January 13, 2012

SENATE BILL No. 26

DIGEST OF SB 26 (Updated January 11, 2012 11:17 am - DI 106)

Citations Affected: Numerous provisions throughout the Indiana Code.

Synopsis: Title 35 definitions. Organizes definitions in Title 35. Makes technical corrections. (The introduced version of this bill was prepared by the criminal code evaluation commission.)

Effective: July 1, 2012.

Bray

January 4, 2012, read first time and referred to Committee on Judiciary.
January 12, 2012, amended, reported favorably — Do Pass.

C o p y

January 13, 2012

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.

C o p y

SENATE BILL No. 26

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:

SECTION 1. IC 1-1-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The following definitions apply to the construction of all Indiana statutes, unless the construction is plainly repugnant to the intent of the general assembly or of the context of the statute:

(1) "Adult", "of full age", and "person in his majority" mean a person at least eighteen (18) years of age.

(2) "Attorney" includes a counselor or other person authorized to appear and represent a party in an action or special proceeding.

(3) "Autism" means a neurological condition as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

(4) "Bond" does not necessarily imply a seal.

(5) "Clerk" means the clerk of the court or a person authorized to perform the clerk's duties.

(6) "Health record", "hospital record", or "medical record" means written or printed information possessed by a provider (as defined

in IC 16-18-2-295) concerning any diagnosis, treatment, or prognosis of the patient, unless otherwise defined. Except as otherwise provided, the terms include mental health records and drug and alcohol abuse records.

(7) "Highway" includes county bridges and state and county roads, unless otherwise expressly provided.

(8) "Infant" or "minor" means a person less than eighteen (18) years of age.

(9) "Inhabitant" may be construed to mean a resident in any place.

(10) "Judgment" means all final orders, decrees, and determinations in an action and all orders upon which executions may issue.

(11) "Land", "real estate", and "real property" include lands, tenements, and hereditaments.

(12) "Mentally incompetent" means of unsound mind.

(13) "Money demands on contract", when used in reference to an action, means an action arising out of contract when the relief demanded is a recovery of money.

(14) "Month" means a calendar month, unless otherwise expressed.

(15) "Noncode statute" means a statute that is not codified as part of the Indiana Code.

(16) "Oath" includes "affirmation", and "to swear" includes to "affirm".

(17) "Person" extends to bodies politic and corporate.

(18) "Personal property" includes goods, chattels, evidences of debt, and things in action.

(19) "Population" has the meaning set forth in IC 1-1-3.5-3.

(20) "Preceding" and "following", referring to sections in statutes, mean the sections next preceding or next following that in which the words occur, unless some other section is designated.

(21) "Property" includes personal and real property.

(22) "Sheriff" means the sheriff of the county or another person authorized to perform sheriff's duties.

(23) "State", applied to any one **(1)** of the United States, includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories. "United States" includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories.

(24) "Under legal disabilities" includes persons less than eighteen (18) years of age, mentally incompetent, or out of the United

C o p y

States.

(25) "Verified", when applied to pleadings, means supported by oath or affirmation in writing.

(26) "Will" includes a testament and codicil.

(27) "Without relief" in any judgment, contract, execution, or other instrument of writing or record, means without the benefit of valuation laws.

(28) "Written" and "in writing" include printing, lithographing, or other mode of representing words and letters. If the written signature of a person is required, the terms mean the proper handwriting of the person or the person's mark.

(29) "Year" means a calendar year, unless otherwise expressed.

(30) The definitions in ~~IC 35-41-1~~ **IC 35-31.5** apply to all statutes relating to penal offenses.

SECTION 2. IC 3-5-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) "Contribution" means a donation (whether characterized as an advance, a deposit, a gift, a loan, a subscription, or a contract or promise to make a donation) of property (as defined in ~~IC 35-41-1)~~ **IC 35-31.5-2-253)** that satisfies both of the following:

(1) The donation is made for the purpose of influencing any of the following:

(A) The nomination or election to office of a candidate.

(B) The election of delegates to a state constitutional convention.

(C) The outcome of a public question.

(2) The donation is accepted by any of the following:

(A) A candidate.

(B) A candidate's committee.

(C) A regular party committee.

(D) A political action committee.

(E) A legislative caucus committee.

(b) Whenever funds are transferred from one (1) committee to another, the accepting committee is considered to be receiving a contribution in the amount of the funds transferred.

(c) Whenever a candidate or a committee accepts the personal services of a person whose compensation is being paid by a third person, the candidate or committee is considered to be receiving a contribution from the third person in the amount of the compensation paid.

(d) Notwithstanding subsection (a), whenever a candidate or a committee accepts the personal services of a volunteer who is not being

C o p y

compensated, the candidate or committee is not considered to be receiving a contribution.

(e) Notwithstanding subsection (a), whenever a political action committee accepts a donation of:

(1) rent;
(2) office expenses;
(3) management fees;
(4) costs of solicitations of contributions; or
(5) other administrative costs;

the committee is not considered to be receiving a contribution.

SECTION 3. IC 3-5-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) "Expenditure" means a disbursement (whether characterized as an advance, a deposit, a distribution, a gift, a loan, a payment, a purchase, or a contract or promise to make a disbursement) of property (as defined in ~~IC 35-41-1)~~ **IC 35-31.5-2-253)** that:

(1) is made for the purpose of influencing:
(A) the nomination or election to office of a candidate;
(B) the election of delegates to a state constitutional convention; or
(C) the outcome of a public question; and
(2) is made by:
(A) an individual, except that a contribution made by an individual is not considered to be an expenditure;
(B) a candidate's committee;
(C) a regular party committee; or
(D) a political action committee.

(b) Whenever funds are transferred from one **(1)** committee to another, the disbursing committee is considered to be making an expenditure in the amount of the funds transferred.

SECTION 4. IC 3-5-2-26.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26.8. "Lawful detention" has the meaning set forth in ~~IC 35-41-1-18.~~ **IC 35-31.5-2-186.**

SECTION 5. IC 3-6-6-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 35. (a) Each election sheriff shall do the following:

(1) Except as provided in subsection (b), attend the polls in the appointed precinct from the opening of the polls to the conclusion of the count.
(2) Preserve order at the polls.
(3) Enforce the election laws under the direction of the precinct

C o p y

election board.

(4) Upon direction from a member of the precinct election board, request assistance from a law enforcement officer (as defined in ~~IC 35-41-1-17)~~ **IC 35-31.5-2-185)** if a violation of law within the polls, or within fifty (50) feet of the polls, has occurred or appears imminent.

(b) The sheriff may leave the polls for the purpose of obtaining assistance from a law enforcement officer under subsection (a)(4).

SECTION 6. IC 3-14-3-18, AS AMENDED BY P.L.103-2005, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) As used in this section, "candidate" includes an individual whom the person knows is considering becoming a candidate.

(b) A person who, for the purpose of influencing a voter or candidate, does any of the following commits a Class D felony:

(1) Seeks to enforce the payment of a debt by force or threat of force.

(2) Ejects or threatens to eject the voter or candidate from a house the voter or candidate occupies.

(3) Begins a criminal prosecution.

(4) Damages the business or trade of the voter or candidate.

(5) Communicates a threat to commit a forcible felony (as defined in ~~IC 35-41-1-11)~~ **IC 35-31.5-2-138)** against a voter or candidate with the intent that the voter or candidate:

(A) engage in conduct against the voter's or candidate's will; or

(B) be placed in fear of retaliation for a prior lawful act as a voter or candidate.

SECTION 7. IC 4-2-6-1, AS AMENDED BY P.L.2-2007, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this chapter, and unless the context clearly denotes otherwise:

(1) "Advisory body" means an authority, a board, a commission, a committee, a task force, or other body designated by any name of the executive department that is authorized only to make nonbinding recommendations.

(2) "Agency" means an authority, a board, a branch, a bureau, a commission, a committee, a council, a department, a division, an office, a service, or other instrumentality of the executive, including the administrative, department of state government. The term includes a body corporate and politic set up as an instrumentality of the state and a private, nonprofit, government

C o p y

related corporation. The term does not include any of the following:

(A) The judicial department of state government.

(B) The legislative department of state government.

(C) A state educational institution.

(D) A political subdivision.

(3) "Appointing authority" means the chief administrative officer of an agency. The term does not include a state officer.

(4) "Assist" means to:

(A) help;

(B) aid;

(C) advise; or

(D) furnish information to;

a person. The term includes an offer to do any of the actions in clauses (A) through (D).

(5) "Business relationship" includes the following:

(A) Dealings of a person with an agency seeking, obtaining, establishing, maintaining, or implementing:

(i) a pecuniary interest in a contract or purchase with the agency; or

(ii) a license or permit requiring the exercise of judgment or discretion by the agency.

(B) The relationship a lobbyist has with an agency.

(C) The relationship an unregistered lobbyist has with an agency.

(6) "Commission" refers to the state ethics commission created under section 2 of this chapter.

(7) "Compensation" means any money, thing of value, or financial benefit conferred on, or received by, any person in return for services rendered, or for services to be rendered, whether by that person or another.

(8) "Employee" means an individual, other than a state officer, who is employed by an agency on a full-time, a part-time, a temporary, an intermittent, or an hourly basis. The term includes an individual who contracts with an agency for personal services.

(9) "Employer" means any person from whom a state officer or employee or the officer's or employee's spouse received compensation. For purposes of this chapter, a customer or client of a self-employed individual in a sole proprietorship or a professional practice is not considered to be an employer.

(10) "Financial interest" means an interest:

(A) in a purchase, sale, lease, contract, option, or other

C o p y

transaction between an agency and any person; or

(B) involving property or services.

The term includes an interest arising from employment or prospective employment for which negotiations have begun. The term does not include an interest of a state officer or employee in the common stock of a corporation unless the combined holdings in the corporation of the state officer or the employee, that individual's spouse, and that individual's unemancipated children are more than one percent (1%) of the outstanding shares of the common stock of the corporation. The term does not include an interest that is not greater than the interest of the general public or any state officer or any state employee.

(11) "Information of a confidential nature" means information:

(A) obtained by reason of the position or office held; and

(B) which:

(i) a public agency is prohibited from disclosing under IC 5-14-3-4(a);

(ii) a public agency has the discretion not to disclose under IC 5-14-3-4(b) and that the agency has not disclosed; or

(iii) is not in a public record, but if it were, would be confidential.

(12) "Person" means any individual, proprietorship, partnership, unincorporated association, trust, business trust, group, limited liability company, or corporation, whether or not operated for profit, or a governmental agency or political subdivision.

(13) "Political subdivision" means a county, city, town, township, school district, municipal corporation, special taxing district, or other local instrumentality. The term includes an officer of a political subdivision.

(14) "Property" has the meaning set forth in ~~IC 35-41-1-23.~~ **IC 35-31.5-2-253.**

(15) "Represent" means to do any of the following on behalf of a person:

(A) Attend an agency proceeding.

(B) Write a letter.

(C) Communicate with an employee of an agency.

(16) "Special state appointee" means a person who is:

(A) not a state officer or employee; and

(B) elected or appointed to an authority, a board, a commission, a committee, a council, a task force, or other body designated by any name that:

(i) is authorized by statute or executive order; and

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(ii) functions in a policy or an advisory role in the executive (including the administrative) department of state government, including a separate body corporate and politic.

(17) "State officer" means any of the following:

(A) The governor.

(B) The lieutenant governor.

(C) The secretary of state.

(D) The auditor of state.

(E) The treasurer of state.

(F) The attorney general.

(G) The superintendent of public instruction.

(18) The masculine gender includes the masculine and feminine.

(19) The singular form of any noun includes the plural wherever appropriate.

(b) The definitions in IC 4-2-7 apply throughout this chapter.

SECTION 8. IC 4-31-13-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(b) This section applies only to property given after June 30, 1996.

(c) As used in this section, "officer" refers only to either of the following:

(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.

(2) An individual who is a successor to an individual described in subdivision (1).

(d) For purposes of this section, a person is considered to have an interest in a permit holder if the person satisfies any of the following:

(1) The person holds at least a one percent (1%) interest in the permit holder.

(2) The person is an officer of the permit holder.

(3) The person is an officer of a person that holds at least a one percent (1%) interest in the permit holder.

(4) The person is a political action committee of the permit holder.

(e) A permit holder or a person with an interest in a permit holder may not give any property (as defined in ~~IC 35-41-1-23)~~ **IC 35-31.5-2-253)** to a member of a precinct committee to induce the member of the precinct committee to do any act or refrain from doing any act with respect to the approval of a local public question under IC 4-31-4.

(f) A person who knowingly or intentionally violates this section

C o p y

commits a Class D felony.

SECTION 9. IC 4-33-10-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) This section applies only to property given after June 30, 1996.

(b) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(c) As used in this section, "license" means:

(1) an owner's license issued under this article;

(2) a supplier's license issued under this article to a supplier of gaming supplies or equipment, including electronic gaming equipment; or

(3) an operating agent contract entered into under this article.

(d) As used in this section, "licensee" means a person who holds a license. The term includes an operating agent.

(e) As used in this section, "officer" refers only to either of the following:

(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.

(2) An individual who is a successor to an individual described in subdivision (1).

(f) For purposes of this section, a person is considered to have an interest in a licensee if the person satisfies any of the following:

(1) The person holds at least a one percent (1%) interest in the licensee.

(2) The person is an officer of the licensee.

(3) The person is an officer of a person that holds at least a one percent (1%) interest in the licensee.

(4) The person is a political action committee of the licensee.

(g) A licensee or a person with an interest in a licensee may not give any property (as defined in ~~IC 35-41-1-23)~~ **IC 35-31.5-2-253)** to a member of a precinct committee to induce the member of the precinct committee to do any act or refrain from doing any act with respect to the approval of a local public question under IC 4-33-6-19.

(h) A person who knowingly or intentionally violates this section commits a Class D felony.

SECTION 10. IC 4-33-20-9, AS ADDED BY P.L.227-2007, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. A gaming control officer:

(1) is a law enforcement officer under IC 9-13-2-92 and ~~IC 35-41-1-17~~ **IC 35-31.5-2-185** and has the power to enforce Indiana laws and without warrant to arrest for the violation of any of those laws when committed in the officer's presence;

C o p y

(2) is a police officer under IC 9-13-2-127;
(3) has the power of law enforcement officers to arrest under IC 35-33-1-1; and
(4) has the power to enforce Indiana laws and may exercise all powers granted by law to state police officers, sheriffs, and members of police departments.

SECTION 11. IC 5-2-6.1-13, AS AMENDED BY P.L.121-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) Subject to subsection (b) and except as provided in subsection (c), benefits may not be awarded:

(1) if the victim sustained the injury as a result of participating or assisting in, or attempting to commit or committing a criminal act;
(2) if the injury occurred while the victim was a resident in a county, city, or federal jail or prison or in an institution operated by the department of correction;
(3) if the victim profited or would have profited from the criminal act; or
(4) if, at the time the injury occurred, the victim was intoxicated and contributed to the commission of an unrelated felony.

(b) If the victim is a dependent child or dependent parent of the person who commits a violent crime, compensation may be awarded where justice requires.

(c) Benefits may be awarded to a person described in subsection (a)(4) who is the victim of a sex crime under IC 35-42-4, a crime ~~of~~ **involving domestic or** family violence (as defined in ~~IC 35-41-1-6.5),~~ **IC 35-31.5-2-76),** or a crime of domestic violence (as defined in ~~IC 35-41-1-6.3).~~ **IC 35-31.5-2-78).**

SECTION 12. IC 5-2-8-1, AS AMENDED BY P.L.34-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The following definitions apply in this section:

(1) "Abuse" means:
(A) conduct that causes bodily injury (as defined in ~~IC 35-41-1-4)~~ **IC 35-31.5-2-29)** or damage to property; or
(B) a threat of conduct that would cause bodily injury (as defined in ~~IC 35-41-1-4)~~ **IC 35-31.5-2-29)** or damage to property.
(2) "County law enforcement agency" includes:
(A) postsecondary educational institution police officers appointed under IC 21-17-5 or IC 21-39-4; and
(B) school corporation police officers appointed under IC 20-26-16.

C o p y

(b) There is established in each county a county law enforcement continuing education program. The program is funded by amounts appropriated under IC 33-37-8-4 or IC 33-37-8-6.

(c) A county law enforcement agency receiving amounts based upon claims for law enforcement continuing education funds under IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the county law enforcement continuing education fund.

(d) Distribution of money in the county law enforcement continuing education fund shall be made to a county law enforcement agency without the necessity of first obtaining an appropriation from the county fiscal body.

(e) Money in excess of one hundred dollars ($100) that is unencumbered and remains in a county law enforcement continuing education fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of a county's fiscal year, be deposited by the county auditor in the law enforcement training fund established under IC 5-2-1-13(b).

(f) To make a claim under IC 33-37-8-6, a law enforcement agency shall submit to the fiscal body a verified statement of cause numbers for fees collected that are attributable to the law enforcement efforts of that agency.

(g) A law enforcement agency shall submit a claim for fees under this section in the same county fiscal year in which the fees are collected under IC 33-37-4.

(h) A county law enforcement agency program shall provide to each law enforcement officer employed by the county and may provide to each law enforcement officer employed by a city or town law enforcement agency within the county continuing education concerning the following:

(1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.

(2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.

(3) Techniques for handling incidents of abuse that:

(A) minimize the likelihood of injury to the law enforcement officer; and

(B) promote the safety of a victim.

(4) Information about the nature and extent of abuse.

(5) Information about the legal rights of and remedies available to victims of abuse.

(6) How to document and collect evidence in an abuse case.

C o p y

(7) The legal consequences of abuse.
(8) The impact on children of law enforcement intervention in abuse cases.
(9) Services and facilities available to victims of abuse and abusers.
(10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.
(11) Policies concerning arrest or release of suspects in abuse cases.
(12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.
(13) Landlord-tenant concerns in abuse cases.
(14) The taking of an abused child into protective custody.
(15) Assessment of a situation in which a child may be seriously endangered if the child is left in the child's home.
(16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).
(17) Response to a sudden, unexpected infant death.
(18) Performing cardiopulmonary resuscitation and the Heimlich maneuver.

(i) A county law enforcement agency may enter into an agreement with other law enforcement agencies to provide the continuing education required by this section and section 2(f) of this chapter.

SECTION 13. IC 5-10-10-1.5, AS AMENDED BY P.L.8-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.5. As used in this chapter, "correctional officer" includes:

(1) a county jail officer under IC 11-12-4-4;
(2) a person who has received a correctional officer training certificate under IC 11-8-2-8;
(3) a prison matron or an assistant prison matron under IC 36-8-10-5;
(4) any other person whose duties include the daily or ongoing supervision and care of persons who are lawfully detained (as defined in ~~IC 35-41-1-18)~~ **IC 35-31.5-2-186)** in a facility operated by the state or a political subdivision of the state; and
(5) a hazardous duty employee of the department of correction who:
(A) works within a prison or juvenile facility; or
(B) performs parole or emergency response operations and functions.

SECTION 14. IC 5-13-4-21.3, AS ADDED BY P.L.107-2011,

C o p y

SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21.3. "Public servant" has the meaning set forth in ~~IC 35-41-1-24.~~ **IC 35-31.5-2-261.**

SECTION 15. IC 7.1-6-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. "Person" has the meaning set forth in ~~IC 35-41-1-22.~~ **IC 35-31.5-2-234.**

SECTION 16. IC 8-15-3-34, AS ADDED BY P.L.47-2006, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 34. The department may arrange for the use and employment of police officers to police a tollway. The police officers employed under this section are vested with all necessary police powers to enforce state laws. A police officer employed under this section has the same powers within the property limits of a tollway as a law enforcement officer (as defined in ~~IC 35-41-1-17)~~ **IC 35-31.5-2-185)** within the law enforcement officer's jurisdiction. A warrant of arrest issued by the proper authority of the state may be executed within the property limits of the tollway by a police officer employed by the department or an operator.

SECTION 17. IC 8-15.7-2-7, AS ADDED BY P.L.47-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. "Law enforcement officer" has the meaning set forth in ~~IC 35-41-1-17.~~ **IC 35-31.5-2-185.**

SECTION 18. IC 9-13-2-92, AS AMENDED BY P.L.94-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 92. (a) "Law enforcement officer", except as provided in subsection (b), includes the following:

(1) A state police officer.
(2) A city, town, or county police officer.
(3) A sheriff.
(4) A county coroner.
(5) A conservation officer.
(6) An individual assigned as a motor carrier inspector under IC 10-11-2-26(a).
(7) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.
(8) An excise police officer of the alcohol and tobacco commission.

(b) "Law enforcement officer", for purposes of ~~IC 9-30-5,~~ IC 9-30-6 **and** IC 9-30-7, ~~IC 9-30-8, and IC 9-30-9,~~ has the meaning set forth in ~~IC 35-41-1.~~ **IC 35-31.5-2-185.**

SECTION 19. IC 9-13-2-165 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 165. "Serious bodily

Copy

injury" has the meaning set forth in ~~IC 35-41-1.~~ **IC 35-31.5-2-292.**

SECTION 20. IC 9-24-19-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A person who operates a motor vehicle upon a highway when the person knows that the person's driving privilege, license, or permit is suspended or revoked, when the person's suspension or revocation was a result of the person's conviction of an offense (as defined in ~~IC 35-41-1-19)~~ **IC 35-31.5-2-215)** commits a Class A misdemeanor.

SECTION 21. IC 10-14-3-33.5, AS AMENDED BY P.L.17-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 33.5. (a) Except as provided in subsection (b), the state, a political subdivision, or any other person may not prohibit or restrict the lawful possession, transfer, sale, transportation, storage, display, or use of firearms or ammunition during:

(1) a disaster emergency;
(2) an energy emergency; or
(3) a local disaster emergency;

declared under this chapter.

(b) Subsection (a) does not authorize the possession, transfer, sale, transportation, storage, display, or use of firearms or ammunition during an emergency described in subsection (a):

(1) in or on school property, in or on property that is being used by a school for a school function, or on a school bus in violation of IC 20-33-8-16 or IC 35-47-9-2;
(2) on the property of:
    (A) a child caring institution;
    (B) an emergency shelter care child caring institution;
    (C) a private secure facility;
    (D) a group home; or
    (E) an emergency shelter care group home;

in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465 IAC 2-11-80, 465 IAC 2-12-78, or 465 IAC 2-13-77;
(3) on the property of a penal facility (as defined in ~~IC 35-41-1-21);~~ **IC 35-31.5-2-232);**
(4) in violation of federal law;
(5) in or on property belonging to an approved postsecondary educational institution (as defined in IC 21-7-13-6(b));
(6) on the property of a domestic violence shelter; or
(7) on property owned, operated, controlled, or used by an entity that:
    (A) is required to:
        (i) conduct a vulnerability assessment; and

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(ii) develop and implement a site security plan;
under the United States Department of Homeland Security's Chemical Facility Anti-Terrorism Standards issued April 9, 2007; or
(B) is required to have a security plan under the Maritime Transportation Security Act of 2002, Public Law 107-295.

SECTION 22. IC 10-16-19-1, AS ADDED BY P.L.10-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This section does not apply to an employee of the state subject to IC 4-15-10-8.

(b) This section applies to an employee of a political subdivision who:

(1) is a member of the civil air patrol; and
(2) has notified the employee's employer in writing that the employee is a member of the civil air patrol.

(c) A political subdivision employer may not discipline an employee:

(1) for being absent from employment by reason of engaging in an emergency service operation that began before the time that the employee was to report to employment; or
(2) for leaving the employee's duty station to engage in an emergency service operation if the emergency service operation began after the employee had reported for work and the employee secured authorization from the employee's supervisor to leave the employee's duty station before leaving to engage in the emergency service operation.

(d) A political subdivision employer may require an employee who has been absent from employment as set forth in subsection (c)(1) or (c)(2) to present a written statement from the commander or other officer in charge of the civil air patrol at the time of the absence indicating that the employee was engaged in an emergency service operation at the time of the absence.

