



February 3, 1999

HOUSE BILL No. 1563

DIGEST OF HB1563 (Updated January 28, 1999 3:16 pm - DI 76)

Citations Affected: IC 35-43; IC 35-45.

Synopsis: Commercial bribery. Establishes the crime of commercial bribery, a Class D felony. Specifies that commercial bribery is a racketeering activity.

Effective: July 1, 1999.

Ulmer, Dvorak

January 21, 1999, read first time and referred to Committee on Courts and Criminal Code.
February 2, 1999, reported — Do Pass.

C
o
p
y

HB 1563—LS 6466/DI 51+



February 3, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

HOUSE BILL No. 1563

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 35-43-5-13 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]: **Sec. 1. A person who:**
4 (1) **solicits, accepts, or agrees to accept property with intent**
5 **to violate a special trust to which the person is subject as:**
6 (A) **partner, agent, or employee of another;**
7 (B) **trustee, guardian, or other fiduciary;**
8 (C) **attorney, physician, accountant, appraiser, or other**
9 **professional adviser or informant;**
10 (D) **officer, director, manager, or other participant in the**
11 **direction of the affairs of an incorporated or**
12 **unincorporated association; or**
13 (E) **arbitrator or other purportedly disinterested**
14 **adjudicator or referee;**
15 (2) **represents to the public that the person is engaged in the**
16 **business of making disinterested selection, appraisal, or**
17 **criticism of commodities or services and solicits, accepts, or**

HB 1563—LS 6466/DI 51+



C
O
P
Y

1 **agrees to accept property to influence the person's selection,**
 2 **appraisal, or criticism; or**
 3 **(3) confers, offers to confer, or agrees to confer property, the**
 4 **acceptance of which violates subdivision (1) or (2);**
 5 **commits commercial bribery, a Class D felony.**

6 SECTION 2. IC 35-45-6-1 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this
 8 chapter:

9 "Documentary material" means any document, drawing, photograph,
 10 recording, or other tangible item containing compiled data from which
 11 information can be either obtained or translated into a usable form.

12 "Enterprise" means:

13 (1) a sole proprietorship, corporation, limited liability company,
 14 partnership, business trust, or governmental entity; or

15 (2) a union, an association, or a group, whether a legal entity or
 16 merely associated in fact.

17 "Pattern of racketeering activity" means engaging in at least two (2)
 18 incidents of racketeering activity that have the same or similar intent,
 19 result, accomplice, victim, or method of commission, or that are
 20 otherwise interrelated by distinguishing characteristics that are not
 21 isolated incidents. However, the incidents are a pattern of racketeering
 22 activity only if at least one (1) of the incidents occurred after August
 23 31, 1980, and if the last of the incidents occurred within five (5) years
 24 after a prior incident of racketeering activity.

25 "Racketeering activity" means to commit, to attempt to commit, to
 26 conspire to commit a violation of, or aiding and abetting in a violation
 27 of any of the following:

28 (1) A provision of IC 23-2-1, or of a rule or order issued under
 29 IC 23-2-1.

30 (2) A violation of IC 35-45-9.

31 (3) A violation of IC 35-47.

32 (4) A violation of IC 35-49-3.

33 (5) Murder (IC 35-42-1-1).

34 (6) Battery as a Class C felony (IC 35-42-2-1).

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

36 (8) Child exploitation (IC 35-42-4-4).

37 (9) Robbery (IC 35-42-5-1).

38 (10) Carjacking (IC 35-42-5-2).

39 (11) Arson (IC 35-43-1-1).

40 (12) Burglary (IC 35-43-2-1).

41 (13) Theft (IC 35-43-4-2).

42 (14) Receiving stolen property (IC 35-43-4-2).



C
O
P
Y

- 1 (15) Forgery (IC 35-43-5-2).
 2 (16) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(9)).
 3 **(17) Commercial bribery (IC 35-43-5-13).**
 4 ~~(17)~~ **(18)** Bribery (IC 35-44-1-1).
 5 ~~(18)~~ **(19)** Official misconduct (IC 35-44-1-2).
 6 ~~(19)~~ **(20)** Conflict of interest (IC 35-44-1-3).
 7 ~~(20)~~ **(21)** Perjury (IC 35-44-2-1).
 8 ~~(21)~~ **(22)** Obstruction of justice (IC 35-44-3-4).
 9 ~~(22)~~ **(23)** Intimidation (IC 35-45-2-1).
 10 ~~(23)~~ **(24)** Promoting prostitution (IC 35-45-4-4).
 11 ~~(24)~~ **(25)** Promoting professional gambling (IC 35-45-5-4).
 12 ~~(25)~~ **(26)** Dealing in cocaine or a narcotic drug (IC 35-48-4-1).
 13 ~~(26)~~ **(27)** Dealing in a schedule I, II, or III controlled substance
 14 (IC 35-48-4-2).
 15 ~~(27)~~ **(28)** Dealing in a schedule IV controlled substance (IC
 16 35-48-4-3).
 17 ~~(28)~~ **(29)** Dealing in a schedule V controlled substance (IC
 18 35-48-4-4).
 19 ~~(29)~~ **(30)** Dealing in marijuana, hash oil, or hashish (IC
 20 35-48-4-10).
 21 ~~(30)~~ **(31)** Money laundering (IC 35-45-15-5).

C
O
P
Y

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1563, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DVORAK, Chair

Committee Vote: yeas 10, nays 1.

C
o
p
y

