

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 425

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

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

SECTION 1. IC 3-14-1-1, AS AMENDED BY P.L.158-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. A person who knowingly:

- (1) falsely makes or fraudulently defaces or destroys a declaration of candidacy, request for ballot placement under IC 3-8-3, certificate or petition of nomination, recount petition or cross-petition, contest petition, or certificate of candidate selection, or a part of the declaration, request, petition, or certificate;
- (2) files a declaration of candidacy, request for ballot placement under IC 3-8-3, certificate or petition of nomination, recount petition or cross-petition, contest petition, or certificate of candidate selection, knowing any part thereof to be falsely made;
- (3) refuses to execute a certificate of nomination or candidate selection when required by this title to do so and knowing that the candidate has been nominated or selected;
- (4) if the document is listed in subdivision (1), refuses to:
 - (A) receive the document; or
 - (B) record the date and time the document was received; when presented in accordance with this title; or
- (5) suppresses a declaration of candidacy, request for ballot



placement under IC 3-8-3, petition or certificate of nomination, recount petition or cross-petition, contest petition, or certificate of candidate selection, that has been duly filed, or any part of the declaration, request, petition, or certificate;

commits a ~~Level 6 felony~~. **Class A misdemeanor.**

SECTION 2. IC 3-14-3-13, AS AMENDED BY P.L.158-2013, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 13. A person who during an election knowingly

(1) removes a ballot ~~pencil~~, or other marking device from the polls or

(2) possesses outside the polls a ballot, pencil, or other marking device either genuine or counterfeit;

commits a ~~Level 6 felony~~. **Class C infraction.**

SECTION 3. IC 3-14-4-4, AS AMENDED BY P.L.158-2013, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. A member of a precinct election board who recklessly allows a booth or compartment in which a voter is preparing a ballot to be used:

(1) without a screen; or

(2) with a screen arranged so as not to shield the preparation of the ballot from observation;

commits a ~~Level 6 felony~~. **Class C infraction.**

SECTION 4. IC 3-14-4-6, AS AMENDED BY P.L.158-2013, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. An inspector, or person acting in the inspector's behalf, who knowingly deposits:

(1) a ballot upon which the initials of the poll clerks or authorized assistant poll clerks do not appear; or

(2) a ballot on which appears externally a distinguishing mark or defacement;

commits a ~~Level 6 felony~~. **Class C infraction.**

SECTION 5. IC 7.1-5-10-12, AS AMENDED BY P.L.159-2014, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 12. (a) Except as provided in subsections (b) through (d) **and subsection (f)**, it is unlawful for a permittee to sell, offer to sell, purchase or receive, an alcoholic beverage for anything other than cash. A permittee who extends credit in violation of this section shall have no right of action on the claim.

(b) A permittee may credit to a purchaser the actual price charged for a package or an original container returned by the original purchaser as a credit on a sale and refund to a purchaser the amount paid by the purchaser for a container, or as a deposit on a container, if



it is returned to the permittee.

(c) A manufacturer may extend usual and customary credit for alcoholic beverages sold to a customer who maintains a place of business outside this state when the alcoholic beverages are actually shipped to a point outside this state.

(d) An artisan distiller, a distiller, or a liquor or wine wholesaler may extend credit on liquor, flavored malt beverages, and wine sold to a permittee for a period of fifteen (15) days from the date of invoice, date of invoice included. However, if the fifteen (15) day period passes without payment in full, the wholesaler shall sell to that permittee on a cash on delivery basis only.

(e) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

(f) Nothing in this section may be construed to prohibit a retailer or dealer from:

(1) extending credit to a consumer purchasing alcohol for personal use at any time as long as any amount owed to the retailer or dealer by a consumer for alcohol is paid in full before the consumer leaves the permittee's premises; or

(2) accepting a:

(A) credit card;

(B) debit card;

(C) charge card; or

(D) stored value card;

from a consumer purchasing alcohol for personal use.

SECTION 6. IC 7.1-5-10-20, AS AMENDED BY P.L.159-2014, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 20. (a) It is unlawful for a holder of a retailer's permit to do any of the following:

(1) Sell alcoholic beverages during a portion of the day at a price that is reduced from the usual, customary, or established price that the permittee charges during the remainder of that day.

(2) Furnish two (2) or more servings of an alcoholic beverage upon the placing of an order for one (1) serving to one (1) person for that person's personal consumption.

(3) Charge a single price for the required purchase of two (2) or more servings of an alcoholic beverage.

(b) Subsection (a) applies to private clubs but does not apply to private functions that are not open to the public.

(c) Notwithstanding subsection (a)(1), it is lawful for a holder of a retailer's permit to sell alcoholic beverages during a portion of the day at a price that is increased from the usual, customary, or established



price that the permittee charges during the remainder of that day as long as the price increase is charged when the permittee provides paid live entertainment not incidental to the services customarily provided.

(d) Notwithstanding subsection (a) ~~section 12 of this chapter~~, and IC 7.1-5-5-7, it is lawful for a hotel, in an area of the hotel in which alcoholic beverages are not sold, to make available to its registered guests and their guests alcoholic beverages at no additional charge beyond what is to be paid by the registered guests as the room rate.

(e) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 7. IC 35-52-3-56 IS REPEALED [EFFECTIVE JULY 1, 2017]. ~~Sec. 56. IC 3-14-3-13 defines a crime concerning voting.~~

SECTION 8. IC 35-52-3-71 IS REPEALED [EFFECTIVE JULY 1, 2017]. ~~Sec. 71. IC 3-14-4-4 defines a crime concerning elections.~~

SECTION 9. IC 35-52-3-72 IS REPEALED [EFFECTIVE JULY 1, 2017]. ~~Sec. 72. IC 3-14-4-6 defines a crime concerning elections.~~



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