(e) An employee who is disciplined by the employee's employer in violation of subsection (c) may bring a civil action against the employer in the county of employment. In the action, the employee may seek the following:

(1) Payment of back wages.
(2) Reinstatement to the employee's former position.
(3) Fringe benefits wrongly denied or withdrawn.
(4) Seniority rights wrongly denied or withdrawn.

An action brought under this subsection must be filed within one (1) year after the date of the disciplinary action.

C o p y

(f) A public servant (as defined in ~~IC 35-41-1-24)~~ **IC 35-31.5-2-261)** who permits or authorizes an employee of a political subdivision under the supervision of the public servant to be absent from employment as set forth in subsection (c) is not considered to have committed a violation of IC 35-44-2-4(b).

SECTION 23. IC 11-8-8-7, AS AMENDED BY P.L.119-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:

(1) A sex or violent offender who resides in Indiana. A sex or violent offender resides in Indiana if either of the following applies:

(A) The sex or violent offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The sex or violent offender owns real property in Indiana and returns to Indiana at any time.

(2) A sex or violent offender who works or carries on a vocation or intends to work or carry on a vocation full time or part time for a period:

(A) exceeding seven (7) consecutive days; or

(B) for a total period exceeding fourteen (14) days;

during any calendar year in Indiana regardless of whether the sex or violent offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) A sex or violent offender who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or postsecondary educational institution.

(b) Except as provided in subsection (e), a sex or violent offender who resides in Indiana shall register with the local law enforcement authority in the county where the sex or violent offender resides. If a sex or violent offender resides in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county in which the sex or violent offender resides. If the sex or violent offender is also required to register under subsection (a)(2) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (c) or (d).

(c) A sex or violent offender described in subsection (a)(2) shall register with the local law enforcement authority in the county where the sex or violent offender is or intends to be employed or carry on a

C o p y

vocation. If a sex or violent offender is or intends to be employed or carry on a vocation in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county. If the sex or violent offender is also required to register under subsection (a)(1) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (d).

(d) A sex or violent offender described in subsection (a)(3) shall register with the local law enforcement authority in the county where the sex or violent offender is enrolled or intends to be enrolled as a student. If the sex or violent offender is also required to register under subsection (a)(1) or (a)(2), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (c).

(e) A sex or violent offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located. If the sex or violent offender is also required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b), (c), or (d).

(f) A sex or violent offender committed to the department shall register with the department before the sex or violent offender is released from incarceration. The department shall forward the sex or violent offender's registration information to the local law enforcement authority of every county in which the sex or violent offender is required to register.

(g) This subsection does not apply to a sex or violent offender who is a sexually violent predator. A sex or violent offender not committed to the department shall register not more than seven (7) days after the sex or violent offender:

(1) is released from a penal facility (as defined in ~~IC 35-41-1-21);~~ **IC 35-31.5-2-232);**

(2) is released from a secure private facility (as defined in IC 31-9-2-115);

(3) is released from a juvenile detention facility;

(4) is transferred to a community transition program;

(5) is placed on parole;

(6) is placed on probation;

(7) is placed on home detention; or

(8) arrives at the place where the sex or violent offender is required to register under subsection (b), (c), or (d);

C o p y

whichever occurs first. A sex or violent offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex or violent offender's arrival in that county or acquisition of real estate in that county.

(h) This subsection applies to a sex or violent offender who is a sexually violent predator. A sex or violent offender who is a sexually violent predator shall register not more than seventy-two (72) hours after the sex or violent offender:

(1) is released from a penal facility (as defined in ~~IC 35-41-1-21);~~ **IC 35-31.5-2-232);**

(2) is released from a secure private facility (as defined in IC 31-9-2-115);

(3) is released from a juvenile detention facility;

(4) is transferred to a community transition program;

(5) is placed on parole;

(6) is placed on probation;

(7) is placed on home detention; or

(8) arrives at the place where the sexually violent predator is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex or violent offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.

(i) The local law enforcement authority with whom a sex or violent offender registers under this section shall make and publish a photograph of the sex or violent offender on the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex or violent offender that complies with the requirements of IC 36-2-13-5.5 at least once per year. The sheriff of a county containing a consolidated city shall provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex or violent offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5.

C o p y

(j) When a sex or violent offender registers, the local law enforcement authority shall:

(1) immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5;

(2) notify every law enforcement agency having jurisdiction in the county where the sex or violent offender resides; and

(3) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS).

When a sex or violent offender from a jurisdiction outside Indiana registers a change of address, electronic mail address, instant messaging username, electronic chat room username, social networking web site username, employment, vocation, or enrollment in Indiana, the local law enforcement authority shall provide the department with the information provided by the sex or violent offender during registration.

SECTION 24. IC 11-8-8-13, AS AMENDED BY P.L.216-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) To verify a sex or violent offender's current residence, the local law enforcement authority having jurisdiction over the area of the sex or violent offender's current principal address or location shall do the following:

(1) Mail a form that is approved or prescribed by the department to each sex or violent offender in the county at the sex or violent offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex or violent offender is:

(A) released from a penal facility (as defined in ~~IC 35-41-1-21),~~ **IC 35-31.5-2-232),** a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;

(B) placed in a community transition program;

(C) placed in a community corrections program;

(D) placed on parole; or

(E) placed on probation;

whichever occurs first.

(2) Mail a form that is approved or prescribed by the department to each sex or violent offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex or violent offender is:

(A) released from a penal facility (as defined in

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~~IC 35-41-1-21),~~ **IC 35-31.5-2-232),** a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
(B) placed in a community transition program;
(C) placed in a community corrections program;
(D) placed on parole; or
(E) placed on probation;
whichever occurs first.
(3) Personally visit each sex or violent offender in the county at the sex or violent offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex or violent offender is:
(A) released from a penal facility (as defined in ~~IC 35-41-1-21),~~ **IC 35-31.5-2-232),** a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
(B) placed in a community transition program;
(C) placed in a community corrections program;
(D) placed on parole; or
(E) placed on probation;
whichever occurs first.
(4) Personally visit each sex or violent offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex or violent offender is:
(A) released from a penal facility (as defined in ~~IC 35-41-1-21),~~ **IC 35-31.5-2-232),** a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
(B) placed in a community transition program;
(C) placed in a community corrections program;
(D) placed on parole; or
(E) placed on probation;
whichever occurs first.

(b) If a sex or violent offender fails to return a signed form either by mail or in person, not later than fourteen (14) days after mailing, or appears not to reside at the listed address, the local law enforcement authority shall immediately notify the department and the prosecuting attorney.

SECTION 25. IC 11-8-8-19, AS AMENDED BY P.L.119-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) Except as provided in subsections (b) through (e), a sex or violent offender is required to register under this

C o p y

chapter until the expiration of ten (10) years after the date the sex or violent offender:

(1) is released from a penal facility (as defined in ~~IC 35-41-1-21)~~ **IC 35-31.5-2-232)** or a secure juvenile detention facility of a state or another jurisdiction;

(2) is placed in a community transition program;

(3) is placed in a community corrections program;

(4) is placed on parole; or

(5) is placed on probation;

for the sex or violent offense requiring registration, whichever occurs last. The registration period is tolled during any period that the sex or violent offender is incarcerated. The registration period does not restart if the offender is convicted of a subsequent offense. However, if the subsequent offense is a sex or violent offense, a new registration period may be imposed in accordance with this chapter. The department shall ensure that an offender who is no longer required to register as a sex or violent offender is notified that the obligation to register has expired.

(b) A sex or violent offender who is a sexually violent predator is required to register for life.

(c) A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter that the sex or violent offender committed:

(1) when the person was at least eighteen (18) years of age; and

(2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life.

(d) A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter in which the sex offender:

(1) proximately caused serious bodily injury or death to the victim;

(2) used force or the threat of force against the victim or a member of the victim's family, unless the offense is sexual battery as a Class D felony; or

(3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

is required to register for life.

(e) A sex or violent offender who is convicted of at least two (2) unrelated offenses under section 5(a) of this chapter is required to register for life.

(f) A person who is required to register as a sex or violent offender in any jurisdiction shall register for the period required by the other jurisdiction or the period described in this section, whichever is longer.

C o p y

SECTION 26. IC 11-13-3-4, AS AMENDED BY P.L.229-2011, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole, the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

(1) retained by the parolee;

(2) forwarded to any person charged with the parolee's supervision; and

(3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

(1) consider:

(A) the residence of the parolee prior to the parolee's incarceration; and

(B) the parolee's place of employment; and

(2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

(1) periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and

(2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be

C o p y

revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

(1) may require a parolee who is a sex offender (as defined in IC 11-8-8-4.5) to:

(A) participate in a treatment program for sex offenders approved by the parole board; and

(B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:

(i) receives the parole board's approval; or

(ii) successfully completes the treatment program referred to in clause (A); and

(2) shall:

(A) require a parolee who is a sex or violent offender (as defined in IC 11-8-8-5) to register with a local law enforcement authority under IC 11-8-8;

(B) prohibit a parolee who is a sex offender from residing within one thousand (1,000) feet of school property (as defined in ~~IC 35-41-1-24.7)~~ **IC 35-31.5-2-285)** for the period of parole, unless the sex offender obtains written approval from the parole board;

(C) prohibit a parolee who is a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the sex offender's sex offense unless the sex offender obtains a waiver under IC 35-38-2-2.5;

(D) prohibit a parolee who is a sex offender from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age;

(E) require a parolee who is a sex offender to consent:

(i) to the search of the sex offender's personal computer at any time; and

(ii) to the installation on the sex offender's personal computer or device with Internet capability, at the sex offender's expense, of one (1) or more hardware or software systems to monitor Internet usage; and

(F) prohibit the sex offender from:

(i) accessing or using certain web sites, chat rooms, or instant messaging programs frequented by children; and

(ii) deleting, erasing, or tampering with information on the sex offender's personal computer with intent to conceal an activity prohibited by item (i).

C o p y

The parole board may not grant a sexually violent predator (as defined in IC 35-38-1-7.5) or a sex offender who is an offender against children under IC 35-42-4-11 a waiver under subdivision (2)(B) or (2)(C). If the parole board allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

(h) The address of the victim of a parolee who is a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, even if the sex offender obtains a waiver under IC 35-38-2-2.5.

(i) As a condition of parole, the parole board may require a parolee to participate in a reentry court program.

(j) As a condition of parole, the parole board:

(1) shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5; and

(2) may require a parolee who is a sex or violent offender (as defined in IC 11-8-8-5);

to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, subject to the amount appropriated to the department for a monitoring program as a condition of parole.

(k) As a condition of parole, the parole board may prohibit, in accordance with IC 35-38-2-2.6, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.

(l) As a condition of parole, the parole board may prohibit a parolee convicted of an offense under IC 35-46-3 from owning, harboring, or training an animal, and, if the parole board prohibits a parolee convicted of an offense under IC 35-46-3 from having direct or indirect contact with an individual, the parole board may also prohibit the parolee from having direct or indirect contact with any animal belonging to the individual.

(m) A parolee may be responsible for the reasonable expenses, as determined by the department, of the parolee's participation in a treatment or other program required as a condition of parole under this section. However, a person's parole may not be revoked solely on the basis of the person's inability to pay for a program required as a condition of parole under this section.

SECTION 27. IC 11-13-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) An employee of

C o p y

the department assigned to supervise and assist parolees may:

(1) execute warrants issued by the parole board;

(2) serve orders, subpoenas, and notices issued by the parole board;

(3) conduct investigations necessary to the performance of ~~his~~ **the employee's** duties;

(4) visit and confer with any person under ~~his~~ **the employee's** supervision, even when that person is in custody;

(5) act as a probation officer if requested by the appropriate court and if that request is approved by the department;

(6) search a parolee's person or property if ~~he~~ **the employee** has reasonable cause to believe that the parolee is violating or is in imminent danger of violating a condition to remaining on parole;

(7) arrest a parolee without a warrant if ~~he~~ **the employee** has reasonable cause to believe that the parolee has violated or is about to violate a condition to remaining on parole and that an emergency situation exists, so that awaiting action by the parole board under section 8 of this chapter would create an undue risk to the public or to the parolee; and

(8) exercise any other power reasonably necessary in discharging ~~his~~ **the employee's** duties and powers.

(b) An employee of the department assigned to supervise and assist parolees is not considered a law enforcement officer under IC 5-2-1 or ~~IC 35-41-1.~~ **IC 35-31.5-2-185.**

SECTION 28. IC 11-13-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) An employee of the department assigned to supervise and assist parolees may:

(1) execute warrants issued by the department;

(2) serve orders, subpoenas, and notices issued by the department;

(3) conduct investigations necessary to the performance of ~~his~~ **the employee's** duties;

(4) visit and confer with any person under ~~his~~ **the employee's** supervision, even when that person is in custody;

(5) act as a probation officer if requested by the appropriate court and if that request is approved by the department;

(6) search a parolee's person or property if ~~he~~ **the employee** has reasonable cause to believe that the parolee is violating or is in imminent danger of violating a condition of parole;

(7) arrest a parolee without a warrant if ~~he~~ **the employee** has reasonable cause to believe that the parolee has violated or is about to violate a condition of ~~his~~ **the parolee's** parole and that an emergency situation exists, so that awaiting action under section

C o p y

7 of this chapter would create an undue risk to the public or to the parolee; and

(8) exercise any other power reasonably necessary in discharging ~~his~~ **the employee's** duties and powers.

(b) An employee of the department assigned to supervise and assist parolees is not considered a law enforcement officer under IC 5-2-1 or ~~IC 35-41-1.~~ **IC 35-31.5-2-185.**

SECTION 29. IC 12-7-2-88 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 88. "Forcible felony", for purposes of IC 12-23, has the meaning set forth in ~~IC 35-41-1.~~ **IC 35-31.5-2-138.**

SECTION 30. IC 12-7-2-147 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 147. "Property", for purposes of IC 12-12-1, has the meaning set forth in ~~IC 35-41-1-23.~~ **IC 35-31.5-2-253.**

SECTION 31. IC 12-23-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. Prosecution may be deferred under sections 2 through 5 of this chapter if a defendant has been charged with a misdemeanor or infraction in which the use of alcohol or drugs was a contributing factor or material element of the offense or the defendant's mental illness was a contributing factor, unless at least one (1) of the following exists:

(1) The offense involves death or serious bodily injury.

(2) The defendant has a record of at least two (2) prior convictions of forcible felonies (as defined in ~~IC 35-41-1).~~ **IC 35-31.5-2-138).**

(3) Other criminal proceedings, not arising out of the same incident, alleging commission of a felony are pending against the defendant.

(4) The defendant is on probation or parole and the appropriate parole or probation authority does not consent to the defendant's participation.

(5) The defendant fails to meet additional eligibility requirements imposed by the court.

SECTION 32. IC 12-24-12-10, AS AMENDED BY P.L.141-2006, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) Upon admission to a state institution administered by the division of mental health and addiction, the gatekeeper is one (1) of the following:

(1) For an individual with a psychiatric disorder, the community mental health center that submitted the report to the committing court under IC 12-26.

C o p y

(2) For an individual with a developmental disability, a division of disability and rehabilitative services service coordinator under IC 12-11-2.1.

(3) For an individual entering an addictions program, an addictions treatment provider that is certified by the division of mental health and addiction.

(b) The division is the gatekeeper for the following:

(1) An individual who is found to have insufficient comprehension to stand trial under IC 35-36-3.

(2) An individual who is found to be not guilty by reason of insanity under IC 35-36-2-4 and is subject to a civil commitment under IC 12-26.

(3) An individual who is immediately subject to a civil commitment upon the individual's release from incarceration in a facility administered by the department of correction or the Federal Bureau of Prisons, or upon being charged with or convicted of a forcible felony under ~~IC 35-41-1.~~ **IC 35-31.5-2-138.**

(4) An individual placed under the supervision of the division for addictions treatment under IC 12-23-7 and IC 12-23-8.

(5) An individual transferred from the department of correction under IC 11-10-4.

SECTION 33. IC 13-11-2-158, AS AMENDED BY P.L.189-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 158. (a) "Person", for purposes of:

(1) IC 13-21;

(2) air pollution control laws;

(3) water pollution control laws; and

(4) environmental management laws, except as provided in subsections (c), (d), **and** (e); ~~and (h);~~

means an individual, a partnership, a copartnership, a firm, a company, a corporation, an association, a joint stock company, a trust, an estate, a municipal corporation, a city, a school city, a town, a school town, a school district, a school corporation, a county, any consolidated unit of government, political subdivision, state agency, a contractor, or any other legal entity.

(b) "Person", for purposes of:

(1) IC 13-18-10;

(2) IC 13-18-10.5;

(3) IC 13-20-10.5; and

(4) IC 13-20-17;

means an individual, a partnership, a copartnership, a firm, a company,

C o p y

a corporation, an association, a joint stock company, a trust, an estate, a political subdivision, a state agency, or other legal entity, or their legal representative, agent, or assigns.

(c) "Person", for purposes of:

(1) IC 13-20-13;

(2) IC 13-20-14;

(3) IC 13-20-16; and

(4) IC 13-25-6;

means an individual, a corporation, a limited liability company, a partnership, or an unincorporated association.

(d) "Person", for purposes of IC 13-23, has the meaning set forth in subsection (a). The term includes a consortium, a joint venture, a commercial entity, and the United States government.

(e) "Person", for purposes of IC 13-20-17.5 and IC 13-25-3, means an individual, a corporation, a limited liability company, a partnership, a trust, an estate, or an unincorporated association.

(f) "Person", for purposes of IC 13-26, means an individual, a firm, a partnership, an association, a limited liability company, or a corporation other than an eligible entity.

(g) "Person", for purposes of IC 13-29-1, means any individual, corporation, business enterprise, or other legal entity either public or private and any legal successor, representative, agent, or agency of that individual, corporation, business enterprise, or legal entity.

~~(h) "Person", for purposes of IC 13-30-8-1, has the meaning set forth in IC 35-41-1.~~

SECTION 34. IC 14-9-8-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. A conservation officer:

(1) is a law enforcement officer under IC 9-13-2-92 and ~~IC 35-41-1-17~~ **IC 35-31.5-2-185** and has the power to enforce Indiana laws and without warrant to arrest for the violation of any of those laws when committed in the officer's presence;

(2) is a police officer under IC 9-13-2-127;

(3) has the power of law enforcement officers to arrest under IC 35-33-1-1; and

(4) has the power to enforce Indiana laws and may exercise all powers granted by law to state police officers, sheriffs, and members of police departments.

SECTION 35. IC 14-15-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. As used in this chapter, "law enforcement officer" has the meaning set forth in ~~IC 35-41-1.~~ **IC 35-31.5-2-185.** The term includes conservation officers

C o p y

employed by the department.

SECTION 36. IC 14-15-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. As used in this chapter, "serious bodily injury" has the meaning set forth in ~~IC 35-41-1.~~ **IC 35-31.5-2-292.**

SECTION 37. IC 14-15-11-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) Except as provided in subsection (b), a person who operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked commits a Class A infraction. However, if:

(1) a person knowingly or intentionally violates this subsection; and

(2) less than ten (10) years have elapsed between the date a judgment was entered against the person for a prior unrelated violation of this subsection, IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5 (repealed July 1, 2000), or IC 9-24-19 and the date the violation described in subdivision (1) was committed;

the person commits a Class A misdemeanor.

(b) If:

(1) a person operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked; and

(2) the person's suspension or revocation was a result of the person's conviction of an offense (as defined in ~~IC 35-41-1-19);~~ **IC 35-31.5-2-215);**

the person commits a Class A misdemeanor. However, notwithstanding IC 35-50-3-2, a person who violates this subsection shall be imprisoned for a fixed term of not less than sixty (60) days and not more than one (1) year. Notwithstanding IC 35-50-3-1, the court may not suspend any part of the sentence except that part of the sentence exceeding sixty (60) days.

(c) In addition to any other penalty imposed for a conviction under this section, the court shall recommend that the person's privileges to operate a motorboat upon public waters be suspended for a fixed period of not less than ninety (90) days and not more than two (2) years.

(d) The bureau, upon receiving a record of conviction of a person on a charge of operating a motorboat while the person's driver's license was suspended, shall extend the period of suspension for a fixed period of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction.

(e) In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that, at the time

C o p y

of the alleged offense, the defendant held a valid Indiana driver's license.

SECTION 38. IC 14-22-40-5, AS AMENDED BY P.L.26-2008, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this chapter, "law enforcement officer" has the meaning set forth in ~~IC 35-41-1-17.~~ **IC 35-31.5-2-185.** The term includes a conservation officer.

SECTION 39. IC 15-13-1-16, AS ADDED BY P.L.2-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. "Property" has the meaning set forth in ~~IC 35-41-1-23.~~ **IC 35-31.5-2-253.**

SECTION 40. IC 16-18-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) "Advanced life support", for purposes of IC 16-31, means care that is given:

(1) at the scene of:
(A) an accident;
(B) an act of terrorism (as defined in ~~IC 35-41-1-26.5),~~ **IC 35-31.5-2-329)** if the governor has declared a disaster emergency under IC 10-14-3-12 in response to the act of terrorism; or
(C) an illness;
(2) during transport; or
(3) at a hospital;

by a paramedic or an emergency medical technician-intermediate and that is more advanced than the care usually provided by an emergency medical technician or an emergency medical technician-basic advanced.

(b) The term may include any of the following:
(1) Defibrillation.
(2) Endotracheal intubation.
(3) Parenteral injections of appropriate medications.
(4) Electrocardiogram interpretation.
(5) Emergency management of trauma and illness.

SECTION 41. IC 16-31-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) This section does not apply to an act or omission that was a result of gross negligence or willful or intentional misconduct.

(b) An act or omission of a paramedic, an emergency medical technician-intermediate, an emergency medical technician-basic advanced, an emergency medical technician, or a person with equivalent certification from another state that is performed or made while providing advanced life support or basic life support to a patient

C o p y

or trauma victim does not impose liability upon the paramedic, the emergency medical technician-intermediate, the emergency medical technician-basic advanced, an emergency medical technician, the person with equivalent certification from another state, a hospital, a provider organization, a governmental entity, or an employee or other staff of a hospital, provider organization, or governmental entity if the advanced life support or basic life support is provided in good faith:

(1) in connection with a disaster emergency declared by the governor under IC 10-14-3-12 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in ~~IC 35-41-1-26.5);~~ **IC 35-31.5-2-329);** and

(2) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

SECTION 42. IC 16-41-8-1, AS AMENDED BY P.L.125-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this chapter, "potentially disease transmitting offense" means any of the following:

(1) Battery by body waste (IC 35-42-2-6).

(2) An offense relating to a criminal sexual act (as defined in ~~IC 35-41-1-19.3),~~ **IC 35-31.5-2-216),** if sexual intercourse or deviate sexual conduct occurred.

The term includes an attempt to commit an offense, if sexual intercourse or deviate sexual conduct occurred, and a delinquent act that would be a crime if committed by an adult.

(b) Except as provided in this chapter, a person may not disclose or be compelled to disclose medical or epidemiological information involving a communicable disease or other disease that is a danger to health (as defined under rules adopted under IC 16-41-2-1). This information may not be released or made public upon subpoena or otherwise, except under the following circumstances:

(1) Release may be made of medical or epidemiologic information for statistical purposes if done in a manner that does not identify an individual.

(2) Release may be made of medical or epidemiologic information with the written consent of all individuals identified in the information released.

(3) Release may be made of medical or epidemiologic information to the extent necessary to enforce public health laws, laws described in IC 31-37-19-4 through IC 31-37-19-6, IC 31-37-19-9 through IC 31-37-19-10, IC 31-37-19-12 through IC 31-37-19-23, IC 35-38-1-7.1, and IC 35-42-1-7, or to protect the health or life

C o p y

of a named party.

(4) Release may be made of the medical information of a person in accordance with this chapter.

(c) Except as provided in this chapter, a person responsible for recording, reporting, or maintaining information required to be reported under IC 16-41-2 who recklessly, knowingly, or intentionally discloses or fails to protect medical or epidemiologic information classified as confidential under this section commits a Class A misdemeanor.

(d) In addition to subsection (c), a public employee who violates this section is subject to discharge or other disciplinary action under the personnel rules of the agency that employs the employee.

