

# SENATE BILL No. 240

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-14-3-4; IC 11-12-3.7-6; IC 31-37-4-3; IC 34-24-1; IC 35-31.5-2; IC 35-43-5; IC 35-44.1-2-8; IC 35-45-2; IC 35-46.5; IC 35-47-12; IC 35-50-2-18.

**Synopsis:** Terrorism and extortion. Repeals and replaces in a new article the offense of: (1) possession, use, or manufacture of a weapon of mass destruction; (2) agricultural terrorism; (3) terroristic mischief; and (4) terroristic deception. Specifies that "terrorism" includes the unlawful threat or use of force to affect the conduct of a government. Makes providing material support to a terrorist a Level 5 felony, and increases the penalty to a Level 2 felony if the material support includes the commission of a felony or if the act of terrorism is reasonably likely to cause serious bodily injury to another person. Makes concealing or harboring a person who has committed a terrorist act a Level 6 felony, and increases the penalty to a Level 3 felony if the terrorist act resulted in serious bodily injury or death. Makes committing a criminal offense with the intent to benefit a terrorist organization or to increase the person's standing in a terrorist organization a Level 5 felony, and increases the penalty to a Level 3 felony if the offense involves the unlawful use of a firearm or a weapon of mass destruction. Provides that a person who commits an offense with the intent to assist another person in the commission of a felony terrorist offense is subject to an additional sentence enhancement equal to the sentence imposed for the underlying offense. Makes it extortion, a Class A misdemeanor, to threaten to expose any person to hatred, contempt, disgrace, or ridicule, or to falsely harm the credit or business reputation of any person, with the intent that the other person engage in conduct against the other person's will, and enhances the penalty under certain circumstances.

**Effective:** July 1, 2019.

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## Freeman

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January 3, 2019, read first time and referred to Committee on Corrections and Criminal Law.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 240

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 5-14-3-4, AS AMENDED BY P.L.197-2017,  
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 4. (a) The following public records are excepted  
4 from section 3 of this chapter and may not be disclosed by a public  
5 agency, unless access to the records is specifically required by a state  
6 or federal statute or is ordered by a court under the rules of discovery:  
7 (1) Those declared confidential by state statute.  
8 (2) Those declared confidential by rule adopted by a public  
9 agency under specific authority to classify public records as  
10 confidential granted to the public agency by statute.  
11 (3) Those required to be kept confidential by federal law.  
12 (4) Records containing trade secrets.  
13 (5) Confidential financial information obtained, upon request,  
14 from a person. However, this does not include information that is  
15 filed with or received by a public agency pursuant to state statute.  
16 (6) Information concerning research, including actual research  
17 documents, conducted under the auspices of a state educational



- 1 institution, including information:
- 2 (A) concerning any negotiations made with respect to the
- 3 research; and
- 4 (B) received from another party involved in the research.
- 5 (7) Grade transcripts and license examination scores obtained as
- 6 part of a licensure process.
- 7 (8) Those declared confidential by or under rules adopted by the
- 8 supreme court of Indiana.
- 9 (9) Patient medical records and charts created by a provider,
- 10 unless the patient gives written consent under IC 16-39 or as
- 11 provided under IC 16-41-8.
- 12 (10) Application information declared confidential by the Indiana
- 13 economic development corporation under IC 5-28-16.
- 14 (11) A photograph, a video recording, or an audio recording of an
- 15 autopsy, except as provided in IC 36-2-14-10.
- 16 (12) A Social Security number contained in the records of a
- 17 public agency.
- 18 (13) The following information that is part of a foreclosure action
- 19 subject to IC 32-30-10.5:
- 20 (A) Contact information for a debtor, as described in
- 21 IC 32-30-10.5-8(d)(1)(B).
- 22 (B) Any document submitted to the court as part of the debtor's
- 23 loss mitigation package under IC 32-30-10.5-10(a)(3).
- 24 (14) The following information obtained from a call made to a
- 25 fraud hotline established under IC 36-1-8-8.5:
- 26 (A) The identity of any individual who makes a call to the
- 27 fraud hotline.
- 28 (B) A report, transcript, audio recording, or other information
- 29 concerning a call to the fraud hotline.
- 30 However, records described in this subdivision may be disclosed
- 31 to a law enforcement agency, a private university police
- 32 department, the attorney general, the inspector general, the state
- 33 examiner, or a prosecuting attorney.
- 34 (b) Except as otherwise provided by subsection (a), the following
- 35 public records shall be excepted from section 3 of this chapter at the
- 36 discretion of a public agency:
- 37 (1) Investigatory records of law enforcement agencies or private
- 38 university police departments. For purposes of this chapter, a law
- 39 enforcement recording is not an investigatory record. Law
- 40 enforcement agencies or private university police departments
- 41 may share investigatory records with a person who advocates on
- 42 behalf of a crime victim, including a victim advocate (as defined



1 in IC 35-37-6-3.5) or a victim service provider (as defined in  
 2 IC 35-37-6-5), for the purposes of providing services to a victim  
 3 or describing services that may be available to a victim, without  
 4 the law enforcement agency or private university police  
 5 department losing its discretion to keep those records confidential  
 6 from other records requesters. However, certain law enforcement  
 7 records must be made available for inspection and copying as  
 8 provided in section 5 of this chapter.

9 (2) The work product of an attorney representing, pursuant to  
 10 state employment or an appointment by a public agency:

- 11 (A) a public agency;
- 12 (B) the state; or
- 13 (C) an individual.

14 (3) Test questions, scoring keys, and other examination data used  
 15 in administering a licensing examination, examination for  
 16 employment, or academic examination before the examination is  
 17 given or if it is to be given again.

18 (4) Scores of tests if the person is identified by name and has not  
 19 consented to the release of the person's scores.

20 (5) The following:

21 (A) Records relating to negotiations between:

- 22 (i) the Indiana economic development corporation;
- 23 (ii) the ports of Indiana;
- 24 (iii) the Indiana state department of agriculture;
- 25 (iv) the Indiana finance authority;
- 26 (v) an economic development commission;
- 27 (vi) a local economic development organization that is a  
 28 nonprofit corporation established under state law whose  
 29 primary purpose is the promotion of industrial or business  
 30 development in Indiana, the retention or expansion of  
 31 Indiana businesses, or the development of entrepreneurial  
 32 activities in Indiana; or
- 33 (vii) a governing body of a political subdivision;

34 with industrial, research, or commercial prospects, if the  
 35 records are created while negotiations are in progress.  
 36 However, this clause does not apply to records regarding  
 37 research that is prohibited under IC 16-34.5-1-2 or any other  
 38 law.

39 (B) Notwithstanding clause (A), the terms of the final offer of  
 40 public financial resources communicated by the Indiana  
 41 economic development corporation, the ports of Indiana, the  
 42 Indiana finance authority, an economic development



1 commission, or a governing body of a political subdivision to  
 2 an industrial, a research, or a commercial prospect shall be  
 3 available for inspection and copying under section 3 of this  
 4 chapter after negotiations with that prospect have terminated.

5 (C) When disclosing a final offer under clause (B), the Indiana  
 6 economic development corporation shall certify that the  
 7 information being disclosed accurately and completely  
 8 represents the terms of the final offer.

