cable TV service by avoiding paying compensation for that service by any scheme or device or by tampering with facilities or equipment of the person furnishing the service; or

(12) knowingly or intentionally provides false information to a governmental entity to obtain a contract from the governmental entity;

commits deception; a Class A misdemeanor, except as provided in subsection (b):

(b) An offense under:

(1) subsection (a)(12) is a Level 6 felony if the provision of false information results in financial loss to the governmental entity; and

(2) subsection (a)(6) is a Level 6 felony if the misrepresentation relates to:

(A) a medical procedure; medical device; or drug; and

(B) human reproductive material (as defined in IC 34-24-5-1).

(c) In determining whether an advertisement is false, misleading; or deceptive under subsection (a)(9); there shall be considered; among other things; not only representations contained or suggested in the advertisement; by whatever means; including device or sound; but also the extent to which the advertisement fails to reveal material facts in the light of the representations:

(d) A person who knowingly or intentionally falsely represents:

(1) any entity as:

(A) a disadvantaged business enterprise (as defined in IC 5-16-6.5-1); or



(B) a women-owned business enterprise (as defined in IC 5-16-6.5-3);

in order to qualify for certification as such an enterprise under a program conducted by a public agency (as defined in IC 5-16-6.5-2) designed to assist disadvantaged business enterprises or women-owned business enterprises in obtaining contracts with public agencies for the provision of goods and services; or

(2) an entity with which the person will subcontract all or part of a contract with a public agency (as defined in IC 5-16-6.5-2) as:

(A) a disadvantaged business enterprise (as defined in IC 5-16-6.5-1); or

(B) a women-owned business enterprise (as defined in IC 5-16-6.5-3);

in order to qualify for certification as an eligible bidder under a program that is conducted by a public agency designed to assist disadvantaged business enterprises or women-owned business enterprises in obtaining contracts with public agencies for the provision of goods and services;

commits a Level 6 felony:

SECTION 53. IC 35-43-5-3.5, AS AMENDED BY P.L.158-2013, SECTION 471, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.5. (a) Except as provided in subsection (c), a person who knowingly or intentionally obtains; possesses; transfers; or uses the identifying information of another person; including the identifying information of a person who is deceased:

(1) without the other person's consent; and

(2) with intent to:

(A) harm or defraud another person;

(B) assume another person's identity; or

(C) profess to be another person;

a person who, with intent to harm or defraud another person, knowingly or intentionally obtains, possesses, transfers, or uses identifying information to profess to be another person, commits identity deception, a Level 6 felony.

(b) However, the offense defined in subsection (a) is a Level 5 felony if:

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

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



(3) a person obtains, possesses, transfers, or uses the identifying information of a person who is less than eighteen (18) years of age and is:

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

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

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

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

- (A) a cigarette, an electronic cigarette (as defined in IC 35-46-1-1.5), or a tobacco product (as defined in IC 6-7-2-5);
- (B) a periodical, a videotape, or other communication medium that contains or depicts nudity (as defined in IC 35-49-1-5);
- (C) admittance to a performance (live or film) that prohibits the attendance of the minor based on age; or
- (D) an item that is prohibited by law for use or consumption by a minor; or

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

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

SECTION 54. IC 35-43-5-3.8 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 3-8. (a) ~~A person who knowingly or intentionally obtains, possesses, transfers, or uses the synthetic identifying information:~~

- (1) ~~with intent to harm or defraud another person;~~
- (2) ~~with intent to assume another person's identity; or~~
- (3) ~~with intent to profess to be another person;~~

~~commits synthetic identity deception; a Level 6 felony.~~

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

- (1) ~~a person obtains, possesses, transfers, or uses the synthetic identifying information of more than one hundred (100) persons;~~
- ~~or~~
- (2) ~~the fair market value of the fraud or harm caused by the offense is at least fifty thousand dollars (\$50,000).~~

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



(1) a person less than twenty-one (21) years of age who uses the synthetic identifying information of another person to acquire:

(A) an alcoholic beverage (as defined in IC 7.1-1-3-5); or

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

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

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

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

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

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

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

(1) with intent to defraud; obtains property by:

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

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

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

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

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

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

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

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

(5) not being the issuer; receives a credit card; knowing that the credit card was unlawfully obtained or retained or that the credit



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



provided in this section.

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

(1) The offense is committed not later than seven (7) years from the date the person:

(A) was convicted of a prior unrelated conviction for an offense under this article; or

(B) was released from a term of incarceration, probation, or parole (whichever occurred last) imposed for a prior unrelated conviction for an offense under this article;

whichever occurred last.

(2) The pecuniary loss is at least seven hundred fifty dollars (\$750) but less than fifty thousand dollars (\$50,000).

(3) The victim is:

(A) an endangered adult (as defined in IC 12-10-3-2(a)); or

(B) less than eighteen (18) years of age.

(4) The person makes a false or misleading statement representing an entity as:

(A) a disadvantaged business enterprise (as defined in IC 5-16-6.5-1); or

(B) a women-owned business enterprise (as defined in IC 5-16-6.5-3);

in order to qualify for certification as such an enterprise under a program conducted by a public agency (as defined in IC 5-16-6.5-2) designed to assist disadvantaged business enterprises or women-owned business enterprises in obtaining contracts with public agencies for the provision of goods and services.

(5) The person makes a false or misleading statement representing an entity with which the person will subcontract all or part of a contract with a public agency (as defined in IC 5-16-6.5-2) as:

(A) a disadvantaged business enterprise (as defined in IC 5-16-6.5-1); or

(B) a women-owned business enterprise (as defined in IC 5-16-6.5-3);

in order to qualify for certification as an eligible bidder under a program that is conducted by a public agency designed to assist disadvantaged business enterprises or women-owned business enterprises in obtaining contracts with public agencies for the provision of goods and services.