(e) Release shall be made of the medical records concerning an individual to:

(1) the individual;

(2) a person authorized in writing by the individual to receive the medical records; or

(3) a coroner under IC 36-2-14-21.

(f) An individual may voluntarily disclose information about the individual's communicable disease.

(g) The provisions of this section regarding confidentiality apply to information obtained under IC 16-41-1 through IC 16-41-16.

SECTION 43. IC 20-33-8-16, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.

(b) As used in this section, "deadly weapon" has the meaning set forth in ~~IC 35-41-1-8.~~ **IC 35-31.5-2-86.** The term does not include a firearm or destructive device.

(c) As used in this section, "destructive device" has the meaning set forth in IC 35-47.5-2-4.

(d) Notwithstanding section 20 of this chapter, a student who is:

(1) identified as bringing a firearm or destructive device to school or on school property; or

(2) in possession of a firearm or destructive device on school property;

must be expelled for at least one (1) calendar year, with the return of the student to be at the beginning of the first school semester after the end of the one (1) year period.

(e) The superintendent may, on a case by case basis, modify the period of expulsion under subsection (d) for a student who is expelled under this section.

(f) Notwithstanding section 20 of this chapter, a student who is:

C o p y

(1) identified as bringing a deadly weapon to school or on school property; or

(2) in possession of a deadly weapon on school property;

may be expelled for not more than one (1) calendar year.

(g) A superintendent or the superintendent's designee shall immediately notify the appropriate law enforcement agency having jurisdiction over the property where the school is located if a student engages in a behavior described in subsection (d). The superintendent may give similar notice if the student engages in a behavior described in subsection (f). Upon receiving notification under this subsection, the law enforcement agency shall begin an investigation and take appropriate action.

(h) A student with disabilities (as defined in IC 20-35-7-7) who possesses a firearm on school property is subject to procedural safeguards under 20 U.S.C. 1415.

SECTION 44. IC 21-12-3-13, AS AMENDED BY P.L.229-2011, SECTION 223, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. The commission may not provide assistance under this chapter to a higher education award applicant or recipient who is:

(1) convicted of a felony;

(2) sentenced to a term of imprisonment for that felony; and

(3) confined for that felony at a penal facility (as defined in ~~IC 35-41-1-21).~~ **IC 35-31.5-2-232).**

SECTION 45. IC 22-11-17-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. An owner of a public building commits a Class D felony if:

(1) ~~he~~ **the owner** knowingly or intentionally violates section 2 of this chapter; and

(2) bodily injury (as defined by ~~IC 35-41-1)~~ **IC 35-31.5-2-29)** or a loss of life occurs to a person lawfully in the public building as a result of a fire in the building.

SECTION 46. IC 22-11-18-1, AS AMENDED BY P.L.17-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter:

"Bodily injury" has the meaning set forth in ~~IC 35-41-1-4.~~ **IC 35-31.5-2-29.**

"Dwelling" means a residence with at least one (1) dwelling unit as set forth in IC 22-12-1-4(a)(1)(B) and IC 22-12-1-5(a)(1).

"Hotels and motels" means buildings or structures kept, maintained, used, advertised, or held out to the public as inns or places where sleeping accommodations are furnished for hire for transient guests.

C o p y

"Landlord" has the meaning set forth in IC 32-31-3-3.

"Owner" means a person having control or custody of any building covered by this chapter.

"Person" means an individual, corporation, partnership, association, or other legal entity.

"Rental premises" has the meaning set forth in IC 32-31-7-3.

"Rental unit" has the meaning set forth in IC 32-31-3-8.

"Smoke detector" means a device which senses visible or invisible particles of combustion and conforms to the minimum standards for type, components, and maintenance prescribed by the National Fire Protection Association.

"Seasonally occupied dwellings" means hotels and motels open to the public for occupancy by guests only during any period of time between April 15 and October 15 each year.

"Single level dwellings" means all single level (no more than one (1) level above ground) hotels and motels that have no interior corridors, and whose individual rooms have exterior exits.

"Tenant" has the meaning set forth in IC 32-31-3-10.

SECTION 47. IC 23-1-55-2, AS ADDED BY P.L.92-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. A person (as defined in ~~IC 35-41-1-22)~~ **IC 35-31.5-2-234)** that intends to offer for sale or sell sexually explicit materials shall register with the secretary of state the intent to offer for sale or sell sexually explicit materials and provide a statement detailing the types of materials that the person intends to offer for sale or sell.

SECTION 48. IC 24-3-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this chapter, "law enforcement officer" has the meaning set forth in ~~IC 35-41-1-17.~~ **IC 35-31.5-2-185.**

SECTION 49. IC 24-4-16.4-1, AS ADDED BY P.L.92-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "person" has the meaning set forth in ~~IC 35-41-1-22.~~ **IC 35-31.5-2-234.**

SECTION 50. IC 24-8-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. "Property" has the meaning set forth in ~~IC 35-41-1-23.~~ **IC 35-31.5-2-253.**

SECTION 51. IC 25-1-9-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.5. As used in this chapter, "sexual contact" means:

(1) sexual intercourse (as defined in ~~IC 35-41-1-26);~~ **IC 35-31.5-2-302);**

(2) deviate sexual conduct (as defined in ~~IC 35-41-1-9);~~

C o p y

IC 35-31.5-2-94); or

(3) any fondling or touching intended to arouse or satisfy the sexual desires of either the individual performing the fondling or touching or the individual being fondled or touched.

SECTION 52. IC 25-22.5-1-2, AS AMENDED BY P.L.177-2009, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) This article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:

(1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.

(2) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received.

(3) A paramedic (as defined in IC 16-18-2-266), an emergency medical technician-basic advanced (as defined in IC 16-18-2-112.5), an emergency medical technician-intermediate (as defined in IC 16-18-2-112.7), an emergency medical technician (as defined in IC 16-18-2-112), or a person with equivalent certification from another state who renders advanced life support (as defined in IC 16-18-2-7) or basic life support (as defined in IC 16-18-2-33.5):

(A) during a disaster emergency declared by the governor under IC 10-14-3-12 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in ~~IC 35-41-1-26.5);~~ **IC 35-31.5-2-329);** and

(B) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

(4) Commissioned medical officers or medical service officers of the armed forces of the United States, the United States Public Health Service, and medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana.

(5) An individual who is not a licensee who resides in another state or country and is authorized to practice medicine or osteopathic medicine there, who is called in for consultation by an individual licensed to practice medicine or osteopathic medicine in Indiana.

(6) A person administering a domestic or family remedy to a member of the person's family.

C o p y

(7) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or physical operations, or assume the title of or profess to be a physician.

(8) A school corporation and a school employee who acts under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).

(9) A chiropractor practicing the chiropractor's profession under IC 25-10 or to an employee of a chiropractor acting under the direction and supervision of the chiropractor under IC 25-10-1-13.

(10) A dental hygienist practicing the dental hygienist's profession under IC 25-13.

(11) A dentist practicing the dentist's profession under IC 25-14.

(12) A hearing aid dealer practicing the hearing aid dealer's profession under IC 25-20.

(13) A nurse practicing the nurse's profession under IC 25-23. However, a certified registered nurse anesthetist (as defined in IC 25-23-1-1.4) may administer anesthesia if the certified registered nurse anesthetist acts under the direction of and in the immediate presence of a physician.

(14) An optometrist practicing the optometrist's profession under IC 25-24.

(15) A pharmacist practicing the pharmacist's profession under IC 25-26.

(16) A physical therapist practicing the physical therapist's profession under IC 25-27.

(17) A podiatrist practicing the podiatrist's profession under IC 25-29.

(18) A psychologist practicing the psychologist's profession under IC 25-33.

(19) A speech-language pathologist or audiologist practicing the pathologist's or audiologist's profession under IC 25-35.6.

(20) An employee of a physician or group of physicians who performs an act, a duty, or a function that is customarily within the specific area of practice of the employing physician or group of physicians, if the act, duty, or function is performed under the direction and supervision of the employing physician or a physician of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing physician or the physician of the employing group

C o p y

under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing physician or a physician of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (9) through (18), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.

(21) A hospital licensed under IC 16-21 or IC 12-25.

(22) A health care organization whose members, shareholders, or partners are individuals, partnerships, corporations, facilities, or institutions licensed or legally authorized by this state to provide health care or professional services as:

(A) a physician;
(B) a psychiatric hospital;
(C) a hospital;
(D) a health maintenance organization or limited service health maintenance organization;
(E) a health facility;
(F) a dentist;
(G) a registered or licensed practical nurse;
(H) a midwife;
(I) an optometrist;
(J) a podiatrist;
(K) a chiropractor;
(L) a physical therapist; or
(M) a psychologist.

(23) A physician assistant practicing the physician assistant profession under IC 25-27.5.

(24) A physician providing medical treatment under IC 25-22.5-1-2.1.

(25) An attendant who provides attendant care services (as defined in IC 16-18-2-28.5).

(26) A personal services attendant providing authorized attendant care services under IC 12-10-17.1.

(b) A person described in subsection (a)(9) through (a)(18) is not excluded from the application of this article if:

(1) the person performs an act that an Indiana statute does not authorize the person to perform; and

(2) the act qualifies in whole or in part as the practice of medicine or osteopathic medicine.

(c) An employment or other contractual relationship between an

C o p y

entity described in subsection (a)(21) through (a)(22) and a licensed physician does not constitute the unlawful practice of medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed physician. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of medicine or osteopathic medicine.

(d) This subsection does not apply to a prescription or drug order for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21. A physician licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19-11 through IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection commits the unlawful practice of medicine under this chapter.

(e) A person described in subsection (a)(8) shall not be authorized to dispense contraceptives or birth control devices.

SECTION 53. IC 31-37-19-12, AS AMENDED BY P.L.125-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be:

(1) an offense relating to a criminal sexual act (as defined in ~~IC 35-41-1-19.3)~~ **IC 35-31.5-2-216)** and the offense created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV); or

(2) an offense relating to controlled substances (as defined in ~~IC 35-41-1-19.4)~~ **IC 35-31.5-2-217)** if the offense involved:

(A) the delivery by a person to another person; or

(B) the use by a person on another person;

of a contaminated sharp (as defined in IC 16-41-16-2) or other paraphernalia that creates an epidemiologically demonstrated risk of transmission of HIV by involving percutaneous contact.

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the child to undergo a screening test for the human immunodeficiency virus (HIV).

(c) If the screening test indicates the presence of antibodies to HIV, the court shall order the child to undergo a confirmatory test.

(d) If the confirmatory test confirms the presence of the HIV antibodies, the court shall report the results to the state department of health.

C o p y

(e) The state department of health shall do the following:

(1) Notify potentially affected victims of the offense relating to a criminal sexual act (as defined in ~~IC 35-41-1-19.3)~~ **IC 35-31.5-2-216)** or offense relating to controlled substances (as defined in ~~IC 35-41-1-19.4)~~ **IC 35-31.5-2-217)** of the HIV screening results.

(2) Provide counseling regarding HIV and a referral for appropriate health care to the victims.

SECTION 54. IC 31-37-19-17.4, AS AMENDED BY P.L.146-2008, SECTION 653, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17.4. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be an offense relating to a criminal sexual act (as defined in ~~IC 35-41-1-19.3).~~ **IC 35-1.5-2-216).**

(b) The juvenile court may, in addition to any other order or decree the court makes under this chapter, order:

(1) the child; and

(2) the child's parent or guardian;

to receive psychological counseling as directed by the court, subject to the applicable provisions of IC 31-37-17-1.4 and IC 31-37-18-9.

SECTION 55. IC 32-30-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "indecent nuisance" means a:

(1) place in or upon which prostitution (as described in IC 35-45-4);

(2) public place in or upon which deviate sexual conduct (as defined in ~~IC 35-41-1-9)~~ **IC 35-31.5-2-94)** or sexual intercourse (as defined in ~~IC 35-41-1-26);~~ **IC 35-31.5-2-302);** or

(3) public place in or upon which the fondling of the genitals of a person;

is conducted, permitted, continued, or exists, and the personal property and contents used in conducting and maintaining the place for such a purpose.

SECTION 56. IC 32-30-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this chapter, "person" has the meaning set forth in ~~IC 35-41-1-22.~~ **IC 35-31.5-2-234.**

SECTION 57. IC 32-31-9-3, AS ADDED BY P.L.22-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. As used in this chapter, "applicable offense" refers to any of the following:

C o p y

(1) A crime involving domestic or family violence (as defined in ~~IC 35-41-1-6.5).~~ **IC 35-31.5-2-76).**

(2) A sex offense under IC 35-42-4.

(3) Stalking under IC 35-45-10.

SECTION 58. IC 32-34-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. A brand adopted in accordance with this chapter is the exclusive trademark of the person adopting the brand, and the brand constitutes property under ~~IC 35-41-1-23.~~ **IC 35-31.5-2-253.**

SECTION 59. IC 33-39-1-6, AS AMENDED BY P.L.119-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Special prosecutors may be appointed under this section or in accordance with IC 4-2-7-7.

(b) A circuit or superior court judge:

(1) shall appoint a special prosecutor if:

(A) any person other than the prosecuting attorney or the prosecuting attorney's deputy files a verified petition requesting the appointment of a special prosecutor; and

(B) the prosecuting attorney agrees that a special prosecutor is needed;

(2) may appoint a special prosecutor if:

(A) a person files a verified petition requesting the appointment of a special prosecutor; and

(B) the court, after:

(i) notice is given to the prosecuting attorney; and

(ii) an evidentiary hearing is conducted at which the prosecuting attorney is given an opportunity to be heard;

finds by clear and convincing evidence that the appointment is necessary to avoid an actual conflict of interest or there is probable cause to believe that the prosecutor has committed a crime;

(3) may appoint a special prosecutor if:

(A) the prosecuting attorney files a petition requesting the court to appoint a special prosecutor; and

(B) the court finds that the appointment is necessary to avoid the appearance of impropriety;

(4) may appoint a special prosecutor if:

(A) an elected public official, who is a defendant in a criminal proceeding, files a verified petition requesting a special prosecutor within ten (10) days after the date of the initial hearing; and

(B) the court finds that the appointment of a special prosecutor

C o p y

is in the best interests of justice; and

(5) shall appoint a special prosecutor if:

(A) a previously appointed special prosecutor:

(i) files a motion to withdraw as special prosecutor; or

(ii) has become incapable of continuing to represent the interests of the state; and

(B) the court finds that the facts that established the basis for the initial appointment of a special prosecutor still exist.

The elected prosecuting attorney of the appointing jurisdiction shall receive notice of all pleadings filed and orders issued under this subdivision.

(c) Each person appointed to serve as a special prosecutor:

(1) must consent to the appointment; and

(2) must be:

(A) the prosecuting attorney or a deputy prosecuting attorney in a county other than the county in which the person is to serve as special prosecutor; or

(B) except as provided in subsection (d), a senior prosecuting attorney.

(d) A senior prosecuting attorney may be appointed in the county in which the senior prosecuting attorney previously served if the court finds that an appointment under this subsection would not create the appearance of impropriety.

(e) A person appointed to serve as a special prosecutor has the same powers as the prosecuting attorney of the county. However, the appointing judge shall limit scope of the special prosecutor's duties to include only the investigation or prosecution of a particular case or particular grand jury investigation.

(f) The court shall establish the length of the special prosecutor's term. If the target of an investigation by the special prosecutor is a public servant (as defined in ~~IC 35-41-1-24),~~ **IC 35-31.5-2-261),** the court shall order the special prosecutor to file a report of the investigation with the court at the conclusion of the investigation. The report is a public record.

(g) If the special prosecutor is not regularly employed as a full-time prosecuting attorney or full-time deputy prosecuting attorney, the compensation for the special prosecutor's services:

(1) shall be paid to the special prosecutor from the unappropriated funds of the appointing county; and

(2) may not exceed:

(A) an hourly rate based upon the regular salary of a full-time prosecuting attorney of the appointing circuit;

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(B) travel expenses and reasonable accommodation expenses actually incurred; and

(C) other reasonable expenses actually incurred, including the costs of investigation, discovery, and secretarial work, if:

(i) before incurring the other reasonable expenses described in this clause, the special prosecutor submits an application to the court to receive the other reasonable expenses; and

(ii) the court approves the expenses.

The amount of compensation a special prosecutor receives for services performed during a calendar day under subdivision (2)(A) may not exceed the amount of compensation a full-time prosecuting attorney would receive in salary for the calendar day.

(h) If the special prosecutor is regularly employed as a full-time prosecuting attorney or deputy prosecuting attorney, the compensation for the special prosecutor's services:

(1) shall be paid out of the appointing county's unappropriated funds to the treasurer of the county in which the special prosecutor regularly serves; and

(2) must include a per diem equal to the regular salary of a full-time prosecuting attorney of the appointing circuit, travel expenses, and reasonable accommodation expenses actually incurred.

(i) The combination of:

(1) the compensation paid to a senior prosecuting attorney under this chapter; and

(2) retirement benefits that the person appointed as a senior prosecuting attorney is receiving or entitled to receive;

may not exceed the minimum compensation to which a full-time prosecuting attorney is entitled under IC 33-39-6-5.

(j) A senior prosecuting attorney appointed under this chapter may not be compensated as senior prosecuting attorney for more than one hundred (100) calendar days in total during a calendar year if the senior prosecuting attorney receives retirement benefits during the calendar year. However, if the senior prosecuting attorney does not receive retirement benefits during a calendar year, the senior prosecuting attorney may be compensated as a senior prosecuting attorney for not more than two hundred (200) calendar days in total during the calendar year.

SECTION 60. IC 34-6-2-73.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 73.3. "Law enforcement officer", for purposes of IC 34-26-5, has the meaning set forth in ~~IC 35-41-1-17.~~ **IC 35-31.5-2-185.**

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SECTION 61. IC 34-6-2-103, AS AMENDED BY P.L.154-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 103. (a) "Person", for purposes of IC 34-14, has the meaning set forth in IC 34-14-1-13.

(b) "Person", for purposes of IC 34-11-2-11.5 and IC 34-24-4, means:

(1) an individual;
(2) a governmental entity;
(3) a corporation;
(4) a firm;
(5) a trust;
(6) a partnership; or
(7) an incorporated or unincorporated association that exists under or is authorized by the laws of this state, another state, or a foreign country.

(c) "Person", for purposes of section 44.8 of this chapter, means an adult or a minor.

(d) "Person", for purposes of IC 34-26-4, has the meaning set forth in ~~IC 35-41-1-22.~~ **IC 35-31.5-2-234.**

(e) "Person", for purposes of IC 34-30-5, means any of the following:

(1) An individual.
(2) A corporation.
(3) A partnership.
(4) An unincorporated association.
(5) The state (as defined in IC 34-6-2-140).
(6) A political subdivision (as defined in IC 34-6-2-110).
(7) Any other entity recognized by law.

(f) "Person", for purposes of IC 34-30-6, means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity that:

(1) has qualifications or experience in:
(A) storing, transporting, or handling a hazardous substance or compressed gas;
(B) fighting fires;
(C) emergency rescue; or
(D) first aid care; or
(2) is otherwise qualified to provide assistance appropriate to remedy or contribute to the remedy of the emergency.

(g) "Person", for purposes of IC 34-30-18, includes:

(1) an individual;
(2) an incorporated or unincorporated organization or association;

C o p y

(3) the state of Indiana;
(4) a political subdivision (as defined in IC 36-1-2-13);
(5) an agency of the state or a political subdivision; or
(6) a group of such persons acting in concert.

(h) "Person", for purposes of sections 42, 43, 69, and 95 of this chapter, means an individual, an incorporated or unincorporated organization or association, or a group of such persons acting in concert.

(i) "Person", for purposes of IC 34-30-10.5, means the following:
(1) A political subdivision (as defined in IC 36-1-2-13).
(2) A volunteer fire department (as defined in IC 36-8-12-2).
(3) An employee of an entity described in subdivision (1) or (2) who acts within the scope of the employee's responsibilities.
(4) A volunteer firefighter (as defined in IC 36-8-12-2) who is acting for a volunteer fire department.
(5) A corporation, a limited liability company, a partnership, an unincorporated association, or any other entity recognized by law.

(j) "Person", for purposes of IC 34-28-7, means:
(1) an individual;
(2) a governmental entity;
(3) a corporation;
(4) a firm;
(5) a trust;
(6) a partnership; or
(7) an incorporated or unincorporated association that exists under or is authorized by the laws of this state, another state, or a foreign country.

SECTION 62. IC 34-6-2-120 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 120. (a) "Property", for purposes of IC 34-24-2, has the meaning set forth in ~~IC 35-41-1-23.~~ **IC 35-31.5-2-253.**

(b) "Property", for purposes of IC 34-30-9, includes the following:
(1) Real property.
(2) Private ways.
(3) Waters.
(4) A structure located on property listed in subdivisions (1) through (3).

SECTION 63. IC 34-6-2-148 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 148. "Vehicle", for purposes of IC 34-24-3, has the meaning set forth in ~~IC 35-41-1-28.~~ **IC 35-31.5-2-346.**

SECTION 64. IC 34-12-3-2 IS AMENDED TO READ AS

C o p y

FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this chapter, "person" has the meaning set forth in ~~IC 35-41-1-22.~~ **IC 35-31.5-2-234.**

SECTION 65. IC 34-24-1-1, AS AMENDED BY P.L.182-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by ~~IC 35-41-1),~~ **IC 35-31.5-2-346),** if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:

(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

(i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(ii) Dealing in methamphetamine (IC 35-48-4-1.1).

(iii) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(iv) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(v) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(vi) Dealing in a counterfeit substance (IC 35-48-4-5).

(vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).

(viii) Possession of methamphetamine (IC 35-48-4-6.1).

(ix) Dealing in paraphernalia (IC 35-48-4-8.5).

(x) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10).

(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars ($100) or more.

(C) Any hazardous waste in violation of IC 13-30-10-1.5.

(D) A bomb (as defined in ~~IC 35-41-1-4.3)~~ **IC 35-31.5-2-31)** or weapon of mass destruction (as defined in ~~IC 35-41-1-29.4)~~ **IC 35-31.5-2-354)** used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by ~~IC 35-41-1-26.5).~~ **IC 35-31.5-2-329).**

(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of

C o p y

terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):

(A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;

(B) used to facilitate any violation of a criminal statute; or

(C) traceable as proceeds of the violation of a criminal statute.

(3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.

(4) A vehicle that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

(C) escape from the commission of;

murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.

(5) Real property owned by a person who uses it to commit any of the following as a Class A felony, a Class B felony, or a Class C felony:

(A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(B) Dealing in methamphetamine (IC 35-48-4-1.1).

(C) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(D) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(E) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10).

(6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).

(7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.

(8) Property (as defined by ~~IC 35-41-1-23)~~ **IC 35-31.5-2-253)** or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).

(9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.

(10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing,

C o p y

photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.

(11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.

(12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.

(13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.

(14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.

(B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.

(15) Except as provided in subsection (e), a motor vehicle used by a person who operates the motor vehicle:

(A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or

(B) on a highway while the person's driver's license is suspended in violation of IC 9-24-19-2 through IC 9-24-19-4, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.

If a court orders the seizure of a motor vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a motor vehicle to be registered in the name of the person whose motor vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).

(16) The following real or personal property:

C o p y

(A) Property used or intended to be used to commit, facilitate, or promote the commission of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(B) Property constituting, derived from, or traceable to the gross proceeds that a person obtains directly or indirectly as a result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

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

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

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

(1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).

(2) IC 35-48-4-1.1 (dealing in methamphetamine).

(3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).

(4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

(5) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Class B felony.

(6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a Class A felony, Class B felony, or Class C felony.

(7) IC 35-48-4-6.1 (possession of methamphetamine) as a Class A felony, Class B felony, or Class C felony.

(8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid) as a Class C felony.

(e) A motor vehicle operated by a person who is not:

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(1) an owner of the motor vehicle; or

(2) the spouse of the person who owns the motor vehicle;

is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 66. IC 34-28-5-1, AS AMENDED BY P.L.101-2009, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this section, "probationary license" refers to a license described in IC 9-24-11-3(b) or IC 9-24-11-3.3(b).