9 (D) Notwithstanding clause (A), an incentive agreement with  
 10 an incentive recipient shall be available for inspection and  
 11 copying under section 3 of this chapter after the date the  
 12 incentive recipient and the Indiana economic development  
 13 corporation execute the incentive agreement regardless of  
 14 whether negotiations are in progress with the recipient after  
 15 that date regarding a modification or extension of the incentive  
 16 agreement.

17 (6) Records that are intra-agency or interagency advisory or  
 18 deliberative material, including material developed by a private  
 19 contractor under a contract with a public agency, that are  
 20 expressions of opinion or are of a speculative nature, and that are  
 21 communicated for the purpose of decision making.

22 (7) Diaries, journals, or other personal notes serving as the  
 23 functional equivalent of a diary or journal.

24 (8) Personnel files of public employees and files of applicants for  
 25 public employment, except for:

26 (A) the name, compensation, job title, business address,  
 27 business telephone number, job description, education and  
 28 training background, previous work experience, or dates of  
 29 first and last employment of present or former officers or  
 30 employees of the agency;

31 (B) information relating to the status of any formal charges  
 32 against the employee; and

33 (C) the factual basis for a disciplinary action in which final  
 34 action has been taken and that resulted in the employee being  
 35 suspended, demoted, or discharged.

36 However, all personnel file information shall be made available  
 37 to the affected employee or the employee's representative. This  
 38 subdivision does not apply to disclosure of personnel information  
 39 generally on all employees or for groups of employees without the  
 40 request being particularized by employee name.

41 (9) Minutes or records of hospital medical staff meetings.

42 (10) Administrative or technical information that would



- 1 jeopardize a record keeping or security system.
- 2 (11) Computer programs, computer codes, computer filing
- 3 systems, and other software that are owned by the public agency
- 4 or entrusted to it and portions of electronic maps entrusted to a
- 5 public agency by a utility.
- 6 (12) Records specifically prepared for discussion or developed
- 7 during discussion in an executive session under IC 5-14-1.5-6.1.
- 8 However, this subdivision does not apply to that information
- 9 required to be available for inspection and copying under
- 10 subdivision (8).
- 11 (13) The work product of the legislative services agency under
- 12 personnel rules approved by the legislative council.
- 13 (14) The work product of individual members and the partisan
- 14 staffs of the general assembly.
- 15 (15) The identity of a donor of a gift made to a public agency if:
- 16 (A) the donor requires nondisclosure of the donor's identity as
- 17 a condition of making the gift; or
- 18 (B) after the gift is made, the donor or a member of the donor's
- 19 family requests nondisclosure.
- 20 (16) Library or archival records:
- 21 (A) which can be used to identify any library patron; or
- 22 (B) deposited with or acquired by a library upon a condition
- 23 that the records be disclosed only:
- 24 (i) to qualified researchers;
- 25 (ii) after the passing of a period of years that is specified in
- 26 the documents under which the deposit or acquisition is
- 27 made; or
- 28 (iii) after the death of persons specified at the time of the
- 29 acquisition or deposit.
- 30 However, nothing in this subdivision shall limit or affect contracts
- 31 entered into by the Indiana state library pursuant to IC 4-1-6-8.
- 32 (17) The identity of any person who contacts the bureau of motor
- 33 vehicles concerning the ability of a driver to operate a motor
- 34 vehicle safely and the medical records and evaluations made by
- 35 the bureau of motor vehicles staff or members of the driver
- 36 licensing medical advisory board regarding the ability of a driver
- 37 to operate a motor vehicle safely. However, upon written request
- 38 to the commissioner of the bureau of motor vehicles, the driver
- 39 must be given copies of the driver's medical records and
- 40 evaluations.
- 41 (18) School safety and security measures, plans, and systems,
- 42 including emergency preparedness plans developed under 511



1 IAC 6.1-2-2.5.

2 (19) A record or a part of a record, the public disclosure of which  
 3 would have a reasonable likelihood of threatening public safety  
 4 by exposing a vulnerability to terrorist attack. A record described  
 5 under this subdivision includes the following:

6 (A) A record assembled, prepared, or maintained to prevent,  
 7 mitigate, or respond to an act of terrorism under IC 35-47-12-1  
 8 **(before its repeal), or an act of agricultural terrorism under**  
 9 **IC 35-47-12-2 (before its repeal), or a felony terrorist**  
 10 **offense (as defined in IC 35-50-2-18).**

11 (B) Vulnerability assessments.

12 (C) Risk planning documents.

13 (D) Needs assessments.

14 (E) Threat assessments.

15 (F) Intelligence assessments.

16 (G) Domestic preparedness strategies.

17 (H) The location of community drinking water wells and  
 18 surface water intakes.

19 (I) The emergency contact information of emergency  
 20 responders and volunteers.

21 (J) Infrastructure records that disclose the configuration of  
 22 critical systems such as communication, electrical, ventilation,  
 23 water, and wastewater systems.

24 (K) Detailed drawings or specifications of structural elements,  
 25 floor plans, and operating, utility, or security systems, whether  
 26 in paper or electronic form, of any building or facility located  
 27 on an airport (as defined in IC 8-21-1-1) that is owned,  
 28 occupied, leased, or maintained by a public agency, or any part  
 29 of a law enforcement recording that captures information  
 30 about airport security procedures, areas, or systems. A record  
 31 described in this clause may not be released for public  
 32 inspection by any public agency without the prior approval of  
 33 the public agency that owns, occupies, leases, or maintains the  
 34 airport. Both of the following apply to the public agency that  
 35 owns, occupies, leases, or maintains the airport:

36 (i) The public agency is responsible for determining whether  
 37 the public disclosure of a record or a part of a record,  
 38 including a law enforcement recording, has a reasonable  
 39 likelihood of threatening public safety by exposing a  
 40 security procedure, area, system, or vulnerability to terrorist  
 41 attack.

42 (ii) The public agency must identify a record described



1 under item (i) and clearly mark the record as "confidential  
 2 and not subject to public disclosure under  
 3 IC 5-14-3-4(b)(19)(J) without approval of (insert name of  
 4 submitting public agency)". However, in the case of a law  
 5 enforcement recording, the public agency must clearly mark  
 6 the record as "confidential and not subject to public  
 7 disclosure under IC 5-14-3-4(b)(19)(K) without approval of  
 8 (insert name of the public agency that owns, occupies,  
 9 leases, or maintains the airport)".

10 (L) The home address, home telephone number, and  
 11 emergency contact information for any:

- 12 (i) emergency management worker (as defined in  
 13 IC 10-14-3-3);
- 14 (ii) public safety officer (as defined in IC 35-47-4.5-3);
- 15 (iii) emergency medical responder (as defined in  
 16 IC 16-18-2-109.8); or
- 17 (iv) advanced emergency medical technician (as defined in  
 18 IC 16-18-2-6.5).

19 This subdivision does not apply to a record or portion of a record  
 20 pertaining to a location or structure owned or protected by a  
 21 public agency in the event that an act of terrorism under  
 22 IC 35-47-12-1 (**before its repeal**), ~~or~~ an act of agricultural  
 23 terrorism under IC 35-47-12-2 (**before its repeal**), **or a felony**  
 24 **terrorist offense (as defined in IC 35-50-2-18)** has occurred at  
 25 that location or structure, unless release of the record or portion  
 26 of the record would have a reasonable likelihood of threatening  
 27 public safety by exposing a vulnerability of other locations or  
 28 structures to terrorist attack.

