
SENATE BILL No. 263

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-24-2-2.5; IC 24-4.6-5-7; IC 28-7-5-33; IC 31-37-19-17.2; IC 32-35-2-9; IC 33-39-1-8; IC 34-24; IC 34-30; IC 35-32-2-2; IC 35-33-1-1; IC 35-37-4-6; IC 35-43.

Synopsis: Property crimes. Authorizes a law enforcement officer to arrest a person who has committed theft, even if the theft is not committed in the officer's presence. Consolidates cemetery mischief, unlawful acts relating to caves, and computer tampering into the criminal mischief statute, and repeals the redundant statutes. Provides that a person who breaks and enters with the intent to commit theft commits burglary. Makes theft a: (1) Class A misdemeanor if the amount of property involved in the theft is less than \$750; (2) Class D felony if the amount is at least \$750 and less than \$50,000, if the item stolen was a firearm, if the person has a prior conviction, or if the offense involved the failure to return a leased motor vehicle; and (3) Class C felony if the amount of property involved is at least \$50,000. Removes provisions relating to receiving stolen property, and repeals the criminal conversion statute (transferring the provision concerning leased motor vehicles to the theft statute). Makes forgery a Class D felony, and consolidates certain provisions dealing with application fraud. Consolidates certain offenses made in connection with government contracts into the deception statute, and repeals redundant provisions. Makes the threshold for enhancing the penalty for certain frauds \$50,000. Consolidates provisions relating to interference with drug screening tests, and repeals a redundant provision. Makes inmate fraud a Class D felony if the inmate is in pretrial status, and increases the penalty to a Class C felony if the inmate has been convicted or if the amount involved is at least \$50,000. Makes conforming amendments.

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Effective: July 1, 2012.

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



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. 263



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 9-24-2-2.5, AS AMENDED BY P.L.3-2008,
- 2 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2012]: Sec. 2.5. (a) An operator's license or a learner's permit
- 4 may not be issued to an individual who is under an order entered by a
- 5 court under ~~IC 35-43-1-2(e)~~. **IC 35-43-1-2(h)**.
- 6 (b) The bureau shall suspend the operator's license or invalidate the
- 7 learner's permit of a person who is the subject of an order issued under
- 8 IC 31-37-19-17 (or IC 31-6-4-15.9(f) before its repeal) or
- 9 ~~IC 35-43-1-2(e)~~. **IC 35-43-1-2(h)**.
- 10 SECTION 2. IC 24-4.6-5-7, AS ADDED BY P.L.97-2011,
- 11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2012]: Sec. 7. If a vehicle owner does not:
- 13 (1) pay the total pump price of the motor fuel pumped and the
- 14 service charge in response to a notice sent by a retailer under this
- 15 chapter; or
- 16 (2) reply to the retailer's notice with a written notice under section
- 17 6(b)(1) or 6(b)(2) of this chapter;



1 the vehicle owner's civil liability under this chapter does not preclude
 2 criminal liability under IC 35-43-4-2, IC 35-43-4-3 (**before its repeal**),
 3 IC 35-43-4-8, or any other law.

4 SECTION 3. IC 28-7-5-33 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 33. A pawnbroker has
 6 a first lien on all pledges for the amount of ~~his~~ **the pawnbroker's** loan,
 7 interest, and charges except:

8 (1) when the property that constitutes the pledge is stolen
 9 (IC 35-43-4-2) or **criminally** converted (IC 35-43-4-3, **before its**
 10 **repeal**) property; or

11 (2) where a prior lien exists under another statute.

12 SECTION 4. IC 31-37-19-17.2 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17.2. (a) This section
 14 applies if a child is a delinquent child under IC 31-37-1 due to the
 15 commission of a delinquent act that, if committed by an adult, would
 16 be a theft (**IC 35-43-4-2**) or criminal conversion (**IC 35-43-4-3, before**
 17 **its repeal**) described in IC 35-43-4-8 (fuel theft).

18 (b) The juvenile court shall, in addition to any other order or decree
 19 the court makes under this chapter, order the bureau of motor vehicles
 20 to:

21 (1) suspend the child's operator's license; or

22 (2) invalidate the child's learner's permit;

23 under IC 9-25-6-21 in the same manner as the bureau of motor vehicles
 24 is required to suspend the driving privileges of a person convicted of
 25 fuel theft.

26 SECTION 5. IC 32-35-2-9 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. The court may issue
 28 an order for possession under this chapter before the hearing if
 29 probable cause appears that any of the following subdivisions apply:

30 (1) The defendant gained possession of the property by theft
 31 (**IC 35-43-4-2**) or criminal conversion (**IC 35-43-4-3, before its**
 32 **repeal**).

33 (2) The property consists of one (1) or more negotiable
 34 instruments or credit cards.

35 (3) By reason of specific, competent evidence shown by testimony
 36 within the personal knowledge of an affiant or witness, the
 37 property is:

38 (A) perishable, and will perish before any noticed hearing can
 39 be had;

40 (B) in immediate danger of destruction, serious harm,
 41 concealment, removal from Indiana, or sale to an innocent
 42 purchaser; or



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- 1 (C) held by a person who threatens to destroy, harm, or
 2 conceal the property, remove the property from Indiana, or sell
 3 the property to an innocent purchaser.
- 4 SECTION 6. IC 33-39-1-8, AS AMENDED BY P.L.101-2009,
 5 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2012]: Sec. 8. (a) After June 30, 2005, this section does not
 7 apply to a person who:
- 8 (1) holds a commercial driver's license; and
 9 (2) has been charged with an offense involving the operation of
 10 a motor vehicle in accordance with the federal Motor Carrier
 11 Safety Improvement Act of 1999 (MCSIA) (Public Law
 12 106-159.113 Stat. 1748).
- 13 (b) This section does not apply to a person arrested for or charged
 14 with:
- 15 (1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or
 16 (2) if a person was arrested or charged with an offense under
 17 IC 9-30-5-1 through IC 9-30-5-5, an offense involving:
 18 (A) intoxication; or
 19 (B) the operation of a motor vehicle;
 20 if the offense involving intoxication or the operation of a motor vehicle
 21 was part of the same episode of criminal conduct as the offense under
 22 IC 9-30-5-1 through IC 9-30-5-5.
- 23 (c) This section does not apply to a person:
- 24 (1) who is arrested for or charged with an offense under:
 25 (A) IC 7.1-5-7-7(a), if the alleged offense occurred while the
 26 person was operating a motor vehicle;
 27 (B) IC 9-30-4-8(a), if the alleged offense occurred while the
 28 person was operating a motor vehicle;
 29 (C) IC 35-42-2-2(c)(1);
 30 (D) IC 35-42-2-4(b)(1); or
 31 (E) ~~IC 35-43-1-2(a)~~, **IC 35-43-1-2(c)**, if the alleged offense
 32 occurred while the person was operating a motor vehicle; and
 33 (2) who held a probationary license (as defined in IC 9-24-11-3(b)
 34 or IC 9-24-11-3.3(b)) and was less than eighteen (18) years of age
 35 at the time of the alleged offense.
- 36 (d) A prosecuting attorney may withhold prosecution against an
 37 accused person if:
- 38 (1) the person is charged with a misdemeanor;
 39 (2) the person agrees to conditions of a pretrial diversion program
 40 offered by the prosecuting attorney;
 41 (3) the terms of the agreement are recorded in an instrument
 42 signed by the person and the prosecuting attorney and filed in the

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1 court in which the charge is pending; and
 2 (4) the prosecuting attorney electronically transmits information
 3 required by the prosecuting attorneys council concerning the
 4 withheld prosecution to the prosecuting attorneys council, in a
 5 manner and format designated by the prosecuting attorneys
 6 council.

7 (e) An agreement under subsection (d) may include conditions that
 8 the person:

9 (1) pay to the clerk of the court an initial user's fee and monthly
 10 user's fees in the amounts specified in IC 33-37-4-1;

11 (2) work faithfully at a suitable employment or faithfully pursue
 12 a course of study or career and technical education that will equip
 13 the person for suitable employment;

14 (3) undergo available medical treatment or counseling and remain
 15 in a specified facility required for that purpose;

16 (4) support the person's dependents and meet other family
 17 responsibilities;

18 (5) make restitution or reparation to the victim of the crime for the
 19 damage or injury that was sustained;

20 (6) refrain from harassing, intimidating, threatening, or having
 21 any direct or indirect contact with the victim or a witness;

22 (7) report to the prosecuting attorney at reasonable times;

23 (8) answer all reasonable inquiries by the prosecuting attorney
 24 and promptly notify the prosecuting attorney of any change in
 25 address or employment; and

26 (9) participate in dispute resolution either under IC 34-57-3 or a
 27 program established by the prosecuting attorney.

28 (f) An agreement under subsection (d)(2) may include other
 29 provisions reasonably related to the defendant's rehabilitation, if
 30 approved by the court.

31 (g) The prosecuting attorney shall notify the victim when
 32 prosecution is withheld under this section.

33 (h) All money collected by the clerk as user's fees under this section
 34 shall be deposited in the appropriate user fee fund under IC 33-37-8.

35 (i) If a court withholds prosecution under this section and the terms
 36 of the agreement contain conditions described in subsection (e)(6):

37 (1) the clerk of the court shall comply with IC 5-2-9; and

38 (2) the prosecuting attorney shall file a confidential form
 39 prescribed or approved by the division of state court
 40 administration with the clerk.