(b) An action to enforce a statute defining an infraction shall be brought in the name of the state of Indiana by the prosecuting attorney for the judicial circuit in which the infraction allegedly took place. However, if the infraction allegedly took place on a public highway (as defined in IC 9-25-2-4) that runs on and along a common boundary shared by two (2) or more judicial circuits, a prosecuting attorney for any judicial circuit sharing the common boundary may bring the action.

(c) An action to enforce an ordinance shall be brought in the name of the municipal corporation. The municipal corporation need not prove that it or the ordinance is valid unless validity is controverted by affidavit.

(d) Actions under this chapter (or IC 34-4-32 before its repeal):

(1) shall be conducted in accordance with the Indiana Rules of Trial Procedure; and

(2) must be brought within two (2) years after the alleged conduct or violation occurred.

(e) The plaintiff in an action under this chapter must prove the commission of an infraction or ordinance violation by a preponderance of the evidence.

(f) The complaint and summons described in IC 9-30-3-6 may be used for any infraction or ordinance violation.

(g) Subsection (h) does not apply to an individual holding a probationary license who is alleged to have committed an infraction under any of the following when the individual was less than eighteen (18) years of age at the time of the alleged offense:

IC 9-19
IC 9-21
IC 9-24
IC 9-25
IC 9-26
IC 9-30-5

C o p y

IC 9-30-10
IC 9-30-15.

(h) This subsection does not apply to an offense or violation under IC 9-24-6 involving the operation of a commercial motor vehicle. The prosecuting attorney or the attorney for a municipal corporation may establish a deferral program for deferring actions brought under this section. Actions may be deferred under this section if:

(1) the defendant in the action agrees to conditions of a deferral program offered by the prosecuting attorney or the attorney for a municipal corporation;

(2) the defendant in the action agrees to pay to the clerk of the court an initial user's fee and monthly user's fee set by the prosecuting attorney or the attorney for the municipal corporation in accordance with IC 33-37-4-2(e);

(3) the terms of the agreement are recorded in an instrument signed by the defendant and the prosecuting attorney or the attorney for the municipal corporation;

(4) the defendant in the action agrees to pay a fee of seventy dollars ($70) to the clerk of court if the action involves a moving traffic offense (as defined in IC 9-13-2-110);

(5) the agreement is filed in the court in which the action is brought; and

(6) if the deferral program is offered by the prosecuting attorney, the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

When a defendant complies with the terms of an agreement filed under this subsection (or IC 34-4-32-1(f) before its repeal), the prosecuting attorney or the attorney for the municipal corporation shall request the court to dismiss the action. Upon receipt of a request to dismiss an action under this subsection, the court shall dismiss the action. An action dismissed under this subsection (or IC 34-4-32-1(f) before its repeal) may not be refiled.

(i) If a judgment is entered against a defendant in an action to enforce an ordinance, the defendant may perform community restitution or service (as defined in ~~IC 35-41-1-4.6)~~ **IC 35-31.5-2-50)** instead of paying a monetary judgment for the ordinance violation as described in section 4(e) of this chapter if:

(1) the:

(A) defendant; and

C o p y

(B) attorney for the municipal corporation;
agree to the defendant's performance of community restitution or service instead of the payment of a monetary judgment;
(2) the terms of the agreement described in subdivision (1):
(A) include the amount of the judgment the municipal corporation requests that the defendant pay under section 4(e) of this chapter for the ordinance violation if the defendant fails to perform the community restitution or service provided for in the agreement as approved by the court; and
(B) are recorded in a written instrument signed by the defendant and the attorney for the municipal corporation;
(3) the agreement is filed in the court where the judgment was entered; and
(4) the court approves the agreement.

If a defendant fails to comply with an agreement approved by a court under this subsection, the court shall require the defendant to pay up to the amount of the judgment requested in the action under section 4(e) of this chapter as if the defendant had not entered into an agreement under this subsection.

SECTION 67. IC 34-28-7-2, AS ADDED BY P.L.90-2010, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Notwithstanding any other law and except as provided in subsection (b), a person may not adopt or enforce an ordinance, a resolution, a policy, or a rule that:
(1) prohibits; or
(2) has the effect of prohibiting;
an employee of the person, including a contract employee, from possessing a firearm or ammunition that is locked in the trunk of the employee's vehicle, kept in the glove compartment of the employee's locked vehicle, or stored out of plain sight in the employee's locked vehicle.

(b) Subsection (a) does not prohibit the adoption or enforcement of an ordinance, a resolution, a policy, or a rule that prohibits or has the effect of prohibiting an employee of the person, including a contract employee, from possessing a firearm or ammunition:
(1) in or on school property, in or on property that is being used by a school for a school function, or on a school bus in violation of IC 20-33-8-16 or IC 35-47-9-2;
(2) on the property of:
(A) a child caring institution;
(B) an emergency shelter care child caring institution;
(C) a private secure facility;

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(D) a group home;
(E) an emergency shelter care group home; or
(F) a child care center;
in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465 IAC 2-11-80, 465 IAC 2-12-78, 465 IAC 2-13-77, or 470 IAC 3-4.7-19;
(3) on the property of a penal facility (as defined in ~~IC 35-41-1-21);~~ **IC 35-31.5-2-232);**
(4) in violation of federal law;
(5) in or on property belonging to an approved postsecondary educational institution (as defined in IC 21-7-13-6(b));
(6) on the property of a domestic violence shelter;
(7) at a person's residence;
(8) on the property of a person that is:
(A) subject to the United States Department of Homeland Security's Chemical Facility Anti-Terrorism Standards issued April 9, 2007; and
(B) licensed by the United States Nuclear Regulatory Commission under Title 10 of the Code of Federal Regulations;
(9) on property owned by:
(A) a public utility (as defined in IC 8-1-2-1) that generates and transmits electric power; or
(B) a department of public utilities created under IC 8-1-11.1; or
(10) in the employee's personal vehicle if the employee, including a contract employee, is a direct support professional who:
(A) works directly with individuals with developmental disabilities to assist the individuals to become integrated into the individuals' community or least restrictive environment; and
(B) uses the employee's personal vehicle while transporting an individual with developmental disabilities.

SECTION 68. IC 35-31.5 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

ARTICLE 31.5. DEFINITIONS

Chapter 1. General Definitions

Sec. 1. Except as otherwise provided, the definitions in this article apply throughout this title and to all other statutes relating to penal offenses.

Chapter 2. Definitions

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Sec. 1. "Abandon", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-0.5(1).

Sec. 2. "Access", for purposes of IC 35-43-2-3, has the meaning set forth in IC 35-43-2-3(a).

Sec. 3. "Accused", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-2.

Sec. 4. "Administer", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-3.

Sec. 5. "Adoption services", for purposes of IC 35-46-1-22, has the meaning set forth in IC 35-46-1-22(a).

Sec. 6. "Adoptive grandparent", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(b).

Sec. 7. "Adoptive parent", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(a).

Sec. 8. "Adult", for purposes of IC 35-47-10, has the meaning set forth in IC 35-47-10-2.

Sec. 9. "Adult employee" means an employee who is at least eighteen (18) years of age.

Sec. 10. (a) "Advisory sentence", for purposes of IC 35-35-3, means the nonbinding guideline sentence defined in IC 35-50-2-1.3.

(b) "Advisory sentence", for purposes of IC 35-50-2-3 through IC 35-50-2-7, has the meaning set forth in IC 35-50-2-1.3.

Sec. 11. (a) "Agency" means any authority, board, bureau, commission, committee, department, division, hospital, military body, or other instrumentality of:

(1) the state, a county, a township, a city, a town, a separate municipal corporation, a special taxing district, or a public corporation; or

(2) a state assisted college or state assisted university.

(b) The term does not include any part of the legislative department or the judicial department of state government.

Sec. 12. (a) Except as provided in subsection (b), "agent" means an operator, a manager, an adult employee, or a security agent employed by a store.

(b) "Agent", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-5.

Sec. 13. "Agent contract", for purposes of IC 35-46-4, has the meaning set forth in IC 35-46-4-1.

Sec. 14. "Alcohol abuser", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-2.

Sec. 15. "Alien", for purposes of IC 35-44-5, has the meaning set forth in IC 35-44-5-2.

C o p y

Sec. 16. "Ammunition", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-2.5.

Sec. 17. "Animal", for purposes of IC 35-46-3-15, has the meaning set forth in IC 35-46-3-15(b).

Sec. 18. "Animal fighting contest", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-4.

Sec. 19. "Animal fighting paraphernalia", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-4.3.

Sec. 20. "Apartment complex" means real property consisting of at least five (5) units that are regularly used to rent or otherwise furnish residential accommodations for periods of at least thirty (30) days.

Sec. 21. "Armor-piercing handgun ammunition", for purposes of IC 35-47-5-11, has the meaning set forth in IC 35-47-5-11(a).

Sec. 22. "Attorney", for purposes of IC 35-45-14 has the meaning set forth in IC 35-45-14-1.

Sec. 23. "Audiovisual recording device", for purposes of IC 35-46-8, has the meaning set forth in IC 35-46-8-2.

Sec. 24. "Authorized operator", for purposes of IC 35-43-4-2.7, has the meaning set forth in IC 35-43-4-2.7(b).

Sec. 25. "Bail bond," for purposes of IC 35-33-8, has the meaning set forth in IC 35-33-8-1.

Sec. 26. "Beat", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-0.5(2).

Sec. 27. "Benefit identification card", for purposes of IC 35-43-4-6, has the meaning set forth in IC 35-43-4-6(a).

Sec. 28. "Body armor", for purposes of IC 35-47-5-13, has the meaning set forth in IC 35-47-5-13(a).

Sec. 29. "Bodily injury" means any impairment of physical condition, including physical pain.

Sec. 30. "Body piercing", for purposes of IC 35-42-2-7, has the meaning set forth in IC 35-42-2-7(b).

Sec. 31. (a) "Bomb" means an explosive or incendiary device designed to release:

(1) destructive materials or force; or

(2) dangerous gases;

that is detonated by impact, proximity to an object, a timing mechanism, a chemical reaction, ignition, or other predetermined means.

(b) The term does not include the following:

(1) A firearm (as defined in IC 35-47-1-5) or the ammunition or components for handloading ammunition for a firearm.

C o p y

(2) Fireworks regulated under IC 22-11-14.
(3) Boating, railroad, and other safety flares.
(4) Propellants used in model rockets or similar hobby activities.
(5) Commercially manufactured black powder in quantities not to exceed fifty (50) pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or antique devices.

Sec. 32. "Booby trap", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-2.

Sec. 33. "Camera", for purposes of IC 35-45-4-5, has the meaning set forth in IC 35-45-4-5(a)(1).

Sec. 34. "Card skimming device", for purposes of IC 35-43-5-4.3, has the meaning set forth in IC 35-43-5-4.3(a).

Sec. 35. "Cave", for purposes of IC 35-43-1-3, has the meaning set forth in IC 35-43-1-3(a).

Sec. 36. "Certified copy of a certificate of title", for purposes of IC 35-37-4-9, has the meaning set forth in IC 35-37-4-9(a).

Sec. 37. "Charter school", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(c).

Sec. 38. "Child", for purposes of IC 35-47-10, has the meaning set forth in IC 35-47-10-3.

Sec. 39. "Child care provider", for purposes of IC 35-42-1-4, has the meaning set forth in IC 35-42-1-4(a).

Sec. 40. "Child care worker", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(d).

Sec. 41. "Chinese throwing star", for purposes of IC 35-47-5-12, has the meaning set forth in IC 35-47-5-12(b).

Sec. 42. "Claim statement", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(b).

Sec. 43. "Class D felony conviction", for purposes of IC 35-50-2, has the meaning set forth in IC 35-50-2-1(a).

Sec. 44. "Cloning", for purposes of IC 35-46-5-2, has the meaning set forth in IC 35-46-5-2(b).

Sec. 45. "Code grabbing device", for purposes of IC 35-45-12, has the meaning set forth in IC 35-45-12-1.

Sec. 46. "Coin machine", for purposes of IC 35-43-5 and IC 35-46-1-11.5, has the meaning set forth in IC 35-43-5-1(c).

Sec. 47. "Combative fighting", for purposes of IC 35-45-18, has the meaning set forth in IC 35-45-18-1(a).

Sec. 48. "Community corrections program", for purposes of

C o p y

IC 35-38-2.6, has the meaning set forth in IC 35-38-2.6-2.

Sec. 49. "Community policing volunteer" means a person who is:

(1) not a law enforcement officer; and

(2) actively participating in a plan, system, or strategy:

(A) established by and conducted under the authority of a law enforcement agency; and

(B) in which citizens:

(i) participate with and are guided by the law enforcement agency; and

(ii) work with members of the law enforcement agency to reduce or prevent crime within a defined geographic area.

Sec. 50. "Community restitution or service" means performance of services directly for a:

(1) victim;

(2) nonprofit entity; or

(3) governmental entity;

without compensation, including graffiti abatement, park maintenance, and other community service activities. The term does not include the reimbursement under IC 35-50-5-3 or another law of damages or expenses incurred by a victim or another person as the result of a violation of law.

Sec. 51. "Community transition program" has the meaning set forth in IC 11-8-1-5.5.

Sec. 52. "Component", for purposes of IC 35-42-1-7, has the meaning set forth in IC 35-42-1-7(a).

Sec. 53. (a) "Computer network", for purposes of IC 35-43-1-4, has the meaning set forth in IC 35-43-1-4(a).

(b) "Computer network", for purposes of IC 35-43-2-3, has the meaning set forth in IC 35-43-2-3(a).

Sec. 54. "Computer program", for purposes of IC 35-43-1-4, has the meaning set forth in IC 35-43-1-4(a).

Sec. 55. (a) "Computer system", for purposes of IC 35-43-1-4, has the meaning set forth in IC 35-43-1-4(a).

(b) "Computer system", for purposes of IC 35-43-2-3, has the meaning set forth in IC 35-43-2-3(a).

Sec. 56. "Confidential communication", for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-1(a).

Sec. 57. "Confine", for purposes of IC 35-42-3, has the meaning set forth in IC 35-42-3-1.

Sec. 58. "Constant supervision", for purposes of IC 35-38-2.5,

C o p y

has the meaning set forth in IC 35-38-2.5-2.3.

Sec. 59. "Consumer, " for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-2.

Sec. 60. (a) "Consumer product", for purposes of IC 35-44-2-2, has the meaning set forth in IC 35-44-2-2(a).

(b) "Consumer product", for purposes of IC 35-45-8, has the meaning set forth in IC 35-45-8-1.

Sec. 61. "Constant video monitoring", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(1).

Sec. 62. "Contraband", for purposes of IC 35-44-3-9.3, has the meaning set forth in IC 35-44-3-9.3(a).

Sec. 63. "Contract agency", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-2.5.

Sec. 64. "Controlled substance", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-9.

Sec. 65. "Controlled substance analog", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-9.3.

Sec. 66. "Convenience package", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(2).

Sec. 67. "Correctional professional", for purposes of IC 35-42-2-1, has the meaning set forth in IC 35-42-2-1(b)(2).

Sec. 68. "Counterfeit substance", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-10.

Sec. 69. "Credit card", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(d).

Sec. 70. "Credit card holder", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(e).

Sec. 71. "Credit institution" means a bank, insurance company, credit union, savings association, investment trust, industrial loan and investment company, or other organization held out to the public as a place of deposit of funds or a medium of savings or collective investment.

Sec. 72. "Credit restricted felon" means a person who has been convicted of at least one (1) of the following offenses:

(1) Child molesting involving sexual intercourse or deviate sexual conduct (IC 35-42-4-3(a)), if:

(A) the offense is committed by a person at least twenty-one (21) years of age; and

(B) the victim is less than twelve (12) years of age.

(2) Child molesting (IC 35-42-4-3) resulting in serious bodily injury or death.

(3) Murder (IC 35-42-1-1), if:

C o p y

(A) the person killed the victim while committing or attempting to commit child molesting (IC 35-42-4-3);
(B) the victim was the victim of a sex crime under IC 35-42-4 for which the person was convicted; or
(C) the victim of the murder was listed by the state or known by the person to be a witness against the person in a prosecution for a sex crime under IC 35-42-4 and the person committed the murder with the intent to prevent the victim from testifying.

Sec. 73. "Criminal activity", for purposes of IC 35-45-15, has the meaning set forth in IC 35-45-15-1.

Sec. 74. (a) "Criminal gang", for purposes of IC 35-45-9, has the meaning set forth in IC 35-45-9-1.

(b) "Criminal gang", for purposes of IC 35-50-2-15, has the meaning set forth in IC 35-50-2-1.4.

Sec. 75. (a) Except as provided in subsection (b), "crime" means a felony or a misdemeanor.

(b) "Crime", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-3.

Sec. 76. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

(1) A homicide offense under IC 35-42-1.
(2) A battery offense under IC 35-42-2.
(3) Kidnapping or confinement under IC 35-42-3.
(4) Human and sexual trafficking crimes under IC 35-42-3.5.
(5) A sex offense under IC 35-42-4.
(6) Robbery under IC 35-42-5.
(7) Arson or mischief under IC 35-43-1.
(8) Burglary or trespass under IC 35-43-2.
(9) Disorderly conduct under IC 35-45-1.
(10) Intimidation or harassment under IC 35-45-2.
(11) Voyeurism under IC 35-45-4.
(12) Stalking under IC 35-45-10.
(13) An offense against family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.
(14) A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.

Sec. 77. "Crime of deception", for purposes of IC 35-38-1, has the meaning set forth in IC 35-38-1-2.5(a).

C o p y

Sec. 78. "Crime of domestic violence", for purposes of IC 5-2-6.1 and IC 35-47-4-7, means an offense or the attempt to commit an offense that:

(1) has as an element the:

(A) use of physical force; or

(B) threatened use of a deadly weapon; and

(2) is committed against a:

(A) current or former spouse, parent, or guardian of the defendant;

(B) person with whom the defendant shared a child in common;

(C) person who was cohabiting with or had cohabited with the defendant as a spouse, parent, or guardian; or

(D) person who was or had been similarly situated to a spouse, parent, or guardian of the defendant.

Sec. 79. "Crime of violence", for purposes of IC 35-50-1-2, has the meaning set forth in IC 35-50-1-2(a).

Sec. 80. "Custodian", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(e).

Sec. 81. "Customer", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(f).

Sec. 82. "Dangerous device", for purposes of IC 35-47-6-1.1, has the meaning set forth in IC 35-47-6-1.1(a).

Sec. 83. "Dangerous gas", for purposes of IC 35-41-1-4.3, means a toxic chemical or its precursors that through chemical action or properties on life processes cause death or permanent injury to human beings. The term does not include the following:

(1) Riot control agents, smoke, and obscuration materials or medical products that are manufactured, possessed, transported, or used in accordance with the laws of the United States and of this state.

(2) Tear gas devices designed to be carried on or about the person that contain not more than one-half (1/2) ounce of the chemical.

Sec. 84. "Data", for purposes of IC 35-43-1-4, has the meaning set forth in IC 35-43-1-4(a).

Sec. 85. "Deadly force" means force that creates a substantial risk of serious bodily injury.

Sec. 86. (a) Except as provided in subsection (b), "deadly weapon" means the following:

(1) A loaded or unloaded firearm.

(2) A destructive device, weapon, device, taser (as defined in

C o p y

IC 35-47-8-3) or electronic stun weapon (as defined in IC 35-47-8-1), equipment, chemical substance, or other material that in the manner it:

(A) is used;

(B) could ordinarily be used; or

(C) is intended to be used;

is readily capable of causing serious bodily injury.

(3) An animal (as defined in IC 35-46-3-3) that is:

(A) readily capable of causing serious bodily injury; and

(B) used in the commission or attempted commission of a crime.

(4) A biological disease, virus, or organism that is capable of causing serious bodily injury.

(b) The term does not include:

(1) a taser (as defined in IC 35-47-8-3);

(2) an electronic stun weapon (as defined in IC 35-47-8-1);

(3) a chemical designed to temporarily incapacitate a person; or

(4) another device designed to temporarily incapacitate a person;

if the device described in subdivisions (1) through (4) is used by a law enforcement officer who has been trained in the use of the device and who uses the device in accordance with the law enforcement officer's training and while lawfully engaged in the execution of official duties.

Sec. 87. (a) "Dealer", for purposes of IC 35-43-4-2.3, has the meaning set forth in IC 35-43-4-2.3(a).

(b) "Dealer", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-3.

Sec. 88. "Delinquent act", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-4.

Sec. 89. "Delivery", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-11.

Sec. 90. (a) "Dependent", for purposes of IC 35-44-1-3, has the meaning set forth in IC 35-44-1-3(a)(1).

(b) "Dependent", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.

Sec. 91. "Designated offense", for purposes of IC 35-33.5, means the following:

(1) A Class A, Class B, or Class C felony that is a controlled substance offense (IC 35-48-4).

(2) Murder (IC 35-42-1-1).

C o p y

(3) Kidnapping (IC 35-42-3-2).
(4) Criminal confinement (IC 35-42-3-3).
(5) Robbery (IC 35-42-5-1).
(6) Arson (IC 35-43-1-1).
(7) Child solicitation (IC 35-42-4-6).
(8) Human and sexual trafficking crimes under IC 35-42-3.5.
(9) Escape as a Class B felony or Class C felony (IC 35-44-3-5).
(10) An offense that relates to a weapon of mass destruction (as defined in IC 35-41-1-29.4).
(11) An attempt or conspiracy to commit an offense described in subdivisions (1) through (10).
(12) An offense under the law of the United States or in another state or country that is substantially similar to an offense described in subdivisions (1) through (11).

Sec. 92. "Destructive device" has the meaning set forth in IC 35-47.5-2-4.

Sec. 93. "Detonator", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-5.

Sec. 94. "Deviate sexual conduct" means an act involving:
(1) a sex organ of one (1) person and the mouth or anus of another person; or
(2) the penetration of the sex organ or anus of a person by an object.

Sec. 95. "Dispatched firefighter", for purposes of IC 35-44-4, has the meaning set forth in IC 35-44-4-1.

Sec. 96. (a) Except as provided in subsection (b), "dispense", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-12.

(b) "Dispense", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-2.9(a).

Sec. 97. "Dispenser", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-13.

Sec. 98. "Disseminate", for purposes of IC 35-42-4-4, has the meaning set forth in IC 35-42-4-4(a).

Sec. 99. "Dissolvable tobacco product", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.3.

Sec. 100. (a) "Distribute", for purposes of IC 35-46-1-10, has the meaning set forth in IC 35-46-1-10(e).

(b) "Distribute", for purposes of IC 35-46-1-10.2, has the meaning set forth in IC 35-46-1-10.2(e).

(c) "Distribute", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-6.

C o p y

(d) "Distribute", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-14.

(e) "Distribute", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-2.

Sec. 101. "Distributor", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-15.

Sec. 102. "Documentary material", for purposes of IC 35-45-6, has the meaning set forth in IC 35-45-6-1(b).

Sec. 103. "Domestic animal", for purposes of IC 35-46-3-12(d) has the meaning set forth in IC 35-46-3-12(d).

Sec. 104. (a) "Drug", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-16.

(b) "Drug", for purposes of IC 35-50-2-10, has the meaning set forth in IC 35-50-2-10(a)(1).

Sec. 105. "Drug abuser", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-4.

Sec. 106. "Drug or alcohol screening test", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(g).

Sec. 107. "Dwelling" means a building, structure, or other enclosed space, permanent or temporary, movable or fixed, that is a person's home or place of lodging.

Sec. 108. "Earliest possible release date", for purposes of IC 35-38-3, has the meaning set forth in IC 35-38-3-1.

Sec. 109. "Effects of battery" refers to a psychological condition of an individual who has suffered repeated physical or sexual abuse inflicted by another individual who is the:

(1) victim of an alleged crime for which the abused individual is charged in a pending prosecution; and

(2) abused individual's:

(A) spouse or former spouse;

(B) parent;

(C) guardian or former guardian;

(D) custodian or former custodian; or

(E) cohabitant or former cohabitant.

