



Reprinted  
January 18, 2012

---

---

## SENATE BILL No. 26

---

DIGEST OF SB 26 (Updated January 17, 2012 2:02 pm - DI 107)

**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, Randolph**

---

---

January 4, 2012, read first time and referred to Committee on Judiciary.  
January 12, 2012, amended, reported favorably — Do Pass.  
January 17, 2012, read second time, amended, ordered engrossed.

---

---

C  
o  
p  
y

SB 26—LS 6105/DI 107+



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:*

- 1 SECTION 1. IC 1-1-4-5 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2012]: Sec. 5. The following definitions apply  
3 to the construction of all Indiana statutes, unless the construction is  
4 plainly repugnant to the intent of the general assembly or of the context  
5 of the statute:
- 6 (1) "Adult", "of full age", and "person in his majority" mean a  
7 person at least eighteen (18) years of age.
  - 8 (2) "Attorney" includes a counselor or other person authorized to  
9 appear and represent a party in an action or special proceeding.
  - 10 (3) "Autism" means a neurological condition as described in the  
11 most recent edition of the Diagnostic and Statistical Manual of  
12 Mental Disorders of the American Psychiatric Association.
  - 13 (4) "Bond" does not necessarily imply a seal.
  - 14 (5) "Clerk" means the clerk of the court or a person authorized to  
15 perform the clerk's duties.
  - 16 (6) "Health record", "hospital record", or "medical record" means  
17 written or printed information possessed by a provider (as defined

SB 26—LS 6105/DI 107+



- 1 in IC 16-18-2-295) concerning any diagnosis, treatment, or  
 2 prognosis of the patient, unless otherwise defined. Except as  
 3 otherwise provided, the terms include mental health records and  
 4 drug and alcohol abuse records.
- 5 (7) "Highway" includes county bridges and state and county  
 6 roads, unless otherwise expressly provided.
- 7 (8) "Infant" or "minor" means a person less than eighteen (18)  
 8 years of age.
- 9 (9) "Inhabitant" may be construed to mean a resident in any place.
- 10 (10) "Judgment" means all final orders, decrees, and  
 11 determinations in an action and all orders upon which executions  
 12 may issue.
- 13 (11) "Land", "real estate", and "real property" include lands,  
 14 tenements, and hereditaments.
- 15 (12) "Mentally incompetent" means of unsound mind.
- 16 (13) "Money demands on contract", when used in reference to an  
 17 action, means an action arising out of contract when the relief  
 18 demanded is a recovery of money.
- 19 (14) "Month" means a calendar month, unless otherwise  
 20 expressed.
- 21 (15) "Noncode statute" means a statute that is not codified as part  
 22 of the Indiana Code.
- 23 (16) "Oath" includes "affirmation", and "to swear" includes to  
 24 "affirm".
- 25 (17) "Person" extends to bodies politic and corporate.
- 26 (18) "Personal property" includes goods, chattels, evidences of  
 27 debt, and things in action.
- 28 (19) "Population" has the meaning set forth in IC 1-1-3.5-3.
- 29 (20) "Preceding" and "following", referring to sections in statutes,  
 30 mean the sections next preceding or next following that in which  
 31 the words occur, unless some other section is designated.
- 32 (21) "Property" includes personal and real property.
- 33 (22) "Sheriff" means the sheriff of the county or another person  
 34 authorized to perform sheriff's duties.
- 35 (23) "State", applied to any one (1) of the United States, includes  
 36 the District of Columbia and the commonwealths, possessions,  
 37 states in free association with the United States, and the  
 38 territories. "United States" includes the District of Columbia and  
 39 the commonwealths, possessions, states in free association with  
 40 the United States, and the territories.
- 41 (24) "Under legal disabilities" includes persons less than eighteen  
 42 (18) years of age, mentally incompetent, or out of the United

C  
O  
P  
Y

- 1 States.
- 2 (25) "Verified", when applied to pleadings, means supported by
- 3 oath or affirmation in writing.
- 4 (26) "Will" includes a testament and codicil.
- 5 (27) "Without relief" in any judgment, contract, execution, or
- 6 other instrument of writing or record, means without the benefit
- 7 of valuation laws.
- 8 (28) "Written" and "in writing" include printing, lithographing, or
- 9 other mode of representing words and letters. If the written
- 10 signature of a person is required, the terms mean the proper
- 11 handwriting of the person or the person's mark.
- 12 (29) "Year" means a calendar year, unless otherwise expressed.
- 13 (30) The definitions in ~~IC 35-41-1~~ **IC 35-31.5** apply to all statutes
- 14 relating to penal offenses.

