
SENATE BILL No. 96

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-43.

Synopsis: Theft. Makes theft: (1) a Class A misdemeanor instead of a Class D felony if the fair market value of the property that is the subject of the theft is less than \$750; (2) a Class D felony if the fair market value of the property is at least \$750 but less than \$100,000; and (3) a Class C felony if the fair market value of the property is at least \$100,000 or if the property that is the subject of the theft is a certain kind of valuable metal. Makes it burglary, a Class C felony, for a person to break and enter a building or structure of another person with intent to commit theft as a Class A misdemeanor in the building or structure.

Effective: July 1, 2012.

Young R Michael

January 4, 2012, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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SENATE BILL No. 96



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 35-43-2-1 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **(a)** A person who
- 3 breaks and enters the building or structure of another person, with
- 4 intent to commit: **a**
- 5 **(1) theft as a Class A misdemeanor (IC 35-43-4-2(a)); or**
- 6 **(2) any felony;**
- 7 in it, **the building or structure**, commits burglary, a Class C felony.
- 8 ~~However,~~
- 9 **(b) The offense under subsection (a) is:**
- 10 **(1) a Class B felony if:**
- 11 **(A) it is committed while armed with a deadly weapon; or**
- 12 **(B) the building or structure is a:**
- 13 **(i) dwelling; or**
- 14 **(ii) structure used for religious worship; and**
- 15 **(2) a Class A felony if it results in:**
- 16 **(A) bodily injury; or**
- 17 **(B) serious bodily injury;**



1 to any person other than a defendant.

2 SECTION 2. IC 35-43-4-2, AS AMENDED BY P.L.158-2009,
3 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2012]: Sec. 2. (a) A person who knowingly or intentionally
5 exerts unauthorized control over property of another person, with intent
6 to deprive the other person of any part of its value or use, commits
7 theft, a ~~Class D felony~~. **Class A misdemeanor**. However, the offense
8 is a:

9 **(1) Class D felony if the fair market value of the property is at**
10 **least seven hundred fifty dollars (\$750) but less than one**
11 **hundred thousand dollars (\$100,000); and**

12 **(2) Class C felony if:**

13 ~~(1)~~ **(A)** the fair market value of the property is at least one
14 hundred thousand dollars (\$100,000); or

15 ~~(2)~~ **(B)** the property that is the subject of the theft is a valuable
16 metal (as defined in IC 25-37.5-1-1) and:

17 ~~(A)~~ **(i)** relates to transportation safety;

18 ~~(B)~~ **(ii)** relates to public safety; or

19 ~~(C)~~ **(iii)** is taken from a ~~(1)~~ hospital or other health care
20 facility, ~~(2)~~ telecommunications provider, ~~(3)~~ public utility
21 (as defined in IC 32-24-1-5.9(a)), or ~~(4)~~ key facility;

22 and the absence of the property creates a substantial risk of
23 bodily injury to a person.

24 (b) A person who knowingly or intentionally receives, retains, or
25 disposes of the property of another person that has been the subject of
26 theft commits receiving stolen property, a Class D felony. However, the
27 offense is a Class C felony if:

28 (1) the fair market value of the property is at least one hundred
29 thousand dollars (\$100,000); or

30 (2) the property that is the subject of the theft is a valuable metal
31 (as defined in IC 25-37.5-1-1) and:

32 (A) relates to transportation safety;

33 (B) relates to public safety; or

34 (C) is taken from a:

35 (i) hospital or other health care facility;

36 (ii) telecommunications provider;

37 (iii) public utility (as defined in IC 32-24-1-5.9(a)); or

38 (iv) key facility;

39 and the absence of the property creates a substantial risk of bodily
40 injury to a person.

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