Sec. 110. "Electronic communication", for purposes of IC 35-33.5, means any transfer of signs, signals, writing, images, sounds, data, oral communication, digital information, or intelligence of any nature transmitted in whole or in part by a wire, a radio, or an electromagnetic, a photoelectronic, or a photo-optical system.

Sec. 111. "Electronic gaming device", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(b).

C o p y

Sec. 112. "Electronic stun weapon", for purposes of IC 35-47-8, has the meaning set forth in IC 35-47-8-1.

Sec. 113. "Emergency call", for purposes of IC 35-45-2-3, has the meaning set forth in IC 35-45-2-3(c).

Sec. 114. "Emergency incident area", for purposes of IC 35-44-4, has the meaning set forth in IC 35-44-4-2.

Sec. 115. "Emergency medical person", for purposes of IC 35-44-3-8.5, has the meaning set forth in IC 35-44-3-8.5(b).

Sec. 116. "Endangered adult", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.

Sec. 117. "Endorsement contract", for purposes of IC 35-46-4, has the meaning set forth in IC 35-46-4-1.5.

Sec. 118. "Enterprise", for purposes of IC 35-45-6, has the meaning set forth in IC 35-45-6-1(c).

Sec. 119. "Entrusted", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(h).

Sec. 120. "Ephedrine", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(3).

Sec. 121. "Episode of criminal conduct", for purposes of IC 35-50-1-2, has the meaning set forth in IC 35-50-1-2(b).

Sec. 122. "Evidence of a previous battery", for purposes of IC 35-37-4-14, has the meaning set forth in IC 35-37-4-14(b).

Sec. 123. "Exception report", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-4.

Sec. 124. "Exert control over property", for purposes of IC 35-43-4, has the meaning set forth in IC 35-43-4-1(a).

Sec. 125. "Explosives", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-7.

Sec. 126. "Extension", for purposes of IC 35-33.5, means an extension of the duration for which a warrant remains effective under IC 35-33.5.

Sec. 127. "Family housing complex" means a building or series of buildings:

(1) that contains at least twelve (12) dwelling units:

(A) where children are domiciled or are likely to be domiciled; and

(B) that are owned by a governmental unit or political subdivision;

(2) that is operated as a hotel or motel (as described in IC 22-11-18-1);

(3) that is operated as an apartment complex; or

(4) that contains subsidized housing.

C o p y

Sec. 128. (a) An individual is a "family or household member" of another person if the individual:

(1) is a current or former spouse of the other person;

(2) is dating or has dated the other person;

(3) is or was engaged in a sexual relationship with the other person;

(4) is related by blood or adoption to the other person;

(5) is or was related by marriage to the other person;

(6) has or previously had an established legal relationship:

(A) as a guardian of the other person;

(B) as a ward of the other person;

(C) as a custodian of the other person;

(D) as a foster parent of the other person; or

(E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D); or

(7) has a child in common with the other person.

(b) An individual is a "family or household member" of both persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) applies if the individual is a minor child of one (1) of the persons.

Sec. 129. "Federal enforcement officer" means any of the following:

(1) A Federal Bureau of Investigation special agent.

(2) A United States Marshals Service marshal or deputy.

(3) A United States Secret Service special agent.

(4) A United States Fish and Wildlife Service special agent.

(5) A United States Drug Enforcement Agency agent.

(6) A Bureau of Alcohol, Tobacco, Firearms and Explosives agent.

(7) A United States Forest Service law enforcement officer.

(8) A United States Department of Defense police officer or criminal investigator.

(9) A United States Customs Service agent.

(10) A United States Postal Service investigator.

(11) A National Park Service law enforcement commissioned ranger.

(12) United States Department of Agriculture, Office of Inspector General special agent.

(13) A United States Citizenship and Immigration Services special agent.

(14) An individual who is:

(A) an employee of a federal agency; and

C o p y

(B) authorized to make arrests and carry a firearm in the performance of the individual's official duties.

Sec. 130. "Felony conviction", for purposes of IC 35-50-2, has the meaning set forth in IC 35-50-2-1(b).

Sec. 131. "Fetal tissue", for purposes of IC 35-46-5-1, has the meaning set forth in IC 35-46-5-1(a).

Sec. 132. "Fetus", for purposes of IC 35-42-1-4, has the meaning set forth in IC 35-42-1-4(b).

Sec. 133. (a) Except as provided in subsection (b), "firearm", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-5.

(b) "Firearm", for purposes of IC 35-47-15, has the meaning set forth in IC 35-47-15-1.

(c) "Firearm", for purposes of IC 35-50-2-11, has the meaning set forth in IC 35-50-2-11(a).

Sec. 134. "Firearm accessory", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-5.1.

Sec. 135. (a) "Firefighter", for purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(b).

(b) "Firefighter", for purposes of IC 35-44-4, has the meaning set forth in IC 35-44-4-3.

Sec. 136. "First responder", for purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(c).

Sec. 137. "Food processing facility" means a facility used to prepare or process animal, plant, or other food ingredients into food products intended for sale or distribution to the general public for human consumption.

Sec. 138. "Forcible felony" means a felony that involves the use or threat of force against a human being, or in which there is imminent danger of bodily injury to a human being.

Sec. 139. "Forensic DNA analysis", for purposes of IC 35-37-4-13, has the meaning set forth in IC 35-37-4-13(a).

Sec. 140. "Gain", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(c).

Sec. 141. "Gambling", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(d).

Sec. 142. "Gambling device", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(e).

Sec. 143. "Gambling information", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(f).

Sec. 144. "Governmental entity" means:

(1) the United States or any state, county, township, city, town, separate municipal corporation, special taxing district,

C o p y

or public school corporation;

(2) any authority, board, bureau, commission, committee, department, division, hospital, military body, or other instrumentality of any of those entities; or

(3) a state assisted college or state assisted university.

Sec. 145. "Governmental entity served by the public servant", for purposes of IC 35-44-1-3, has the meaning set forth in IC 35-44-1-3(a)(2).

Sec. 146. "Graffiti" means any unauthorized inscription, work, figure, or design that is marked, etched, scratched, drawn, or painted on a component of any building, structure, or other facility.

Sec. 147. "Gun show", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-5.5.

Sec. 148. "Handgun", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-6.

Sec. 149. "Harm" means loss, disadvantage, or injury or anything so regarded by the person affected, including loss, disadvantage, or injury to any other person in whose welfare the person is interested.

Sec. 150. "Harassment", for purposes of IC 35-45-10, has the meaning set forth in IC 35-45-10-2.

Sec. 151. "Hazing", for purposes of IC 35-42-2-2, has the meaning set forth in IC 35-42-2-2(a).

Sec. 152. "Health care provider", for purposes of IC 35-46-7, has the meaning set forth in IC 35-46-7-1.

Sec. 153. "Hoarding program", for purposes of IC 35-43-2-3, has the meaning set forth in IC 35-43-2-3(a).

Sec. 154. "Hoax device", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-8.

Sec. 155. (a) "Home", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-2.

(b) "Home", for purposes of IC 35-38-2.6-6, has the meaning set forth in IC 35-38-2.6-6(a).

Sec. 156. "Home improvement", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-3.

Sec. 157. "Home improvement contract", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-4.

Sec. 158. "Home improvement contract price", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-5.

Sec. 159. "Home improvement supplier", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-6.

C o p y

Sec. 160. "Human being" means an individual who has been born and is alive.

Sec. 161. "Human organ", for purposes of IC 35-46-5-1, has the meaning set forth in IC 35-46-5-1(b).

Sec. 162. "Identification number", for purposes of IC 35-43-7, has the meaning set forth in IC 35-43-7-2.

Sec. 163. "Identify theft", for the purposes of IC 35-40-14, has the meaning set forth in IC 35-40-14-1.

Sec. 164. "Identifying information", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(i).

Sec. 165. "Immediate precursor", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-17.

Sec. 166. "Imprison" means to:

(1) confine in a penal facility;

(2) commit to the department of correction; or

(3) assign to a community transition program under IC 11-10-11.5.

Sec. 167. "Incendiary", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-9.

Sec. 168. "Included offense" means an offense that:

(1) is established by proof of the same material elements or less than all the material elements required to establish the commission of the offense charged;

(2) consists of an attempt to commit the offense charged or an offense otherwise included therein; or

(3) differs from the offense charged only in the respect that a less serious harm or risk of harm to the same person, property, or public interest, or a lesser kind of culpability, is required to establish its commission.

Sec. 169. (a) "Individual with mental retardation", for purposes of IC 35-36-2-5(e), has the meaning set forth in IC 35-36-2-5(e).

(b) "Individual with mental retardation", for purposes of IC 35-36-9 and IC 35-50-2, has the meaning set forth in IC 35-36-9-2.

(c) "Individual with mental retardation", for purposes of IC 35-50-2, has the meaning set forth in IC 35-50-2-1.5.

Sec. 170. "Inmate", for purposes of IC 35-43-5-20, has the meaning set forth in IC 35-43-5-20(a).

Sec. 171. "Inmate outside a facility", for purposes of IC 35-44-3-9.3, has the meaning set forth in IC 35-44-3-9.3(b).

Sec. 172. "INSPECT", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-5.2.

C o p y

Sec. 173. "Instant messaging or chat room program", for purposes of IC 35-42-4-12, has the meaning set forth in IC 35-42-4-12(c).

Sec. 174. "Insurer", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(k).

Sec. 175. "Interactive computer service", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(g).

Sec. 176. "Interception", for purposes of IC 35-33.5, means the intentional recording or acquisition of the contents of an electronic communication by a person other than a sender or receiver of that communication, without the consent of the sender or receiver, by means of any instrument, device, or equipment under this article. This term includes the intentional recording or acquisition of communication through the use of a computer or a fax (facsimile transmission) machine. The term does not include recording or acquiring the contents of a radio transmission that is not:

(1) scrambled or encrypted;

(2) transmitted using modulation techniques whose essential parameters have been withheld from the public with the intention of preserving the privacy of the communication;

(3) carried on a subcarrier or other signal subsidiary to a radio transmission;

(4) transmitted over a communication system provided by a common carrier, unless the communication is a tone only paging system communication; or

(5) transmitted on frequencies allocated under part 25, subpart D, E, or F of part 74, or part 94 of the Rules of the Federal Communications Commission, unless, in the case of a communication transmitted on a frequency allocated under part 74 that is not exclusively allocated to broadcast auxiliary services, the communication is a two-way voice communication by radio.

Sec. 177. "Item of value", for purposes of IC 35-46-5-1, has the meaning set forth in IC 35-46-5-1(c).

Sec. 178. "Juvenile facility", for purposes of IC 35-44-3-9, has the meaning set forth in IC 35-44-3-9(a).

Sec. 179. "Key facility" means any of the following:

(1) A chemical manufacturing facility.

(2) A refinery.

(3) An electric utility facility, including:

(A) a power plant;

(B) a power generation facility peaker;

C o p y

(C) an electric transmission facility;
(D) an electric station or substation; or
(E) any other facility used to support the generation, transmission, or distribution of electricity.

However, the term does not include electric transmission land or right-of-way that is not completely enclosed, posted, and maintained by the electric utility.

(4) A water intake structure or water treatment facility.

(5) A natural gas utility facility, including:
(A) an age station;
(B) a compressor station;
(C) an odorization facility;
(D) a main line valve;
(E) a natural gas storage facility; or
(F) any other facility used to support the acquisition, transmission, distribution, or storage of natural gas. However, the term does not include gas transmission pipeline property that is not completely enclosed, posted, and maintained by the natural gas utility.

(6) A gasoline, propane, liquid natural gas (LNG), or other fuel terminal or storage facility.

(7) A transportation facility, including, but not limited to, a port, railroad switching yard, or trucking terminal. However, the term does not include a railroad track that is not part of a railroad switching yard.

(8) A pulp or paper manufacturing facility.

(9) A pharmaceutical manufacturing facility.

(10) A hazardous waste storage, treatment, or disposal facility.

(11) A telecommunications facility, including a central office or cellular telephone tower site.

(12) A facility:
(A) that is substantially similar to a facility, structure, or station listed in this section; or
(B) whose owner or operator is required to submit a risk management plan under the federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (42 U.S.C. 7412(r)).

Sec. 180. "Knife", for purposes of IC 35-47-5-2.5, has the meaning set forth in IC 35-47-5-2.5(a) and IC 35-47-5-2.5(b).

Sec. 181. "Labeling", for purposes of IC 35-45-8, has the meaning set forth in IC 35-45-8-2.

C o p y

Sec. 182. "Laser pointer", for purposes of IC 35-47-4.5, has the meaning set forth in IC 35-47-4.5-2.

Sec. 183. "Law enforcement agency", for purposes of IC 35-47-15, has the meaning set forth in IC 35-47-15-2.

Sec. 184. "Law enforcement animal", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-4.5.

Sec. 185. "Law enforcement officer" means:

(1) a police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;

(2) a deputy of any of those persons;

(3) an investigator for a prosecuting attorney or for the inspector general;

(4) a conservation officer;

(5) an enforcement officer of the alcohol and tobacco commission; or

(6) an enforcement officer of the securities division of the office of the secretary of state.

Sec. 186. (a) "Lawful detention" means:

(1) arrest;

(2) custody following surrender in lieu of arrest;

(3) detention in a penal facility;

(4) detention in a facility for custody of persons alleged or found to be delinquent children;

(5) detention under a law authorizing civil commitment in lieu of criminal proceedings or authorizing such detention while criminal proceedings are held in abeyance;

(6) detention for extradition or deportation;

(7) placement in a community corrections program's residential facility;

(8) electronic monitoring;

(9) custody for purposes incident to any of the above including transportation, medical diagnosis or treatment, court appearances, work, or recreation; or

(10) any other detention for law enforcement purposes.

(b) Except as provided in subsection (a)(7) and (a)(8), the term does not include supervision of a person on probation or parole or constraint incidental to release with or without bail.

Sec. 187. "Licensed health professional", for purposes of IC 35-42-2-8, has the meaning set forth in IC 35-42-2-8(a)(2).

Sec. 188. "Loaded", for purposes of IC 35-47-10, has the

C o p y

meaning set forth in IC 35-47-10-4.

Sec. 189. "Loan", for purposes of IC 35-45-7, has the meaning set forth in IC 35-45-7-1.

Sec. 190. "Machine gun" means a weapon that:

(1) shoots; or

(2) can be readily restored to shoot;

automatically more than one (1) shot, without manual reloading, by a single function of the trigger.

Sec. 191. "Make", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(m).

Sec. 192. "Manufacture", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-18.

Sec. 193. "Manufacture of an unlawful telecommunications device", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-1.

Sec. 194. "Manufacturer", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(l).

Sec. 195. "Marijuana", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-19.

Sec. 196. (a) "Matter", for purposes of IC 35-42-4-4, has the meaning set forth in IC 35-42-4-4(a).

(b) "Matter", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-3.

Sec. 197. "Mental disease or defect", for purposes of IC 35-41-3-6, has the meaning set forth in IC 35-41-3-6(b).

Sec. 198. "Mentally ill", for purposes of IC 35-36, has the meaning set forth in IC 35-36-1-1.

Sec. 199. "Metering device", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(n).

Sec. 200. "Military recruiter", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(f).

Sec. 201. "Minimum sentence", for purposes of IC 35-50-2, has the meaning set forth in IC 35-50-2-1(c).

Sec. 202. "Minor", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-4.

Sec. 203. "Misconduct", for purposes of IC 35-44-2-2, has the meaning set forth in IC 35-44-2-2(b).

Sec. 204. "Model glue", for purposes of IC 35-46-6, has the meaning set forth in IC 35-46-6-1.

Sec. 205. "Monitoring device", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-3.

Sec. 206. "Motion picture exhibition facility" has the meaning

C o p y

set forth in IC 35-46-8-3.

Sec. 207. "Motor vehicle" has the meaning set forth in IC 9-13-2-105(a).

Sec. 208. "Mutilate", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-0.5(3).

Sec. 209. "Narcotic drug", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-20.

Sec. 210. "Neglect", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-0.5(4).

Sec. 211. "Nonpublic school", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(g).

Sec. 212. (a) "Nudity", for purposes of IC 35-45-4-1 and IC 35-45-4-1.5, has the meaning set forth in IC 35-45-4-1(d).

(b) "Nudity", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-5.

Sec. 213. (a) "Offender", for purposes of IC 35-38-2-2.5, has the meaning set forth in IC 35-38-2-2.5(a).

(b) "Offender", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-4.

Sec. 214. (a) "Offender against children", for purposes of IC 35-42-4-10, has the meaning set forth in IC 35-42-4-10(a).

(b) "Offender against children", for purposes of IC 35-42-4-11, has the meaning set forth in IC 35-42-4-11(a).

Sec. 215. (a) Except as provided in subsections (b) and (c), "offense" means a crime. The term does not include an infraction.

(b) "Offense", for purposes of IC 35-38-7, has the meaning set forth in IC 35-38-7-3.

(c) "Offense", for purposes of IC 35-50-2-11, has the meaning set forth in IC 35-50-2-11(b).

Sec. 216. "Offense relating to a criminal sexual act" means the following:

(1) Rape (IC 35-42-4-1).
(2) Criminal deviate conduct (IC 35-42-4-2).
(3) Child molesting (IC 35-42-4-3).
(4) Child seduction (IC 35-42-4-7).
(5) Prostitution (IC 35-45-4-2).
(6) Patronizing a prostitute (IC 35-45-4-3).
(7) Incest (IC 35-46-1-3).
(8) Sexual misconduct with a minor under IC 35-42-4-9(a).

Sec. 217. "Offense relating to controlled substances" means the following:

(1) Dealing in or manufacturing cocaine or a narcotic drug

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(IC 35-48-4-1).
(2) Dealing in methamphetamine (IC 35-48-4-1.1).
(3) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
(4) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
(5) Dealing in a schedule V controlled substance (IC 35-48-4-4).
(6) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
(7) Possession of methamphetamine (IC 35-48-4-6.1).
(8) Possession of a controlled substance (IC 35-48-4-7).
(9) Possession of paraphernalia (IC 35-48-4-8.3).
(10) Dealing in paraphernalia (IC 35-48-4-8.5).
(11) Offenses relating to registration (IC 35-48-4-14).

Sec. 218. "Official proceeding" means a proceeding held or that may be held before a legislative, judicial, administrative, or other agency or before an official authorized to take evidence under oath, including a referee, hearing examiner, commissioner, notary, or other person taking evidence in connection with a proceeding.

Sec. 219. "Operator", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(h).

Sec. 220. "Opiate", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-21.

Sec. 221. "Opium poppy", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-22.

Sec. 222. "Overpass", for purposes of IC 35-42-2-5, has the meaning set forth in IC 35-42-2-5(a).

Sec. 223. "Overpressure device", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-11.

Sec. 224. (a) "Owner", for purposes of IC 35-43-1-3, has the meaning set forth in IC 35-43-1-3(a).

(b) "Owner", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-6.

Sec. 225. "Panhandling", for purposes of IC 35-45-17, has the meaning set forth in IC 35-45-17-1.

Sec. 226. "Party", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-1.

Sec. 227. "Pattern of racketeering activity", for purposes of IC 35-45-6, has the meaning set forth in IC 35-45-6-1(d).

Sec. 228. "Party line", for purposes of IC 35-45-2-3, has the meaning set forth in IC 35-45-2-3(b).

Sec. 229. "Patient", for purposes of IC 35-48-7, has the meaning

C o p y

set forth in IC 35-48-7-5.6.

Sec. 230. "Pecuniary interest", for purposes of IC 35-44-1-3 and IC 35-44-1-7, has the meaning set forth in IC 35-44-1-3(a)(3).

Sec. 231. "Peep", for purposes of IC 35-45-4-5 has the meaning set forth in IC 35-45-4-5(a)(2).

Sec. 232. "Penal facility" means a state prison, correctional facility, county jail, penitentiary, house of correction, or any other facility for confinement of persons under sentence, or awaiting trial or sentence, for offenses. The term includes a correctional facility constructed under IC 4-13.5.

Sec. 233. (a) "Performance", for purposes of IC 35-42-4-4, has the meaning set forth in IC 35-42-4-4(a).

(b) "Performance", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-7.

Sec. 234. (a) "Person" means a human being, corporation, limited liability company, partnership, unincorporated association, or governmental entity.

(b) "Person", for purposes of IC 35-41-1-10.6, means an adult or a minor.

(c) "Person", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-7.

(d) "Person", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-2.

Sec. 235. "Personally identifying information", for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-2.5(a).

Sec. 236. "Plea agreement", for purposes of IC 35-35-3, means an agreement between a prosecuting attorney and a defendant concerning the disposition of a felony or misdemeanor charge.

Sec. 237. "Police radio", for purposes of IC 35-44-3-12, has the meaning set forth in IC 35-44-3-12(c).

Sec. 238. "Polygraph", for purposes of IC 35-37-4.5, has the meaning set forth in IC 35-37-4.5-1.

Sec. 239. "Poppy straw", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-23.

Sec. 240. "Postarrest release", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-5.

Sec. 241. "Postconviction release", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-6.

Sec. 242. (a) "Practitioner", for purposes of IC 35-42-2-8, has the meaning set forth in IC 35-42-2-8(a)(3).

(b) Except as provided in subsection (c), "practitioner", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-24.

C o p y

(c) "Practitioner", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-5.8.

Sec. 243. "Prescription", for purposes of IC 35-45-20, has the meaning set forth in IC 35-45-20-1.

Sec. 244. "Prescription drug", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-25.

Sec. 245. "Principal", for purposes of IC 35-45-7, has the meaning set forth in IC 35-45-7-1.

Sec. 246. "Private area", for purposes of IC 35-45-4-5, has the meaning set forth in IC 35-45-4-5(a)(3).

Sec. 247. "Proceeds", for purposes of IC 35-45-15, has the meaning set forth in IC 35-45-15-4.

Sec. 248. "Product", for purposes of IC 35-43-7, has the meaning set forth in IC 35-43-7-3.

Sec. 249. "Professional sports services contract", for purposes of IC 35-46-4, has the meaning set forth in IC 35-46-4-2.

Sec. 250. "Profit", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(i).

Sec. 251. "Proper person", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-7.

Sec. 252. "Proper reason", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-8.

Sec. 253. (a) Except as provided in subsection (c), "property" means anything of value. The term includes:

(1) a gain or advantage or anything that might reasonably be regarded as such by the beneficiary;

(2) real property, personal property, money, labor, and services;

(3) intangibles;

(4) commercial instruments;

(5) written instruments concerning labor, services, or property;

(6) written instruments otherwise of value to the owner, such as a public record, deed, will, credit card, or letter of credit;

(7) a signature to a written instrument;

(8) extension of credit;

(9) trade secrets;

(10) contract rights, choses-in-action, and other interests in or claims to wealth;

(11) electricity, gas, oil, and water;

(12) captured or domestic animals, birds, and fish;

(13) food and drink; and

C o p y

(14) human remains.

(b) Property is that "of another person" if the other person has a possessory or proprietary interest in it, even if an accused person also has an interest in that property.

(c) "Property", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-12.

Sec. 254. "Prosecuting attorney", for purposes of IC 35-35-3, includes a deputy prosecuting attorney.

Sec. 255. "Protected person", for purposes of IC 35-37-4, has the meaning set forth in IC 35-37-4-6(c).

Sec. 256. "Pseudoephedrine", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(4).

Sec. 257. "Public court proceeding", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-7.

Sec. 258. "Public park" means any property operated by a political subdivision for park purposes (as defined in IC 36-10-1-2).

Sec. 259. "Public relief or assistance", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(o).

Sec. 260. "Public safety officer", for purposes of IC 35-45-19, has the meaning set forth in IC 35-45-19-2.

Sec. 261. "Public servant" means a person who:

(1) is authorized to perform an official function on behalf of, and is paid by, a governmental entity;

(2) is elected or appointed to office to discharge a public duty for a governmental entity; or

(3) with or without compensation, is appointed in writing by a public official to act in an advisory capacity to a governmental entity concerning a contract or purchase to be made by the entity.

The term does not include a person appointed by the governor to an honorary advisory or honorary military position.

