

## Summary of Amendments to Crimes Excluding Drug Crimes

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Code	Crime	Action
35-41-5-2	Conspiracy to commit murder	It is a Level 1 felony if the person dies but a Level 2 felony if the person lives
35-42-1-3	Voluntary Manslaughter	Crime becomes a Level 2 and enhancement for DW is removed
35-42-1-4	Involuntary Manslaughter	Eliminated reduction in penalty for use of a vehicle. Crime is a Level 5
35-42-2-1	Battery	Expanded to include Battery by Bodily waste
35-42-2-1.5	Aggravated Battery	Expanded to include a level 1 felony for death of a child under 14
35-42-2-2	Criminal Recklessness	Hazing section removed ;reduction for use of a vehicle removed; infliction of SBI & with D/W removed ( likely a drafting error)
35-42-2-2.5	Hazing	New section which accommodates hazing language removed from Crim. Recklessness
35-42-3-2	Kidnapping	Switches language with Confinement so kidnapping applies only to removal from one place to another regardless of the motive.
35-42-3-3	Criminal Confinement	Switches language with Kidnapping so confinement applies only to substantial interference with liberty regardless of motive.
35-42-4-1	Rape	Expanded to include other sexual conduct acts (formerly CDC)
35-42-4-3	Child Molest	Expanded to include attempt molest language
35-42-4-4	Exploitation; Child Pornography	Includes provision for dismissal of charge with prejudice when Romeo & Juliet defense applies; expands age for child pornography to 18; includes uncovered female breast for purposes of exploitation but not possession of pornography
35-42-4-6	Solicitation	Removes provision for enhancement for use of a computer but increases the base crime to a level 5; Expanded to include an enhancement for traveling to meet child.
35-42-4-7	Seduction	Expanded to include an enhancement for engaging in intercourse or other sexual conduct (2013); expanded to include professionals (2013); expanded to include law enforcement officers (2014)

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35-42-4-12	Sex Offender Internet Offense	Applies only to offenders on Parole or probation (2013)
35-42-4-13	Inappropriate communication with a child	Amended to reduce perpetrator age from 21 to 18
35-43-1-1	Arson	Reduces from Level 5 to level 6- damage property with intent to defraud; limits injury enhancements to persons other than defendant; includes a provision to charge a separate offense for each victim
35-43-1-2	Criminal Mischief	Removes deception provisions; Eliminates Level 5 enhancement for loss over \$2,500 2 <sup>nd</sup> bill adds agricultural operation to list of protected places; adds value of damage levels consist with theft
35-43-1-2.3	Railroad Mischief	Creates new crime with language removed from other statutes (Crim. Mischief)
35-43-1-7	Offense against intellectual property (Computer tampering)	New crime that takes place of repealed 35-43-1-4. Eliminates Level 5 enhancement if offense is committed for purpose to defraud or obtain property
35-43-1-8	Offense Against Computer Users	New Crime
35-43-2-1	Burglary	Changes in enhancements
35-43-2-2	Trespass	Adds agricultural operation as a protected place
35-43-4-2	Theft	Receiving Stolen property removed as already covered by theft; penalty fixed by value of property beginning as an A misdemeanor, Level 6 for \$750-\$50,000; or prior unrelated conviction for theft or conversion; Level 5 felony for \$50,000+ or is valuable metal; Firearm is level 6
35-43-4-2.5	Auto Theft/Receiving stolen auto parts	Eliminates Level 5 enhancement for prior conviction
35-43-5-2	Counterfeiting	Expanded to include delivering false sales document, possession of fraudulent sales document, combines application fraud provisions of driver's license and state ID into one provision
35-43-5-3	Deception/Forgery	Expands to include 35-43-5-9 false representation of a disadvantaged business & 35-43-5-11