29 (20) The following personal information concerning a customer  
 30 of a municipally owned utility (as defined in IC 8-1-2-1):

- 31 (A) Telephone number.
- 32 (B) Address.
- 33 (C) Social Security number.

34 (21) The following personal information about a complainant  
 35 contained in records of a law enforcement agency:

- 36 (A) Telephone number.
- 37 (B) The complainant's address. However, if the complainant's  
 38 address is the location of the suspected crime, infraction,  
 39 accident, or complaint reported, the address shall be made  
 40 available for public inspection and copying.

41 (22) Notwithstanding subdivision (8)(A), the name,  
 42 compensation, job title, business address, business telephone





- 1 number, job description, education and training background,  
 2 previous work experience, or dates of first employment of a law  
 3 enforcement officer who is operating in an undercover capacity.  
 4 (23) Records requested by an offender that:  
 5 (A) contain personal information relating to:  
 6 (i) a correctional officer (as defined in IC 5-10-10-1.5);  
 7 (ii) a law enforcement officer (as defined in  
 8 IC 35-31.5-2-185);  
 9 (iii) a judge (as defined in IC 33-38-12-3);  
 10 (iv) the victim of a crime; or  
 11 (v) a family member of a correctional officer, law  
 12 enforcement officer (as defined in IC 35-31.5-2-185), judge  
 13 (as defined in IC 33-38-12-3), or victim of a crime; or  
 14 (B) concern or could affect the security of a jail or correctional  
 15 facility.  
 16 (24) Information concerning an individual less than eighteen (18)  
 17 years of age who participates in a conference, meeting, program,  
 18 or activity conducted or supervised by a state educational  
 19 institution, including the following information regarding the  
 20 individual or the individual's parent or guardian:  
 21 (A) Name.  
 22 (B) Address.  
 23 (C) Telephone number.  
 24 (D) Electronic mail account address.  
 25 (25) Criminal intelligence information.  
 26 (26) The following information contained in a report of unclaimed  
 27 property under IC 32-34-1-26 or in a claim for unclaimed  
 28 property under IC 32-34-1-36:  
 29 (A) Date of birth.  
 30 (B) Driver's license number.  
 31 (C) Taxpayer identification number.  
 32 (D) Employer identification number.  
 33 (E) Account number.  
 34 (27) Except as provided in subdivision (19) and sections 5.1 and  
 35 5.2 of this chapter, a law enforcement recording. However, before  
 36 disclosing the recording, the public agency must comply with the  
 37 obscuring requirements of sections 5.1 and 5.2 of this chapter, if  
 38 applicable.  
 39 (28) Records relating to negotiations between a state educational  
 40 institution and another entity concerning the establishment of a  
 41 collaborative relationship or venture to advance the research,  
 42 engagement, or educational mission of the state educational



1 institution, if the records are created while negotiations are in  
 2 progress. The terms of the final offer of public financial resources  
 3 communicated by the state educational institution to an industrial,  
 4 a research, or a commercial prospect shall be available for  
 5 inspection and copying under section 3 of this chapter after  
 6 negotiations with that prospect have terminated. However, this  
 7 subdivision does not apply to records regarding research  
 8 prohibited under IC 16-34.5-1-2 or any other law.

9 (c) Nothing contained in subsection (b) shall limit or affect the right  
 10 of a person to inspect and copy a public record required or directed to  
 11 be made by any statute or by any rule of a public agency.

12 (d) Notwithstanding any other law, a public record that is classified  
 13 as confidential, other than a record concerning an adoption or patient  
 14 medical records, shall be made available for inspection and copying  
 15 seventy-five (75) years after the creation of that record.

16 (e) Only the content of a public record may form the basis for the  
 17 adoption by any public agency of a rule or procedure creating an  
 18 exception from disclosure under this section.

19 (f) Except as provided by law, a public agency may not adopt a rule  
 20 or procedure that creates an exception from disclosure under this  
 21 section based upon whether a public record is stored or accessed using  
 22 paper, electronic media, magnetic media, optical media, or other  
 23 information storage technology.

24 (g) Except as provided by law, a public agency may not adopt a rule  
 25 or procedure nor impose any costs or liabilities that impede or restrict  
 26 the reproduction or dissemination of any public record.

27 (h) Notwithstanding subsection (d) and section 7 of this chapter:

- 28 (1) public records subject to IC 5-15 may be destroyed only in  
 29 accordance with record retention schedules under IC 5-15; or
- 30 (2) public records not subject to IC 5-15 may be destroyed in the  
 31 ordinary course of business.

32 SECTION 2. IC 11-12-3.7-6, AS AMENDED BY P.L.65-2016,  
 33 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2019]: Sec. 6. As used in this chapter, "violent offense" means  
 35 one (1) or more of the following offenses:

- 36 (1) Murder (IC 35-42-1-1).
- 37 (2) Attempted murder (IC 35-41-5-1).
- 38 (3) Voluntary manslaughter (IC 35-42-1-3).
- 39 (4) Involuntary manslaughter (IC 35-42-1-4).
- 40 (5) Reckless homicide (IC 35-42-1-5).
- 41 (6) Aggravated battery (IC 35-42-2-1.5).
- 42 (7) Battery (IC 35-42-2-1) as a:



- 1 (A) Class A felony, Class B felony, or Class C felony (for a  
2 crime committed before July 1, 2014); or  
3 (B) Level 2 felony, Level 3 felony, or Level 5 felony (for a  
4 crime committed after June 30, 2014).  
5 (8) Kidnapping (IC 35-42-3-2).  
6 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that  
7 is a:  
8 (A) Class A felony, Class B felony, or Class C felony (for a  
9 crime committed before July 1, 2014); or  
10 (B) Level 1 felony, Level 2 felony, Level 3 felony, Level 4  
11 felony, or Level 5 felony (for a crime committed after June 30,  
12 2014).  
13 (10) Sexual misconduct with a minor (IC 35-42-4-9) as a:  
14 (A) Class A felony or Class B felony (for a crime committed  
15 before July 1, 2014); or  
16 (B) Level 1 felony, Level 2 felony, or Level 4 felony (for a  
17 crime committed after June 30, 2014).  
18 (11) Incest (IC 35-46-1-3).  
19 (12) Robbery (IC 35-42-5-1) as a:  
20 (A) Class A felony or a Class B felony (for a crime committed  
21 before July 1, 2014); or  
22 (B) Level 2 felony or Level 3 felony (for a crime committed  
23 after June 30, 2014).  
24 (13) Burglary (IC 35-43-2-1) as a:  
25 (A) Class A felony or a Class B felony (for a crime committed  
26 before July 1, 2014); or  
27 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4  
28 felony (for a crime committed after June 30, 2014).  
29 (14) Carjacking (IC 35-42-5-2) (repealed).  
30 (15) Assisting a criminal (IC 35-44.1-2-5) as a:  
31 (A) Class C felony (for a crime committed before July 1,  
32 2014); or  
33 (B) Level 5 felony (for a crime committed after June 30,  
34 2014).  
35 (16) Escape (IC 35-44.1-3-4) as a:  
36 (A) Class B felony or Class C felony (for a crime committed  
37 before July 1, 2014); or  
38 (B) Level 4 felony or Level 5 felony (for a crime committed  
39 after June 30, 2014).  
40 (17) Trafficking with an inmate (IC 35-44.1-3-5) as a:  
41 (A) Class C felony (for a crime committed before July 1,  
42 2014); or