Sec. 262. "Publicly paid costs of representation" means the part of all attorney's fees, expenses, or wages incurred by the county that are:

(1) directly attributable to the defendant's defense; and

(2) not overhead expenditures made in connection with the maintenance or operation of a governmental agency.

Sec. 263. "Public safety officer", for purposes of IC 35-47-4.5, has the meaning set forth in IC 35-47-4.5-3.

Sec. 264. "Publish", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-2.

Sec. 265. "Racketeering activity", for purposes of IC 35-45-6,

C o p y

has the meaning set forth in IC 35-45-6-1(e).

Sec. 266. "Rate", for purposes of IC 35-45-7, has the meaning set forth in IC 35-45-7-1.

Sec. 267. "Rated capacity", for purposes of IC 35-38-3, has the meaning set forth in IC 35-38-3-1.

Sec. 268. "Receiving", for purposes of IC 35-43-4-1, has the meaning set forth in IC 35-43-4-1(c).

Sec. 269. "Receiving authority", for purposes of IC 35-38-3, has the meaning set forth in IC 35-38-3-1.

Sec. 270. "Recipient", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-6.

Sec. 271. "Recipient representative", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-7.

Sec. 272. "Recommendation", for purposes of IC 35-35-3 and IC 35-38-1, means a proposal that is part of a plea agreement made to a court that:

(1) a felony charge be dismissed; or

(2) a defendant, if the defendant pleads guilty to a felony charge, receive less than the advisory sentence.

Sec. 273. "Recording", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(p).

Sec. 274. "Replica", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-8.

Sec. 275. "Reside", for purposes of IC 35-42-4-11, has the meaning set forth in IC 35-42-4-11(b).

Sec. 276. "Residential property", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-1.

Sec. 277. "Residential real property transaction", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-3.

Sec. 278. "Retail", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-9.

Sec. 279. "Retailer", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(5).

Sec. 280. "Sado-masochistic abuse", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-8.

Sec. 281. (a) "Salvia" means salvia divinorum or salvinorin A, including:

(1) all parts of the plant that are classified botanically as salvia divinorum, whether growing or not;

(2) the seeds of the plant;

(3) any extract from any part of the plant; and

(4) every compound, manufacture, derivative, mixture, or

C o p y

preparation of the plant, its seeds, or extracts, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation of the plant, its seeds, or extracts.

(b) The term does not include any other species in the genus salvia.

Sec. 282. "Sawed-off shotgun", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-10.

Sec. 283. "School bus" means any motor vehicle designed and constructed for the accommodation of more than ten (10) passengers and used for the transportation of Indiana school children.

Sec. 284. "School corporation", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(h).

Sec. 285. "School property" means the following:

(1) A building or other structure owned or rented by:

(A) a school corporation;

(B) an entity that is required to be licensed under IC 12-17.2 or IC 31-27;

(C) a private school that is not supported and maintained by funds realized from the imposition of a tax on property, income, or sales; or

(D) a federal, state, local, or nonprofit program or service operated to serve, assist, or otherwise benefit children who are at least three (3) years of age and not yet enrolled in kindergarten, including the following:

(i) A Head Start program under 42 U.S.C. 9831 et seq.

(ii) A special education preschool program.

(iii) A developmental child care program for preschool children.

(2) The grounds adjacent to and owned or rented in common with a building or other structure described in subdivision (1).

Sec. 286. "Scientific purposes", for purposes of IC 35-43-1-3, has the meaning set forth in IC 35-43-1-3(a).

Sec. 287. "Scientific research facility" means a facility in which research is conducted.

Sec. 288. "Search and rescue dog", for purposes of IC 35-46-3-11.3, has the meaning set forth in IC 35-46-3-11.3(a).

Sec. 289. "Security agent" means a person who has been employed by a store to prevent the loss of property due to theft.

Sec. 290. "Security risk", for purposes of IC 35-38-2.5, has the

C o p y

meaning set forth in IC 35-38-2.5-4.5.

Sec. 291. "Self-service display", for purposes of IC 35-46-1-11.8, has the meaning set forth in IC 35-46-1-11.8.

Sec. 292. "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes:

(1) serious permanent disfigurement;

(2) unconsciousness;

(3) extreme pain;

(4) permanent or protracted loss or impairment of the function of a bodily member or organ; or

(5) loss of a fetus.

Sec. 293. "Serious violent felon", for purposes of IC 35-47-4-5, has the meaning set forth in IC 35-47-4-5(a).

Sec. 294. "Serious violent felony", for purposes of IC 35-47-4-5, has the meaning set forth in IC 35-47-4-5(b).

Sec. 295. "Service animal", for purposes of IC 35-46-3-11.5, has the meaning set forth in IC 35-46-3-11.5(a).

Sec. 296. "Service provider", for purposes of IC 35-44-1-5, has the meaning set forth in IC 35-44-1-5(a).

Sec. 297. (a) "Sex offense", for purposes of IC 35-38-2-2.5, has the meaning set forth in IC 35-38-2-2.5(b).

(b) "Sex offense", for purposes of IC 35-50-2-14, has the meaning set forth in IC 35-50-2-14(a).

Sec. 298. "Sex offense against a child", for purposes of IC 35-50-2, has the meaning set forth in IC 35-50-2-1.8.

Sec. 299. "Sexual activity", for purposes of IC 35-42-4-13, has the meaning set forth in IC 35-42-4-13(b).

Sec. 300. (a) "Sexual conduct", for purposes of IC 35-42-4-4, has the meaning set forth in IC 35-42-4-4(a).

(b) "Sexual conduct", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-9.

Sec. 301. "Sexual excitement", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-10.

Sec. 302. "Sexual intercourse" means an act that includes any penetration of the female sex organ by the male sex organ.

Sec. 303. (a) "Sexually violent predator", for purposes of IC 35-38-1-7.5, has the meaning set forth in IC 35-38-1-7.5(a).

(b) "Sexually violent predator", for purposes of IC 35-42-4-10, has the meaning set forth in IC 35-42-4-10(b).

Sec. 304. "Sexually violent predator defendant", for purposes of IC 35-33-8-3.5, has the meaning set forth in IC 35-33-8-3.5(b).

Sec. 305. "Shotgun", for purposes of IC 35-47, has the meaning

C o p y

set forth in IC 35-47-1-11.

Sec. 306. "Slug", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(q).

Sec. 307. "Social networking web site" for purposes of IC 35-42-4-12, has the meaning set forth in IC 35-42-4-12(d).

Sec. 308. "Solicit", for purposes of IC 35-42-4-6, has the meaning set forth in IC 35-42-4-6(a).

Sec. 309. "Special education cooperative", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(i).

Sec. 310. "Stalk", for purposes of IC 35-45-10, has the meaning set forth in IC 35-45-10-1.

Sec. 311. "State", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-7.5.

Sec. 312. "State or federally chartered or federally insured financial institution", for purposes of IC 35-43-5-8, has the meaning set forth in IC 35-43-5-8(b).

Sec. 313. "Stepparent", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(j).

Sec. 314. "Store" means a place of business where property or service with respect to property is displayed, rented, sold, or offered for sale.

Sec. 315. "Student athlete", for purposes of IC 35-46-4, has the meaning set forth in IC 35-46-4-3.

Sec. 316. "Stun gun", for purposes of IC 35-47-8, has the meaning set forth in IC 35-47-8-2.

Sec. 317. "Substance offense", for purposes of IC 35-50-2-10, has the meaning set forth in IC 35-50-2-10(a)(2).

Sec. 318. "Superintendent", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-12.

Sec. 319. "Support", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.

Sec. 320. "Suspicious order", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(6).

Sec. 321. "Synthetic cannabinoid" means a substance containing one (1) or more of the following chemical compounds:

(1) JWH-015 ((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone).

(2) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).

(3) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).

(4) JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone).

(5) JWH-081 (4-methoxynaphthalen- 1-yl- (1-pentylindol-3-yl)methanone).

C o p y

(6) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
(7) JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone).
(8) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).
(9) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).
(10) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
(11) HU-210 ((6aR,10aR)- 9-(Hydroxymethyl)- 6,6-dimethyl-3-(2-methyloctan-2-yl)- 6a,7,10,10a-tetrahydrobenzo [c]chromen- 1-ol).
(12) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)- 6,6-dimethyl-3-(2-methyloctan-2-yl)- 6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).
(13) HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan- 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).
(14) HU-331 ((3-hydroxy-2- [(1R,6R)-3-methyl-6-(1-methylethenyl)-2 -cyclohexen-1-yl]-5 -pentyl-2,5-cyclohexadiene-1,4-dione).
(15) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]- 5- (2-methyloctan-2-yl)phenol).
(16) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]- 5- (2-methyloctan-2-yl)phenol) and its homologues.
(17) WIN 55212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl) pyrrolo [1,2,3-de)- 1,4-benzoxazin- 6-yl]-1-napthalenylmethanone).
(18) RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-yl)methanone).
(19) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone).
(20) 4-Methylmethcathinone. Other name: mephedrone.
(21) 3,4-Methylenedioxymethcathinone. Other name: methylone.
(22) Fluoromethcathinone.
(23) 4-Methoxymethcathinone. Other name: methedrone.
(24) 4-Ethylmethcathinone (4-EMC).
(25) Methylenedioxypyrovalerone. Other name: MDPV.

Sec. 322. "Synthetic identifying information", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(r).

Sec. 323. "Target", for purposes of IC 35-34-2, has the meaning set forth in IC 35-34-2-1.

Sec. 324. "Taser", for purposes of IC 35-47-8, has the meaning

C o p y

set forth in IC 35-47-8-3.

Sec. 325. "Tattoo", for purposes of IC 35-42-2-7, has the meaning set forth in IC 35-42-2-7(a).

Sec. 326. "Telecommunications device", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-3.

Sec. 327. "Telecommunications service", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-4.

Sec. 328. "Telecommunications service provider", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-5.

Sec. 329. "Terrorism" means the unlawful use of force or violence or the unlawful threat of force or violence to intimidate or coerce a government or all or part of the civilian population.

Sec. 330. "Threat", for purposes of IC 35-45-2-1, has the meaning set forth in IC 35-45-2-1(c).

Sec. 331. "Title insurance agent", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-4.

Sec. 332. "Title insurance escrow account", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-5.

Sec. 333. "Title insurer", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-6.

Sec. 334. "Tobacco business", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.

Sec. 335. "Torture", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-0.5(5).

Sec. 336. "Tournament", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(j).

Sec. 337. "Toy crane machine", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(k).

Sec. 338. "Tumultuous conduct", for purposes of IC 35-45-1, has the meaning set forth in IC 35-45-1-1.

Sec. 339. "Ultimate user", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-27.

Sec. 340. "Unit", for purposes of IC 35-40-14, has the meaning set forth in IC 35-40-14-2.

Sec. 341. "Unlawful assembly", for purposes of IC 35-45-1, has the meaning set forth in IC 35-45-1-1.

Sec. 342. "Unlawful telecommunications device", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-6.

Sec. 343. "Unusual theft", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(7).

Sec. 344. "Utility", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(s).

C o p y

Sec. 345. "Utter" means to issue, authenticate, transfer, publish, deliver, sell, transmit, present, or use.

Sec. 346. "Vehicle" means a device for transportation by land, water, or air. The term includes mobile equipment with provision for transport of an operator.

Sec. 347. "Vending machine", for purposes of IC 35-43-4-7, has the meaning set forth in IC 35-43-4-7(a).

Sec. 348. (a) "Victim", for purposes of IC 35-38-1-9 and IC 35-38-1-17, means a person who has suffered harm as a result of a crime.

(b) "Victim", for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-3.

(c) "Victim", for purposes of IC 35-38-7, has the meaning set forth in IC 35-38-7-4.

(d) "Victim", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-8.

(e) "Victim", for purposes of IC 35-45-10, has the meaning set forth in IC 35-45-10-4.

Sec. 349. "Victim advocate", for purposes IC 35-37-6, has the meaning set forth in IC 35-37-6-3.5.

Sec. 350. "Victim representative", for purposes of IC 35-38-1, has the meaning set forth in IC 35-38-1-2(a).

Sec. 351. "Victim service provider", for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-5.

Sec. 352. "Violent offender", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-4.7.

Sec. 353. "Warrant", for purposes of IC 35-33.5, means a warrant authorizing the interception of electronic communication under this article.

Sec. 354. "Weapon of mass destruction" means any chemical device, biological device or organism, or radiological device that is capable of being used for terrorism.

Sec. 355. "Wholesale", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-13.

Sec. 356. "Written instrument", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(t).

Sec. 357. (a) "Youth program center" means the following:

(1) A building or structure that on a regular basis provides recreational, vocational, academic, social, or other programs or services for persons less than eighteen (18) years of age.

(2) The real property on which a building or structure described in subdivision (1) is located.

C o p y

(b) The term does not include school property (as defined in IC 35-41-1-24.7).

SECTION 69. IC 35-33-1-1.7, AS ADDED BY P.L.44-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.7. (a) A facility having custody of a person arrested for a crime of domestic violence (as described in ~~IC 35-41-1-6.3)~~ **IC 35-31.5-2-78)** shall keep the person in custody for at least eight (8) hours from the time of the arrest.

(b) A person described in subsection (a) may not be released on bail until at least eight (8) hours from the time of the person's arrest.

SECTION 70. IC 35-33-6-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 1. As used in this chapter:~~

~~"Adult employee" means an employee who is eighteen (18) years old or older.~~

~~"Agent" means an operator, a manager, an adult employee, or a security agent employed by a store.~~

~~"Motion picture exhibition facility" has the meaning set forth in IC 35-46-8-3.~~

~~"Security agent" means a person who has been employed by a store to prevent the loss of property due to theft.~~

~~"Store" means a place of business where property or service with respect to property is displayed, rented, sold, or offered for sale.~~

SECTION 71. IC 35-33-8-6.5, AS ADDED BY P.L.44-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6.5. The court may not release a person arrested for a crime of domestic violence (as described in ~~IC 35-41-1-6.3)~~ **IC 35-31.5-2-78)** on bail until at least eight (8) hours from the time of the person's arrest.

SECTION 72. IC 35-33-8-11, AS ADDED BY P.L.94-2010, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) A court may require a person who has been charged with a crime of domestic violence (as described in ~~IC 35-41-1-6.3)~~ **IC 35-31.5-2-78)** to wear a GPS tracking device as a condition of bail.

(b) A court may order a person who is required to wear a GPS tracking device under subsection (a) to pay any costs associated with the GPS tracking device.

SECTION 73. IC 35-33.5-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Applicability and Definitions).

SECTION 74. IC 35-35-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The court shall not accept a plea of guilty or guilty but mentally ill at the time of the

C o p y

crime without first determining that the defendant:

(1) understands the nature of the charge against ~~him;~~ **the defendant;**

(2) has been informed that by ~~his~~ **the defendant's** plea ~~he~~ **the defendant** waives ~~his~~ **the defendant's** rights to:

(A) a public and speedy trial by jury;

(B) confront and cross-examine the witnesses against ~~him;~~ **the defendant;**

(C) have compulsory process for obtaining witnesses in ~~his~~ **the defendant's** favor; and

(D) require the state to prove ~~his~~ **the defendant's** guilt beyond a reasonable doubt at a trial at which the defendant may not be compelled to testify against himself **or herself;**

(3) has been informed of the maximum possible sentence and minimum sentence for the crime charged and any possible increased sentence by reason of the fact of a prior conviction or convictions, and any possibility of the imposition of consecutive sentences;

(4) has been informed that the person will lose the right to possess a firearm if the person is convicted of a crime of domestic violence ~~(IC 35-41-1-6.3);~~ **(IC 35-31.5-2-78);** and

(5) has been informed that if:

(A) there is a plea agreement as defined by ~~IC 35-35-3-1;~~ **IC 35-31.5-2-236;** and

(B) the court accepts the plea;

the court is bound by the terms of the plea agreement.

(b) A defendant in a misdemeanor case may waive the rights under subsection (a) by signing a written waiver.

(c) Any variance from the requirements of this section that does not violate a constitutional right of the defendant is not a basis for setting aside a plea of guilty.

SECTION 75. IC 35-35-3-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 1. As used in this chapter:~~

~~"Advisory sentence" means the nonbinding guideline sentence defined in IC 35-50-2-1.3.~~

~~"Plea agreement" means an agreement between a prosecuting attorney and a defendant concerning the disposition of a felony or misdemeanor charge.~~

~~"Prosecuting attorney" includes a deputy prosecuting attorney.~~

~~"Recommendation" means a proposal that is part of a plea agreement made to a court that:~~

~~(1) a felony charge be dismissed; or~~

C o p y

~~(2) a defendant, if the defendant pleads guilty to a felony charge, receive less than the advisory sentence.~~

~~"Victim" means a person who has suffered harm as a result of a crime.~~

SECTION 76. IC 35-36-2-5, AS AMENDED BY P.L.110-2009, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Except as provided by subsection (e), whenever a defendant is found guilty but mentally ill at the time of the crime or enters a plea to that effect that is accepted by the court, the court shall sentence the defendant in the same manner as a defendant found guilty of the offense.

(b) Before sentencing the defendant under subsection (a), the court shall require the defendant to be evaluated by a physician licensed under IC 25-22.5 who practices psychiatric medicine, a licensed psychologist, or a community mental health center (as defined in IC 12-7-2-38). However, the court may waive this requirement if the defendant was evaluated by a physician licensed under IC 25-22.5 who practices psychiatric medicine, a licensed psychologist, or a community mental health center and the evaluation is contained in the record of the defendant's trial or plea agreement hearing.

(c) If a defendant who is found guilty but mentally ill at the time of the crime is committed to the department of correction, the defendant shall be further evaluated and then treated in such a manner as is psychiatrically indicated for the defendant's mental illness. Treatment may be provided by:

(1) the department of correction; or

(2) the division of mental health and addiction after transfer under IC 11-10-4.

(d) If a defendant who is found guilty but mentally ill at the time of the crime is placed on probation, the court may, in accordance with IC 35-38-2-2.3, require that the defendant undergo treatment.

(e) As used in this subsection, "individual with mental retardation" ~~has the meaning set forth in IC 35-36-9-2.~~ **means an individual who, before becoming twenty-two (22) years of age, manifests:**

(1) significantly subaverage intellectual functioning; and

(2) substantial impairment of adaptive behavior;

that is documented in a court ordered evaluative report. If a court determines under IC 35-36-9 that a defendant who is charged with a murder for which the state seeks a death sentence is an individual with mental retardation, the court shall sentence the defendant under IC 35-50-2-3(a).

(f) If a defendant is found guilty but mentally ill, the court shall

C o p y

transmit any information required by the division of state court administration to the division of state court administration for transmission to the NICS (as defined in IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.

SECTION 77. IC 35-38-1-7.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7.7. (a) At the time of sentencing, a court shall determine whether a person has committed a crime of domestic violence (as defined in ~~IC 35-41-1-6.3).~~ **IC 35-31.5-2-78).**

(b) A determination under subsection (a) must be based upon:

(1) evidence introduced at trial; or

(2) a factual basis provided as part of a guilty plea.

(c) Upon determining that a defendant has committed a crime of domestic violence, a court shall advise the defendant of the consequences of this finding.

(d) A judge shall record a determination that a defendant has committed a crime of domestic violence on a form prepared by the division of state court administration.

SECTION 78. IC 35-38-1-9, AS AMENDED BY P.L.155-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) As used in this chapter, "recommendation" **has the meaning set forth in IC 35-31.5-2-272,** and "victim" ~~have~~ **has** the ~~meanings~~ **meaning** set ~~out~~ **forth** in ~~IC 35-35-3-1.~~ **IC 35-31.5-2-348.**

(b) The presentence investigation consists of the gathering of information with respect to:

(1) the circumstances attending the commission of the offense;

(2) the convicted person's history of delinquency or criminality, social history, employment history, family situation, economic status, education, and personal habits;

(3) the impact of the crime upon the victim; and

(4) whether the convicted person is licensed or certified in a profession regulated by IC 25.

(c) The presentence investigation may include any matter that the probation officer conducting the investigation believes is relevant to the question of sentence, and must include:

(1) any matters the court directs to be included;

(2) any written statements submitted to the prosecuting attorney by a victim under IC 35-35-3;

(3) any written statements submitted to the probation officer by a victim; and

(4) preparation of the victim impact statement required under

C o p y

section 8.5 of this chapter.

(d) If there are no written statements submitted to the probation officer, the probation officer shall certify to the court:

(1) that the probation officer has attempted to contact the victim; and

(2) that if the probation officer has contacted the victim, the probation officer has offered to accept the written statements of the victim or to reduce the victim's oral statements to writing, concerning the sentence, including the acceptance of any recommendation.

(e) A presentence investigation report prepared by a probation officer must include the information and comply with any other requirements established in the rules adopted under IC 11-13-1-8.

SECTION 79. IC 35-38-1-17, AS AMENDED BY P.L.1-2010, SECTION 141, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) Within three hundred sixty-five (365) days after:

(1) a convicted person begins serving the person's sentence;

(2) a hearing is held:

(A) at which the convicted person is present; and

(B) of which the prosecuting attorney has been notified; and

(3) the court obtains a report from the department of correction concerning the convicted person's conduct while imprisoned;

the court may reduce or suspend the sentence. The court must incorporate its reasons in the record.

(b) If more than three hundred sixty-five (365) days have elapsed since the convicted person began serving the sentence and after a hearing at which the convicted person is present, the court may reduce or suspend the sentence, subject to the approval of the prosecuting attorney. However, if in a sentencing hearing for a convicted person conducted after June 30, 2001, the court could have placed the convicted person in a community corrections program as an alternative to commitment to the department of correction, the court may modify the convicted person's sentence under this section without the approval of the prosecuting attorney to place the convicted person in a community corrections program under IC 35-38-2.6.

(c) The court must give notice of the order to reduce or suspend the sentence under this section to the victim (as defined in ~~IC 35-35-3-1)~~ **IC 35-31.5-2-348)** of the crime for which the convicted person is serving the sentence.

(d) The court may suspend a sentence for a felony under this section only if suspension is permitted under IC 35-50-2-2.

C o p y

(e) The court may deny a request to suspend or reduce a sentence under this section without making written findings and conclusions.

(f) Notwithstanding subsections (a) and (b), the court is not required to conduct a hearing before reducing or suspending a sentence if:

(1) the prosecuting attorney has filed with the court an agreement of the reduction or suspension of the sentence; and

(2) the convicted person has filed with the court a waiver of the right to be present when the order to reduce or suspend the sentence is considered.

SECTION 80. IC 35-38-2-2.2, AS AMENDED BY P.L.119-2008, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.2. As a condition of probation for a sex offender (as defined in IC 11-8-8-4.5), the court shall:

(1) require the sex offender to register with the local law enforcement authority under IC 11-8-8;

(2) prohibit the sex offender from residing within one thousand (1,000) feet of school property (as defined in ~~IC 35-41-1-24.7),~~ **IC 35-31.5-2-285),** as measured from the property line of the sex offender's residence to the property line of the school property, for the period of probation, unless the sex offender obtains written approval from the court;

(3) require the sex offender to consent:

(A) to the search of the sex offender's personal computer at any time; and

(B) to the installation on the sex offender's personal computer or device with Internet capability, at the sex offender's expense, of one (1) or more hardware or software systems to monitor Internet usage; and

(4) prohibit the sex offender from:

(A) accessing or using certain web sites, chat rooms, or instant messaging programs frequented by children; and

(B) deleting, erasing, or tampering with information on the sex offender's personal computer with intent to conceal an activity prohibited by clause (A).

If the court allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2), the court shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order. However, a court may not allow a sex offender who is a sexually violent predator (as defined in IC 35-38-1-7.5) or an offender against children under IC 35-42-4-11 to reside within one thousand (1,000) feet of school property.