41 SECTION 7. IC 34-24-1-1, AS AMENDED BY P.L.182-2011,
 42 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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- 1 JULY 1, 2012]: Sec. 1. (a) The following may be seized:
 2 (1) All vehicles (as defined by IC 35-41-1), if they are used or are
 3 intended for use by the person or persons in possession of them to
 4 transport or in any manner to facilitate the transportation of the
 5 following:
 6 (A) A controlled substance for the purpose of committing,
 7 attempting to commit, or conspiring to commit any of the
 8 following:
 9 (i) Dealing in or manufacturing cocaine or a narcotic drug
 10 (IC 35-48-4-1).
 11 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
 12 (iii) Dealing in a schedule I, II, or III controlled substance
 13 (IC 35-48-4-2).
 14 (iv) Dealing in a schedule IV controlled substance
 15 (IC 35-48-4-3).
 16 (v) Dealing in a schedule V controlled substance
 17 (IC 35-48-4-4).
 18 (vi) Dealing in a counterfeit substance (IC 35-48-4-5).
 19 (vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
 20 (viii) Possession of methamphetamine (IC 35-48-4-6.1).
 21 (ix) Dealing in paraphernalia (IC 35-48-4-8.5).
 22 (x) Dealing in marijuana, hash oil, hashish, salvia, or a
 23 synthetic cannabinoid (IC 35-48-4-10).
 24 (B) Any stolen (IC 35-43-4-2) or converted property
 25 (IC 35-43-4-3, **before its repeal**) if the retail or repurchase
 26 value of that property is one hundred dollars (\$100) or more.
 27 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
 28 (D) A bomb (as defined in IC 35-41-1-4.3) or weapon of mass
 29 destruction (as defined in IC 35-41-1-29.4) used to commit,
 30 used in an attempt to commit, or used in a conspiracy to
 31 commit an offense under IC 35-47 as part of or in furtherance
 32 of an act of terrorism (as defined by IC 35-41-1-26.5).
 33 (2) All money, negotiable instruments, securities, weapons,
 34 communications devices, or any property used to commit, used in
 35 an attempt to commit, or used in a conspiracy to commit an
 36 offense under IC 35-47 as part of or in furtherance of an act of
 37 terrorism or commonly used as consideration for a violation of
 38 IC 35-48-4 (other than items subject to forfeiture under
 39 IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):
 40 (A) furnished or intended to be furnished by any person in
 41 exchange for an act that is in violation of a criminal statute;
 42 (B) used to facilitate any violation of a criminal statute; or

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- 1 (C) traceable as proceeds of the violation of a criminal statute.
 2 (3) Any portion of real or personal property purchased with
 3 money that is traceable as a proceed of a violation of a criminal
 4 statute.
 5 (4) A vehicle that is used by a person to:
 6 (A) commit, attempt to commit, or conspire to commit;
 7 (B) facilitate the commission of; or
 8 (C) escape from the commission of;
 9 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal
 10 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
 11 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
 12 under IC 35-47 as part of or in furtherance of an act of terrorism.
 13 (5) Real property owned by a person who uses it to commit any of
 14 the following as a Class A felony, a Class B felony, or a Class C
 15 felony:
 16 (A) Dealing in or manufacturing cocaine or a narcotic drug
 17 (IC 35-48-4-1).
 18 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
 19 (C) Dealing in a schedule I, II, or III controlled substance
 20 (IC 35-48-4-2).
 21 (D) Dealing in a schedule IV controlled substance
 22 (IC 35-48-4-3).
 23 (E) Dealing in marijuana, hash oil, hashish, salvia, or a
 24 synthetic cannabinoid (IC 35-48-4-10).
 25 (6) Equipment and recordings used by a person to commit fraud
 26 under IC 35-43-5-4(10).
 27 (7) Recordings sold, rented, transported, or possessed by a person
 28 in violation of IC 24-4-10.
 29 (8) Property (as defined by IC 35-41-1-23) or an enterprise (as
 30 defined by IC 35-45-6-1) that is the object of a corrupt business
 31 influence violation (IC 35-45-6-2).
 32 (9) Unlawful telecommunications devices (as defined in
 33 IC 35-45-13-6) and plans, instructions, or publications used to
 34 commit an offense under IC 35-45-13.
 35 (10) Any equipment, including computer equipment and cellular
 36 telephones, used for or intended for use in preparing,
 37 photographing, recording, videotaping, digitizing, printing,
 38 copying, or disseminating matter in violation of IC 35-42-4.
 39 (11) Destructive devices used, possessed, transported, or sold in
 40 violation of IC 35-47.5.
 41 (12) Tobacco products that are sold in violation of IC 24-3-5,
 42 tobacco products that a person attempts to sell in violation of

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- 1 IC 24-3-5, and other personal property owned and used by a
 2 person to facilitate a violation of IC 24-3-5.
- 3 (13) Property used by a person to commit counterfeiting or
 4 forgery in violation of IC 35-43-5-2.
- 5 (14) After December 31, 2005, if a person is convicted of an
 6 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
 7 following real or personal property:
- 8 (A) Property used or intended to be used to commit, facilitate,
 9 or promote the commission of the offense.
- 10 (B) Property constituting, derived from, or traceable to the
 11 gross proceeds that the person obtained directly or indirectly
 12 as a result of the offense.
- 13 (15) Except as provided in subsection (e), a motor vehicle used by
 14 a person who operates the motor vehicle:
- 15 (A) while intoxicated, in violation of IC 9-30-5-1 through
 16 IC 9-30-5-5, if in the previous five (5) years the person has two
 17 (2) or more prior unrelated convictions:
- 18 (i) for operating a motor vehicle while intoxicated in
 19 violation of IC 9-30-5-1 through IC 9-30-5-5; or
 20 (ii) for an offense that is substantially similar to IC 9-30-5-1
 21 through IC 9-30-5-5 in another jurisdiction; or
- 22 (B) on a highway while the person's driver's license is
 23 suspended in violation of IC 9-24-19-2 through IC 9-24-19-4,
 24 if in the previous five (5) years the person has two (2) or more
 25 prior unrelated convictions:
- 26 (i) for operating a motor vehicle while intoxicated in
 27 violation of IC 9-30-5-1 through IC 9-30-5-5; or
 28 (ii) for an offense that is substantially similar to IC 9-30-5-1
 29 through IC 9-30-5-5 in another jurisdiction.
- 30 If a court orders the seizure of a motor vehicle under this
 31 subdivision, the court shall transmit an order to the bureau of
 32 motor vehicles recommending that the bureau not permit a motor
 33 vehicle to be registered in the name of the person whose motor
 34 vehicle was seized until the person possesses a current driving
 35 license (as defined in IC 9-13-2-41).
- 36 (16) The following real or personal property:
- 37 (A) Property used or intended to be used to commit, facilitate,
 38 or promote the commission of an offense specified in
 39 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or
 40 IC 30-2-13-38(f).
- 41 (B) Property constituting, derived from, or traceable to the
 42 gross proceeds that a person obtains directly or indirectly as a

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1 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
2 IC 30-2-10-9(b), or IC 30-2-13-38(f).

3 (b) A vehicle used by any person as a common or contract carrier in
4 the transaction of business as a common or contract carrier is not
5 subject to seizure under this section, unless it can be proven by a
6 preponderance of the evidence that the owner of the vehicle knowingly
7 permitted the vehicle to be used to engage in conduct that subjects it to
8 seizure under subsection (a).

9 (c) Equipment under subsection (a)(10) may not be seized unless it
10 can be proven by a preponderance of the evidence that the owner of the
11 equipment knowingly permitted the equipment to be used to engage in
12 conduct that subjects it to seizure under subsection (a)(10).

13 (d) Money, negotiable instruments, securities, weapons,
14 communications devices, or any property commonly used as
15 consideration for a violation of IC 35-48-4 found near or on a person
16 who is committing, attempting to commit, or conspiring to commit any
17 of the following offenses shall be admitted into evidence in an action
18 under this chapter as prima facie evidence that the money, negotiable
19 instrument, security, or other thing of value is property that has been
20 used or was to have been used to facilitate the violation of a criminal
21 statute or is the proceeds of the violation of a criminal statute:

- 22 (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
23 narcotic drug).
- 24 (2) IC 35-48-4-1.1 (dealing in methamphetamine).
- 25 (3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
26 substance).
- 27 (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
- 28 (5) IC 35-48-4-4 (dealing in a schedule V controlled substance)
29 as a Class B felony.
- 30 (6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
31 Class A felony, Class B felony, or Class C felony.
- 32 (7) IC 35-48-4-6.1 (possession of methamphetamine) as a Class
33 A felony, Class B felony, or Class C felony.
- 34 (8) IC 35-48-4-10 (dealing in marijuana, hashish, hashish, salvia,
35 or a synthetic cannabinoid) as a Class C felony.

36 (e) A motor vehicle operated by a person who is not:
37 (1) an owner of the motor vehicle; or
38 (2) the spouse of the person who owns the motor vehicle;
39 is not subject to seizure under subsection (a)(15) unless it can be
40 proven by a preponderance of the evidence that the owner of the
41 vehicle knowingly permitted the vehicle to be used to engage in
42 conduct that subjects it to seizure under subsection (a)(15).