(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 (10) The agreement is unconscionable.
- 18 (11) The offense involves human reproductive material (as
- 19 defined in IC 34-24-5-1).
- 20 (c) The offense described in subsection (a) is a Level 5 felony if
- 21 one (1) or more of the following apply:
- 22 (1) The pecuniary loss is at least fifty thousand dollars
- 23 (\$50,000) and less than one hundred thousand dollars
- 24 (\$100,000).
- 25 (2) The pecuniary loss is at least seven hundred fifty dollars
- 26 (\$750) and the victim is:
- 27 (A) an endangered adult (as defined in IC 12-10-3-2(a)); or
- 28 (B) less than eighteen (18) years of age.
- 29 (3) The victim was a financial institution.
- 30 (d) The offense described in subsection (a) is a Level 4 felony if
- 31 the actual loss is at least one hundred thousand dollars (\$100,000).
- 32 (e) The offense described in subsection (b)(9) is a Class A
- 33 misdemeanor if the defendant proves by a preponderance of the
- 34 evidence that the:
- 35 (1) value of the property, data, or benefit intended to be
- 36 obtained; and
- 37 (2) actual pecuniary loss;
- 38 is less than seven hundred fifty dollars (\$750).
- 39 SECTION 56. IC 35-43-5-4.3 IS REPEALED [EFFECTIVE JULY
- 40 1, 2021]. Sec. 4.3: (a) As used in this section, "card skimming device"
- 41 means a device that is designed to read information encoded on a credit
- 42 card. The term includes a device designed to read, record, or transmit



information encoded on a credit card:

- (1) directly from a credit card; or
- (2) from another device that reads information directly from a credit card.

(b) A person who possesses a card skimming device with intent to commit:

- (1) identity deception (IC 35-43-5-3.5);
- (2) synthetic identity deception (IC 35-43-5-3.8);
- (3) fraud (IC 35-43-5-4); or
- (4) terroristic deception (IC 35-46.5-2-4) (or IC 35-43-5-3.6 before its repeal);

commits unlawful possession of a card skimming device. Unlawful possession of a card skimming device under subdivision (1), (2), or (3) is a Level 6 felony. Unlawful possession of a card skimming device under subdivision (4) is a Level 5 felony.

SECTION 57. IC 35-43-5-4.5 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 4.5: (a) A person who, knowingly and with intent to defraud:

- (1) makes; utters; presents; or causes to be presented to an insurer or an insurance claimant; a claim statement that contains false; incomplete; or misleading information concerning the claim;
- (2) presents; causes to be presented; or prepares with knowledge or belief that it will be presented to or by an insurer; an oral; a written; or an electronic statement that the person knows to contain materially false information as part of; in support of; or concerning a fact that is material to:

- (A) the rating of an insurance policy;
- (B) a claim for payment or benefit under an insurance policy;
- (C) premiums paid on an insurance policy;
- (D) payments made in accordance with the terms of an insurance policy;
- (E) an application for a certificate of authority;
- (F) the financial condition of an insurer; or
- (G) the acquisition of an insurer;

or conceals any information concerning a subject set forth in clauses (A) through (G);

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

(4) removes:

- (A) the assets;
- (B) the record of assets; transactions; and affairs; or
- (C) a material part of the assets or the record of assets;



transactions; and affairs;
 of an insurer or another entity regulated under IC 27; from the
 home office; other place of business; or place of safekeeping of
 the insurer or other regulated entity; or conceals or attempts to
 conceal from the department of insurance assets or records
 referred to in clauses (A) through (B); or
 (5) diverts funds of an insurer or another person in connection
 with:
 (A) the transaction of insurance or reinsurance;
 (B) the conduct of business activities by an insurer or another
 entity regulated under IC 27; or
 (C) the formation; acquisition; or dissolution of an insurer or
 another entity regulated under IC 27;
 commits insurance fraud. Except as provided in subsection (b);
 insurance fraud is a Level 6 felony.
 (b) An offense described in subsection (a) is a Level 5 felony if:
 (1) the person who commits the offense has a prior unrelated
 conviction under this section; or
 (2) the:
 (A) value of property; services; or other benefits obtained or
 attempted to be obtained by the person as a result of the
 offense; or
 (B) economic loss suffered by another person as a result of the
 offense;
 is at least two thousand five hundred dollars (\$2,500).
 (c) A person who knowingly and with intent to defraud makes a
 material misstatement in support of an application for the issuance of
 an insurance policy commits insurance application fraud; a Class A
 misdemeanor.
 SECTION 58. IC 35-43-5-4.6 IS REPEALED [EFFECTIVE JULY
 1, 2021]. Sec. 4.6: (a) The following definitions apply throughout this
 section:
 (1) "Automated sales suppression device" means a software
 program:
 (A) carried on a memory stick or removable compact disc;
 (B) accessed through an Internet link; or
 (C) accessed through any other means;
 that falsifies the electronic records of electronic cash registers and
 other point-of-sale systems; including transaction data and
 transaction reports.
 (2) "Electronic cash register" means a device that keeps a register
 or supporting documents through the means of an electronic



device or a computer system designed to record transaction data for the purpose of computing, compiling, or processing retail sales transaction data in any manner:

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

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

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

(4) "Transaction data" includes information regarding:

(A) items purchased by a customer;

(B) the price for each item;

(C) a taxability determination for each item;

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

(E) the amount of cash or credit tendered;

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

(G) the date and time of the purchase;

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

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

(5) "Transaction report" means:

(A) a report that includes:

(i) the sales;

(ii) taxes collected;

(iii) media totals; and

(iv) discount voids;

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

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

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

(b) A person who knowingly or intentionally sells, purchases, installs, transfers, or possesses:

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

(2) phantom-ware;

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

SECTION 59. IC 35-43-5-4.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2021]: **Sec. 4.7. (a) A person who, knowingly or intentionally:**

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

(2) removes:

(A) the assets;

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

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

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

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

(A) the transaction of insurance or reinsurance;

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

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

commits insurance fraud, a Class A infraction.