- 1 (B) Level 5 felony (for a crime committed after June 30,  
2 2014).
- 3 (18) Causing death when operating a vehicle (IC 9-30-5-5).
- 4 (19) Criminal confinement (IC 35-42-3-3) as a:
- 5 (A) Class B felony (for a crime committed before July 1,  
6 2014); or
- 7 (B) Level 3 felony (for a crime committed after June 30,  
8 2014).
- 9 (20) Arson (IC 35-43-1-1) as a:
- 10 (A) Class A or Class B felony (for a crime committed before  
11 July 1, 2014); or
- 12 (B) Level 2, Level 3, or Level 4 felony (for a crime committed  
13 after June 30, 2014).
- 14 (21) Possession, use, or manufacture of a weapon of mass  
15 destruction (**IC 35-46.5-2-1**) (**or IC 35-47-12-1 before its**  
16 **repeal**).
- 17 (22) Terroristic mischief (**IC 35-46.5-2-3**) (**or IC 35-47-12-3**  
18 **before its repeal**) as a:
- 19 (A) Class B felony (for a crime committed before July 1,  
20 2014); or
- 21 (B) Level 4 felony (for a crime committed after June 30,  
22 2014).
- 23 (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- 24 (24) A violation of IC 35-47.5 (controlled explosives) as a:
- 25 (A) Class A or Class B felony (for a crime committed before  
26 July 1, 2014); or
- 27 (B) Level 2 or Level 4 felony (for a crime committed after  
28 June 30, 2014).
- 29 (25) Domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level  
30 3 felony, or Level 5 felony.
- 31 (26) A crime under the laws of another jurisdiction, including a  
32 military court, that is substantially similar to any of the offenses  
33 listed in this subdivision.
- 34 (27) Any other crimes evidencing a propensity or history of  
35 violence.
- 36 SECTION 3. IC 31-37-4-3, AS AMENDED BY P.L.65-2016,  
37 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 JULY 1, 2019]: Sec. 3. (a) This section applies if a child is arrested or  
39 taken into custody for allegedly committing an act that would be any of  
40 the following crimes if committed by an adult:
- 41 (1) Murder (IC 35-42-1-1).
- 42 (2) Attempted murder (IC 35-41-5-1).



- 1 (3) Voluntary manslaughter (IC 35-42-1-3).  
 2 (4) Involuntary manslaughter (IC 35-42-1-4).  
 3 (5) Reckless homicide (IC 35-42-1-5).  
 4 (6) Aggravated battery (IC 35-42-2-1.5).  
 5 (7) Battery (IC 35-42-2-1).  
 6 (8) Kidnapping (IC 35-42-3-2).  
 7 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.  
 8 (10) Sexual misconduct with a minor (IC 35-42-4-9).  
 9 (11) Incest (IC 35-46-1-3).  
 10 (12) Robbery as a Level 2 felony or a Level 3 felony  
 11 (IC 35-42-5-1).  
 12 (13) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony,  
 13 or Level 4 felony (IC 35-43-2-1).  
 14 (14) Assisting a criminal as a Level 5 felony (IC 35-44.1-2-5).  
 15 (15) Escape (IC 35-44.1-3-4) as a Level 4 felony or Level 5  
 16 felony.  
 17 (16) Trafficking with an inmate as a Level 5 felony  
 18 (IC 35-44.1-3-5).  
 19 (17) Causing death when operating a vehicle (IC 9-30-5-5).  
 20 (18) Criminal confinement (IC 35-42-3-3) as a Level 2 or Level  
 21 3 felony.  
 22 (19) Arson (IC 35-43-1-1) as a Level 2 felony, Level 3 felony, or  
 23 Level 4 felony.  
 24 (20) Possession, use, or manufacture of a weapon of mass  
 25 destruction (IC 35-47-12-1) **(before its repeal)**.  
 26 (21) Terroristic mischief (IC 35-47-12-3) as a Level 2 or Level 3  
 27 felony **(before its repeal)**.  
 28 (22) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).  
 29 (23) A violation of IC 35-47.5 (controlled explosives) as a Level  
 30 2 felony, Level 3 felony, or Level 4 felony.  
 31 (24) A controlled substances offense under IC 35-48.  
 32 (25) A criminal organization offense under IC 35-45-9.  
 33 (26) Domestic battery (IC 35-42-2-1.3).  
 34 **(27) A felony terrorist offense (as defined in IC 35-50-2-18).**  
 35 (b) If a child is taken into custody under this chapter for a crime or  
 36 act listed in subsection (a) or a situation to which IC 12-26-4-1 applies,  
 37 the law enforcement agency that employs the law enforcement officer  
 38 who takes the child into custody shall notify the chief administrative  
 39 officer of the primary or secondary school, including a public or  
 40 nonpublic school, in which the child is enrolled or, if the child is  
 41 enrolled in a public school, the superintendent of the school district in  
 42 which the child is enrolled:



1 (1) that the child was taken into custody; and

2 (2) of the reason why the child was taken into custody.

3 (c) The notification under subsection (b) must occur within  
4 forty-eight (48) hours after the child is taken into custody.

5 (d) A law enforcement agency may not disclose information that is  
6 confidential under state or federal law to a school or school district  
7 under this section.

8 (e) A law enforcement agency shall include in its training for law  
9 enforcement officers training concerning the notification requirements  
10 under subsection (b).

11 SECTION 4. IC 34-24-1-1, AS AMENDED BY P.L.215-2018(ss),  
12 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2019]: Sec. 1. (a) The following may be seized:

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (xii) Dealing in a synthetic drug or synthetic drug lookalike  
39 substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its  
40 amendment in 2013).

41 (B) Any stolen (IC 35-43-4-2) or converted property  
42 (IC 35-43-4-3) if the retail or repurchase value of that property



- 1 is one hundred dollars (\$100) or more.
- 2 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
- 3 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of  
4 mass destruction (as defined in IC 35-31.5-2-354) used to  
5 commit, used in an attempt to commit, or used in a conspiracy  
6 to commit **a felony terrorist offense (as defined in**  
7 **IC 35-50-2-18) or** an offense under IC 35-47 as part of or in  
8 furtherance of an act of terrorism (as defined by  
9 IC 35-31.5-2-329).
- 10 (2) All money, negotiable instruments, securities, weapons,  
11 communications devices, or any property used to commit, used in  
12 an attempt to commit, or used in a conspiracy to commit **a felony**  
13 **terrorist offense (as defined in IC 35-50-2-18) or** an offense  
14 under IC 35-47 as part of or in furtherance of an act of terrorism  
15 or commonly used as consideration for a violation of IC 35-48-4  
16 (other than items subject to forfeiture under IC 16-42-20-5 or  
17 IC 16-6-8.5-5.1, before its repeal):
- 18 (A) furnished or intended to be furnished by any person in  
19 exchange for an act that is in violation of a criminal statute;  
20 (B) used to facilitate any violation of a criminal statute; or  
21 (C) traceable as proceeds of the violation of a criminal statute.
- 22 (3) Any portion of real or personal property purchased with  
23 money that is traceable as a proceed of a violation of a criminal  
24 statute.
- 25 (4) A vehicle that is used by a person to:
- 26 (A) commit, attempt to commit, or conspire to commit;  
27 (B) facilitate the commission of; or  
28 (C) escape from the commission of;  
29 murder (IC 35-42-1-1), dealing in a controlled substance resulting  
30 in death (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal  
31 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting  
32 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense  
33 under IC 35-47 as part of or in furtherance of an act of terrorism.
- 34 (5) Real property owned by a person who uses it to commit any of  
35 the following as a Level 1, Level 2, Level 3, Level 4, or Level 5  
36 felony:
- 37 (A) Dealing in or manufacturing cocaine or a narcotic drug  
38 (IC 35-48-4-1).  
39 (B) Dealing in methamphetamine (IC 35-48-4-1.1).  
40 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).  
41 (D) Dealing in a schedule I, II, or III controlled substance  
42 (IC 35-48-4-2).