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1 SECTION 8. IC 34-24-3-2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) For purposes of
 3 determining the amount of damages recoverable under section 1(1) of
 4 this chapter, there is an irrebuttable presumption that a retailer who
 5 brings a civil action under this chapter (or IC 34-4-30 before its repeal)
 6 as the result of a violation of IC 35-43-4-2 (theft) or IC 35-43-4-3
 7 (**criminal conversion, before its repeal**) suffers a pecuniary loss in the
 8 amount of:

9 (1) one hundred dollars (\$100) regardless of whether:

10 (A) the property is returned to the retailer; or

11 (B) the actual retail value of the property is less than one
 12 hundred dollars (\$100); or

13 (2) the retailer's actual damages;

14 whichever is greater.

15 (b) An individual found liable in a civil action under this chapter (or
 16 IC 34-4-30 before its repeal) for violating IC 35-43-4-2 or IC 35-43-4-3
 17 (**before its repeal**) may not be indemnified or insured for any
 18 penalties, damages, or settlement arising from the violation.

19 SECTION 9. IC 34-30-3-2 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The definitions
 21 set forth in IC 22-11-20 apply to this section.

22 (b) Except as provided in subsection (c), the victim or an agent of
 23 the victim of a theft (~~IC 35-43-4-2(a)~~) (**IC 35-43-4-2**) or criminal
 24 conversion (**IC 35-43-4-3, before its repeal**) of:

25 (1) anhydrous ammonia (NH₃);

26 (2) an ammonia solution; or

27 (3) a container used to store or transport anhydrous ammonia or
 28 an ammonia solution;

29 is immune from civil liability for injury or damage resulting from the
 30 possession or use of the anhydrous ammonia, ammonia solution, or
 31 container by another person to commit a violation of IC 35-48-4.

32 (c) A victim or an agent described in subsection (b) is not immune
 33 from civil liability under subsection (b) if:

34 (1) the victim or agent committed a crime involving the
 35 anhydrous ammonia, ammonia solution, or container that is the
 36 subject of the theft or criminal conversion; or

37 (2) the victim's or agent's willful or intentional commission of a
 38 violation of an applicable law, rule, or regulation governing the:

39 (A) design;

40 (B) construction;

41 (C) location;

42 (D) installation; or

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1 (E) operation;
2 of equipment for storage, handling, use, or transportation of
3 anhydrous ammonia or ammonia solution proximately caused the
4 theft or criminal conversion.

5 SECTION 10. IC 34-30-20-1 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. A person is immune
7 from civil liability based on an act or omission related to the use of a
8 firearm or ammunition for a firearm by another person if the other
9 person directly or indirectly obtained the firearm or ammunition for a
10 firearm through the commission of the following:

- 11 (1) Burglary (IC 35-43-2-1).
- 12 (2) Robbery (IC 35-42-5-1).
- 13 (3) Theft (IC 35-43-4-2).
- 14 (4) Receiving stolen property (IC 35-43-4-2).
- 15 (5) Criminal conversion (IC 35-43-4-3, **before its repeal**).

16 SECTION 11. IC 35-32-2-2 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) A person may be
18 tried for theft (**IC 35-43-4-2**) or **criminal** conversion (**IC 35-43-4-3,**
19 **for an act committed before its repeal**) in any county in which ~~he~~ **the**
20 **person** exerted unauthorized control over the property.

21 (b) A person may be tried for receiving stolen property
22 (**IC 35-43-4-2, for an act committed before its repeal**) in any county
23 in which ~~he~~ **the person** receives, retains, or disposes of the property.

24 SECTION 12. IC 35-33-1-1, AS AMENDED BY P.L.171-2011,
25 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2012]: Sec. 1. (a) A law enforcement officer may arrest a
27 person when the officer has:

- 28 (1) a warrant commanding that the person be arrested;
- 29 (2) probable cause to believe the person has committed or
30 attempted to commit, or is committing or attempting to commit,
31 **theft or** a felony;
- 32 (3) probable cause to believe the person has violated the
33 provisions of IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1),
34 IC 9-26-1-2(2), IC 9-26-1-3, IC 9-26-1-4, or IC 9-30-5;
- 35 (4) probable cause to believe the person is committing or
36 attempting to commit a misdemeanor in the officer's presence;
- 37 (5) probable cause to believe the person has committed a:
38 (A) battery resulting in bodily injury under IC 35-42-2-1; or
39 (B) domestic battery under IC 35-42-2-1.3.

40 The officer may use an affidavit executed by an individual alleged
41 to have direct knowledge of the incident alleging the elements of
42 the offense of battery to establish probable cause;

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- 1 (6) probable cause to believe that the person violated
- 2 IC 35-46-1-15.1 (invasion of privacy);
- 3 (7) probable cause to believe that the person violated
- 4 IC 35-47-2-1 (carrying a handgun without a license) or
- 5 IC 35-47-2-22 (counterfeit handgun license);
- 6 (8) probable cause to believe that the person is violating or has
- 7 violated an order issued under IC 35-50-7;
- 8 (9) probable cause to believe that the person is violating or has
- 9 violated IC 35-47-6-1.1 (undisclosed transport of a dangerous
- 10 device);
- 11 (10) probable cause to believe that the person is:
- 12 (A) violating or has violated IC 35-45-2-5 (interference with
- 13 the reporting of a crime); and
- 14 (B) interfering with or preventing the reporting of a crime
- 15 involving domestic or family violence (as defined in
- 16 IC 34-6-2-34.5);
- 17 (11) a removal order issued for the person by an immigration
- 18 court;
- 19 (12) a detainer or notice of action for the person issued by the
- 20 United States Department of Homeland Security; or
- 21 (13) probable cause to believe that the person has been indicted
- 22 for or convicted of one (1) or more aggravated felonies (as
- 23 defined in 8 U.S.C. 1101(a)(43)).
- 24 (b) A person who:
- 25 (1) is employed full time as a federal enforcement officer;
- 26 (2) is empowered to effect an arrest with or without warrant for a
- 27 violation of the United States Code; and
- 28 (3) is authorized to carry firearms in the performance of the
- 29 person's duties;
- 30 may act as an officer for the arrest of offenders against the laws of this
- 31 state where the person reasonably believes that a felony has been or is
- 32 about to be committed or attempted in the person's presence.
- 33 SECTION 13. IC 35-37-4-6, AS AMENDED BY P.L.28-2011,
- 34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2012]: Sec. 6. (a) This section applies to a criminal action
- 36 involving the following offenses where the victim is a protected person
- 37 under subsection (c)(1) or (c)(2):
- 38 (1) Sex crimes (IC 35-42-4).
- 39 (2) Battery upon a child (IC 35-42-2-1(a)(2)(B)).
- 40 (3) Kidnapping and confinement (IC 35-42-3).
- 41 (4) Incest (IC 35-46-1-3).
- 42 (5) Neglect of a dependent (IC 35-46-1-4).

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- 1 (6) Human and sexual trafficking crimes (IC 35-42-3.5).
 2 (7) An attempt under IC 35-41-5-1 for an offense listed in
 3 subdivisions (1) through (6).
 4 (b) This section applies to a criminal action involving the following
 5 offenses where the victim is a protected person under subsection (c)(3):
 6 (1) Exploitation of a dependent or endangered adult
 7 (IC 35-46-1-12).
 8 (2) A sex crime (IC 35-42-4).
 9 (3) Battery (IC 35-42-2-1).
 10 (4) Kidnapping, confinement, or interference with custody
 11 (IC 35-42-3).
 12 (5) Home improvement fraud (IC 35-43-6).
 13 (6) Fraud (IC 35-43-5).
 14 (7) Identity deception (IC 35-43-5-3.5).
 15 (8) Synthetic identity deception (IC 35-43-5-3.8).
 16 (9) Theft (IC 35-43-4-2).
 17 (10) **Criminal** conversion (IC 35-43-4-3, **before its repeal**).
 18 (11) Neglect of a dependent (IC 35-46-1-4).
 19 (12) Human and sexual trafficking crimes (IC 35-42-3.5).
 20 (c) As used in this section, "protected person" means:
 21 (1) a child who is less than fourteen (14) years of age;
 22 (2) an individual with a mental disability who has a disability
 23 attributable to an impairment of general intellectual functioning
 24 or adaptive behavior that:
 25 (A) is manifested before the individual is eighteen (18) years
 26 of age;
 27 (B) is likely to continue indefinitely;
 28 (C) constitutes a substantial impairment of the individual's
 29 ability to function normally in society; and
 30 (D) reflects the individual's need for a combination and
 31 sequence of special, interdisciplinary, or generic care,
 32 treatment, or other services that are of lifelong or extended
 33 duration and are individually planned and coordinated; or
 34 (3) an individual who is:
 35 (A) at least eighteen (18) years of age; and
 36 (B) incapable by reason of mental illness, mental retardation,
 37 dementia, or other physical or mental incapacity of:
 38 (i) managing or directing the management of the individual's
 39 property; or
 40 (ii) providing or directing the provision of self-care.
 41 (d) A statement or videotape that:
 42 (1) is made by a person who at the time of trial is a protected