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

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

(2) the:

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

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

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

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

SECTION 60. IC 35-43-5-5 IS REPEALED [EFFECTIVE JULY 1,



2021]. Sec. 5: (a) A person who knowingly or intentionally issues or delivers a check; a draft; or an order on a credit institution for the payment of or to acquire money or other property, knowing that it will not be paid or honored by the credit institution upon presentment in the usual course of business; commits check deception; a Class A misdemeanor. However, the offense is:

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

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

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

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

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

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

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

(1) Name and residence; business; or mailing address of the maker:

(2) Motor vehicle operator's license number; Social Security number; home telephone number; or place of employment of the maker:

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

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

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

pays the payee or holder the amount due; together with protest fees and any service fee or charge; which may not exceed the greater of twenty-seven dollars and fifty cents (\$27.50) or five percent (5%) (but not more than two hundred fifty dollars (\$250)) of the amount due; that



may be charged by the payee or holder, within ten (10) days after the date of mailing by the payee or holder of notice to the person that the check, draft, or order has not been paid by the credit institution. Notice sent in the manner set forth in IC 26-2-7-3 constitutes notice to the person that the check, draft, or order has not been paid by the credit institution. The payee or holder of a check, draft, or order that has been dishonored incurs no civil or criminal liability for sending notice under this subsection.

(f) A person does not commit a crime under subsection (a) when:

(1) the payee or holder knows that the person has insufficient funds to ensure payment or that the check, draft, or order is postdated; or

(2) insufficiency of funds or credit results from an adjustment to the person's account by the credit institution without notice to the person.

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

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

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

SECTION 62. IC 35-43-5-6.5 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 6:5: (a) A person who manufactures, distributes, sells, leases, or offers for sale or lease:

(1) a device; or

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

(b) The sale or distribution by a person of:

(1) any device; or

(2) a kit of parts to construct a device;



described in subsection (a) constitutes prima facie evidence of a violation of subsection (a) if, before or at the time of sale or distribution, the person advertised or indicated that the device or the assembled kit will enable a person to receive cable television system service without making full payment to the cable television system.

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

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

(2) acquires, possesses, uses, transfers, sells, trades, issues, or disposes of:

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

(B) public relief or assistance;

except as authorized by law;

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

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

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

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

(b) The offense is:

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

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

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

(1) the defendant's conviction; and

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

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



1 who knowingly or intentionally:

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

15 commits Medicaid fraud; a Class A misdemeanor.

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

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

22 SECTION 65. IC 35-43-5-7.2 IS REPEALED [EFFECTIVE JULY
 23 1, 2021]. Sec. 7-2: (a) Except as provided in subsection (b); a person
 24 who knowingly or intentionally:

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

38 commits insurance fraud; a Class A misdemeanor.

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

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



(2) a Level 5 felony if the fair market value of the offense is at least fifty thousand dollars (\$50,000):

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

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

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

commits a Level 5 felony:

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

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

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

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

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

The term does not include a lender licensed under IC 24-4.5.

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

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

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

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

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

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



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



property from the person who is not an inmate; or
 (B) obtains or attempts to obtain money or other property from
 the person who is not an inmate through a misrepresentation
 made by another person;
 commits inmate fraud; a Level 6 felony.

(c) An inmate:

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

(A) convicted of an offense; or

(B) adjudicated a delinquent; and

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

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

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

commits inmate fraud; a Level 5 felony.

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

(1) An independent contractor.

(2) A sole proprietor.

(3) An owner.

(4) A partner.

(5) An officer.

(6) A member in a limited liability company.

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

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

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

(A) the United States Air Force;

(B) the United States Army;

(C) the United States Coast Guard;

(D) the United States Marines;

(E) the United States National Guard;

(F) the United States Navy; or



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

(2) uses a falsified military identification; or

(3) fraudulently represents himself or herself to be a recipient of the:

(A) Congressional Medal of Honor;

(B) Distinguished Service Cross;

(C) Navy Cross;

(D) Air Force Cross;

(E) Silver Star;

(F) Purple Heart;

(G) Combat Infantryman Badge;

(H) Combat Action Badge;

(I) Combat Medical Badge;

(J) Combat Action Ribbon; or

(K) Air Force Combat Action Medal;

commits stolen valor; a Class A misdemeanor:

SECTION 73. IC 35-43-6-12 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 12: (a) A home improvement supplier who enters into a home improvement contract and knowingly:

(1) misrepresents a material fact relating to:

(A) the terms of the home improvement contract; or

(B) a preexisting or existing condition of any part of the property involved; including a misrepresentation concerning the threat of:

(i) fire; or

(ii) structural damage;

if the property is not repaired;

(2) creates or confirms a consumer's impression that is false and that the home improvement supplier does not believe to be true;

(3) promises performance that the home improvement supplier does not intend to perform or knows will not be performed;

(4) uses or employs any deception, false pretense, or false promise to cause a consumer to enter into a home improvement contract;

(5) enters into an unconscionable home improvement contract with a home improvement contract price of four thousand dollars (\$4,000) or more; but less than seven thousand dollars (\$7,000);

(6) misrepresents or conceals the home improvement supplier's:

(A) real name;

(B) business name;

(C) physical or mailing business address; or

(D) telephone number;



(7) upon request by the consumer, fails to provide the consumer with any copy of a written warranty or guarantee that states:

(A) the length of the warranty or guarantee;

(B) the home improvement that is covered by the warranty or guarantee; or

(C) how the consumer could make a claim for a repair under the warranty or guarantee;

(8) uses a product in a home improvement that has been diluted, modified, or altered in a manner that would void the manufacturer's warranty of the product without disclosing to the consumer the reasons for the dilution, modification, or alteration and that the manufacturer's warranty may be compromised; or

(9) falsely claims to a consumer that the home improvement supplier:

(A) was referred to the consumer by a contractor who previously worked for the consumer;

(B) is licensed, certified, or insured; or

(C) has obtained all necessary permits or licenses before starting a home improvement;

commits home improvement fraud; a Class B misdemeanor, except as provided in section 13 of this chapter:

(b) A home improvement supplier who, with the intent to enter into a home improvement contract, knowingly:

(1) damages the property of a consumer;

(2) does work on the property of a consumer without the consumer's prior authorization;

(3) misrepresents that the supplier or another person is an employee or agent of the federal government, the state, a political subdivision of the state, or any other governmental agency or entity; or

(4) misrepresents that the supplier or another person is an employee or agent of any public or private utility;

commits a Class A misdemeanor, except as provided in section 13(b) of this chapter:

SECTION 74. IC 35-43-6-13 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 13. (a) The offense in section 12(a) of this chapter is a Class A misdemeanor:

(1) in the case of an offense under section 12(a)(1) through 12(a)(4) of this chapter or section 12(a)(6) through 12(a)(9) of this chapter, if the home improvement contract price is one thousand dollars (\$1,000) or more;

(2) for the second or subsequent offense under this chapter;



(3) if two (2) or more home improvement contracts exceed an aggregate amount of one thousand dollars (\$1,000) and are entered into with the same consumer by one (1) or more suppliers as part of or in furtherance of a common fraudulent scheme; design; or intention; or

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

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

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

(2) if, in a violation of:

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

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

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

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

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

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

(1) if, in a violation of:

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

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

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

(2) if, in a violation of:

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

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

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

SECTION 75. IC 35-43-6-14 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 14. For the purposes of section 13 of this chapter, it is not a defense to home improvement fraud committed against a consumer who is at least sixty (60) years of age that the supplier



1 reasonably believed the consumer to be an individual less than sixty
2 (60) years of age.