SECTION 81. IC 35-41-1-3 IS REPEALED [EFFECTIVE JULY 1,

C o p y

2012]. ~~Sec. 3. The definitions in this chapter apply throughout this title and to all other statutes relating to penal offenses.~~

SECTION 82. IC 35-41-1-3.2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3.2. (a) "Agency" means any authority, board, bureau, commission, committee, department, division, hospital, military body, or other instrumentality of:~~

~~(1) the state, a county, a township, a city, a town, a separate municipal corporation, a special taxing district, or a public corporation; or~~

~~(2) a state-assisted college or state-assisted university.~~

~~(b) The term does not include any part of the legislative department or the judicial department of state government.~~

SECTION 83. IC 35-41-1-3.4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3.4. "Apartment complex" means real property consisting of at least five (5) units that are regularly used to rent or otherwise furnish residential accommodations for periods of at least thirty (30) days.~~

SECTION 84. IC 35-41-1-4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4. "Bodily injury" means any impairment of physical condition, including physical pain.~~

SECTION 85. IC 35-41-1-4.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4.3. (a) "Bomb" means an explosive or incendiary device designed to release:~~

~~(1) destructive materials or force; or~~

~~(2) dangerous gases;~~

~~that is detonated by impact, proximity to an object, a timing mechanism, a chemical reaction, ignition, or other predetermined means.~~

~~(b) The term does not include the following:~~

~~(1) A firearm (as defined in IC 35-47-1-5) or the ammunition or components for handloading ammunition for a firearm.~~

~~(2) Fireworks regulated under IC 22-11-14.~~

~~(3) Boating, railroad, and other safety flares.~~

~~(4) Propellants used in model rockets or similar hobby activities.~~

~~(5) Commercially manufactured black powder in quantities not to exceed fifty (50) pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or antique devices.~~

SECTION 86. IC 35-41-1-4.4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4.4. "Community transition program" has the meaning set forth in IC 11-8-1-5.5.~~

C o p y

SECTION 87. IC 35-41-1-4.6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4.6. "Community restitution or service" means performance of services directly for a:~~

~~(1) victim;~~

~~(2) nonprofit entity; or~~

~~(3) governmental entity;~~

~~without compensation, including graffiti abatement, park maintenance, and other community service activities. The term does not include the reimbursement under IC 35-50-5-3 or another law of damages or expenses incurred by a victim or another person as the result of a violation of law.~~

SECTION 88. IC 35-41-1-4.7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4.7. "Community policing volunteer" means a person who is:~~

~~(1) not a law enforcement officer; and~~

~~(2) actively participating in a plan, system, or strategy:~~

~~(A) established by and conducted under the authority of a law enforcement agency; and~~

~~(B) in which citizens:~~

~~(i) participate with and are guided by the law enforcement agency; and~~

~~(ii) work with members of the law enforcement agency to reduce or prevent crime within a defined geographic area.~~

SECTION 89. IC 35-41-1-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. "Credit institution" means a bank, insurance company, credit union, savings association, investment trust, industrial loan and investment company, or other organization held out to the public as a place of deposit of funds or a medium of savings or collective investment.~~

SECTION 90. IC 35-41-1-5.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5.5. "Credit restricted felon" means a person who has been convicted of at least one (1) of the following offenses:~~

~~(1) Child molesting involving sexual intercourse or deviate sexual conduct (IC 35-42-4-3(a)), if:~~

~~(A) the offense is committed by a person at least twenty-one (21) years of age; and~~

~~(B) the victim is less than twelve (12) years of age.~~

~~(2) Child molesting (IC 35-42-4-3) resulting in serious bodily injury or death.~~

~~(3) Murder (IC 35-42-1-1), if:~~

~~(A) the person killed the victim while committing or attempting to commit child molesting (IC 35-42-4-3);~~

C o p y

~~(B) the victim was the victim of a sex crime under IC 35-42-4 for which the person was convicted; or~~

~~(C) the victim of the murder was listed by the state or known by the person to be a witness against the person in a prosecution for a sex crime under IC 35-42-4 and the person committed the murder with the intent to prevent the person from testifying.~~

SECTION 91. IC 35-41-1-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. "Crime" means a felony or a misdemeanor.~~

SECTION 92. IC 35-41-1-6.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6.3. "Crime of domestic violence," for purposes of IC 5-2-6.1 and IC 35-47-4-7, means an offense or the attempt to commit an offense that:~~

~~(1) has as an element the:~~

~~(A) use of physical force; or~~

~~(B) threatened use of a deadly weapon; and~~

~~(2) is committed against a:~~

~~(A) current or former spouse, parent, or guardian of the defendant;~~

~~(B) person with whom the defendant shared a child in common;~~

~~(C) person who was cohabiting with or had cohabited with the defendant as a spouse, parent, or guardian; or~~

~~(D) person who was or had been similarly situated to a spouse, parent, or guardian of the defendant.~~

SECTION 93. IC 35-41-1-6.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6.5. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:~~

~~(1) A homicide offense under IC 35-42-1.~~

~~(2) A battery offense under IC 35-42-2.~~

~~(3) Kidnapping or confinement under IC 35-42-3.~~

~~(4) Human and sexual trafficking crimes under IC 35-42-3.5.~~

~~(5) A sex offense under IC 35-42-4.~~

~~(6) Robbery under IC 35-42-5.~~

~~(7) Arson or mischief under IC 35-43-1.~~

~~(8) Burglary or trespass under IC 35-43-2.~~

~~(9) Disorderly conduct under IC 35-45-1.~~

~~(10) Intimidation or harassment under IC 35-45-2.~~

~~(11) Voyeurism under IC 35-45-4.~~

~~(12) Stalking under IC 35-45-10.~~

C o p y

~~(13) An offense against family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.~~

~~(14) A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.~~

SECTION 94. IC 35-41-1-6.6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6.6. "Dangerous gas", for purposes of IC 35-41-1-4.3, means a toxic chemical or its precursors that through chemical action or properties on life processes cause death or permanent injury to human beings. The term does not include the following:~~

~~(1) Riot control agents, smoke, and obscuration materials or medical products that are manufactured, possessed, transported, or used in accordance with the laws of the United States and of this state.~~

~~(2) Tear gas devices designed to be carried on or about the person that contain not more than one-half (1/2) ounce of the chemical.~~

SECTION 95. IC 35-41-1-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7. "Deadly force" means force that creates a substantial risk of serious bodily injury.~~

SECTION 96. IC 35-41-1-8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 8. (a) Except as provided in subsection (b), "deadly weapon" means the following:~~

~~(1) A loaded or unloaded firearm.~~

~~(2) A destructive device, weapon, device, taser (as defined in IC 35-47-8-3) or electronic stun weapon (as defined in IC 35-47-8-1), equipment, chemical substance, or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.~~

~~(3) An animal (as defined in IC 35-46-3-3) that is:~~

~~(A) readily capable of causing serious bodily injury; and~~

~~(B) used in the commission or attempted commission of a crime.~~

~~(4) A biological disease, virus, or organism that is capable of causing serious bodily injury.~~

~~(b) The term does not include:~~

~~(1) a taser (as defined in IC 35-47-8-3);~~

~~(2) an electronic stun weapon (as defined in IC 35-47-8-1);~~

~~(3) a chemical designed to temporarily incapacitate a person; or~~

~~(4) another device designed to temporarily incapacitate a person;~~

~~if the device described in subdivisions (1) through (4) is used by a law enforcement officer who has been trained in the use of the device and who uses the device in accordance with the law enforcement officer's~~

C o p y

~~training and while lawfully engaged in the execution of official duties.~~

SECTION 97. IC 35-41-1-8.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 8.5. "Destructive device" has the meaning set forth in IC 35-47.5-2-4.~~

SECTION 98. IC 35-41-1-9 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 9. "Deviate sexual conduct" means an act involving:~~

~~(1) a sex organ of one person and the mouth or anus of another person; or~~

~~(2) the penetration of the sex organ or anus of a person by an object.~~

SECTION 99. IC 35-41-1-10 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10. "Dwelling" means a building, structure, or other enclosed space, permanent or temporary, movable or fixed, that is a person's home or place of lodging.~~

SECTION 100. IC 35-41-1-10.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10.3. "The effects of battery" refers to a psychological condition of an individual who has suffered repeated physical or sexual abuse inflicted by another individual who is the:~~

~~(1) victim of an alleged crime for which the abused individual is charged in a pending prosecution; and~~

~~(2) abused individual's:~~

~~(A) spouse or former spouse;~~

~~(B) parent;~~

~~(C) guardian or former guardian;~~

~~(D) custodian or former custodian; or~~

~~(E) cohabitant or former cohabitant.~~

SECTION 101. IC 35-41-1-10.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10.5. "Family housing complex" means a building or series of buildings:~~

~~(1) that contains at least twelve (12) dwelling units:~~

~~(A) where children are domiciled or are likely to be domiciled; and~~

~~(B) that are owned by a governmental unit or political subdivision;~~

~~(2) that is operated as a hotel or motel (as described in IC 22-11-18-1);~~

~~(3) that is operated as an apartment complex; or~~

~~(4) that contains subsidized housing.~~

SECTION 102. IC 35-41-1-10.6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10.6. (a) An individual is a "family or household member" of another person if the individual:~~

~~(1) is a current or former spouse of the other person;~~

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~~(2) is dating or has dated the other person;~~
~~(3) is or was engaged in a sexual relationship with the other person;~~
~~(4) is related by blood or adoption to the other person;~~
~~(5) is or was related by marriage to the other person;~~
~~(6) has or previously had an established legal relationship:~~
~~(A) as a guardian of the other person;~~
~~(B) as a ward of the other person;~~
~~(C) as a custodian of the other person;~~
~~(D) as a foster parent of the other person; or~~
~~(E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D); or~~
~~(7) has a child in common with the other person.~~

~~(b) An individual is a "family or household member" of both persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) applies if the individual is a minor child of one (1) of the persons.~~

SECTION 103. IC 35-41-1-10.8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10.8. "Food processing facility" means a facility used to prepare or process animal, plant, or other food ingredients into food products intended for sale or distribution to the general public for human consumption.~~

SECTION 104. IC 35-41-1-11 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 11. "Forcible felony" means a felony that involves the use or threat of force against a human being, or in which there is imminent danger of bodily injury to a human being.~~

SECTION 105. IC 35-41-1-12 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 12. "Governmental entity" means:~~
~~(1) the United States or any state, county, township, city, town, separate municipal corporation, special taxing district, or public school corporation;~~
~~(2) any authority, board, bureau, commission, committee, department, division, hospital, military body, or other instrumentality of any of those entities; or~~
~~(3) a state-assisted college or state-assisted university.~~

SECTION 106. IC 35-41-1-12.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 12.3. "Graffiti" means any unauthorized inscription, work, figure, or design that is marked, etched, scratched, drawn, or painted on a component of any building, structure, or other facility.~~

SECTION 107. IC 35-41-1-13 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 13. "Harm" means loss, disadvantage, or injury or~~

C o p y

~~anything so regarded by the person affected, including loss, disadvantage, or injury to any other person in whose welfare he is interested.~~

SECTION 108. IC 35-41-1-14 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 14. "Human being" means an individual who has been born and is alive.~~

SECTION 109. IC 35-41-1-15 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 15. "Imprison" means to:~~

~~(1) confine in a penal facility;~~

~~(2) commit to the department of correction; or~~

~~(3) assign to a community transition program under IC 11-10-11.5.~~

SECTION 110. IC 35-41-1-16 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 16. "Included offense" means an offense that:~~

~~(1) is established by proof of the same material elements or less than all the material elements required to establish the commission of the offense charged;~~

~~(2) consists of an attempt to commit the offense charged or an offense otherwise included therein; or~~

~~(3) differs from the offense charged only in the respect that a less serious harm or risk of harm to the same person, property, or public interest, or a lesser kind of culpability, is required to establish its commission.~~

SECTION 111. IC 35-41-1-16.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 16.5. "Key facility" means any of the following:~~

~~(1) A chemical manufacturing facility.~~

~~(2) A refinery.~~

~~(3) An electric utility facility, including:~~

~~(A) a power plant;~~

~~(B) a power generation facility peaker;~~

~~(C) an electric transmission facility;~~

~~(D) an electric station or substation; or~~

~~(E) any other facility used to support the generation, transmission, or distribution of electricity.~~

~~However, the term does not include electric transmission land or right-of-way that is not completely enclosed, posted, and maintained by the electric utility.~~

~~(4) A water intake structure or water treatment facility.~~

~~(5) A natural gas utility facility, including:~~

~~(A) an age station;~~

~~(B) a compressor station;~~

~~(C) an odorization facility;~~

C o p y

~~(D) a main line valve;~~
~~(E) a natural gas storage facility; or~~
~~(F) any other facility used to support the acquisition, transmission, distribution, or storage of natural gas. However, the term does not include gas transmission pipeline property that is not completely enclosed, posted, and maintained by the natural gas utility.~~
~~(6) A gasoline, propane, liquid natural gas (LNG), or other fuel terminal or storage facility.~~
~~(7) A transportation facility, including, but not limited to, a port, railroad switching yard, or trucking terminal. However, the term does not include a railroad track that is not part of a railroad switching yard.~~
~~(8) A pulp or paper manufacturing facility.~~
~~(9) A pharmaceutical manufacturing facility.~~
~~(10) A hazardous waste storage, treatment, or disposal facility.~~
~~(11) A telecommunications facility, including a central office or cellular telephone tower site.~~
~~(12) A facility:~~
~~(A) that is substantially similar to a facility, structure, or station listed in this section; or~~
~~(B) whose owner or operator is required to submit a risk management plan under the federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (42 U.S.C. 7412(r)).~~

SECTION 112. IC 35-41-1-17 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 17. (a) "Law enforcement officer" means:~~
~~(1) a police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;~~
~~(2) a deputy of any of those persons;~~
~~(3) an investigator for a prosecuting attorney or for the inspector general;~~
~~(4) a conservation officer;~~
~~(5) an enforcement officer of the alcohol and tobacco commission; or~~
~~(6) an enforcement officer of the securities division of the office of the secretary of state.~~
~~(b) "Federal enforcement officer" means any of the following:~~
~~(1) A Federal Bureau of Investigation special agent.~~
~~(2) A United States Marshals Service marshal or deputy.~~

C o p y

~~(3) A United States Secret Service special agent.~~
~~(4) A United States Fish and Wildlife Service special agent.~~
~~(5) A United States Drug Enforcement Agency agent.~~
~~(6) A Bureau of Alcohol, Tobacco, Firearms and Explosives agent.~~
~~(7) A United States Forest Service law enforcement officer.~~
~~(8) A United States Department of Defense police officer or criminal investigator.~~
~~(9) A United States Customs Service agent.~~
~~(10) A United States Postal Service investigator.~~
~~(11) A National Park Service law enforcement commissioned ranger.~~
~~(12) United States Department of Agriculture, Office of Inspector General special agent.~~
~~(13) A United States Citizenship and Immigration Services special agent.~~
~~(14) An individual who is:~~
~~(A) an employee of a federal agency; and~~
~~(B) authorized to make arrests and carry a firearm in the performance of the individual's official duties.~~

SECTION 113. IC 35-41-1-18 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 18. (a) "Lawful detention" means:~~
~~(1) arrest;~~
~~(2) custody following surrender in lieu of arrest;~~
~~(3) detention in a penal facility;~~
~~(4) detention in a facility for custody of persons alleged or found to be delinquent children;~~
~~(5) detention under a law authorizing civil commitment in lieu of criminal proceedings or authorizing such detention while criminal proceedings are held in abeyance;~~
~~(6) detention for extradition or deportation;~~
~~(7) placement in a community corrections program's residential facility;~~
~~(8) electronic monitoring;~~
~~(9) custody for purposes incident to any of the above including transportation, medical diagnosis or treatment, court appearances, work, or recreation; or~~
~~(10) any other detention for law enforcement purposes.~~
~~(b) Except as provided in subsection (a)(7) and (a)(8), the term does not include supervision of a person on probation or parole or constraint incidental to release with or without bail.~~

SECTION 114. IC 35-41-1-18.3 IS REPEALED [EFFECTIVE

C o p y

JULY 1, 2012]. ~~Sec. 18.3. "Machine gun" means a weapon that:~~

~~(1) shoots; or~~

~~(2) can be readily restored to shoot;~~

~~automatically more than one (1) shot, without manual reloading, by a single function of the trigger.~~

SECTION 115. IC 35-41-1-18.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 18.5. "Motor vehicle" has the meaning set forth in IC 9-13-2-105(a).~~

SECTION 116. IC 35-41-1-19 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 19. "Offense" means a crime. The term does not include an infraction.~~

SECTION 117. IC 35-41-1-19.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 19.3. "Offense relating to a criminal sexual act" means the following:~~

~~(1) Rape (IC 35-42-4-1).~~

~~(2) Criminal deviate conduct (IC 35-42-4-2).~~

~~(3) Child molesting (IC 35-42-4-3).~~

~~(4) Child seduction (IC 35-42-4-7).~~

~~(5) Prostitution (IC 35-45-4-2).~~

~~(6) Patronizing a prostitute (IC 35-45-4-3).~~

~~(7) Incest (IC 35-46-1-3).~~

~~(8) Sexual misconduct with a minor under IC 35-42-4-9(a).~~

SECTION 118. IC 35-41-1-19.4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 19.4. "Offense relating to controlled substances" means the following:~~

~~(1) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).~~

~~(2) Dealing in methamphetamine (IC 35-48-4-1.1).~~

~~(3) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).~~

~~(4) Dealing in a schedule IV controlled substance (IC 35-48-4-3).~~

~~(5) Dealing in a schedule V controlled substance (IC 35-48-4-4).~~

~~(6) Possession of cocaine or a narcotic drug (IC 35-48-4-6).~~

~~(7) Possession of methamphetamine (IC 35-48-4-6.1).~~

~~(8) Possession of a controlled substance (IC 35-48-4-7).~~

~~(9) Possession of paraphernalia (IC 35-48-4-8.3).~~

~~(10) Dealing in paraphernalia (IC 35-48-4-8.5).~~

~~(11) Offenses relating to registration (IC 35-48-4-14).~~

SECTION 119. IC 35-41-1-20 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 20. "Official proceeding" means a proceeding held or that may be held before a legislative, judicial, administrative, or other agency or before an official authorized to take evidence under oath,~~

C o p y

~~including a referee, hearing examiner, commissioner, notary, or other person taking evidence in connection with a proceeding.~~

SECTION 120. IC 35-41-1-21 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 21. "Penal facility" means state prison, correctional facility, county jail, penitentiary, house of correction, or any other facility for confinement of persons under sentence, or awaiting trial or sentence, for offenses. The term includes a correctional facility constructed under IC 4-13.5.~~

SECTION 121. IC 35-41-1-22 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 22. (a) "Person" means a human being, corporation, limited liability company, partnership, unincorporated association, or governmental entity.~~

~~(b) "Person", for purposes of section 10.6 of this chapter, means an adult or a minor.~~

SECTION 122. IC 35-41-1-23 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 23. (a) "Property" means anything of value. The term includes:~~

~~(1) a gain or advantage or anything that might reasonably be regarded as such by the beneficiary;~~

~~(2) real property, personal property, money, labor, and services;~~

~~(3) intangibles;~~

~~(4) commercial instruments;~~

~~(5) written instruments concerning labor, services, or property;~~

~~(6) written instruments otherwise of value to the owner, such as a public record, deed, will, credit card, or letter of credit;~~

~~(7) a signature to a written instrument;~~

~~(8) extension of credit;~~

~~(9) trade secrets;~~

~~(10) contract rights, choses-in-action, and other interests in or claims to wealth;~~

~~(11) electricity, gas, oil, and water;~~

~~(12) captured or domestic animals, birds, and fish;~~

~~(13) food and drink; and~~

~~(14) human remains.~~

~~(b) Property is that "of another person" if the other person has a possessory or proprietary interest in it, even if an accused person also has an interest in that property.~~

SECTION 123. IC 35-41-1-23.7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 23.7. "Public park" means any property operated by a political subdivision for park purposes (as defined in IC 36-10-1-2).~~

SECTION 124. IC 35-41-1-24 IS REPEALED [EFFECTIVE JULY

C o p y

1, 2012]. ~~Sec. 24. "Public servant" means a person who:~~

~~(1) is authorized to perform an official function on behalf of, and is paid by, a governmental entity;~~

~~(2) is elected or appointed to office to discharge a public duty for a governmental entity; or~~

~~(3) with or without compensation, is appointed in writing by a public official to act in an advisory capacity to a governmental entity concerning a contract or purchase to be made by the entity.~~

~~The term does not include a person appointed by the governor to an honorary advisory or honorary military position.~~

SECTION 125. IC 35-41-1-24.2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 24.2. (a) "Salvia" means salvia divinorum or salvinorin A, including:~~

~~(1) all parts of the plant that are classified botanically as salvia divinorum, whether growing or not;~~

~~(2) the seeds of the plant;~~

~~(3) any extract from any part of the plant; and~~

~~(4) every compound, manufacture, derivative, mixture, or preparation of the plant, its seeds, or extracts, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation of the plant, its seeds, or extracts.~~

~~(b) The term does not include any other species in the genus salvia.~~

SECTION 126. IC 35-41-1-24.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 24.3. "School bus" means any motor vehicle designed and constructed for the accommodation of more than ten (10) passengers, which is used for the transportation of Indiana school children.~~

SECTION 127. IC 35-41-1-24.7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 24.7. "School property" means the following:~~

~~(1) A building or other structure owned or rented by:~~

~~(A) a school corporation;~~

~~(B) an entity that is required to be licensed under IC 12-17.2 or IC 31-27;~~

~~(C) a private school that is not supported and maintained by funds realized from the imposition of a tax on property, income, or sales; or~~

~~(D) a federal, state, local, or nonprofit program or service operated to serve, assist, or otherwise benefit children who are at least three (3) years of age and not yet enrolled in kindergarten, including the following:~~

~~(i) A Head Start program under 42 U.S.C. 9831 et seq.~~

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~~(ii) A special education preschool program.~~

~~(iii) A developmental child care program for preschool children.~~

~~(2) The grounds adjacent to and owned or rented in common with a building or other structure described in subdivision (1).~~

SECTION 128. IC 35-41-1-24.8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 24.8. "Scientific research facility" means a facility in which research is conducted.~~

SECTION 129. IC 35-41-1-25 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 25. "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes:~~

~~(1) serious permanent disfigurement;~~

~~(2) unconsciousness;~~

~~(3) extreme pain;~~

~~(4) permanent or protracted loss or impairment of the function of a bodily member or organ; or~~

~~(5) loss of a fetus.~~

SECTION 130. IC 35-41-1-26 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 26. "Sexual intercourse" means an act that includes any penetration of the female sex organ by the male sex organ.~~

SECTION 131. IC 35-41-1-26.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 26.3. "Synthetic cannabinoid" means a substance containing one (1) or more of the following chemical compounds:~~

~~(1) JWH-015 ((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone).~~

~~(2) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).~~

~~(3) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).~~

~~(4) JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone).~~

~~(5) JWH-081 (4-methoxynaphthalen- 1-yl- (1-pentylindol-3-yl)methanone).~~

~~(6) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).~~

~~(7) JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone).~~

~~(8) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).~~

~~(9) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).~~

~~(10) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).~~

~~(11) HU-210 ((6aR,10aR)- 9-(Hydroxymethyl)- 6,6-dimethyl-3-(2-methyloctan-2-yl)- 6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).~~

~~(12) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)- 6,6-dimethyl-3-(2-methyloctan-2-yl)- 6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).~~

C o p y

~~(13) HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4- (2-methyloctan-2-yl)phenyl]- 7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).~~

~~(14) HU-331 ((3-hydroxy-2- [(1R,6R)-3-methyl-6-(1-methylethenyl)-2 -cyclohexen-1-yl]-5 -pentyl-2,5-cyclohexadiene-1,4-dione).~~

~~(15) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]- 5- (2-methyloctan-2-yl)phenol).~~

~~(16) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]- 5-(2-methyloctan-2-yl)phenol) and its homologues.~~

~~(17) WIN 55212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl) pyrrolo [1,2,3-de)- 1,4- benzoxazin- 6-yl]-1-napthalenylmethanone).~~