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- 1 person;
- 2 (2) concerns an act that is a material element of an offense listed
- 3 in subsection (a) or (b) that was allegedly committed against the
- 4 person; and
- 5 (3) is not otherwise admissible in evidence;
- 6 is admissible in evidence in a criminal action for an offense listed in
- 7 subsection (a) or (b) if the requirements of subsection (e) are met.
- 8 (e) A statement or videotape described in subsection (d) is
- 9 admissible in evidence in a criminal action listed in subsection (a) or
- 10 (b) if, after notice to the defendant of a hearing and of the defendant's
- 11 right to be present, all of the following conditions are met:
- 12 (1) The court finds, in a hearing:
- 13 (A) conducted outside the presence of the jury; and
- 14 (B) attended by the protected person in person or by using
- 15 closed circuit television testimony as described in section 8(f)
- 16 and 8(g) of this chapter;
- 17 that the time, content, and circumstances of the statement or
- 18 videotape provide sufficient indications of reliability.
- 19 (2) The protected person:
- 20 (A) testifies at the trial; or
- 21 (B) is found by the court to be unavailable as a witness for one
- 22 (1) of the following reasons:
- 23 (i) From the testimony of a psychiatrist, physician, or
- 24 psychologist, and other evidence, if any, the court finds that
- 25 the protected person's testifying in the physical presence of
- 26 the defendant will cause the protected person to suffer
- 27 serious emotional distress such that the protected person
- 28 cannot reasonably communicate.
- 29 (ii) The protected person cannot participate in the trial for
- 30 medical reasons.
- 31 (iii) The court has determined that the protected person is
- 32 incapable of understanding the nature and obligation of an
- 33 oath.
- 34 (f) If a protected person is unavailable to testify at the trial for a
- 35 reason listed in subsection (e)(2)(B), a statement or videotape may be
- 36 admitted in evidence under this section only if the protected person was
- 37 available for cross-examination:
- 38 (1) at the hearing described in subsection (e)(1); or
- 39 (2) when the statement or videotape was made.
- 40 (g) A statement or videotape may not be admitted in evidence under
- 41 this section unless the prosecuting attorney informs the defendant and
- 42 the defendant's attorney at least ten (10) days before the trial of:

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- 1 (1) the prosecuting attorney's intention to introduce the statement
- 2 or videotape in evidence; and
- 3 (2) the content of the statement or videotape.
- 4 (h) If a statement or videotape is admitted in evidence under this
- 5 section, the court shall instruct the jury that it is for the jury to
- 6 determine the weight and credit to be given the statement or videotape
- 7 and that, in making that determination, the jury shall consider the
- 8 following:
- 9 (1) The mental and physical age of the person making the
- 10 statement or videotape.
- 11 (2) The nature of the statement or videotape.
- 12 (3) The circumstances under which the statement or videotape
- 13 was made.
- 14 (4) Other relevant factors.
- 15 (i) If a statement or videotape described in subsection (d) is
- 16 admitted into evidence under this section, a defendant may introduce
- 17 a:
- 18 (1) transcript; or
- 19 (2) videotape;
- 20 of the hearing held under subsection (e)(1) into evidence at trial.
- 21 SECTION 14. IC 35-43-1-2, AS AMENDED BY P.L.216-2007,
- 22 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 JULY 1, 2012]: Sec. 2. **(a) Subsection (e) does not apply to the**
- 24 **following:**
- 25 **(1) A person who acts in a proper and acceptable manner as**
- 26 **authorized by IC 14-21 other than a person who disturbs the**
- 27 **earth for an agricultural purpose under the exemption to**
- 28 **IC 14-21 that is provided in IC 14-21-1-24.**
- 29 **(2) A person who acts in a proper and acceptable manner as**
- 30 **authorized by IC 23-14.**
- 31 **(b) As used in this section:**
- 32 **(1) "Cave" means any naturally occurring subterranean**
- 33 **cavity, including a cavern, pit, pothole, sinkhole, well, grotto,**
- 34 **and tunnel, whether or not it has a natural entrance.**
- 35 **(2) "Computer network" and "computer system" have the**
- 36 **meanings set forth in IC 35-43-2-3.**
- 37 **(3) "Computer program" means an ordered set of**
- 38 **instructions or statements that, when executed by a computer,**
- 39 **causes the computer to process data.**
- 40 **(4) "Data" means a representation of information, facts,**
- 41 **knowledge, concepts, or instructions that:**
- 42 **(A) may take any form, including computer printouts,**

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- 1 magnetic storage media, punched cards, or stored
2 memory;
3 **(B) has been prepared or is being prepared; and**
4 **(C) has been processed, is being processed, or will be**
5 **processed;**
6 **in a computer system or computer network.**
7 **(5) "Owner" means the person who holds title to or is in**
8 **possession of the land on or under which a cave is located, or**
9 **the person's lessee or agent.**
10 **(6) "Scientific purposes" means exploration and research**
11 **conducted by persons affiliated with recognized scientific**
12 **organizations with the intent to advance knowledge and with**
13 **the intent to publish the results of the exploration or research**
14 **in an appropriate medium.**
15 (a) (c) A person who:
16 (1) recklessly, knowingly, or intentionally damages or defaces
17 property of another person without the other person's consent; or
18 (2) knowingly or intentionally causes another to suffer pecuniary
19 loss by deception or by an expression of intention to injure
20 another person or to damage the property or to impair the rights
21 of another person;
22 commits criminal mischief, a Class B misdemeanor. However, the
23 offense is:
24 (A) a Class A misdemeanor if:
25 (i) the pecuniary loss is at least two hundred fifty dollars
26 (\$250) but less than two thousand five hundred dollars
27 (\$2,500);
28 (ii) the property damaged was a moving motor vehicle;
29 (iii) the property damaged contained data relating to a
30 person required to register as a sex or violent offender under
31 IC 11-8-8 and the person is not a sex or violent offender or
32 was not required to register as a sex or violent offender;
33 (iv) the property damaged was a locomotive, a railroad car,
34 a train, or equipment of a railroad company being operated
35 on a railroad right-of-way;
36 (v) the property damaged was a part of any railroad signal
37 system, train control system, centralized dispatching system,
38 or highway railroad grade crossing warning signal on a
39 railroad right-of-way owned, leased, or operated by a
40 railroad company;
41 (vi) the property damaged was any rail, switch, roadbed,
42 viaduct, bridge, trestle, culvert, or embankment on a

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- 1 right-of-way owned, leased, or operated by a railroad
- 2 company; or
- 3 (vii) the property damage or defacement was caused by paint
- 4 or other markings; and
- 5 (B) a Class D felony if:
 - 6 (i) the pecuniary loss is at least two thousand five hundred
 - 7 dollars (\$2,500);
 - 8 (ii) the damage causes a substantial interruption or
 - 9 impairment of utility service rendered to the public;
 - 10 (iii) the damage is to a public record;
 - 11 (iv) the property damaged contained data relating to a
 - 12 person required to register as a sex or violent offender under
 - 13 IC 11-8-8 and the person is a sex or violent offender or was
 - 14 required to register as a sex or violent offender;
 - 15 (v) the damage causes substantial interruption or impairment
 - 16 of work conducted in a scientific research facility;
 - 17 (vi) the damage is to a law enforcement animal (as defined
 - 18 in IC 35-46-3-4.5); or
 - 19 (vii) the damage causes substantial interruption or
 - 20 impairment of work conducted in a food processing facility.
- 21 ~~(b)~~ (d) A person who recklessly, knowingly, or intentionally
- 22 damages:
 - 23 (1) a structure used for religious worship;
 - 24 (2) a school or community center;
 - 25 (3) the grounds:
 - 26 (A) adjacent to; and
 - 27 (B) owned or rented in common with;
 - 28 a structure or facility identified in subdivision (1) or (2); or
 - 29 (4) personal property contained in a structure or located at a
 - 30 facility identified in subdivision (1) or (2);
- 31 without the consent of the owner, possessor, or occupant of the
- 32 property that is damaged, commits institutional criminal mischief, a
- 33 Class A misdemeanor. However, the offense is a Class D felony if the
- 34 pecuniary loss is at least two hundred fifty dollars (\$250) but less than
- 35 two thousand five hundred dollars (\$2,500), and a Class C felony if the
- 36 pecuniary loss is at least two thousand five hundred dollars (\$2,500).
- 37 (e) A person who recklessly, knowingly, or intentionally:
 - 38 (1) damages a cemetery, a burial ground (as defined in
 - 39 IC 14-21-1-3), or a facility used for memorializing the dead;
 - 40 (2) damages the grounds owned or rented by a cemetery or
 - 41 facility used for memorializing the dead; or
 - 42 (3) disturbs, defaces, or damages a cemetery monument, grave

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1 marker, grave artifact, grave ornamentation, or cemetery
 2 enclosure;
 3 commits cemetery mischief, a Class A misdemeanor. However, the
 4 offense is a Class D felony if the pecuniary loss is at least two
 5 thousand five hundred dollars (\$2,500).

6 (f) A person who knowingly and without the express consent of
 7 the cave owner:

8 (1) disfigures, destroys, or removes any stalagmite, stalactite,
 9 or other naturally occurring mineral deposit or formation, or
 10 archeological or paleontological artifact in a cave, for other
 11 than scientific purposes;

12 (2) breaks any lock, gate, fence, or other structure designed to
 13 control or prevent access to a cave;

14 (3) deposits trash, rubbish, chemicals, or other litter in a cave;
 15 or

16 (4) destroys, injures, removes, or harasses any cave-dwelling
 17 animal for other than scientific purposes;

18 commits cave mischief, a Class A misdemeanor.