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

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

12 commits a Class A misdemeanor. However, the offense is a Level 6
13 felony if the aggregate fair market value of all vehicles, vehicle parts,
14 and watercraft sold or offered for sale 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 vehicles, vehicle
17 parts, and watercraft sold or offered for sale is at least fifty thousand
18 dollars (\$50,000).

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

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

24 (c) A person that knowingly or intentionally possesses a plate or
25 label that:

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

30 commits a Class A misdemeanor, except as provided in subsection (d):

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

32 (1) Level 6 felony if:

- 33 (A) the person possesses more than one (1) plate or label and
34 the plates or labels are not attached to a motor vehicle or motor
35 vehicle part; or
- 36 (B) the aggregate fair market value of all plates and labels, and
37 of all motor vehicles and motor vehicle parts to which the
38 plates or labels are wrongfully attached, is at least seven
39 hundred fifty dollars (\$750) and less than fifty thousand
40 dollars (\$50,000); and

41 (2) Level 5 felony if the aggregate fair market value of all plates
42 or labels, and of all motor vehicles and motor vehicle parts to



which the plate or label is wrongfully attached; is at least fifty thousand dollars (\$50,000):

(e) A person that knowingly:

(1) damages;

(2) removes; or

(3) alters;

an original or special identification number commits a Level 6 felony:

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

(1) use the certificate of title; or

(2) permit another person to use the certificate of title;

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

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

(1) advertises for sale;

(2) sells;

(3) uses; or

(4) installs;

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

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

(1) disconnects; resets; or alters the odometer of any motor vehicle with intent to change the number of miles or kilometers indicated on the odometer; or

(2) sells a motor vehicle that has a broken odometer or an odometer that is not displaying correct mileage of the vehicle;

commits a Level 6 felony:

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

(1) converts or misappropriates money received or held in a title



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

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

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

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

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

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

33 (B) avoid legal process summoning the person to testify or
 34 supply evidence; or

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

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

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



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



(d) Subsection (a)(2)(A) does not apply to:

(1) a person who qualifies for a special privilege under IC 34-46-4 with respect to the testimony, information, document, or thing; or

(2) a person who, as:

(A) an attorney;

(B) a physician;

(C) a member of the clergy; or

(D) a husband or wife;

is not required to testify under IC 34-46-3-1.

(e) Subsection (b) does not apply to:

(1) an attorney;

(2) an investigator;

(3) a law enforcement officer; or

(4) a judge;

engaged in that person's professional or official duties.

SECTION 82. IC 35-44.1-2-3, AS AMENDED BY P.L.142-2020, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) As used in this section, "consumer product" has the meaning set forth in IC 35-45-8-1.

(b) As used in this section, "misconduct" means a violation of a departmental rule or procedure of a law enforcement agency.

(c) A person who reports ~~by telephone, telegraph, mail, or other written or oral communication~~, that:

(1) the person or another person has placed or intends to place an explosive, a destructive device, or other destructive substance in a building or transportation facility;

(2) there has been or there will be tampering with a consumer product introduced into commerce; or

(3) there has been or will be placed or introduced a weapon of mass destruction in a building or a place of assembly;

knowing the report to be false, commits false reporting, a Level 6 felony.

(d) A person who:

(1) gives:

(A) a false report of the commission of a crime; or

(B) ~~gives false information in the official investigation of to a law enforcement officer that relates to~~ the commission of a crime;

knowing the report or information to be false;

(2) gives a false alarm of fire to the fire department of a governmental entity, knowing the alarm to be false;

(3) makes a false request for ambulance service to an ambulance



1 service provider, knowing the request to be false;

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

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

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

13 (B) knowing the complaint to be false;

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

16 (7) gives a false report of actions, behavior, or conditions
17 concerning:

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

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

22 knowing the report or information to be false; or

23 (8) makes a false report that a person is dangerous (as defined in
24 IC 35-47-14-1) knowing the report or information to be false;
25 commits false informing, a Class B misdemeanor. However, the offense
26 is a Class A misdemeanor if it substantially hinders any law
27 enforcement process or if it results in harm to another person.

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

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

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

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

42 **(4) forcibly resists, obstructs, refuses, or interferes with a law**



enforcement officer's lawful:

(A) entry into a structure; or

(B) order to exit a structure;

commits resisting law enforcement, a Class A misdemeanor, except as provided in subsection (c).

(b) A person who, having been denied entry by an emergency medical services provider or a law enforcement officer, knowingly or intentionally enters an area that is marked off with barrier tape or other physical barriers, commits interfering with public safety, a Class B misdemeanor, except as provided in subsection (c) or (k).

(c) The offense under subsection (a) or (b) is a:

(1) Level 6 felony if:

(A) the person uses a vehicle to commit the offense; or

(B) while committing the offense, the person draws or uses a deadly weapon, inflicts bodily injury on or otherwise causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

(2) Level 5 felony if, while committing the offense, the person operates a vehicle in a manner that causes serious bodily injury to another person;

(3) Level 3 felony if, while committing the offense, the person operates a vehicle in a manner that causes the death or catastrophic injury of another person; and

(4) Level 2 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death or catastrophic injury of an emergency medical services provider or a law enforcement officer while the emergency medical services provider or law enforcement officer is engaged in the emergency medical services provider's or officer's official duties.