- 1 (E) Dealing in a schedule IV controlled substance  
 2 (IC 35-48-4-3).  
 3 (F) Dealing in marijuana, hash oil, hashish, or salvia  
 4 (IC 35-48-4-10).  
 5 (G) Dealing in a synthetic drug or synthetic drug lookalike  
 6 substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its  
 7 amendment in 2013).  
 8 (H) Dealing in a controlled substance resulting in death  
 9 (IC 35-42-1-1.5).  
 10 (6) Equipment and recordings used by a person to commit fraud  
 11 under IC 35-43-5-4(10).  
 12 (7) Recordings sold, rented, transported, or possessed by a person  
 13 in violation of IC 24-4-10.  
 14 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as  
 15 defined by IC 35-45-6-1) that is the object of a corrupt business  
 16 influence violation (IC 35-45-6-2).  
 17 (9) Unlawful telecommunications devices (as defined in  
 18 IC 35-45-13-6) and plans, instructions, or publications used to  
 19 commit an offense under IC 35-45-13.  
 20 (10) Any equipment, including computer equipment and cellular  
 21 telephones, used for or intended for use in preparing,  
 22 photographing, recording, videotaping, digitizing, printing,  
 23 copying, or disseminating matter in violation of IC 35-42-4.  
 24 (11) Destructive devices used, possessed, transported, or sold in  
 25 violation of IC 35-47.5.  
 26 (12) Tobacco products that are sold in violation of IC 24-3-5,  
 27 tobacco products that a person attempts to sell in violation of  
 28 IC 24-3-5, and other personal property owned and used by a  
 29 person to facilitate a violation of IC 24-3-5.  
 30 (13) Property used by a person to commit counterfeiting or  
 31 forgery in violation of IC 35-43-5-2.  
 32 (14) After December 31, 2005, if a person is convicted of an  
 33 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the  
 34 following real or personal property:  
 35 (A) Property used or intended to be used to commit, facilitate,  
 36 or promote the commission of the offense.  
 37 (B) Property constituting, derived from, or traceable to the  
 38 gross proceeds that the person obtained directly or indirectly  
 39 as a result of the offense.  
 40 (15) Except as provided in subsection (e), a vehicle used by a  
 41 person who operates the vehicle:  
 42 (A) while intoxicated, in violation of IC 9-30-5-1 through





- 1 IC 9-30-5-5, if in the previous five (5) years the person has two  
 2 (2) or more prior unrelated convictions:  
 3 (i) for operating a motor vehicle while intoxicated in  
 4 violation of IC 9-30-5-1 through IC 9-30-5-5; or  
 5 (ii) for an offense that is substantially similar to IC 9-30-5-1  
 6 through IC 9-30-5-5 in another jurisdiction; or  
 7 (B) on a highway while the person's driving privileges are  
 8 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,  
 9 if in the previous five (5) years the person has two (2) or more  
 10 prior unrelated convictions:  
 11 (i) for operating a vehicle while intoxicated in violation of  
 12 IC 9-30-5-1 through IC 9-30-5-5; or  
 13 (ii) for an offense that is substantially similar to IC 9-30-5-1  
 14 through IC 9-30-5-5 in another jurisdiction.
- 15 If a court orders the seizure of a vehicle under this subdivision,  
 16 the court shall transmit an order to the bureau of motor vehicles  
 17 recommending that the bureau not permit a vehicle to be  
 18 registered in the name of the person whose vehicle was seized  
 19 until the person possesses a current driving license (as defined in  
 20 IC 9-13-2-41).
- 21 (16) The following real or personal property:  
 22 (A) Property used or intended to be used to commit, facilitate,  
 23 or promote the commission of an offense specified in  
 24 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or  
 25 IC 30-2-13-38(f).  
 26 (B) Property constituting, derived from, or traceable to the  
 27 gross proceeds that a person obtains directly or indirectly as a  
 28 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),  
 29 IC 30-2-10-9(b), or IC 30-2-13-38(f).
- 30 (17) An automated sales suppression device (as defined in  
 31 IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in  
 32 IC 35-43-5-4.6(a)(3)).
- 33 (18) Real or personal property, including a vehicle, that is used by  
 34 a person to:  
 35 (A) commit, attempt to commit, or conspire to commit;  
 36 (B) facilitate the commission of; or  
 37 (C) escape from the commission of;  
 38 a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human  
 39 trafficking) or IC 35-45-4-4 (promoting prostitution).
- 40 (b) A vehicle used by any person as a common or contract carrier in  
 41 the transaction of business as a common or contract carrier is not  
 42 subject to seizure under this section, unless it can be proven by a



1 preponderance of the evidence that the owner of the vehicle knowingly  
 2 permitted the vehicle to be used to engage in conduct that subjects it to  
 3 seizure under subsection (a).

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

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

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

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

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

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

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

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

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

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

30 (9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level  
 31 3, Level 4, or Level 5 felony.

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

34 (11) IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic  
 35 drug lookalike substance) as a Level 5 felony or Level 6 felony  
 36 (or as a Class C felony or Class D felony under IC 35-48-4-10  
 37 before its amendment in 2013).

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

39 (1) an owner of the vehicle; or

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

41 is not subject to seizure under subsection (a)(15) unless it can be  
 42 proven by a preponderance of the evidence that the owner of the



1 vehicle knowingly permitted the vehicle to be used to engage in  
2 conduct that subjects it to seizure under subsection (a)(15).

3 SECTION 5. IC 34-24-1-4, AS AMENDED BY P.L.47-2018,  
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2019]: Sec. 4. (a) At the hearing, the prosecuting attorney  
6 must show by a preponderance of the evidence that the property was  
7 within the definition of property subject to seizure under section 1 of  
8 this chapter. If the property seized was a vehicle, the prosecuting  
9 attorney must also show by a preponderance of the evidence that a  
10 person who has an ownership interest of record in the bureau of motor  
11 vehicles knew or had reason to know that the vehicle was being used  
12 in the commission of the offense.

13 (b) If the prosecuting attorney fails to meet the burden of proof, the  
14 court shall order the property released to the owner, unless the owner's  
15 possession of the property is illegal. If property is released to the owner  
16 under this subsection, the owner is not subject to or responsible for any  
17 charges for storage of the property or other expenses incurred in the  
18 preservation of the property.

19 (c) If the court enters judgment in favor of the state, the court,  
20 subject to section 5 of this chapter, shall order distribution of the  
21 property in accordance with subsection (d). The court's order may  
22 permit the law enforcement agency to use the property for a period not  
23 to exceed three (3) years. However, the order must require that, after  
24 the period specified by the court, the law enforcement agency shall  
25 deliver the property to the county sheriff for public sale.

