

HOUSE BILL No. 1522

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-43-1-2; IC 35-43-1-2.1.

Synopsis: Cemetery preservation. Prohibits a person from recklessly, knowingly, or intentionally damaging personal property contained in a structure or located at a cemetery or a facility used for memorializing the dead.

Effective: July 1, 1999.

Lytle

January 19, 1999, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

C
o
p
y



Introduced

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. 1522

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 35-43-1-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) A person who:
3 (1) recklessly, knowingly, or intentionally damages or defaces
4 property of another person without the other person's consent; or
5 (2) knowingly or intentionally causes another to suffer pecuniary
6 loss by deception or by an expression of intention to injure
7 another person or to damage the property or to impair the rights
8 of another person;
9 commits criminal mischief, a Class B misdemeanor. However, the
10 offense is:
11 (A) a Class A misdemeanor if:
12 (i) the pecuniary loss is at least two hundred fifty dollars
13 (\$250) but less than two thousand five hundred dollars
14 (\$2,500);
15 (ii) the property damaged was a moving motor vehicle;
16 (iii) the property damaged was a car or equipment of a
17 railroad company being operated on a railroad right-of-way;

1999

IN 1522—LS 7632/DI 100+



C
O
P
Y

- 1 or
 2 (iv) the property damage or defacement was caused by paint
 3 or other markings; and
 4 (B) a Class D felony if:
 5 (i) the pecuniary loss is at least two thousand five hundred
 6 dollars (\$2,500);
 7 (ii) the damage causes a substantial interruption or
 8 impairment of utility service rendered to the public;
 9 (iii) the damage is to a public record;
 10 (iv) the damage causes substantial interruption or
 11 impairment of work conducted in a scientific research
 12 facility; or
 13 (v) the damage is to a law enforcement animal (as defined in
 14 IC 35-46-3-4.5).
- 15 (b) A person who recklessly, knowingly, or intentionally damages:
 16 (1) a structure used for religious worship;
 17 ~~(2) a cemetery or a facility used for memorializing the dead;~~
 18 ~~(3) (2) a school or community center;~~
 19 ~~(4) (3) the grounds:~~
 20 (A) adjacent to; and
 21 (B) owned or rented in common with;
 22 a structure or facility identified in subdivision (1) ~~or (2); or (3);~~
 23 or
 24 ~~(5) (4) personal property contained in a structure or located at a~~
 25 ~~facility identified in subdivision (1) or (2); or (3);~~
 26 without the consent of the owner, possessor, or occupant of the
 27 property that is damaged, commits institutional criminal mischief, a
 28 Class A misdemeanor. However, the offense is a Class D felony if the
 29 pecuniary loss is at least two hundred fifty dollars (\$250) but less than
 30 two thousand five hundred dollars (\$2,500), and a Class C felony if the
 31 pecuniary loss is at least two thousand five hundred dollars (\$2,500).
- 32 (c) If a person is convicted of an offense under this section that
 33 involves the use of graffiti, the court may, in addition to any other
 34 penalty, order that the person's operator's license be suspended or
 35 invalidated by the bureau of motor vehicles for not more than one (1)
 36 year.
- 37 (d) The court may rescind an order for suspension or invalidation
 38 under subsection (c) and allow the person to receive a license or permit
 39 before the period of suspension or invalidation ends if the court
 40 determines that:
 41 (1) the person has removed or painted over the graffiti or has
 42 made other suitable restitution; and

C
O
P
Y

1 (2) the person who owns the property damaged or defaced by the
 2 criminal mischief or institutional criminal mischief is satisfied
 3 with the removal, painting, or other restitution performed by the
 4 person.

5 SECTION 2. IC 35-43-1-2.1 IS ADDED TO THE INDIANA CODE
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 1999]: **Sec. 2.1. (a) This section does not apply to a person who
 8 acts in a proper and acceptable manner as authorized by IC 14-21
 9 or IC 23-14.**

10 **(b) A person who recklessly, knowingly, or intentionally
 11 damages:**

12 **(1) a cemetery or a facility used for memorializing the dead;
 13 or**

14 **(2) the grounds:**

15 **(A) adjacent to; and**

16 **(B) owned or rented in common with;**

17 **a cemetery or facility used for memorializing the dead;
 18 commits cemetery mischief, a Class A misdemeanor. However, the
 19 offense is a Class D felony if the pecuniary loss is at least two
 20 hundred fifty dollars (\$250) but less than two thousand five
 21 hundred dollars (\$2,500), and a Class C felony if the pecuniary loss
 22 is at least two thousand five hundred dollars (\$2,500).**

23 **(c) If a person is convicted of an offense under this section that
 24 involves the use of graffiti, the court may, in addition to any other
 25 penalty, order that the person's operator's license be suspended or
 26 invalidated by the bureau of motor vehicles for not more than one
 27 (1) year.**

28 **(d) This subsection does not apply if a person convicted of an
 29 offense under this section is the owner of the property. The court
 30 may rescind an order for suspension or invalidation under
 31 subsection (c) and allow the person to receive a license or permit
 32 before the period of suspension or invalidation ends if the court
 33 determines that:**

34 **(1) the person has removed or painted over the graffiti or has
 35 made other suitable restitution; and**

36 **(2) the person who owns the property damaged or defaced by
 37 the cemetery mischief is satisfied with the removal, painting,
 38 or other restitution performed by the person.**

39 **(e) If the person convicted of an offense under this section is the
 40 owner of the property, the court may rescind an order for
 41 suspension or invalidation under subsection (c) and allow the
 42 person to receive a license or permit before the period of**



C
O
P
Y

1 **suspension or invalidation ends if the court determines that the**
2 **person has:**
3 **(1) removed or painted over the graffiti; or**
4 **(2) made other suitable restitution.**

C
o
p
y