~~(18) RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-yl)methanone).~~

~~(19) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone).~~

~~(20) 4-Methylmetheathinone. Other name: mephedrone.~~

~~(21) 3,4-Methylenedioxymetheathinone. Other name: methylone.~~

~~(22) Fluorometheathinone.~~

~~(23) 4-Methoxymetheathinone. Other name: methedrone.~~

~~(24) 4-Ethylmetheathinone (4-EMC).~~

~~(25) Methylenedioxypyrovalerone. Other name: MDPV.~~

SECTION 132. IC 35-41-1-26.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 26.5. "Terrorism" means the unlawful use of force or violence or the unlawful threat of force or violence to intimidate or coerce a government or all or part of the civilian population.~~

SECTION 133. IC 35-41-1-27 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 27. "Utter" means to issue, authenticate, transfer, publish, deliver, sell, transmit, present, or use.~~

SECTION 134. IC 35-41-1-28 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 28. "Vehicle" means a device for transportation by land, water, or air. The term includes mobile equipment with provision for transport of an operator.~~

SECTION 135. IC 35-41-1-29 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 29. (a) "Youth program center" means the following:~~

~~(1) A building or structure that on a regular basis provides recreational, vocational, academic, social, or other programs or services for persons less than eighteen (18) years of age.~~

~~(2) The real property on which a building or structure described in subdivision (1) is located.~~

~~(b) The term does not include school property (as defined in section~~

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~~24.7 of this chapter).~~

SECTION 136. IC 35-41-1-29.4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 29.4. "Weapon of mass destruction" means any chemical device, biological device or organism, or radiological device that is capable of being used for terrorism.~~

SECTION 137. IC 35-42-2-1, AS AMENDED BY P.L.131-2009, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A person who knowingly or intentionally touches another person in a rude, insolent, or angry manner commits battery, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if:

(A) it results in bodily injury to any other person;

(B) it is committed against a law enforcement officer or against a person summoned and directed by the officer while the officer is engaged in the execution of the officer's official duty;

(C) it is committed against an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71) while the employee is engaged in the execution of the employee's official duty;

(D) it is committed against a firefighter (as defined in IC 9-18-34-1) while the firefighter is engaged in the execution of the firefighter's official duty;

(E) it is committed against a community policing volunteer:

(i) while the volunteer is performing the duties described in ~~IC 35-41-1-4.7;~~ **IC 35-31.5-2-49;** or

(ii) because the person is a community policing volunteer; or

(F) it is committed against the state chemist or the state chemist's agent while the state chemist or the state chemist's agent is performing a duty under IC 15-16-5;

(2) a Class D felony if it results in bodily injury to:

(A) a law enforcement officer or a person summoned and directed by a law enforcement officer while the officer is engaged in the execution of the officer's official duty;

(B) a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;

(C) a person of any age who has a mental or physical disability and is committed by a person having the care of the person with a mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation;

(D) the other person and the person who commits the battery

C o p y

was previously convicted of a battery in which the victim was the other person;

(E) an endangered adult (as defined in IC 12-10-3-2);

(F) an employee of the department of correction while the employee is engaged in the execution of the employee's official duty;

(G) an employee of a school corporation while the employee is engaged in the execution of the employee's official duty;

(H) a correctional professional while the correctional professional is engaged in the execution of the correctional professional's official duty;

(I) a person who is a health care provider (as defined in IC 16-18-2-163) while the health care provider is engaged in the execution of the health care provider's official duty;

(J) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71) while the employee is engaged in the execution of the employee's official duty;

(K) a firefighter (as defined in IC 9-18-34-1) while the firefighter is engaged in the execution of the firefighter's official duty;

(L) a community policing volunteer:

(i) while the volunteer is performing the duties described in ~~IC 35-41-1-4.7;~~ **IC 35-31.5-2-49;** or

(ii) because the person is a community policing volunteer;

(M) a family or household member (as defined in ~~IC 35-41-1-10.6)~~ **IC 35-31.5-2-128)** if the person who committed the offense:

(i) is at least eighteen (18) years of age; and

(ii) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense; or

(N) a department of child services employee while the employee is engaged in the execution of the employee's official duty;

(3) a Class C felony if it results in serious bodily injury to any other person or if it is committed by means of a deadly weapon;

(4) a Class B felony if it results in serious bodily injury to a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;

(5) a Class A felony if it results in the death of a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;

C o p y

(6) a Class C felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2);
(7) a Class B felony if it results in the death of an endangered adult (as defined in IC 12-10-3-2); and
(8) a Class C felony if it results in bodily injury to a pregnant woman and the person knew the woman was pregnant.

(b) For purposes of this section:
(1) "law enforcement officer" includes an alcoholic beverage enforcement officer; and
(2) "correctional professional" means a:
(A) probation officer;
(B) parole officer;
(C) community corrections worker; or
(D) home detention officer.

SECTION 138. IC 35-42-4-7, AS AMENDED BY P.L.125-2009, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) As used in this section, "adoptive parent" has the meaning set forth in IC 31-9-2-6.

(b) As used in this section, "adoptive grandparent" means the parent of an adoptive parent.

(c) As used in this section, "charter school" has the meaning set forth in IC 20-18-2-2.5.

(d) As used in this section, "child care worker" means a person who:
(1) provides care, supervision, or instruction to a child within the scope of the person's employment in a shelter care facility;
(2) is employed by a:
(A) school corporation;
(B) charter school;
(C) nonpublic school; or
(D) special education cooperative;
attended by a child who is the victim of a crime under this chapter; or
(3) is:
(A) affiliated with a:
(i) school corporation;
(ii) charter school;
(iii) nonpublic school; or
(iv) special education cooperative;
attended by a child who is the victim of a crime under this chapter, regardless of how or whether the person is compensated;
(B) in a position of trust in relation to a child who attends the

C o p y

school or cooperative;

(C) engaged in the provision of care or supervision to a child who attends the school or cooperative; and

(D) at least four (4) years older than the child who is the victim of a crime under this chapter.

The term does not include a student who attends the school or cooperative.

(e) As used in this section, "custodian" means any person who resides with a child and is responsible for the child's welfare.

(f) As used in this section, "military recruiter" means a member of the armed forces of the United States (as defined in IC 20-33-10-2) or the Indiana National Guard whose primary job function, classification, or specialty is recruiting individuals to enlist with the armed forces of the United States or the Indiana National Guard.

(g) As used in this section, "nonpublic school" has the meaning set forth in IC 20-18-2-12.

(h) As used in this section, "school corporation" has the meaning set forth in IC 20-18-2-16.

(i) As used in this section, "special education cooperative" has the meaning set forth in IC 20-35-5-1.

(j) As used in this section, "stepparent" means an individual who is married to a child's custodial or noncustodial parent and is not the child's adoptive parent.

(k) If a person who:

(1) is at least eighteen (18) years of age; and

(2) is:

(A) the:

(i) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of; or

(ii) child care worker for; or

(B) a military recruiter who is attempting to enlist;

a child at least sixteen (16) years of age but less than eighteen (18) years of age;

engages with the child in sexual intercourse, deviate sexual conduct (as defined in ~~IC 35-41-1-9),~~ **IC 35-31.5-2-94),** or any fondling or touching with the intent to arouse or satisfy the sexual desires of either the child or the adult, the person commits child seduction, a Class D felony.

SECTION 139. IC 35-44-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. A person other than a firefighter who, with intent to mislead a firefighter or law enforcement officer as to the person's status as a dispatched firefighter, knowingly or intentionally enters an emergency incident area while

C o p y

wearing, transporting, or otherwise possessing a uniform, fire protective clothing, or fire protective gear commits a Class A misdemeanor. However, the offense is a Class D felony if, as a proximate result of the person entering the emergency incident area, a person or firefighter suffers bodily injury (as defined in ~~IC 35-41-1-4).~~ **IC 35-31.5-2-29).**

SECTION 140. IC 35-47-1-7, AS AMENDED BY P.L.127-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. "Proper person" means a person who:

(1) does not have a conviction for resisting law enforcement under IC 35-44-3-3 within five (5) years before the person applies for a license or permit under this chapter;

(2) does not have a conviction for a crime for which the person could have been sentenced for more than one (1) year;

(3) does not have a conviction for a crime of domestic violence (as defined in ~~IC 35-41-1-6.3),~~ **IC 35-31.5-2-78),** unless a court has restored the person's right to possess a firearm under IC 35-47-4-7;

(4) is not prohibited by a court order from possessing a handgun;

(5) does not have a record of being an alcohol or drug abuser as defined in this chapter;

(6) does not have documented evidence which would give rise to a reasonable belief that the person has a propensity for violent or emotionally unstable conduct;

(7) does not make a false statement of material fact on the person's application;

(8) does not have a conviction for any crime involving an inability to safely handle a handgun;

(9) does not have a conviction for violation of the provisions of this article within five (5) years of the person's application;

(10) does not have an adjudication as a delinquent child for an act that would be a felony if committed by an adult, if the person applying for a license or permit under this chapter is less than twenty-three (23) years of age;

(11) has not been involuntarily committed, other than a temporary commitment for observation or evaluation, to a mental institution by a court, board, commission, or other lawful authority;

(12) has not been the subject of a:

(A) ninety (90) day commitment as a result of proceeding under IC 12-26-6; or

(B) regular commitment under IC 12-26-7; or

(13) has not been found by a court to be mentally incompetent,

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including being found:
(A) not guilty by reason of insanity;
(B) guilty but mentally ill; or
(C) incompetent to stand trial.

SECTION 141. IC 35-47-5-2.5, AS ADDED BY P.L.72-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) As used in this section, "knife" means an instrument that:

(1) consists of a sharp edged or sharp pointed blade capable of inflicting cutting, stabbing, or tearing wounds; and
(2) is intended to be used as a weapon.

(b) The term includes a dagger, dirk, poniard, stiletto, switchblade knife, or gravity knife.

(c) A person who recklessly, knowingly, or intentionally possesses a knife on:

(1) school property (as defined in ~~IC 35-41-1-24.7);~~ **IC 35-31.5-2-285);**
(2) a school bus (as defined in IC 20-27-2-8); or
(3) a special purpose bus (as defined in IC 20-27-2-10);

commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous unrelated conviction under this section and a Class D felony if the offense results in bodily injury or serious bodily injury to another person.

(d) This section does not apply to a person who possesses a knife:

(1) if:
(A) the knife is provided to the person by the school corporation or possession of the knife is authorized by the school corporation; and
(B) the person uses the knife for a purpose authorized by the school corporation; or
(2) if the knife is secured in a motor vehicle.

SECTION 142. IC 35-47-6-1.1, AS ADDED BY P.L.50-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.1. (a) As used in this section, "dangerous device" means:

(1) a firearm;
(2) a destructive device (as defined in IC 35-47.5-2-4); or
(3) a weapon of mass destruction ~~(IC 35-41-1-29.4).~~ **(IC 35-31.5-2-354).**

(b) A person who checks an item to be transported on a commercial passenger airline and who:

(1) knows the item contains a dangerous device; and

C o p y

(2) knowingly or intentionally fails to disclose orally or in writing to the person to whom possession of the item is delivered for carriage that the item contains a dangerous device;

commits undisclosed transport of a dangerous device, a Class A misdemeanor.

SECTION 143. IC 35-47-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A person who knowingly or intentionally places or disseminates a device or substance with the intent to cause a reasonable person to believe that the device or substance is a weapon of mass destruction (as defined in ~~IC 35-41-1-29.4),~~ **IC 35-31.5-2-354)** commits terroristic mischief, a Class C felony. However, the offense is a Class B felony if, as a result of the terroristic mischief:

(1) a physician prescribes diagnostic testing or medical treatment for any person other than the person who committed the terroristic mischief; or

(2) a person suffers serious bodily injury.

SECTION 144. IC 35-47-15-3, AS ADDED BY P.L.1-2006, SECTION 538, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. As used in this chapter, "law enforcement officer" has the meaning set forth in ~~IC 35-41-1-17(a).~~ **IC 35-31.5-2-185.** The term includes an arson investigator employed by the office of the state fire marshal.

SECTION 145. IC 35-50-5-1.1, AS AMENDED BY P.L.119-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.1. (a) Whenever a person is convicted of a misdemeanor under IC 35-44-1, the court may include in the sentence an order rendering the person incapable of holding a public office of trust or profit for a fixed period of not more than ten (10) years.

(b) If any officer of a governmental entity is convicted of a misdemeanor under IC 35-44-1, the court may enter an order removing the officer from office.

(c) This subsection applies whenever:

(1) the court enters an order under this section that applies to a person who is an officer of a governmental entity (as defined in ~~IC 35-41-1-12);~~ **IC 35-31.5-2-144);** and

(2) a vacancy occurs in the office held by the person as the result of the court's order.

The court must file a certified copy of the order with the person who is entitled under IC 5-8-6 to receive notice of the death of an individual holding the office. The person receiving the copy of the order must give notice of the order in the same manner as if the person had received a

C o p y

notice of the death of the officeholder under IC 5-8-6. The person required or permitted to fill the vacancy that results from a removal under this section must comply with IC 3-13 or IC 20, whichever applies, to fill the vacancy.

SECTION 146. IC 36-2-13-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) As used in this section, "accident and sickness insurance policy" means an insurance policy that provides one (1) or more of the types of insurance described as Class 1(b) or 2(a) insurance under IC 27-1-5-1 on an individual basis or a group basis.

(b) As used in this section, "enrollee" has the meaning set forth in IC 27-13-1-12.

(c) As used in this section, "lawful detention" has the meaning set forth in ~~IC 35-41-1-18.~~ **IC 35-31.5-2-186.**

(d) As used in this section, "health maintenance organization" has the meaning set forth in IC 27-13-1-19.

(e) An individual who is:

(1) insured under an accident and sickness insurance policy; or

(2) an enrollee under a health maintenance organization;

shall submit a claim under the policy or plan for expenses resulting from health care services that are rendered to the individual while the individual is subject to lawful detention by a county sheriff.

(f) A county sheriff is not obligated to pay for health care services rendered to an individual while in the lawful detention of the sheriff to the extent that payment for the services is available under:

(1) an accident and sickness insurance policy under which the individual is insured; or

(2) a health maintenance organization under which the individual is an enrollee.

(g) If an individual to whom health care services are rendered while subject to lawful detention by a county sheriff fails or refuses to file a claim for payment of expenses resulting from the health care services, a claim for payment of the expenses may be filed by:

(1) the sheriff; or

(2) the health care provider that rendered the services;

on behalf of the individual with the accident and sickness insurance policy under which the individual is insured or the health maintenance organization under which the individual is an enrollee.

SECTION 147. IC 36-2-13-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) As used in this section, "lawful detention" has the meaning set forth in ~~IC 35-41-1-18.~~ **IC 35-31.5-2-186.**

C o p y

(b) This section applies to a county only if the legislative body for the county elects by ordinance to implement this section.

(c) A person who is:

(1) sentenced under this article for a felony or a misdemeanor;

(2) subject to lawful detention in a county jail for a period of more than seventy-two (72) hours;

(3) not a member of a family that makes less than **one hundred fifty percent** (150%) of the federal income poverty level; and

(4) not detained as a child subject to the jurisdiction of a juvenile court;

shall reimburse the county for the costs described in subsection (d).

(d) A person described in subsection (c) shall reimburse the county for the sum of the following amounts:

(1) The lesser of:

(A) the per diem amount specified under subsection (e); or

(B) thirty dollars ($30);

multiplied by each day or part of a day that the person is lawfully detained in a county jail or lawfully detained under IC 35-33-11-3 for more than six (6) hours.

(2) The direct cost of investigating whether the person is indigent.

(3) The cost of collecting the amount for which the person is liable under this section.

(e) The county fiscal body shall fix the per diem described in subsection (d)(1)(A) in an amount that is reasonably related to the average daily cost of housing a person in the county jail. If the county transfers the person to another county or the department of correction under IC 35-33-11-3, the per diem is equal to the per diem charged to the county under IC 35-33-11-5.

(f) The county sheriff shall collect the amounts due from a person under this section in conformity with the procedures specified in the ordinance adopted under subsection (b). If the county sheriff does not collect the amount due to the county, the county attorney may collect the amount due.

SECTION 148. IC 36-2-13-15.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15.3. (a) As used in this section, "lawful detention" has the meaning set forth in ~~IC 35-41-1-18.~~ **IC 35-31.5-2-186.**

(b) This section applies only:

(1) to a county having a population of less than six thousand (6,000); and

(2) if the legislative body for the county elects by ordinance to implement this section.

C o p y

(c) A person who is:
(1) sentenced under this article for a felony or a misdemeanor;
(2) subject to lawful detention in a county jail for a period of more than six (6) hours;
(3) not a member of a family that makes less than **one hundred fifty percent** (150%) of the federal income poverty level; and
(4) not detained as a child subject to the jurisdiction of a juvenile court;

shall reimburse the county for the costs described in subsection (d).

(d) A person described in subsection (c) shall reimburse the county for the sum of the following amounts:
(1) The lesser of:
(A) the per diem amount specified under subsection (e); or
(B) fifty dollars ($50);

multiplied by each day or part of a day that the person is lawfully detained in a county jail or lawfully detained under IC 35-33-11-3 for more than six (6) hours.
(2) The direct cost of investigating whether the person is indigent.
(3) The cost of collecting the amount for which the person is liable under this section.

(e) The county fiscal body shall fix the per diem described in subsection (d)(1)(A) in an amount that is reasonably related to the average daily cost of housing a person in the county jail. If the county transfers the person to another county or the department of correction under IC 35-33-11-3, the per diem is equal to the per diem charged to the county under IC 35-33-11-5.

(f) The county sheriff shall collect the amounts due from a person under this section in conformity with the procedures specified in the ordinance adopted under subsection (b). If the county sheriff does not collect the amount due to the county, the county attorney may collect the amount due.

SECTION 149. IC 36-8-10-10.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10.6. (a) The sheriff may appoint as a special deputy any person who is employed by a governmental entity as defined in ~~IC 35-41-1~~ **IC 35-31.5-2-144** or private employer, the nature of which employment necessitates that the person have the powers of a law enforcement officer. During the term of ~~his~~ **the special deputy's** appointment and while ~~he~~ **the special deputy** is fulfilling the specific responsibilities for which the appointment is made, a special deputy has the powers, privileges, and duties of a county police officer under this chapter, subject to any written limitations and specific requirements imposed by the sheriff

C o p y

and signed by the special deputy. A special deputy is subject to the direction of the sheriff and shall obey the rules and orders of the department. A special deputy may be removed by the sheriff at any time, without notice and without assigning any cause.

(b) The sheriff shall fix the prerequisites of training, education, and experience for special deputies, subject to the minimum requirements prescribed by this subsection. Applicants must:

(1) be twenty-one (21) years of age or older;

(2) never have been convicted of a felony, or a misdemeanor involving moral turpitude;

(3) be of good moral character; and

(4) have sufficient training to insure the proper performance of their authorized duties.

(c) Except as provided in subsection (d), a special deputy shall wear a uniform the design and color of which is easily distinguishable from the uniforms of the Indiana state police, the regular county police force, and all municipal police and fire forces located in the county.

(d) The sheriff may permit a special deputy to wear the uniform of the regular county police force if the special deputy:

(1) has successfully completed the minimum basic training requirements under IC 5-2-1;

(2) is periodically assigned by the sheriff to duties of a regular county police officer; and

(3) is an employee of the department.

The sheriff may revoke permission for the special deputy to wear the uniform of the regular county police force at any time without cause or notice.

(e) The sheriff may also appoint one (1) legal deputy, who must be a member of the Indiana bar. The legal deputy does not have police powers. The legal deputy may continue to practice law. However, neither the legal deputy nor any attorney in partnership with ~~him~~ **the legal deputy** may represent a defendant in a criminal case.

(f) The sheriff, for the purpose of guarding prisoners in the county jail:

(1) in counties not having a consolidated city, may appoint special deputies to serve as county jail guards; and

(2) in counties having a consolidated city, shall appoint only special deputies to serve as county jail guards.

This subsection does not affect the rights or liabilities accrued by any county police officer assigned to guard the jail before August 31, 1982.

SECTION 150. IC 36-8-12-2, AS AMENDED BY P.L.174-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

C o p y

JULY 1, 2012]: Sec. 2. As used in this chapter:

"Emergency medical services personnel" means individuals certified by the emergency medical services commission established by IC 16-31-2-1 who:

(1) as a result of a written application, have been elected or appointed to membership in a volunteer fire department; and

(2) have executed a pledge to faithfully perform, with or without nominal compensation, the work related duties assigned and orders given to the individuals by the chief of the volunteer fire department or an officer of the volunteer fire department, including orders or duties involving education and training.

"Employee" means a person in the service of another person under a written or implied contract of hire or apprenticeship.

"Employer" means:

(1) a political subdivision;

(2) an individual or the legal representative of a deceased individual;

(3) a firm;

(4) an association;

(5) a limited liability company;

(6) an employer that provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth in IC 22-3-2-2.5(a); or

(7) a corporation or its receiver or trustee;

that uses the services of another person for pay.

"Essential employee" means an employee:

(1) who the employer has determined to be essential to the operation of the employer's daily enterprise; and

(2) without whom the employer is likely to suffer economic injury as a result of the absence of the essential employee.

"Nominal compensation" means annual compensation of not more than twenty thousand dollars ($20,000).

"Public servant" has the meaning set forth in ~~IC 35-41-1-24.~~ **IC 35-31.5-2-261.**

"Responsible party" has the meaning set forth in IC 13-11-2-191(e).

"Volunteer fire department" means a department or association organized for the purpose of answering fire alarms, extinguishing fires, and providing other emergency services, the majority of members of which receive no compensation or nominal compensation for their services.

"Volunteer firefighter" means a firefighter:

(1) who, as a result of a written application, has been elected or

C o p y

appointed to membership in a volunteer fire department;

(2) who has executed a pledge to faithfully perform, with or without nominal compensation, the work related duties assigned and orders given to the firefighter by the chief of the volunteer fire department or an officer of the volunteer fire department, including orders or duties involving education and training as prescribed by the volunteer fire department or the state; and

(3) whose name has been entered on a roster of volunteer firefighters that is kept by the volunteer fire department and that has been approved by the proper officers of the unit.

"Volunteer member" means a member of a volunteer emergency medical services association connected with a unit as set forth in IC 16-31-5-1(6).

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 26, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 27, line 30, after "(d)," insert "**and** (e);".

Page 27, line 30, delete "(e),".

Page 27, line 30, strike "and (h);".

Page 54, line 21, delete "bond" means a bond executed by a person who" and insert "**bond," for purposes of IC 35-33-8, has the meaning set forth in IC 35-33-8-1.**".

Page 54, delete lines 22 through 27.

Page 67, line 38, delete "IC 35-36-9," and insert "**IC 35-36-9 and IC 35-50-2,**".

Page 67, line 38, delete "means an individual who, before becoming twenty-two" and insert "**has the meaning set forth in IC 35-36-9-2.**".

Page 67, delete lines 39 through 42.

Page 70, line 6, delete "IC 35-47-5-2.5(a)." and insert "**IC 35-47-5-2.5(a) and IC 35-47-5-2.5(b).**".

Page 74, line 39, delete ""Polygraph" means a device that permanently and" and insert "**"Polygraph", for purposes of IC 35-37-4.5, has the meaning set forth in IC 35-37-4.5-1.**".

Page 74, delete lines 40 through 42.

Page 75, delete line 1.

Page 77, line 25, delete "IC 35-5-3," and insert "**IC 35-35-3 and IC 35-38-1,**".

Page 82, line 8, delete "means a person" and insert "**has the meaning set forth in IC 35-34-2-1.**".

Page 82, delete lines 9 through 10.

Page 84, delete lines 34 through 40.

Page 85, delete lines 16 through 20.

Page 87, line 14, strike "has the meaning set forth in".

Page 87, line 14, delete "IC 35-31.5-2-169." and insert "**means an individual who, before becoming twenty-two (22) years of age, manifests:**

(1) significantly subaverage intellectual functioning; and

(2) substantial impairment of adaptive behavior;

that is documented in a court ordered evaluative report.".

Page 87, delete lines 24 through 37.

C o p y

Page 111, delete lines 15 through 19.
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 26 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

C o p y