26 (d) If the court enters judgment in favor of the state, the court shall,  
27 subject to section 5 of this chapter order that:

28 (1) the property, if it is not money or real property, be sold under  
29 section 6 of this chapter, by the sheriff of the county in which the  
30 property was seized, and if the property is a vehicle, this sale must  
31 occur after any period of use specified in subsection (c);

32 (2) the property, if it is real property, be sold in the same manner  
33 as real property is sold on execution under IC 34-55-6; and

34 (3) the proceeds of the sale or the money be distributed as  
35 follows:

36 (A) To pay attorney's fees, if outside counsel is employed  
37 under section 8 of this chapter.

38 (B) After payment of attorney's fees under clause (A), one  
39 third (1/3) of the remaining amount shall be deposited into the  
40 forfeiture fund established by the prosecuting attorney to offset  
41 expenses incurred in connection with the investigation and  
42 prosecution of the action.



1 (C) Except as provided in clause (D), after distribution of the  
 2 proceeds described in clauses (A) and (B), if applicable,  
 3 eighty-five percent (85%) of the remaining proceeds shall be  
 4 deposited in the:

- 5 (i) general fund of the state;  
 6 (ii) general fund of the unit that employed the law  
 7 enforcement officers that seized the property; or  
 8 (iii) county law enforcement fund established for the support  
 9 of the drug task force;

10 as determined by the court, to offset expenses incurred in the  
 11 investigation of the acts giving rise to the action.

12 (D) After distribution of the proceeds described in clauses (A)  
 13 and (B), if applicable, eighty-five percent (85%) of the  
 14 remaining proceeds shall be deposited in the general fund of  
 15 a unit if the property was seized by a local law enforcement  
 16 agency of the unit for an offense, an attempted offense, or a  
 17 conspiracy to commit **a felony terrorist offense (as defined**  
 18 **in IC 35-50-2-18) or** an offense under IC 35-47 as part of or  
 19 in furtherance of an act of terrorism.

20 The court shall order that the proceeds remaining after the distribution  
 21 of funds to offset expenses described in subdivision (3) be forfeited and  
 22 transferred to the treasurer of state for deposit in the common school  
 23 fund.

24 (e) If property that is seized under this chapter (or IC 34-4-30.1-4  
 25 before its repeal) is transferred:

- 26 (1) after its seizure, but before an action is filed under section 3  
 27 of this chapter (or IC 34-4-30.1-3 before its repeal); or  
 28 (2) when an action filed under section 3 of this chapter (or  
 29 IC 34-4-30.1-3 before its repeal) is pending;

30 the person to whom the property is transferred must establish an  
 31 ownership interest of record as a bona fide purchaser for value. A  
 32 person is a bona fide purchaser for value under this section if the  
 33 person, at the time of the transfer, did not have reasonable cause to  
 34 believe that the property was subject to forfeiture under this chapter.

35 (f) If the property seized was an unlawful telecommunications  
 36 device (as defined in IC 35-45-13-6) or plans, instructions, or  
 37 publications used to commit an offense under IC 35-45-13, the court  
 38 may order the sheriff of the county in which the person was convicted  
 39 of an offense under IC 35-45-13 to destroy as contraband or to  
 40 otherwise lawfully dispose of the property.

41 SECTION 6. IC 35-31.5-2-27.6 IS ADDED TO THE INDIANA  
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2019]: **Sec. 27.6. "Benefit, promote, or**  
 2 **further the interests of a terrorist organization", for purposes of**  
 3 **IC 35-46.5, has the meaning set forth in IC 35-46.5-1-1.**

4 SECTION 7. IC 35-31.5-2-130.5 IS ADDED TO THE INDIANA  
 5 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2019]: **Sec. 130.5. "Felony terrorist offense",**  
 7 **for purposes of IC 35-50-2-18, has the meaning set forth in**  
 8 **IC 35-50-2-18.**

9 SECTION 8. IC 35-31.5-2-164, AS ADDED BY P.L.114-2012,  
 10 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2019]: **Sec. 164. "Identifying information", for purposes of**  
 12 **IC 35-43-5 and IC 35-46.5, has the meaning set forth in**  
 13 **~~IC 35-43-5-1(i)~~. IC 35-43-5-1.**

14 SECTION 9. IC 35-31.5-2-264.6 IS ADDED TO THE INDIANA  
 15 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2019]: **Sec. 264.6. "Purpose of increasing a**  
 17 **person's own standing or position within a terrorist organization",**  
 18 **for purposes of IC 35-46.5, has the meaning set forth in**  
 19 **IC 35-46.5-1-1.**

20 SECTION 10. IC 35-31.5-2-329, AS ADDED BY P.L.114-2012,  
 21 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2019]: **Sec. 329. "Terrorism" means the unlawful use of force**  
 23 **or violence or the unlawful threat of force or violence to:**

24 (1) intimidate or coerce:

25 (A) a government; or

26 (B) all or part of the civilian population; or

27 (2) **affect the conduct of a government by use of a weapon of**  
 28 **mass destruction, assassination, or kidnapping.**

29 SECTION 11. IC 35-31.5-2-329.4 IS ADDED TO THE INDIANA  
 30 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2019]: **Sec. 329.4. "Terrorist organization",**  
 32 **for purposes of IC 35-46.5, has the meaning set forth in**  
 33 **IC 35-46.5-1-1.**

34 SECTION 12. IC 35-43-5-3.6 IS REPEALED [EFFECTIVE JULY  
 35 1, 2019]. **Sec. 3-6. A person who knowingly or intentionally obtains,**  
 36 **possesses, transfers, or uses the identifying information of another**  
 37 **person with intent to:**

38 (1) ~~commit terrorism; or~~

39 (2) ~~obtain or transport a weapon of mass destruction;~~

40 ~~commits terroristic deception; a Level 5 felony.~~

41 SECTION 13. IC 35-43-5-4.3, AS AMENDED BY P.L.158-2013,  
 42 SECTION 475, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2019]: Sec. 4.3. (a) As used in this section,  
 2 "card skimming device" means a device that is designed to read  
 3 information encoded on a credit card. The term includes a device  
 4 designed to read, record, or transmit information encoded on a credit  
 5 card:

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

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

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

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

20 SECTION 14. IC 35-44.1-2-8, AS AMENDED BY P.L.158-2013,  
 21 SECTION 506, IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) A person who knowingly or  
 23 intentionally manufactures and sells or manufactures and offers for  
 24 sale:

- 25 (1) an official badge or a replica of an official badge that is  
 26 currently used by a law enforcement agency or fire department of  
 27 the state or of a political subdivision of the state; or  
 28 (2) a document that purports to be an official employment  
 29 identification that is used by a law enforcement agency or fire  
 30 department of the state or of a political subdivision of the state;

31 without the written permission of the chief executive officer of the law  
 32 enforcement agency commits unlawful manufacture or sale of a police  
 33 or fire insignia, a Class A misdemeanor.

34 (b) However, the offense described in subsection (a) is:

- 35 (1) a Level 6 felony if the person commits the offense with the  
 36 knowledge or intent that the badge or employment identification  
 37 will be used to further the commission of an offense under section  
 38 6 of this chapter; and  
 39 (2) a Level 4 felony if the person commits the offense with the  
 40 knowledge or intent that the badge or employment identification  
 41 will be used to further the commission of an offense under  
 42 IC 35-47-12 (**before its repeal**) **or a felony terrorist offense (as**



1 **defined in IC 35-50-2-18).**

2 (c) It is a defense to a prosecution under subsection (a)(1) if the area  
3 of the badge or replica that is manufactured and sold or manufactured  
4 and offered for sale as measured by multiplying the greatest length of  
5 the badge by the greatest width of the badge is:

6 (1) less than fifty percent (50%); or  
7 (2) more than one hundred fifty percent (150%);  
8 of the area of an official badge that is used by a law enforcement  
9 agency or fire department of the state or a political subdivision of the  
10 state as measured by multiplying the greatest length of the official  
11 badge by the greatest width of the official badge.