19 (g) A person who knowingly or intentionally alters or damages
 20 a computer program or data that comprises a part of a computer
 21 system or computer network without the consent of the owner of
 22 the computer system or computer network commits computer
 23 tampering, a Class D felony. However, the offense is a:

24 (1) Class C felony if the offense is committed for the purpose
 25 of terrorism; and

26 (2) Class B felony if the offense is committed for the purpose
 27 of terrorism and results in serious bodily injury to a person.

28 (e) (h) If a person is convicted of an offense under this section that
 29 involves the use of graffiti, the court may, in addition to any other
 30 penalty, order that the person's operator's license be suspended or
 31 invalidated by the bureau of motor vehicles for not more than one (1)
 32 year.

33 (d) (i) The court may rescind an order for suspension or invalidation
 34 under subsection (e) (h) and allow the person to receive a license or
 35 permit before the period of suspension or invalidation ends if the court
 36 determines that:

37 (1) the person has removed or painted over the graffiti or has
 38 made other suitable restitution; and

39 (2) the person who owns the property damaged or defaced by the
 40 criminal mischief or institutional criminal mischief is satisfied
 41 with the removal, painting, or other restitution performed by the
 42 person.

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1 SECTION 15. IC 35-43-1-2.1 IS REPEALED [EFFECTIVE JULY
2 1, 2012]. Sec. 2-1: (a) This section does not apply to the following:

3 (1) A person who acts in a proper and acceptable manner as
4 authorized by IC 14-21 other than a person who disturbs the earth
5 for an agricultural purpose under the exemption to IC 14-21 that
6 is provided in IC 14-21-1-24.

7 (2) A person who acts in a proper and acceptable manner as
8 authorized by IC 23-14.

9 (b) A person who recklessly, knowingly, or intentionally:

10 (1) damages a cemetery; a burial ground (as defined in
11 IC 14-21-1-3); or a facility used for memorializing the dead;

12 (2) damages the grounds owned or rented by a cemetery or facility
13 used for memorializing the dead; or

14 (3) disturbs; defaces; or damages a cemetery monument; grave
15 marker; grave artifact; grave ornamentation; or cemetery
16 enclosure;

17 commits cemetery mischief; a Class A misdemeanor. However, the
18 offense is a Class D felony if the pecuniary loss is at least two thousand
19 five hundred dollars (\$2,500).

20 SECTION 16. IC 35-43-1-3 IS REPEALED [EFFECTIVE JULY 1,
21 2012]. Sec. 3: (a) As used in this section:

22 "Cave" means any naturally occurring subterranean cavity,
23 including a cavern; pit; pothole; sinkhole; well; grotto; and tunnel
24 whether or not it has a natural entrance.

25 "Owner" means the person who holds title to or is in possession of
26 the land on or under which a cave is located; or his lessee; or agent.

27 "Scientific purposes" means exploration and research conducted by
28 persons affiliated with recognized scientific organizations with the
29 intent to advance knowledge and with the intent to publish the results
30 of said exploration or research in an appropriate medium.

31 (b) A person who knowingly and without the express consent of the
32 cave owner:

33 (1) disfigures; destroys; or removes any stalagmite; stalactite; or
34 other naturally occurring mineral deposit or formation; or
35 archeological or paleontological artifact in a cave; for other than
36 scientific purposes;

37 (2) breaks any lock; gate; fence; or other structure designed to
38 control or prevent access to a cave;

39 (3) deposits trash; rubbish; chemicals; or other litter in a cave; or

40 (4) destroys; injures; removes; or harasses any cave-dwelling
41 animal for other than scientific purposes;

42 commits a Class A misdemeanor.

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1 SECTION 17. IC 35-43-1-4 IS REPEALED [EFFECTIVE JULY 1,
2 2012]. Sec. 4. (a) As used in this section:

3 "Computer network" and "computer system" have the meanings set
4 forth in IC 35-43-2-3.

5 "Computer program" means an ordered set of instructions or
6 statements that, when executed by a computer, causes the computer to
7 process data:

8 "Data" means a representation of information, facts, knowledge,
9 concepts, or instructions that:

10 (1) may take any form, including computer printouts, magnetic
11 storage media, punched cards, or stored memory;

12 (2) has been prepared or is being prepared; and

13 (3) has been processed, is being processed, or will be processed;
14 in a computer system or computer network.

15 (b) A person who knowingly or intentionally alters or damages a
16 computer program or data, which comprises a part of a computer
17 system or computer network without the consent of the owner of the
18 computer system or computer network commits computer tampering,
19 a Class D felony. However, the offense is a:

20 (1) Class E felony if the offense is committed for the purpose of
21 terrorism; and

22 (2) Class B felony if the offense is committed for the purpose of
23 terrorism and results in serious bodily injury to a person.

24 SECTION 18. IC 35-43-2-1 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. A person who breaks
26 and enters the building or structure of another person, with intent to
27 commit **theft or** a felony in it, **the building or structure**, commits
28 burglary, a Class C felony. However, the offense is:

29 (1) a Class B felony if:

30 (A) it is committed while armed with a deadly weapon; or

31 (B) the building or structure is a:

32 (i) dwelling; or

33 (ii) structure used for religious worship; and

34 (2) a Class A felony if it results in:

35 (A) bodily injury; or

36 (B) serious bodily injury;

37 to any person other than a defendant.

38 SECTION 19. IC 35-43-4-2, AS AMENDED BY P.L.158-2009,
39 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2012]: Sec. 2. (a) A person who knowingly or intentionally
41 exerts unauthorized control over property of another person, with intent
42 to deprive the other person of any part of its value or use, commits

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1 theft, a Class D felony. **Class A misdemeanor, except as provided in**
 2 **subsections (b) and (c).**

3 (b) ~~However, the offense~~ **An offense under subsection (a) is a**
 4 **Class D felony if:**

5 (1) **the fair market value of the property is at least seven**
 6 **hundred fifty dollars (\$750);**

7 (2) **the item stolen was a firearm;**

8 (3) **the person has a prior unrelated conviction for criminal**
 9 **conversion (IC 35-43-4-3, before its repeal) or theft; or**

10 (4) **the:**

11 (A) **person acquires the property by lease;**

12 (B) **property is a motor vehicle;**

13 (C) **person signs a written agreement to return the**
 14 **property to a specified location within a specified time; and**

15 (D) **person fails to return the property:**

16 (i) **not later than thirty (30) days after the specified time;**
 17 **or**

18 (ii) **not later than three (3) days after a written demand**
 19 **for return of the property is personally served on the**
 20 **person or sent by registered mail to the person's address**
 21 **that is provided by the person in the written agreement.**

22 (c) **An offense under subsection (a) is a Class C felony if:**

23 (1) **the fair market value of the property is at least ~~one hundred~~**
 24 **fifty thousand dollars (\$100,000); (\$50,000); or**

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

27 (A) **relates to transportation safety;**

28 (B) **relates to public safety; or**

29 (C) **is taken from a:**

30 (i) **hospital or other health care facility;**

31 (ii) **telecommunications provider;**

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

33 (iv) **key facility;**

34 **and the absence of the property creates a substantial risk of bodily**
 35 **injury to a person.**

36 (b) **A person who knowingly or intentionally receives; retains; or**
 37 **disposes of the property of another person that has been the subject of**
 38 **theft commits receiving stolen property; a Class D felony. However, the**
 39 **offense is a Class E felony if:**

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

42 (2) **the property that is the subject of the theft is a valuable metal**

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1 (as defined in IC 25-37.5-1-1) and:

2 (A) relates to transportation safety;

3 (B) relates to public safety; or

4 (C) is taken from a:

5 (i) hospital or other health care facility;

6 (ii) telecommunications provider;

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

8 (iv) key facility;

9 and the absence of the property creates a substantial risk of bodily
10 injury to a person.

11 SECTION 20. IC 35-43-4-2.5 IS REPEALED [EFFECTIVE JULY
12 1, 2012]. Sec. 2-5: (a) As used in this section, "motor vehicle" has the
13 meaning set forth in IC 9-13-2-105(a).

14 (b) A person who knowingly or intentionally exerts unauthorized
15 control over the motor vehicle of another person; with intent to deprive
16 the owner of:

17 (1) the vehicle's value or use; or

18 (2) a component part (as defined in IC 9-13-2-34) of the vehicle;
19 commits auto theft; a Class D felony. However, the offense is a Class
20 E felony if the person has a prior conviction of an offense under this
21 subsection or subsection (c).

22 (c) A person who knowingly or intentionally receives, retains, or
23 disposes of a motor vehicle or any part of a motor vehicle of another
24 person that has been the subject of theft commits receiving stolen auto
25 parts; a Class D felony. However, the offense is a Class E felony if the
26 person has a prior conviction of an offense under this subsection or
27 subsection (b).

28 SECTION 21. IC 35-43-4-3 IS REPEALED [EFFECTIVE JULY 1,
29 2012]. Sec. 3: (a) A person who knowingly or intentionally exerts
30 unauthorized control over property of another person commits criminal
31 conversion; a Class A misdemeanor.