(d) The offense under subsection (a) is a Level 6 felony if, while committing an offense under:

(1) subsection (a)(1) or (a)(2), the person:

(A) creates a substantial risk of bodily injury to the person or another person; and

(B) has two (2) or more prior unrelated convictions under subsection (a); or

(2) subsection (a)(3), the person has two (2) or more prior unrelated convictions under subsection (a).

(e) If a person uses a vehicle to commit a felony offense under subsection (c)(1)(B), (c)(2), (c)(3), or (c)(4), as part of the criminal



penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;

(2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or

(3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

(f) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection (e) may not be suspended.

(g) If a person is convicted of an offense involving the use of a motor vehicle under:

(1) subsection (c)(1)(A), if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;

(2) subsection (c)(2); or

(3) subsection (c)(3);

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license and all certificates of registration and license plates issued or registered in the person's name in accordance with ~~IC 9-30-4-6.1(b)(3)~~ **IC 9-30-4-6.1(b)** for the period described in IC 9-30-4-6.1(d)(1) or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

(h) A person may not be charged or convicted of a crime under subsection (a)(3) if the law enforcement officer is a school resource officer acting in the officer's capacity as a school resource officer.

(i) A person who commits an offense described in subsection (c) commits a separate offense for each person whose bodily injury, serious bodily injury, catastrophic injury, or death is caused by a violation of subsection (c).

(j) A court may order terms of imprisonment imposed on a person convicted of more than one (1) offense described in subsection (c) to run consecutively. Consecutive terms of imprisonment imposed under this subsection are not subject to the sentencing restrictions set forth in IC 35-50-1-2(c) through IC 35-50-1-2(d).

(k) As used in this subsection, "family member" means a child, grandchild, parent, grandparent, or spouse of the person. It is a defense to a prosecution under subsection (b) that the person reasonably believed that the person's family member:



(1) was in the marked off area; and

(2) had suffered bodily injury or was at risk of suffering bodily injury;

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

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

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

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

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

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

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

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

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

(c) If:

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

(A) the department of correction; or

(B) a penal facility;

and the article is a cigarette or tobacco product (as defined in IC 6-7-2-5), the court shall order the person to pay a fine of at



1 least five hundred dollars (\$500) and not more than five thousand
 2 dollars (\$5,000) under IC 35-50-3-2, in addition to any term of
 3 imprisonment imposed under IC 35-50-3-2; or

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

11 (d) A person who:

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

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

18 commits carrying a deadly weapon into a correctional facility, a Level
 19 5 felony.

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

24 (1) Alcohol.

25 (2) A cigarette or tobacco product.

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

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

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

34 (1) An adult or juvenile pretrial detainee.

35 (2) A person serving an intermittent term of imprisonment or
 36 detention.

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

38 (A) a condition of probation;

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

40 (C) part of a community transition program;

41 (D) part of a reentry court program;

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



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

3 (4) A person who has escaped from incarceration or walked away
 4 from secure detention.

5 (5) A person on temporary leave (as described in IC 11-10-9) or
 6 temporary release (as described in IC 11-10-10).

7 (c) A person who, with the intent of providing contraband to an
 8 inmate outside a facility:

9 (1) delivers contraband to an inmate outside a facility; or

10 (2) places contraband in a location where an inmate outside a
 11 facility could obtain the contraband;

12 commits trafficking with an inmate outside a facility, a Class A
 13 misdemeanor. However, the offense is a Level 6 felony if the
 14 contraband is an item described in subsection (a)(3), and a Level 5
 15 felony if the contraband is an item described in subsection (a)(4).

16 SECTION 86. 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 87. 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 88. 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
- 3 (IC 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 35-42-5-2) (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;



~~(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 89. 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



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

3 SECTION 90. 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 (1)~~ **(+)** halogen for another halogen;

41 (2) ~~one (1)~~ **(+)** hydrogen for a halogen;

42 (3) ~~one (1)~~ **(+)** halogen for a hydrogen; or



(4) an alkyl group added or deleted:

(A) as a side chain to or from a molecule; or

(B) from a side chain of a molecule.

SECTION 91. IC 35-48-1-17.5, AS AMENDED BY P.L.190-2019, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17.5. (a) "Low THC hemp extract" means a substance or compound that:

(1) is derived from or contains any part of the plant *Cannabis sativa* L. that meets the definition of hemp under IC 15-15-13-6;

(2) contains not more than three-tenths percent (0.3%) total ~~delta-9-tetrahydrocannabinol~~ **tetrahydrocannabinol** (THC), including precursors **and isomers**, by weight; and

(3) contains no other controlled substances.

(b) The term does not include:

(1) the harvested reproductive organ, whether immature or mature, of the female hemp plant; or

(2) smokable hemp.

SECTION 92. IC 35-50-2-11, AS AMENDED BY P.L.157-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.

(b) As used in this section, "offense" means:

(1) a felony under IC 35-42 that resulted in death or serious bodily injury;

(2) kidnapping; ~~or~~

(3) criminal confinement as a Level 2 or Level 3 felony; **or**

(4) attempted murder.

(c) As used in this section, "police officer" means any of the following:

(1) A state police officer.

(2) A county sheriff.

(3) A county police officer.

(4) A city police officer.

(5) A state educational institution police officer appointed under IC 21-39-4.

(6) A school corporation police officer appointed under IC 20-26-16.

(7) A police officer of a public or private postsecondary educational institution whose board of trustees has established a police department under IC 21-17-5-2 or IC 21-39-4-2.

(8) An enforcement officer of the alcohol and tobacco commission.



1 (9) A conservation officer.

2 (10) A gaming agent employed under IC 4-33-4.5 or a gaming
3 control officer employed by the gaming control division under
4 IC 4-33-20.

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

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

16 (1) pointed a firearm; or

17 (2) discharged a firearm;

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

20 (f) If the person was convicted of:

21 (1) the offense under subsection (d); or

22 (2) the felony or misdemeanor under subsection (e);

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

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

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

37 (1) pointed a firearm; or

38 (2) discharged a firearm;

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



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

SECTION 93. 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 94. 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 95. 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 96. 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.~~



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 35-42-5-2) (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.

SENATE MOTION

Madam President: I move that Senate Bill 197 be amended to read as follows:

Page 79, line 33, reset in roman "forcibly".