12 SECTION 15. IC 35-45-2-1, AS AMENDED BY P.L.85-2017,  
13 SECTION 114, IS AMENDED TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) A person who communicates  
15 a threat to another person, with the intent **that another person be**  
16 **placed in fear that the threat will be carried out,**

17 ~~(1) that the other person engage in conduct against the other~~  
18 ~~person's will;~~

19 ~~(2) that the other person be placed in fear of retaliation for a prior~~  
20 ~~lawful act; or~~

21 ~~(3) of:~~

22 ~~(A) causing:~~

23 ~~(i) a dwelling, a building, or other structure; or~~

24 ~~(ii) a vehicle;~~

25 ~~to be evacuated; or~~

26 ~~(B) interfering with the occupancy of:~~

27 ~~(i) a dwelling, building, or other structure; or~~

28 ~~(ii) a vehicle;~~

29 commits intimidation, a Class A misdemeanor.

30 (b) However, the offense is a:

31 (1) Level 6 felony if:

32 (A) the threat is to commit a forcible felony;

33 (B) the person to whom the threat is communicated:

34 (i) is a law enforcement officer;

35 (ii) is a witness (or the spouse or child of a witness) in any  
36 pending criminal proceeding against the person making the  
37 threat;

38 (iii) is an employee of a school or school corporation;

39 (iv) is a community policing volunteer;

40 (v) is an employee of a court;

41 (vi) is an employee of a probation department;

42 (vii) is an employee of a community corrections program;



- 1 (viii) is an employee of a hospital, church, or religious  
 2 organization; or  
 3 (ix) is a person that owns a building or structure that is open  
 4 to the public or is an employee of the person;  
 5 and, except as provided in item (ii), the threat is  
 6 communicated to the person because of the occupation,  
 7 profession, employment status, or ownership status of the  
 8 person as described in items (i) through (ix) or based on an act  
 9 taken by the person within the scope of the occupation,  
 10 profession, employment status, or ownership status of the  
 11 person;  
 12 (C) the person has a prior unrelated conviction for an offense  
 13 under this section concerning the same victim; or  
 14 (D) the threat is communicated using property, including  
 15 electronic equipment or systems, of a school corporation or  
 16 other governmental entity; and  
 17 (2) Level 5 felony if:  
 18 (A) while committing it, the person draws or uses a deadly  
 19 weapon; **or**  
 20 (B) the person to whom the threat is communicated:  
 21 (i) is a judge or bailiff of any court; or  
 22 (ii) is a prosecuting attorney or a deputy prosecuting  
 23 attorney; **or**  
 24 **(C) the threat is:**  
 25 **(i) to commit terrorism; or**  
 26 **(ii) made in furtherance of an act of terrorism.**  
 27 (c) "Communicates" includes posting a message electronically,  
 28 including on a social networking web site (as defined in  
 29 IC 35-31.5-2-307).  
 30 (d) "Threat", **for purposes of this section**, means an expression, by  
 31 words or action, of an intention to:  
 32 (1) unlawfully injure the person threatened or another person, or  
 33 damage property;  
 34 (2) unlawfully subject a person to physical confinement or  
 35 restraint;  
 36 (3) commit a crime;  
 37 (4) unlawfully withhold official action, or cause such withholding;  
 38 (5) unlawfully withhold testimony or information with respect to  
 39 another person's legal claim or defense, except for a reasonable  
 40 claim for witness fees or expenses; **or**  
 41 ~~(6) expose the person threatened to hatred, contempt, disgrace, or~~  
 42 ~~ridicule;~~





1 (7) falsely harm the credit or business reputation of the person  
2 threatened; or

3 (8) (6) cause the evacuation of a dwelling, a building, another  
4 structure, or a vehicle.

5 SECTION 16. IC 35-45-2-1.1 IS ADDED TO THE INDIANA  
6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2019]: **Sec. 1.1. (a) A person who**  
8 **communicates an intention to another person to expose any person**  
9 **to hatred, contempt, disgrace, or ridicule or to falsely harm the**  
10 **credit or business reputation of any person with the intent that the**  
11 **other person engage in conduct against the other person's will**  
12 **commits extortion, a Class A misdemeanor.**

13 **(b) However, the offense described in subsection (a) is a:**

14 **(1) Level 6 felony if:**

15 **(A) the person to whom the intention is communicated:**

16 **(i) is a law enforcement officer;**

17 **(ii) is a witness (or the spouse or child of a witness) in**  
18 **any pending criminal proceeding against the person**  
19 **communicating the intention;**

20 **(iii) is an employee of a school or school corporation;**

21 **(iv) is a community policing volunteer;**

22 **(v) is an employee of a court;**

23 **(vi) is an employee of a probation department;**

24 **(vii) is an employee of a community corrections**  
25 **program;**

26 **(viii) is an employee of a hospital, church, or religious**  
27 **organization; or**

28 **(ix) is a person that owns a building or structure that is**  
29 **open to the public or is an employee of the person;**

30 **and, except as provided in item (ii), the intention is**  
31 **communicated to the person because of the occupation,**  
32 **profession, employment status, or ownership status of the**  
33 **person as described in items (i) through (ix) or based on an**  
34 **act taken by the person within the scope of the occupation,**  
35 **profession, employment status, or ownership status of the**  
36 **person; or**

37 **(B) the person communicating the intention has a prior**  
38 **unrelated conviction for an offense under this section**  
39 **concerning the same victim; and**

40 **(2) Level 5 felony if the person to whom the intention is**  
41 **communicated:**

42 **(A) is a judge or bailiff of any court; or**



- 1           **(B) is a prosecuting attorney or a deputy prosecuting**  
 2           **attorney.**
- 3           **(c) This section does not apply to statutorily or constitutionally**  
 4           **protected speech or activity.**
- 5           SECTION 17. IC 35-46.5 IS ADDED TO THE INDIANA CODE  
 6 AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY  
 7 1, 2019]:
- 8           **ARTICLE 46.5. TERRORISM**
- 9           **Chapter 1. Definitions**
- 10          **Sec. 1. The following definitions apply throughout this article:**
- 11          **(1) "Benefit, promote, or further the interests of a terrorist**  
 12          **organization" means to commit a felony or misdemeanor that**  
 13          **would cause a reasonable person to believe results in:**
- 14               **(A) a benefit to a terrorist organization or a member of a**  
 15               **terrorist organization;**
- 16               **(B) the promotion of a terrorist organization; or**
- 17               **(C) furthering the interests of a terrorist organization.**
- 18          **(2) "Identifying information" has the meaning set forth in**  
 19          **IC 35-43-5-1.**
- 20          **(3) "Purpose of increasing a person's own standing or position**  
 21          **within a terrorist organization" means committing a felony or**  
 22          **misdemeanor that would cause a reasonable person to believe**  
 23          **results in increasing the person's standing or position within**  
 24          **a terrorist organization.**
- 25          **(4) "Terrorism" has the meaning set forth in**  
 26          **IC 35-31.5-2-329.**
- 27          **(5) "Terrorist organization" means a formal or informal**  
 28          **group with at least three (3) members that specifically:**
- 29               **(A) either:**
- 30                   **(i) promotes, sponsors, or assists in;**
- 31                   **(ii) participates in; or**
- 32                   **(iii) has as one (1) of its goals;**
- 33               **terrorism; or**
- 34               **(B) requires as a condition of membership or continued**  
 35               **membership the commission of an act of terrorism, or the**  
 36               **commission of a misdemeanor or felony, to assist in the**  
 37               **commission of an act of terrorism.**
- 38          **Chapter 2. Offenses**
- 39          **Sec. 1. A person who knowingly or intentionally:**
- 40               **(1) possesses;**
- 41               **(2) manufactures;**
- 42               **(3) places;**