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

- 21 (1) The donation is made for the purpose of influencing any of the
- 22 following:
  - 23 (A) The nomination or election to office of a candidate.
  - 24 (B) The election of delegates to a state constitutional
  - 25 convention.
  - 26 (C) The outcome of a public question.
- 27 (2) The donation is accepted by any of the following:
  - 28 (A) A candidate.
  - 29 (B) A candidate's committee.
  - 30 (C) A regular party committee.
  - 31 (D) A political action committee.
  - 32 (E) A legislative caucus committee.

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

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

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

COPY



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

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

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

10 the committee is not considered to be receiving a contribution.

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

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

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

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

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

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

C  
o  
p  
y



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

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

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

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

- 16 (1) Seeks to enforce the payment of a debt by force or threat of
- 17 force.
- 18 (2) Ejects or threatens to eject the voter or candidate from a house
- 19 the voter or candidate occupies.
- 20 (3) Begins a criminal prosecution.
- 21 (4) Damages the business or trade of the voter or candidate.
- 22 (5) Communicates a threat to commit a forcible felony (as defined
- 23 in ~~IC 35-41-1-11~~) **IC 35-31.5-2-138**) against a voter or candidate
- 24 with the intent that the voter or candidate:
- 25 (A) engage in conduct against the voter's or candidate's will;
- 26 or
- 27 (B) be placed in fear of retaliation for a prior lawful act as a
- 28 voter or candidate.

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

- 33 (1) "Advisory body" means an authority, a board, a commission,
- 34 a committee, a task force, or other body designated by any name
- 35 of the executive department that is authorized only to make
- 36 nonbinding recommendations.
- 37 (2) "Agency" means an authority, a board, a branch, a bureau, a
- 38 commission, a committee, a council, a department, a division, an
- 39 office, a service, or other instrumentality of the executive,
- 40 including the administrative, department of state government. The
- 41 term includes a body corporate and politic set up as an
- 42 instrumentality of the state and a private, nonprofit, government

C  
o  
p  
y



- 1 related corporation. The term does not include any of the  
 2 following:
- 3 (A) The judicial department of state government.
  - 4 (B) The legislative department of state government.
  - 5 (C) A state educational institution.
  - 6 (D) A political subdivision.
- 7 (3) "Appointing authority" means the chief administrative officer  
 8 of an agency. The term does not include a state officer.
- 9 (4) "Assist" means to:
- 10 (A) help;
  - 11 (B) aid;
  - 12 (C) advise; or
  - 13 (D) furnish information to;
- 14 a person. The term includes an offer to do any of the actions in  
 15 clauses (A) through (D).
- 16 (5) "Business relationship" includes the following:
- 17 (A) Dealings of a person with an agency seeking, obtaining,  
 18 establishing, maintaining, or implementing:
    - 19 (i) a pecuniary interest in a contract or purchase with the  
 20 agency; or
    - 21 (ii) a license or permit requiring the exercise of judgment or  
 22 discretion by the agency.
  - 23 (B) The relationship a lobbyist has with an agency.
  - 24 (C) The relationship an unregistered lobbyist has with an  
 25 agency.
- 26 (6) "Commission" refers to the state ethics commission created  
 27 under section 2 of this chapter.
- 28 (7) "Compensation" means any money, thing of value, or financial  
 29 benefit conferred on, or received by, any person in return for  
 30 services rendered, or for services to be rendered, whether by that  
 31 person or another.
- 32 (8) "Employee" means an individual, other than a state officer,  
 33 who is employed by an agency on a full-time, a part-time, a  
 34 temporary, an intermittent, or an hourly basis. The term includes  
 35 an individual who contracts with an agency for personal services.
- 36 (9) "Employer" means any person from whom a state officer or  
 37 employee or the officer's or employee's spouse received  
 38 compensation. For purposes of this chapter, a customer or client  
 39 of a self-employed individual in a sole proprietorship or a  
 40 professional practice is not considered to be an employer.
- 41 (10) "Financial interest" means an interest:
- 42 (A) in a purchase, sale, lease, contract, option, or other