32 (b) The offense under subsection (a) is a Class D felony if
33 committed by a person who exerts unauthorized control over the motor
34 vehicle of another person with the intent to use the motor vehicle to
35 assist the person in the commission of a crime.

36 (c) The offense under subsection (a) is a Class E felony if:

37 (1) committed by a person who exerts unauthorized control over
38 the motor vehicle of another person; and

39 (2) the person uses the motor vehicle to assist the person in the
40 commission of a felony.

41 (d) The offense under subsection (a) is a Class D felony if:

42 (1) the person acquires the property by lease;

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- 1 (2) the property is a motor vehicle;
- 2 (3) the person signs a written agreement to return the property to
- 3 a specified location within a specified time; and
- 4 (4) the person fails to return the property:
- 5 (A) within thirty (30) days after the specified time; or
- 6 (B) within three (3) days after a written demand for return of
- 7 the property is either:
- 8 (i) personally served on the person; or
- 9 (ii) sent by registered mail to the person's address that is
- 10 provided by the person in the written agreement.

11 SECTION 22. IC 35-43-4-3.5 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.5. (a) If a person:

- 13 (1) borrows any article which belongs to or is in the care of any
- 14 library, gallery, museum, collection, or exhibition;
- 15 (2) borrows the article under an agreement to return the article
- 16 within a specified period of time; and
- 17 (3) fails to return the article within that specified period of time;
- 18 then the lender shall comply with subsection (b).

19 (b) If a person commits those acts specified in subsection (a), the
 20 lender shall:

- 21 (1) send written notification of the violation of the agreement to
- 22 the borrower;
- 23 (2) attach a copy of this section to the notice;
- 24 (3) include in the notice a request for return of the article within
- 25 fifteen (15) days of receipt of the notice; and
- 26 (4) mail the notice to the last known address of the borrower or
- 27 deliver it to the borrower in person.

28 The lender shall send the notice required by this subsection by certified
 29 or registered mail, return receipt requested.

30 (c) If the borrower willfully or knowingly fails to return the article,
 31 or reimburse the lender for the value of the article, within thirty (30)
 32 days of receipt of the notice required in subsection (b), ~~he~~ **the**
 33 **borrower** commits a Class C infraction.

34 (d) A person who commits an offense under this section may not be
 35 charged with an offense under section 2 or 3 (**before its repeal**) of this
 36 chapter for the same act.

37 SECTION 23. IC 35-43-4-8 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) A conviction for
 39 an offense under section 2 of this chapter or section 3 of this chapter
 40 (**before its repeal**) that involves exerting unauthorized control over
 41 gasoline or motor vehicle fuel:

- 42 (1) by operation of a motor vehicle to leave the premises of an

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- 1 establishment at which gasoline or motor vehicle fuel is offered
- 2 for sale after the gasoline or motor vehicle fuel has been
- 3 dispensed into the fuel tank of the motor vehicle; and
- 4 (2) without payment or authorization of payment by a credit card,
- 5 debit card, charge card, or similar method of payment;
- 6 shall result in the suspension of the driving privileges of the person.
- 7 (b) The court imposing a sentence for a violation under subsection
- 8 (a) shall issue an order to the bureau of motor vehicles:
- 9 (1) stating that the person has been convicted of an offense under
- 10 section 2 of this chapter or section 3 of this chapter (**before its**
- 11 **repeal**) involving the unauthorized taking of gasoline or motor
- 12 vehicle fuel; and
- 13 (2) ordering the suspension of the person's driving privileges
- 14 under IC 9-25-6-21.

15 The suspension of a person's driving privileges under this section is in
 16 addition to other penalties prescribed by ~~IC 35-50-3-2 for a Class A~~
 17 ~~misdemeanor or by IC 35-50-2-7 for a Class D felony.~~ **IC 35-50.**

18 SECTION 24. IC 35-43-5-2, AS AMENDED BY P.L.106-2006,
 19 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2012]: Sec. 2. (a) A person who knowingly or intentionally:

- 21 (1) makes or utters a written instrument in such a manner that it
- 22 purports to have been made:
- 23 (A) by another person;
- 24 (B) at another time;
- 25 (C) with different provisions; or
- 26 (D) by authority of one who did not give authority; or
- 27 (2) possesses more than one (1) written instrument knowing that
- 28 the written instruments were made in a manner that they purport
- 29 to have been made:
- 30 (A) by another person;
- 31 (B) at another time;
- 32 (C) with different provisions; or
- 33 (D) by authority of one who did not give authority;
- 34 commits counterfeiting, a Class D felony.
- 35 (b) A person who, with intent to defraud, makes, utters, or possesses
- 36 a written instrument in such a manner that it purports to have been
- 37 made:
- 38 (1) by another person;
- 39 (2) at another time;
- 40 (3) with different provisions; or
- 41 (4) by authority of one who did not give authority;
- 42 commits forgery, a ~~Class E~~ **Class D** felony.

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1 (c) This subsection applies to a person who applies for a driver's
 2 license (as defined in IC 9-13-2-48) **or a state identification card (as**
 3 **issued under IC 9-24-16)**. A person who:

- 4 (1) knowingly or intentionally uses a false or fictitious name or
 5 gives a false or fictitious address in an application for a driver's
 6 license **or a state identification card** or for a renewal or a
 7 duplicate of a driver's license **or a state identification card**; or
 8 (2) knowingly or intentionally makes a false statement or conceals
 9 a material fact or otherwise commits fraud in an application for a
 10 driver's license **or a state identification card**;

11 commits application fraud, a Class D felony.

12 (d) This subsection applies to a person who applies for a state
 13 identification card (as issued under IC 9-24-16). A person who:

- 14 (1) knowingly or intentionally uses false information in a
 15 application for an identification card or for a renewal or duplicate
 16 of an identification card; or
 17 (2) knowingly or intentionally makes a false statement or
 18 otherwise commits fraud in an application for an identification
 19 card;

20 commits application fraud, a Class D felony.

21 SECTION 25. IC 35-43-5-3 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A person who:

- 23 (1) being an officer, manager, or other person participating in the
 24 direction of a credit institution, knowingly or intentionally
 25 receives or permits the receipt of a deposit or other investment,
 26 knowing that the institution is insolvent;

27 (2) knowingly or intentionally:

28 (A) makes a false or **intentionally** misleading written
 29 statement; **or**

30 (B) **materially misrepresents:**

31 (i) **the identity of the person or another person;**

32 (ii) **a person as being a physician licensed under**
 33 **IC 25-22.5; or**

34 (iii) **the identity or quality of property;**

35 with intent to obtain property, employment, or an educational
 36 opportunity;

- 37 (3) misapplies entrusted property, property of a governmental
 38 entity, or property of a credit institution in a manner that the
 39 person knows is unlawful or that the person knows involves
 40 substantial risk of loss or detriment to either the owner of the
 41 property or to a person for whose benefit the property was
 42 entrusted;

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1 (4) knowingly or intentionally, in the regular course of business,
2 either:

3 (A) uses or possesses for use a false weight or measure or
4 other device for falsely determining or recording the quality or
5 quantity of any commodity; or

6 (B) sells, offers, or displays for sale or delivers less than the
7 represented quality or quantity of any commodity;

8 (5) with intent to defraud another person furnishing:

9 (A) electricity, gas, water, telecommunication, or any other
10 utility service;

11 (B) cable service;

12 (C) Internet service; or

13 (D) any service provided by cable, the Internet, or another
14 telecommunication service;

15 avoids a lawful charge for that service by scheme or device or by
16 tampering with facilities or equipment of the person furnishing
17 the service;

18 (6) with intent to defraud, misrepresents the identity of the person
19 or another person or the identity or quality of property;

20 (7) (6) with intent to defraud an owner of a coin machine, deposits
21 a slug in that machine;

22 (8) (7) with intent to enable the person or another person to
23 deposit a slug in a coin machine, makes, possesses, or disposes of
24 a slug; or

25 (9) (8) disseminates to the public an advertisement that the person
26 knows is false, misleading, or deceptive, with intent to promote
27 the purchase or sale of property or the acceptance of employment;

28 (10) with intent to defraud, misrepresents a person as being a
29 physician licensed under IC 25-22.5; or

30 (11) knowingly and intentionally defrauds another person
31 furnishing cable TV service by avoiding paying compensation for
32 that service by any scheme or device or by tampering with
33 facilities or equipment of the person furnishing the service;

34 commits deception, a Class A misdemeanor.

35 (b) A person who knowingly or intentionally falsely represents:

36 (1) any entity as a disadvantaged business enterprise (as
37 defined in IC 5-16-6.5-1) or a women owned business
38 enterprise (as defined in IC 5-16-6.5-3) in order to qualify for
39 certification as such an enterprise under a program
40 conducted by a public agency (as defined in IC 5-16-6.5-2)
41 designed to assist disadvantaged business enterprises or
42 women owned business enterprises in obtaining contracts with

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1 public agencies for the provision of goods and services; or
 2 (2) an entity with which the person will subcontract all or part
 3 of a contract with a public agency (as defined in IC 5-16-6.5-2)
 4 as a disadvantaged business enterprise (as defined in
 5 IC 5-16-6.5-1) or a women owned enterprise (as defined in
 6 IC 5-16-16.5-3) in order to qualify for certification as an
 7 eligible bidder under a program conducted by a public agency
 8 designed to assist disadvantaged business enterprises or
 9 women owned enterprises in obtaining contracts with public
 10 agencies for the provision of goods and services;

11 commits a business enterprise deception, a Class D felony.