- 1           **(4) disseminates; or**  
 2           **(5) detonates;**  
 3           **a weapon of mass destruction with the intent to carry out terrorism**  
 4           **commits a Level 3 felony. However, the offense is a Level 1 felony**  
 5           **if the conduct results in serious bodily injury or death of any**  
 6           **person.**
- 7           **Sec. 2. A person who knowingly or intentionally:**  
 8           **(1) possesses;**  
 9           **(2) manufactures;**  
 10           **(3) places;**  
 11           **(4) disseminates; or**  
 12           **(5) detonates;**  
 13           **a weapon of mass destruction with the intent to damage, destroy,**  
 14           **sicken, or kill crops or livestock of another person without the**  
 15           **consent of the other person commits agricultural terrorism, a Level**  
 16           **5 felony.**
- 17           **Sec. 3. A person who knowingly or intentionally places or**  
 18           **disseminates a device or substance with the intent to cause a**  
 19           **reasonable person to believe that the device or substance is a**  
 20           **weapon of mass destruction (as defined in IC 35-31.5-2-354)**  
 21           **commits terroristic mischief, a Level 5 felony. However, the offense**  
 22           **is a Level 4 felony if, as a result of the terroristic mischief:**  
 23           **(1) a physician prescribes diagnostic testing or medical**  
 24           **treatment for any person other than the person who**  
 25           **committed the terroristic mischief; or**  
 26           **(2) a person suffers serious bodily injury.**
- 27           **Sec. 4. A person who knowingly or intentionally obtains,**  
 28           **possesses, transfers, or uses the identifying information of another**  
 29           **person with intent to:**  
 30           **(1) commit terrorism; or**  
 31           **(2) obtain or transport a weapon of mass destruction;**  
 32           **commits terroristic deception, a Level 5 felony.**
- 33           **Sec. 5. A person who provides material support to another**  
 34           **person with the intent to assist the person in planning or carrying**  
 35           **out terrorism commits providing support for a terrorist act, a**  
 36           **Level 5 felony. However the offense is a Level 2 felony if:**  
 37           **(1) the material support involves the commission of a felony;**  
 38           **or**  
 39           **(2) the act of terrorism is reasonably likely to cause serious**  
 40           **bodily injury to any person.**
- 41           **Sec. 6. A person who, with the intent to hinder the apprehension**  
 42           **or punishment of another person who has committed an act of**



1 terrorism, harbors, conceals, or otherwise assists the other person  
 2 commits harboring a terrorist, a Level 6 felony. However, the  
 3 offense is a Level 3 felony if the act of terrorism resulted in serious  
 4 bodily injury or death to any person.

5 Sec. 7. (a) A person who knowingly or intentionally commits an  
 6 offense:

7 (1) with the intent to benefit, promote, or further the interests  
 8 of a terrorist organization; or

9 (2) for the purpose of increasing the person's own standing or  
 10 position within a terrorist organization;

11 commits terrorist organization activity, a Level 5 felony. However,  
 12 the offense is a Level 3 felony if the offense involves, directly or  
 13 indirectly, the unlawful use of a firearm or weapon of mass  
 14 destruction.

15 (b) In determining whether a person committed an offense  
 16 under this section, the trier of fact may consider a person's  
 17 association with a terrorist organization, including:

18 (1) an admission of terrorist organization membership by the  
 19 person;

20 (2) a statement by:

21 (A) a member of the person's family;

22 (B) the person's guardian; or

23 (C) a reliable member of the criminal organization;

24 stating the person is a member of a terrorist organization;

25 (3) the person associating with one (1) or more members of a  
 26 terrorist organization;

27 (4) physical evidence indicating the person is a member of a  
 28 terrorist organization;

29 (5) an observation of the person in the company of a known  
 30 terrorist organization member on at least three (3) occasions;

31 (6) communications authored by the person indicating  
 32 terrorist organization membership, promotion of membership  
 33 in a terrorist organization, or responsibility for an offense  
 34 committed by a terrorist organization; and

35 (7) the person's involvement in recruiting terrorist  
 36 organization members.

37 SECTION 18. IC 35-47-12 IS REPEALED [EFFECTIVE JULY 1,  
 38 2019]. (Weapons of Mass Destruction).

39 SECTION 19. IC 35-50-2-18 IS ADDED TO THE INDIANA  
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2019]: Sec. 18. (a) As used in this section,  
 42 "felony terrorist offense" means the following:



- 1           **(1) An offense described in IC 35-46.5-2.**  
2           **(2) Money laundering (IC 35-45-15-5) committed with the**  
3           **intent to:**  
4                 **(A) commit or promote an act of terrorism; or**  
5                 **(B) obtain or transport a weapon of mass destruction.**  
6           **(3) Intimidation (IC 35-45-2-1) involving a threat:**  
7                 **(A) to commit terrorism; or**  
8                 **(B) made in furtherance of an act of terrorism.**  
9           **(b) The state may seek, on a page separate from the rest of a**  
10           **charging instrument, to have a person who allegedly committed an**  
11           **offense with the intent to aid or assist another person in the**  
12           **commission of a felony terrorist offense sentenced to an additional**  
13           **fixed term of imprisonment if the state can show beyond a**  
14           **reasonable doubt that the person committed the offense with the**  
15           **intent to aid or assist another person in the commission of a felony**  
16           **terrorist offense.**  
17           **(c) If the person is convicted of the offense in a jury trial, the**  
18           **jury shall reconvene to hear evidence in the enhancement hearing.**  
19           **If the trial was to the court, or the judgment was entered on a**  
20           **guilty plea, the court alone shall hear evidence in the enhancement**  
21           **hearing.**  
22           **(d) If the jury (if the hearing is by jury) or the court (if the**  
23           **hearing is to the court alone) finds that the state has proved beyond**  
24           **a reasonable doubt that the person committed the offense with the**  
25           **intent to aid or assist another person in the commission of a felony**  
26           **terrorist offense, the court shall:**  
27                 **(1) sentence the person to an additional fixed term of**  
28                 **imprisonment equal to the sentence imposed for the**  
29                 **underlying offense, if the person is sentenced for only one (1)**  
30                 **offense; or**  
31                 **(2) sentence the person to an additional fixed term of**  
32                 **imprisonment equal to the longest sentence imposed for the**  
33                 **underlying offenses, if the person is being sentenced for more**  
34                 **than one (1) offense.**  
35           **(e) A sentence imposed under this section shall run consecutively**  
36           **to the underlying sentence.**  
37           **(f) A term of imprisonment imposed under this section may not**  
38           **be suspended.**

