
SENATE BILL No. 117

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-2-2; IC 35-43-1-1.

Synopsis: Damage from methamphetamine lab as arson. Specifies that a person who inflicts bodily injury on another person while committing or attempting to commit dumping controlled substance waste commits criminal recklessness as a Class D felony. Provides that a person who damages certain property by means of fire, an explosive, or a destructive device while committing or attempting to commit manufacturing methamphetamine or manufacturing cocaine commits arson.

Effective: July 1, 2011.

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January 5, 2011, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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SENATE BILL No. 117



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 35-42-2-2, AS AMENDED BY P.L.75-2006,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 2. (a) As used in this section, "hazing" means
4 forcing or requiring another person:
5 (1) with or without the consent of the other person; and
6 (2) as a condition of association with a group or organization;
7 to perform an act that creates a substantial risk of bodily injury.
8 (b) A person who recklessly, knowingly, or intentionally performs:
9 (1) an act that creates a substantial risk of bodily injury to another
10 person; or
11 (2) hazing;
12 commits criminal recklessness. Except as provided in subsection (c),
13 criminal recklessness is a Class B misdemeanor.
14 (c) The offense of criminal recklessness as defined in subsection (b)
15 is:
16 (1) a Class A misdemeanor if the conduct includes the use of a
17 vehicle;



- 1 (2) a Class D felony if:
 - 2 (A) it is committed while armed with a deadly weapon; or
 - 3 (B) the person committed aggressive driving (as defined in
 - 4 IC 9-21-8-55) that results in serious bodily injury to another
 - 5 person; or
- 6 (3) a Class C felony if:
 - 7 (A) it is committed by shooting a firearm into an inhabited
 - 8 dwelling or other building or place where people are likely to
 - 9 gather; or
 - 10 (B) the person committed aggressive driving (as defined in
 - 11 IC 9-21-8-55) that results in the death of another person.
- 12 (d) A person who recklessly, knowingly, or intentionally:
 - 13 (1) inflicts serious bodily injury on another person; ~~or~~
 - 14 (2) performs hazing that results in serious bodily injury to a
 - 15 person; ~~or~~
 - 16 **(3) inflicts bodily injury on another person while committing**
 - 17 **or attempting to commit dumping controlled substance waste**
 - 18 **(IC 35-48-4-4.1);**
- 19 commits criminal recklessness, a Class D felony. However, the offense
- 20 is a Class C felony if committed by means of a deadly weapon.
- 21 (e) A person, other than a person who has committed an offense
- 22 under this section or a delinquent act that would be an offense under
- 23 this section if the violator was an adult, who:
 - 24 (1) makes a report of hazing in good faith;
 - 25 (2) participates in good faith in a judicial proceeding resulting
 - 26 from a report of hazing;
 - 27 (3) employs a reporting or participating person described in
 - 28 subdivision (1) or (2); or
 - 29 (4) supervises a reporting or participating person described in
 - 30 subdivision (1) or (2);
- 31 is not liable for civil damages or criminal penalties that might
- 32 otherwise be imposed because of the report or participation.
- 33 (f) A person described in subsection (e)(1) or (e)(2) is presumed to
- 34 act in good faith.
- 35 (g) A person described in subsection (e)(1) or (e)(2) may not be
- 36 treated as acting in bad faith solely because the person did not have
- 37 probable cause to believe that a person committed:
 - 38 (1) an offense under this section; or
 - 39 (2) a delinquent act that would be an offense under this section if
 - 40 the offender was an adult.

41 SECTION 2. IC 35-43-1-1 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) A person who, by

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1 means of fire, explosive, or destructive device, knowingly or
 2 intentionally damages:

3 (1) a dwelling of another person without the other person's
 4 consent;

5 (2) property of any person under circumstances that endanger
 6 human life;

7 (3) property of another person without the other person's consent
 8 if the pecuniary loss is at least five thousand dollars (\$5,000); or
 9 (4) a structure used for religious worship without the consent of
 10 the owner of the structure;

11 commits arson, a Class B felony. However, the offense is a Class A
 12 felony if it results in either bodily injury or serious bodily injury to any
 13 person other than a defendant.

14 (b) A person who commits arson for hire commits a Class B felony.
 15 However, the offense is a Class A felony if it results in bodily injury to
 16 any other person.

17 (c) A person who, by means of fire, explosive, or destructive device,
 18 knowingly or intentionally damages property of any person with intent
 19 to defraud commits arson, a Class C felony.

20 (d) A person who, by means of fire, explosive, or destructive device,
 21 knowingly or intentionally damages property of another person without
 22 the other person's consent so that the resulting pecuniary loss is at least
 23 two hundred fifty dollars (\$250) but less than five thousand dollars
 24 (\$5,000) commits arson, a Class D felony.

25 **(e) A person who, while committing or attempting to commit**
 26 **dealing in methamphetamine (IC 35-48-4-1.1) or dealing in cocaine**
 27 **or a narcotic drug (IC 35-48-4-1), damages:**

28 **(1) a dwelling of another person without the other person's**
 29 **consent;**

30 **(2) property of any person under circumstances that endanger**
 31 **human life;**

32 **(3) property of another person without the other person's**
 33 **consent if the pecuniary loss is at least five thousand dollars**
 34 **(\$5,000); or**

35 **(4) a structure used for religious worship without the consent**
 36 **of the owner of the structure;**

37 **by means of fire, an explosive, or a destructive device, commits**
 38 **arson, a Class B felony. However, the offense is a Class A felony if**
 39 **it results in bodily injury or serious bodily injury to any person**
 40 **other than a defendant.**

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