12 (c) A person who knowingly or intentionally provides false
 13 information to a governmental entity to obtain a contract from the
 14 governmental entity commits a Class A misdemeanor. However,
 15 the offense is a Class D felony if the provision of false information
 16 results in financial loss to the governmental entity.

17 (b) (d) In determining whether an advertisement is false,
 18 misleading, or deceptive under subsection (a)(9); (a)(8), there shall be
 19 considered, among other things, not only representations contained or
 20 suggested in the advertisement, by whatever means, including device
 21 or sound, but also the extent to which the advertisement fails to reveal
 22 material facts in the light of the representations.

23 SECTION 26. IC 35-43-5-4.5, AS ADDED BY P.L.181-2005,
 24 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2012]: Sec. 4.5. (a) A person who, knowingly and with intent
 26 to defraud:

- 27 (1) makes, utters, presents, or causes to be presented to an insurer
- 28 or an insurance claimant, a claim statement that contains false,
- 29 incomplete, or misleading information concerning the claim;
- 30 (2) presents, causes to be presented, or prepares with knowledge
- 31 or belief that it will be presented to or by an insurer, an oral, a
- 32 written, or an electronic statement that the person knows to
- 33 contain materially false information as part of, in support of, or
- 34 concerning a fact that is material to:
 - 35 (A) the rating of an insurance policy;
 - 36 (B) a claim for payment or benefit under an insurance policy;
 - 37 (C) premiums paid on an insurance policy;
 - 38 (D) payments made in accordance with the terms of an
 - 39 insurance policy;
 - 40 (E) an application for a certificate of authority;
 - 41 (F) the financial condition of an insurer; or
 - 42 (G) the acquisition of an insurer;

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1 or conceals any information concerning a subject set forth in
2 clauses (A) through (G);

3 (3) solicits or accepts new or renewal insurance risks by or for an
4 insolvent insurer or other entity regulated under IC 27;

5 (4) removes:

6 (A) the assets;

7 (B) the record of assets, transactions, and affairs; or

8 (C) a material part of the assets or the record of assets,
9 transactions, and affairs;

10 of an insurer or another entity regulated under IC 27, from the
11 home office, other place of business, or place of safekeeping of
12 the insurer or other regulated entity, or conceals or attempts to
13 conceal from the department of insurance assets or records
14 referred to in clauses (A) through (B); or

15 (5) diverts funds of an insurer or another person in connection
16 with:

17 (A) the transaction of insurance or reinsurance;

18 (B) the conduct of business activities by an insurer or another
19 entity regulated under IC 27; or

20 (C) the formation, acquisition, or dissolution of an insurer or
21 another entity regulated under IC 27;

22 commits insurance fraud. Except as provided in subsection (b),
23 insurance fraud is a Class D felony.

24 (b) An offense described in subsection (a) is a Class C felony if:

25 (1) the person who commits the offense has a prior unrelated
26 conviction under this section; or

27 (2) the:

28 (A) value of property, services, or other benefits obtained or
29 attempted to be obtained by the person as a result of the
30 offense; or

31 (B) economic loss suffered by another person as a result of the
32 offense;

33 is at least ~~two thousand five hundred dollars (\$2,500)~~ **fifty**
34 **thousand dollars (\$50,000)**.

35 (c) A person who knowingly and with intent to defraud makes a
36 material misstatement in support of an application for the issuance of
37 an insurance policy commits insurance application fraud, a Class A
38 misdemeanor.

39 SECTION 27. IC 35-43-5-5 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) A person who
41 knowingly or intentionally issues or delivers a check, a draft, or an
42 order on a credit institution for the payment of or to acquire money or

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1 other property, knowing that it will not be paid or honored by the credit
 2 institution upon presentment in the usual course of business, commits
 3 check deception, a Class A misdemeanor. However, the offense is a
 4 Class D felony if the amount of the check, draft, or order is at least ~~two~~
 5 **thousand five hundred seven hundred fifty** dollars (~~\$2,500~~) **and the**
 6 **property acquired by the person was a motor vehicle. (\$750).**

7 (b) An unpaid and dishonored check, a draft, or an order that has the
 8 drawee's refusal to pay and reason printed, stamped, or written on or
 9 attached to it constitutes prima facie evidence:

10 (1) that due presentment of it was made to the drawee for payment
 11 and dishonor thereof; and

12 (2) that it properly was dishonored for the reason stated.

13 (c) The fact that a person issued or delivered a check, a draft, or an
 14 order, payment of which was refused by the drawee, constitutes prima
 15 facie evidence that the person knew that it would not be paid or
 16 honored. In addition, evidence that a person had insufficient funds in
 17 or no account with a drawee credit institution constitutes prima facie
 18 evidence that the person knew that the check, draft, or order would not
 19 be paid or honored.

20 (d) The following two (2) items constitute prima facie evidence of
 21 the identity of the maker of a check, draft, or order if at the time of its
 22 acceptance they are obtained and recorded, either on the check, draft,
 23 or order itself or on file, by the payee:

24 (1) Name and residence, business, or mailing address of the
 25 maker.

26 (2) Motor vehicle operator's license number, Social Security
 27 number, home telephone number, or place of employment of the
 28 maker.

29 (e) It is a defense under subsection (a) if a person who:

30 (1) has an account with a credit institution but does not have
 31 sufficient funds in that account; and

32 (2) issues or delivers a check, a draft, or an order for payment on
 33 that credit institution;

34 pays the payee or holder the amount due, together with protest fees and
 35 any service fee or charge, which may not exceed the greater of
 36 twenty-seven dollars and fifty cents (\$27.50) or five percent (5%) (but
 37 not more than two hundred fifty dollars (\$250)) of the amount due, that
 38 may be charged by the payee or holder, within ten (10) days after the
 39 date of mailing by the payee or holder of notice to the person that the
 40 check, draft, or order has not been paid by the credit institution. Notice
 41 sent in the manner set forth in IC 26-2-7-3 constitutes notice to the
 42 person that the check, draft, or order has not been paid by the credit

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1 institution. The payee or holder of a check, draft, or order that has been
2 dishonored incurs no civil or criminal liability for sending notice under
3 this subsection.

- 4 (f) A person does not commit a crime under subsection (a) when:
 - 5 (1) the payee or holder knows that the person has insufficient
 - 6 funds to ensure payment or that the check, draft, or order is
 - 7 postdated; or
 - 8 (2) insufficiency of funds or credit results from an adjustment to
 - 9 the person's account by the credit institution without notice to the
 - 10 person.

11 SECTION 28. IC 35-43-5-7 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) A person who
13 knowingly or intentionally:

- 14 (1) obtains public relief or assistance by means of impersonation,
15 fictitious transfer, false or misleading oral or written statement,
16 ~~fraudulent~~ **fraudulent** conveyance, or other fraudulent means;
- 17 (2) acquires, possesses, uses, transfers, sells, trades, issues, or
18 disposes of:
 - 19 (A) an authorization document to obtain public relief or
20 assistance; or
 - 21 (B) public relief or assistance;
- 22 except as authorized by law;
- 23 (3) uses, transfers, acquires, issues, or possesses a blank or
24 incomplete authorization document to participate in public relief
25 or assistance programs, except as authorized by law;
- 26 (4) counterfeits or alters an authorization document to receive
27 public relief or assistance, or knowingly uses, transfers, acquires,
28 or possesses a counterfeit or altered authorization document to
29 receive public relief or assistance; or
- 30 (5) conceals information for the purpose of receiving public relief
31 or assistance to which ~~he~~ **the person** is not entitled;

32 commits welfare fraud, a Class A misdemeanor, except as provided in
33 subsection (b).

- 34 (b) The offense is:
 - 35 (1) a Class D felony if
 - 36 ~~(A)~~ the amount of public relief or assistance involved is more
 - 37 than ~~two hundred fifty dollars (\$250)~~ **seven hundred fifty**
 - 38 **dollars (\$750)** but less than ~~two thousand five hundred dollars~~
 - 39 ~~(\$2,500); or~~
 - 40 ~~(B)~~ the amount involved is not more than two hundred fifty
 - 41 dollars (\$250) and the person has a prior conviction of welfare
 - 42 fraud under this section; **fifty thousand dollars (\$50,000);**

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1 and
 2 (2) a Class C felony if the amount of public relief or assistance
 3 involved is ~~two thousand five hundred dollars (\$2,500) or more,~~
 4 ~~regardless of whether the person has a prior conviction of welfare~~
 5 ~~fraud under this section: at least fifty thousand dollars~~
 6 ~~(\$50,000).~~

7 (c) Whenever a person is convicted of welfare fraud under this
 8 section, the clerk of the sentencing court shall certify to the appropriate
 9 state agency and the appropriate agency of the county of the defendant's
 10 residence:

- 11 (1) ~~his the person's~~ conviction; and
- 12 (2) whether the defendant is placed on probation and restitution
- 13 is ordered under IC 35-38-2.