Page 79, line 40, after "(4)" insert "**forcibly**".

(Reference is to SB 197 as printed February 12, 2021.)

YOUNG M

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 197, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 8 and 9, begin a new paragraph and insert:

ES 197—LS 7132/DI 106



"SECTION 2. IC 5-2-1-9, AS AMENDED BY SEA 81-2021, SECTION 1, AND AS AMENDED BY HEA 1006-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all necessary rules to carry out the provisions of this chapter. The rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

- (1) Minimum standards of physical, educational, mental, and moral fitness which shall govern the acceptance of any person for training by any law enforcement training school or academy meeting or exceeding the minimum standards established pursuant to this chapter.
- (2) Minimum standards for law enforcement training schools administered by towns, cities, counties, law enforcement training centers, agencies, or departments of the state.
- (3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.
- (4) Minimum standards for a course of study on cultural diversity awareness, including training on the U nonimmigrant visa created through the federal Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) that must be required for each person accepted for training at a law enforcement training school or academy. Cultural diversity awareness study must include an understanding of cultural issues related to race, religion, gender, age, domestic violence, national origin, and physical and mental disabilities.
- (5) Minimum qualifications for instructors at approved law enforcement training schools.
- (6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.
- (7) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.
- (8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.
- (9) Minimum basic training requirements for each person



accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with:

- (A) persons with autism, mental illness, addictive disorders, intellectual disabilities, and developmental disabilities;
- (B) missing endangered adults (as defined in IC 12-7-2-131.3);
- and
- (C) persons with Alzheimer's disease or related senile dementia;

to be provided by persons approved by the secretary of family and social services and the board. The training must include an overview of the crisis intervention teams.

(10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The course must cover the following topics:

- (A) Examination of the human and sexual trafficking laws (IC 35-42-3.5).
- (B) Identification of human and sexual trafficking.
- (C) Communicating with traumatized persons.
- (D) Therapeutically appropriate investigative techniques.
- (E) Collaboration with federal law enforcement officials.
- (F) Rights of and protections afforded to victims.
- (G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914, Supplement B) requirements established under federal law.
- (H) The availability of community resources to assist human and sexual trafficking victims.

(11) Minimum standards for ongoing specialized, intensive, and integrative training for persons responsible for investigating sexual assault cases involving adult victims. This training must include instruction on:

- (A) the neurobiology of trauma;
- (B) trauma informed interviewing; and
- (C) investigative techniques.

(H) (12) Minimum standards for de-escalation training. De-escalation training shall be taught as a part of existing use-of-force training and not as a separate topic.

(b) A law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year



from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), (m), (t), and (u), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy or at a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) This subsection does not apply to:

- (1) a gaming agent employed as a law enforcement officer by the Indiana gaming commission; or
- (2) an:
 - (A) attorney; or
 - (B) investigator;

designated by the securities commissioner as a police officer of the state under IC 23-19-6-1(k).

Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in subsection (d) for one (1) year after the date the law enforcement officer is appointed.

(f) The board shall adopt rules under IC 4-22-2 to establish a



pre-basic course for the purpose of training:

- (1) law enforcement officers;
- (2) police reserve officers (as described in IC 36-8-3-20); and
- (3) conservation reserve officers (as described in IC 14-9-8-27);

regarding the subjects of arrest, search and seizure, the lawful use of force, de-escalation training, interacting with individuals with autism, and the operation of an emergency vehicle. The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of at least forty (40) hours of course work. The board may prepare the classroom part of the pre-basic course using available technology in conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including postsecondary educational institutions.

(g) Subject to subsection (h), the board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers and police reserve officers (as described in IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has satisfactorily completed basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time basis is not eligible for continued employment unless the officer satisfactorily completes the mandatory inservice training requirements established by rules adopted by the board. Inservice training must include de-escalation training. Inservice training must also include training in interacting with persons with mental illness, addictive disorders, intellectual disabilities, autism, developmental disabilities, and Alzheimer's disease or related senile dementia, to be provided by persons approved by the secretary of family and social services and the board, and training concerning human and sexual trafficking and high risk missing persons (as defined in IC 5-2-17-1). The board may approve courses offered by other public or private training entities, including postsecondary educational institutions, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to either an emergency situation or the unavailability of courses.

(h) This subsection applies only to a mandatory inservice training program under subsection (g). Notwithstanding subsection (g), the board may, without adopting rules under IC 4-22-2, modify the course



work of a training subject matter, modify the number of hours of training required within a particular subject matter, or add a new subject matter, if the board satisfies the following requirements:

- (1) The board must conduct at least two (2) public meetings on the proposed modification or addition.
- (2) After approving the modification or addition at a public meeting, the board must post notice of the modification or addition on the Indiana law enforcement academy's Internet web site at least thirty (30) days before the modification or addition takes effect.

If the board does not satisfy the requirements of this subsection, the modification or addition is void. This subsection does not authorize the board to eliminate any inservice training subject matter required under subsection (g).

(i) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

- (1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.
- (2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.
- (3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having not more than one (1) marshal and two (2) deputies.
- (4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.
- (5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.
- (6) The program must require training in interacting with individuals with autism.

(j) The board shall adopt rules under IC 4-22-2 to establish an executive training program. The executive training program must include training in the following areas:

- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.



- (6) Lawful use of force and de-escalation training.
- (7) Department programs.
- (8) Emergency vehicle operation.
- (9) Cultural diversity.

(k) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(l) A police chief who fails to comply with subsection (k) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection (k), "police chief" refers to:

- (1) the police chief of any city;
- (2) the police chief of any town having a metropolitan police department; and
- (3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.

(m) A fire investigator in the division of fire and building safety appointed after December 31, 1993, is required to comply with the basic training standards established under this chapter.

(n) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).

(o) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

- (1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;
- (2) has not been employed as a law enforcement officer for:
 - (A) at least two (2) years; and
 - (B) less than six (6) years before the officer is hired under subdivision (1); and



(3) completed at any time a basic training course certified or recognized by the board before the officer is hired under subdivision (1).

(p) An officer to whom subsection (o) applies must successfully complete the refresher course described in subsection (o) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:

- (1) arrest;
- (2) search; and
- (3) seizure.