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35-43-5-5	Check Deception	Penalties values changed- \$750-\$50,000 is level 6; \$50,000+ is a level 5; enhancement for motor vehicle is eliminated
35-43-5-7	Welfare Fraud	Penalties values changed- \$750-\$50,000 is level 6; \$50,000+ level 5
35-43-5-7.1	Medicaid Fraud	Begins at A Misdemeanor; \$750-\$50,000 is Level 6; \$50,000+ is a level 5
35-43-5-7.2	C.H.I.P.	Begins at A Misdemeanor; \$750-\$50,000 is Level 6; \$50,000+ is a level 5
35-43-5-20	Inmate Fraud	Expanded to include juveniles and convicted inmates
35-44.1-3-1	Resisting	Removes provision that included DNR and Alcohol tobacco as LE
35-44.1-3-5	Trafficking w/ inmate	All trafficking must be done with intent to deliver or carry out with the exception of a deadly weapon; creates carrying deadly weapon into a facility for possession without authorization
35-44.1-2-13	Obstruction of traffic	Moved from prior location
35-45-2-1	Intimidation	Expands to include interfering with the occupancy of structures and modifies protected class for enhancement
35-45-4-6	Indecent display by a youth	Creates a new crime similar to exploitation for girlfriend/boyfriends- subject to modification by technical corrections bill.
35-45-9-3	Criminal Gang Activity	Re-writes section to include ways to determine who is a gang member
35-45-9-4	Gang Intimidation	Expands scope to include persons who wish to withdraw from gang
35-45-9-5	Gang recruitment	Expands to include remaining in the gang
35-45-10-5	Stalking	Eliminates the courts ability to reduce penalty level
35-45-16-2	Malicious Mischief	Expanded definition of body fluid
35-45-21-1	Transferring contaminated body fluids	Replaces 35-42-1-7 Selling HIV contaminated blood
35-45-21-2	Sale of HIV test kits	Replaces 35-42-1-8 Sale of Aids testing equipment
35-45-21-3	Failure to Warn	Replaces 35-42-1-9 Failure to warn
35-45-21-4	Tattooing Minor	Replaces 35-42-2-7 Tattooing or body piercing a minor

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35-45-21-5	Obstruction of delivery of prescription drug	Replaces 35-42-2-8 Interference with medical services
35-46-1-4.1	Reckless supervision	New crime; portion involving death of child was relocated from involuntary manslaughter.
35-46-1-5	Nonsupport of a child	Replaces requirements for enhancement by eliminating the \$15,000 arrearage and providing for a level 5 enhancement for a second offense. Provides for a reduction from a C felony to a D felony or level 5 to level 6 under certain criteria
35-47-2-1	Carrying a handgun	Provides penalties for carrying a weapon in a vehicle or on their person without meeting an exception. Previously all penalties were included in 35-47-2-23 which is now repealed. All penalties placed in appropriate statute.
35-47-2-7	Criminal Transfer of a handgun	Person who transfers to another person who is ineligible other than due to their age or who intends to commit crime is level 5 felony; level 3 if gun used for murder; creates crime of straw purchase of a handgun for person who purchases with intent to resell or transfer out of Indiana, level 5 felony or level 3 if murder occurs.
35-47-2.5-16	Criminal Transfer of a firearm	New section- person who provides firearm to someone they know is ineligible or intends to commit a crime commits level 5; crime is a level 3 if the person commits murder- includes a defense if checked with NICS and buyer reported to be eligible
35-47-6-1	Deadly weapon on a plane	Expanded to include person who commits the offense with the intent to disrupt the operation of the plane or to cause harm.
35-47-9-2	Possession of firearm on school property	removes application to property used by a school for a function; HEA229 specifies that person cannot be charged with the Level 6 felony if person is permitted to legally possess a firearm and just leaves in plain view of vehicle parked in school parking lot. Crimes is then an A misdemeanor.
35-47-10-5	Dangerous possession of a firearm	HEA 1006 Specifies applies to a child who has a prior adjudication for offense under the section; HEA 169 adds language that a child who provides a firearm to another child they know is ineligible or intends to commit a crime commits a level 5; if murder occurs level 3

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35-47-10-6	Dangerous control of a firearm	Applies provisions of IC 35-47-2.5-1 to an adult who provides to a child
35-47-16-1	Possession of firearms	Authorizes judges to carry firearms under similar conditions as LE officer
35-49-3-1	Distribution Obscene Matter	Expands age of child from 16 to 18
35-49-3-2	Obscene performance	Expands age of child from 16 to 18

Prepared by IPAC 6-11-2014

Please note technical corrections bill to be heard on 6-17-2014 may affect several crimes included on this list. Consult most recent statute book for each statute prior to making any decisions.