14 SECTION 29. IC 35-43-5-7.1, AS AMENDED BY P.L.1-2006,
 15 SECTION 531, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2012]: Sec. 7.1. (a) Except as provided in
 17 subsection (b), a person who knowingly or intentionally:

- 18 (1) files a Medicaid claim, including an electronic claim, in
 19 violation of IC 12-15;
- 20 (2) obtains payment from the Medicaid program under IC 12-15
 21 by means of a false or misleading oral or written statement or
 22 other fraudulent means;
- 23 (3) acquires a provider number under the Medicaid program
 24 except as authorized by law;
- 25 (4) alters with the intent to defraud or falsifies documents or
 26 records of a provider (as defined in 42 CFR 1000.30) that are
 27 required to be kept under the Medicaid program; or
- 28 (5) conceals information for the purpose of applying for or
 29 receiving unauthorized payments from the Medicaid program;
- 30 commits Medicaid fraud, a Class D felony.

31 (b) The offense described in subsection (a) is a Class C felony if the
 32 fair market value of the offense is at least ~~one hundred thousand dollars~~
 33 ~~(\$100,000):~~ **fifty thousand dollars (\$50,000).**

34 SECTION 30. IC 35-43-5-7.2 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7.2. (a) Except as
 36 provided in subsection (b), a person who knowingly or intentionally:

- 37 (1) files a children's health insurance program claim, including an
 38 electronic claim, in violation of IC 12-17.6;
- 39 (2) obtains payment from the children's health insurance program
 40 under IC 12-17.6 by means of a false or misleading oral or written
 41 statement or other fraudulent means;
- 42 (3) acquires a provider number under the children's health

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1 insurance program except as authorized by law;
 2 (4) alters with intent to defraud or falsifies documents or records
 3 of a provider (as defined in 42 CFR 1002.301) that are required
 4 to be kept under the children's health insurance program; or
 5 (5) conceals information for the purpose of applying for or
 6 receiving unauthorized payments from the children's health
 7 insurance program;

8 commits insurance fraud, a Class D felony.
 9 (b) The offense described in subsection (a) is a Class C felony if the
 10 fair market value of the offense is at least ~~one hundred thousand dollars~~
 11 ~~(\$100,000)~~; **fifty thousand dollars (\$50,000)**.

12 SECTION 31. IC 35-43-5-8, AS AMENDED BY P.L.57-2006,
 13 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2012]: Sec. 8. (a) A person who knowingly executes, or
 15 attempts to execute, a scheme or artifice:

- 16 (1) to defraud a state or federally chartered or federally insured
 17 financial institution; or
- 18 (2) to obtain any of the money, funds, credits, assets, securities,
 19 or other property owned by or under the custody or control of a
 20 state or federally chartered or federally insured financial
 21 institution by means of false or fraudulent pretenses,
 22 representations, or promises;

23 commits **bank fraud**, a ~~Class C~~ **Class D** felony. **However, the offense**
 24 **is a Class C felony if the total amount of property obtained is at**
 25 **least fifty thousand dollars (\$50,000).**

26 (b) As used in this section, the term "state or federally chartered or
 27 federally insured financial institution" means:

- 28 (1) an institution with accounts insured by the Federal Deposit
 29 Insurance Corporation;
- 30 (2) a credit union with accounts insured by the National Credit
 31 Union Administration Board;
- 32 (3) a federal home loan bank or a member, as defined in Section
 33 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422), as in
 34 effect on December 31, 1990, of the Federal Home Loan Bank
 35 System; or
- 36 (4) a bank, banking association, land bank, intermediate credit
 37 bank, bank for cooperatives, production credit association, land
 38 bank association, mortgage association, trust company, savings
 39 bank, or other banking or financial institution organized or
 40 operating under the laws of the United States or of the state.

41 The term does not include a lender licensed under IC 24-4.5.

42 SECTION 32. IC 35-43-5-9 IS REPEALED [EFFECTIVE JULY 1,

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1 2012]. Sec. 9: (a) A person who knowingly or intentionally falsely
 2 represents any entity as a disadvantaged business enterprise (as defined
 3 in IC 5-16-6.5-1) or a women owned business enterprise (as defined in
 4 IC 5-16-6.5-3) in order to qualify for certification as such an enterprise
 5 under a program conducted by a public agency (as defined in
 6 IC 5-16-6.5-2) designed to assist disadvantaged business enterprises or
 7 women owned business enterprises in obtaining contracts with public
 8 agencies for the provision of goods and services commits a Class D
 9 felony.

10 (b) A person who knowingly or intentionally falsely represents an
 11 entity with which the person will subcontract all or part of a contract
 12 with a public agency (as defined in IC 5-16-6.5-2) as a disadvantaged
 13 business enterprise (as defined in IC 5-16-6.5-1) or a women owned
 14 enterprise (as defined in IC 5-16-6.5-3) in order to qualify for
 15 certification as an eligible bidder under a program conducted by a
 16 public agency designed to assist disadvantaged business enterprises or
 17 women owned enterprises in obtaining contracts with public agencies
 18 for the provision of goods and services commits a Class D felony.

19 SECTION 33. IC 35-43-5-11 IS REPEALED [EFFECTIVE JULY
 20 1, 2012]. Sec. 11: A person who knowingly or intentionally provides
 21 false information to a governmental entity to obtain a contract from the
 22 governmental entity commits a Class A misdemeanor. However, the
 23 offense is a Class D felony if the provision of false information results
 24 in financial loss to the governmental entity.

25 SECTION 34. IC 35-43-5-12 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) As used in this
 27 section, "financial institution" refers to a state or federally chartered
 28 bank, savings bank, savings association, or credit union.

29 (b) A person who knowingly or intentionally obtains property,
 30 through a scheme or artifice, with intent to defraud:

31 (1) by issuing or delivering a check, a draft, an electronic debit,
 32 or an order on a financial institution:

33 (A) knowing that the check, draft, order, or electronic debit
 34 will not be paid or honored by the financial institution upon
 35 presentment in the usual course of business;

36 (B) using false or altered evidence of identity or residence;

37 (C) using a false or an altered account number; or

38 (D) using a false or an altered check, draft, order, or electronic
 39 instrument;

40 (2) by:

41 (A) depositing the minimum initial deposit required to open an
 42 account; and

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1 (B) either making no additional deposits or making insufficient
 2 additional deposits to insure debits to the account; or
 3 (3) by opening accounts with more than one (1) financial
 4 institution in either a consecutive or concurrent time period;
 5 commits check fraud, a Class D felony. However, the offense is a Class
 6 C felony if the person has a prior unrelated conviction under this
 7 section or the aggregate amount of property obtained is at least
 8 ~~twenty-five thousand dollars (\$25,000):~~ **fifty thousand dollars**
 9 **(\$50,000).**

10 SECTION 35. IC 35-43-5-18, AS ADDED BY P.L.171-2005,
 11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2012]: Sec. 18. **(a)** A person who knowingly or intentionally
 13 possesses a:

14 (1) device; or
 15 (2) substance;
 16 designed or intended to be used to interfere with a drug or alcohol
 17 screening test commits possession of a device or substance used to
 18 interfere with a drug or alcohol screening test, a Class B misdemeanor.

19 **(b) A person who interferes with or attempts to interfere with**
 20 **a drug or alcohol screening test by:**

21 **(1) using a:**
 22 **(A) device; or**
 23 **(B) substance;**
 24 **(2) substituting a human bodily substance that is tested in a**
 25 **drug or alcohol screening test; or**
 26 **(3) adulterating a substance used in a drug or alcohol**
 27 **screening test;**

28 **commits interfering with a drug or alcohol screening test, a Class**
 29 **B misdemeanor.**

30 SECTION 36. IC 35-43-5-19 IS REPEALED [EFFECTIVE JULY
 31 1, 2012]. Sec. 19: A person who interferes with or attempts to interfere
 32 with a drug or alcohol screening test by:

33 ~~(1) using a:~~
 34 ~~(A) device; or~~
 35 ~~(B) substance;~~
 36 ~~(2) substituting a human bodily substance that is tested in a drug~~
 37 ~~or alcohol screening test; or~~
 38 ~~(3) adulterating a substance used in a drug or alcohol screening~~
 39 ~~test;~~

40 ~~commits interfering with a drug or alcohol screening test, a Class B~~
 41 ~~misdemeanor.~~

42 SECTION 37. IC 35-43-5-20, AS ADDED BY P.L.81-2008,

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1 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2012]: Sec. 20. (a) As used in this section, "inmate" means a
 3 person who is confined in:
 4 (1) the custody of:
 5 (A) the department of correction; or
 6 (B) a sheriff;
 7 (2) a county jail; or
 8 (3) a secure juvenile facility.
 9 (b) An inmate **in pretrial status** who, with the intent of obtaining
 10 money or other property from a person who is not an inmate, knowingly
 11 or intentionally:
 12 (1) makes a misrepresentation to a person who is not an inmate
 13 and obtains or attempts to obtain money or other property from
 14 the person who is not an inmate; or
 15 (2) obtains or attempts to obtain money or other property from the
 16 person who is not an inmate through a misrepresentation made by
 17 another person;
 18 commits inmate fraud, a ~~Class E~~ **Class D** felony. **However, the offense**
 19 **is a Class C felony if the inmate is serving the sentence for a crime**
 20 **of which the inmate has been convicted, or if the value of the**
 21 **property that was the subject of the fraud was at least fifty**
 22 **thousand dollars (\$50,000).**

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