(q) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

- (1) is appointed by an Indiana law enforcement department or agency as a reserve police officer; and
- (2) has not worked as a reserve police officer for at least two (2) years after:
 - (A) completing the pre-basic course; or
 - (B) leaving the individual's last appointment as a reserve police officer.

An officer to whom this subsection applies must successfully complete the refresher course established by the board in order to work as a reserve police officer.

(r) This subsection applies to an individual who, at the time the individual completes a board certified or recognized basic training course, has not been appointed as a law enforcement officer by an Indiana law enforcement department or agency. If the individual is not employed as a law enforcement officer for at least two (2) years after completing the basic training course, the individual must successfully retake and complete the basic training course as set forth in subsection (d).

(s) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an individual who:

- (1) is appointed as a board certified instructor of law enforcement training; and
- (2) has not provided law enforcement training instruction for more than one (1) year after the date the individual's instructor certification expired.

An individual to whom this subsection applies must successfully complete the refresher course established by the board in order to renew the individual's instructor certification.

(t) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming



agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

- (1) the agent successfully completes the pre-basic course established in subsection (f); and
- (2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

(u) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police powers described in subsection (d) if:

- (1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and
- (2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.

(v) As used in this section, "upper level policymaking position" refers to the following:

- (1) If the authorized size of the department or town marshal system is not more than ten (10) members, the term refers to the position held by the police chief or town marshal.
- (2) If the authorized size of the department or town marshal system is more than ten (10) members but less than fifty-one (51) members, the term refers to:
 - (A) the position held by the police chief or town marshal; and
 - (B) each position held by the members of the police department or town marshal system in the next rank and pay grade immediately below the police chief or town marshal.
- (3) If the authorized size of the department or town marshal system is more than fifty (50) members, the term refers to:
 - (A) the position held by the police chief or town marshal; and
 - (B) each position held by the members of the police department or town marshal system in the next two (2) ranks and pay grades immediately below the police chief or town marshal.

(w) This subsection applies only to a correctional police officer employed by the department of correction. A correctional police officer may exercise the police powers described in subsection (d) if:

- (1) the officer successfully completes the pre-basic course described in subsection (f); and
- (2) the officer successfully completes any other training courses established by the department of correction in conjunction with



the board.

(x) This subsection applies only to the sexual assault training described in subsection (a)(11). The board shall:

(1) consult with experts on the neurobiology of trauma, trauma informed interviewing, and investigative techniques in developing the sexual assault training; and

(2) develop the sexual assault training and begin offering the training not later than July 1, 2022.

(y) After July 1, 2023, a law enforcement officer who regularly investigates sexual assaults involving adult victims must complete the training requirements described in subsection (a)(11) within one (1) year of being assigned to regularly investigate sexual assaults involving adult victims.

(z) A law enforcement officer who regularly investigates sexual assaults involving adult victims may complete the training requirements described in subsection (a)(11) by attending a:

(1) statewide or national training; or

(2) department hosted local training.

(aa) Notwithstanding any other provisions of this section, the board is authorized to establish certain required standards of training and procedure."

Page 5, between lines 4 and 5, begin a new paragraph and insert:

"(l) A physician or a person trained in obtaining bodily samples who is acting under the direction of or under a protocol prepared by a physician shall obtain a blood sample if the following conditions are satisfied:

(1) A law enforcement officer requests that the sample be obtained.

(2) The law enforcement officer has certified in writing the following:

(A) That the officer has probable cause to believe the person from whom the sample is to be obtained has violated IC 9-30-5-4, IC 9-30-5-5, IC 35-46-9-6(b)(2), or IC 35-46-9-6(c).

(B) That the offense resulting in a criminal investigation described in subsection (a) occurred not more than three (3) hours before the time the sample is requested.

(C) That exigent circumstances exist that create pressing health, safety, or law enforcement needs that would take priority over a warrant application.

(3) Not more than the use of reasonable force is necessary to obtain the sample."



Page 6, delete lines 14 through 42.

Delete page 7.

Page 8, delete lines 1 through 2.

Page 14, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 15. IC 15-15-13-6.5, AS ADDED BY P.L.190-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6.5. As used in this chapter, "hemp product" means a product derived from, or made by, processing hemp plants or plant parts including derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers. However, the term does not include:

- (1) smokable hemp (as defined by IC 35-48-1-26.6); or
- (2) products that contain a total ~~delta-9-tetrahydrocannabinol~~ **tetrahydrocannabinol** concentration of more than three-tenths of one percent (0.3%) by weight."

Page 16, delete lines 38 through 42, begin a new paragraph and insert:

"SECTION 19. IC 20-28-5-8, AS AMENDED BY HEA 1564-2021, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

- (1) The secretary of education.
- (2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.
- (3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

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

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



- (1) Kidnapping (IC 35-42-3-2).
- (2) Criminal confinement (IC 35-42-3-3).
- (3) Rape (IC 35-42-4-1).
- (4) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (5) Child molesting (IC 35-42-4-3).
- (6) ~~Child exploitation~~ **An offense under IC 35-42-4-4(b) or IC 35-42-4-4(c).**
- (7) Vicarious sexual gratification (IC 35-42-4-5).
- (8) Child solicitation (IC 35-42-4-6).
- (9) Child seduction (IC 35-42-4-7).
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3).
- (12) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (13) Dealing in methamphetamine (IC 35-48-4-1.1).
- (14) Manufacturing methamphetamine (IC 35-48-4-1.2).
- (15) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (16) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (17) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- (18) Dealing in a counterfeit substance (IC 35-48-4-5).
- (19) Dealing in marijuana, hash oil, hashish, or salvia as a felony (IC 35-48-4-10).
- (20) An offense under IC 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).
- (21) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).
- (22) Homicide (IC 35-42-1).
- (23) Voluntary manslaughter (IC 35-42-1-3).
- (24) Reckless homicide (IC 35-42-1-5).
- (25) Battery as any of the following:
 - (A) A Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014).
 - (B) A Class B felony (for a crime committed before July 1,



2014) or a Level 3 felony (for a crime committed after June 30, 2014).

(C) 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).

(26) Aggravated battery (IC 35-42-2-1.5).

(27) Robbery (IC 35-42-5-1).

(28) Carjacking (IC 35-42-5-2) (before its repeal).

(29) Arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-1-1(a)).

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

(31) Human trafficking (IC 35-42-3.5).

(32) Dealing in a controlled substance resulting in death (IC 35-42-1-1.5).

(33) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.

(34) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.

(d) The department shall permanently revoke the license of a person who is known by the department to have been convicted of a federal offense or an offense in another state that is comparable to a felony listed in subsection (c).

(e) A license may be suspended by the secretary of education as specified in IC 20-28-7.5.

(f) The department shall develop a data base of information on school corporation employees who have been reported to the department under this section.

(g) Upon receipt of information from the office of judicial administration in accordance with IC 33-24-6-3 concerning persons convicted of an offense listed in subsection (c), the department shall:

(1) cross check the information received from the office of judicial administration with information concerning licensed teachers (as defined in IC 20-18-2-22(b)) maintained by the department; and

(2) if a licensed teacher (as defined in IC 20-18-2-22(b)) has been convicted of an offense described in subsection (c), revoke the licensed teacher's license."



Delete pages 17 through 18.

Page 19, delete lines 1 through 21.

Page 19, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 22. IC 24-4-21-3, AS AMENDED BY P.L.190-2019, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. A person may distribute low THC hemp extract in Indiana only if the distributor has a certificate of analysis prepared by an independent testing laboratory showing:

- (1) that the low THC hemp extract is the product of a batch tested by the independent testing laboratory;
- (2) that the independent testing laboratory determined that the batch contained not more than three-tenths percent (0.3%) total ~~delta-9-tetrahydrocannabinol~~ **tetrahydrocannabinol** (THC), including precursors **and isomers**, by weight, based on the testing of a random sample of the batch; and
- (3) the cannabidiol percent present of the low THC hemp extract.

SECTION 23. IC 24-4-21-4, AS ADDED BY P.L.153-2018, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) Except as provided in subsection (b), low THC hemp extract must be distributed in packaging that contains the following information:

- (1) A scannable bar code or QR code linked to a document that contains information with respect to the manufacture of the low THC hemp extract, including the:
 - (A) batch identification number;
 - (B) product name;
 - (C) batch date;
 - (D) expiration date, which must be not more than two (2) years from the date of manufacture;
 - (E) batch size;
 - (F) total quantity produced;
 - (G) ingredients used, including the:
 - (i) ingredient name;
 - (ii) name of the company that manufactured the ingredient;
 - (iii) company or product identification number or code, if applicable; and
 - (iv) ingredient lot number; and
 - (H) download link for a certificate of analysis for the low THC hemp extract.
- (2) The batch number.
- (3) The Internet address of a web site to obtain batch information.
- (4) The expiration date.



- (5) The number of milligrams of low THC hemp extract.
- (6) The manufacturer.
- (7) The fact that the product contains not more than three-tenths percent (0.3%) total ~~delta-9-tetrahydrocannabinol~~ **tetrahydrocannabinol** (THC), including precursors **and isomers**, by weight.

(b) Before July 1, 2018, low THC hemp extract may be distributed in Indiana without having met the requirements described in subsection (a)."

Page 21, delete lines 29 through 37.

Page 27, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 32. IC 35-31.5-2-115.5, AS ADDED BY P.L.238-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 115.5. (a) "Emergency medical services provider", **for purposes of IC 35-42-2-1**, has the meaning set forth in IC 16-41-10-1. **This term includes a staff member in the emergency department of a hospital.**

(b) "Emergency medical services provider", **for purposes of IC 35-44.1-3-1 and IC 35-46-1-4**, has the meaning set forth in IC 16-41-10-1."

Page 32, delete lines 23 through 42.

Delete page 33.

Page 34, delete lines 1 through 41.

Page 41, delete lines 24 through 42.

Delete pages 42 through 46.

Page 47, delete lines 1 through 32.

Page 54, delete lines 23 through 35, begin a new paragraph, and insert:

"SECTION 53. IC 35-43-5-3.5, AS AMENDED BY P.L.158-2013, SECTION 471, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.5. (a) Except as provided in subsection (c), a ~~person who knowingly or intentionally obtains; possesses; transfers; or uses the identifying information of another person; including the identifying information of a person who is deceased;~~

(1) ~~without the other person's consent; and~~

(2) ~~with intent to:~~

(A) ~~harm or defraud another person;~~

(B) ~~assume another person's identity; or~~

(C) ~~profess to be another person;~~

a person who, with intent to harm or defraud another person, knowingly or intentionally obtains, possesses, transfers, or uses



identifying information to profess to be another person, commits identity deception, a Level 6 felony."

Page 57, line 18, delete "data to which the" and insert "**data**".

Page 57, line 19, delete "person is not entitled".

Page 57, line 24, delete "property" and insert "**property**".

Page 57, delete line 25.

Page 57, line 41, delete "subdivision" and insert "**subdivisions**".

Page 59, between lines 16 and 17, begin a new line block indented and insert:

"(10) The agreement is unconscionable.

(11) The offense involves human reproductive material (as defined in IC 34-24-5-1)."

Page 59, line 28, delete "pecuniary" and insert "**actual**".

Page 84, delete lines 14 through 42.

Delete page 85.

Page 86, delete lines 1 through 15.

Page 90, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 95. IC 35-48-1-17.5, AS AMENDED BY P.L. 190-2019, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17.5. (a) "Low THC hemp extract" means a substance or compound that:

(1) is derived from or contains any part of the plant *Cannabis sativa* L. that meets the definition of hemp under IC 15-15-13-6;

(2) contains not more than three-tenths percent (0.3%) total ~~delta-9-tetrahydrocannabinol~~ **tetrahydrocannabinol** (THC), including precursors **and isomers**, by weight; and

(3) contains no other controlled substances.

(b) The term does not include:

(1) the harvested reproductive organ, whether immature or mature, of the female hemp plant; or

(2) smokable hemp."

Page 90, delete lines 4 through 42.

Delete page 91.

Page 92, delete lines 1 through 14.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 197 as reprinted February 16, 2021.)

MCNAMARA

ES 197—LS 7132/DI 106



Committee Vote: yeas 11, nays 1.