C  
O  
P  
Y

- 1 transaction between an agency and any person; or  
 2 (B) involving property or services.
- 3 The term includes an interest arising from employment or  
 4 prospective employment for which negotiations have begun. The  
 5 term does not include an interest of a state officer or employee in  
 6 the common stock of a corporation unless the combined holdings  
 7 in the corporation of the state officer or the employee, that  
 8 individual's spouse, and that individual's unemancipated children  
 9 are more than one percent (1%) of the outstanding shares of the  
 10 common stock of the corporation. The term does not include an  
 11 interest that is not greater than the interest of the general public  
 12 or any state officer or any state employee.
- 13 (11) "Information of a confidential nature" means information:  
 14 (A) obtained by reason of the position or office held; and  
 15 (B) which:  
 16 (i) a public agency is prohibited from disclosing under  
 17 IC 5-14-3-4(a);  
 18 (ii) a public agency has the discretion not to disclose under  
 19 IC 5-14-3-4(b) and that the agency has not disclosed; or  
 20 (iii) is not in a public record, but if it were, would be  
 21 confidential.
- 22 (12) "Person" means any individual, proprietorship, partnership,  
 23 unincorporated association, trust, business trust, group, limited  
 24 liability company, or corporation, whether or not operated for  
 25 profit, or a governmental agency or political subdivision.
- 26 (13) "Political subdivision" means a county, city, town, township,  
 27 school district, municipal corporation, special taxing district, or  
 28 other local instrumentality. The term includes an officer of a  
 29 political subdivision.
- 30 (14) "Property" has the meaning set forth in ~~IC 35-41-1-23.~~  
 31 **IC 35-31.5-2-253.**
- 32 (15) "Represent" means to do any of the following on behalf of a  
 33 person:  
 34 (A) Attend an agency proceeding.  
 35 (B) Write a letter.  
 36 (C) Communicate with an employee of an agency.
- 37 (16) "Special state appointee" means a person who is:  
 38 (A) not a state officer or employee; and  
 39 (B) elected or appointed to an authority, a board, a  
 40 commission, a committee, a council, a task force, or other  
 41 body designated by any name that:  
 42 (i) is authorized by statute or executive order; and

C  
 O  
 P  
 Y



- 1 (ii) functions in a policy or an advisory role in the executive
- 2 (including the administrative) department of state
- 3 government, including a separate body corporate and politic.
- 4 (17) "State officer" means any of the following:
- 5 (A) The governor.
- 6 (B) The lieutenant governor.
- 7 (C) The secretary of state.
- 8 (D) The auditor of state.
- 9 (E) The treasurer of state.
- 10 (F) The attorney general.
- 11 (G) The superintendent of public instruction.
- 12 (18) The masculine gender includes the masculine and feminine.
- 13 (19) The singular form of any noun includes the plural wherever
- 14 appropriate.
- 15 (b) The definitions in IC 4-2-7 apply throughout this chapter.
- 16 SECTION 8. IC 4-31-13-9 IS AMENDED TO READ AS
- 17 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) The definitions
- 18 in IC 3-5-2 apply to this section to the extent they do not conflict with
- 19 the definitions in this article.
- 20 (b) This section applies only to property given after June 30, 1996.
- 21 (c) As used in this section, "officer" refers only to either of the
- 22 following:
- 23 (1) An individual listed as an officer of a corporation in the
- 24 corporation's most recent annual report.
- 25 (2) An individual who is a successor to an individual described in
- 26 subdivision (1).
- 27 (d) For purposes of this section, a person is considered to have an
- 28 interest in a permit holder if the person satisfies any of the following:
- 29 (1) The person holds at least a one percent (1%) interest in the
- 30 permit holder.
- 31 (2) The person is an officer of the permit holder.
- 32 (3) The person is an officer of a person that holds at least a one
- 33 percent (1%) interest in the permit holder.
- 34 (4) The person is a political action committee of the permit
- 35 holder.
- 36 (e) A permit holder or a person with an interest in a permit holder
- 37 may not give any property (as defined in ~~IC 35-41-1-23~~)
- 38 **IC 35-31.5-2-253**) to a member of a precinct committee to induce the
- 39 member of the precinct committee to do any act or refrain from doing
- 40 any act with respect to the approval of a local public question under
- 41 IC 4-31-4.
- 42 (f) A person who knowingly or intentionally violates this section

COPY



1 commits a Class D felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C  
O  
P  
Y



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

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

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

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

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

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

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

C  
o  
p  
y



- 1 (b) There is established in each county a county law enforcement
- 2 continuing education program. The program is funded by amounts
- 3 appropriated under IC 33-37-8-4 or IC 33-37-8-6.
- 4 (c) A county law enforcement agency receiving amounts based upon
- 5 claims for law enforcement continuing education funds under
- 6 IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the
- 7 county law enforcement continuing education fund.
- 8 (d) Distribution of money in the county law enforcement continuing
- 9 education fund shall be made to a county law enforcement agency
- 10 without the necessity of first obtaining an appropriation from the
- 11 county fiscal body.
- 12 (e) Money in excess of one hundred dollars (\$100) that is
- 13 unencumbered and remains in a county law enforcement continuing
- 14 education fund for at least one (1) entire calendar year from the date of
- 15 its deposit shall, at the end of a county's fiscal year, be deposited by the
- 16 county auditor in the law enforcement training fund established under
- 17 IC 5-2-1-13(b).
- 18 (f) To make a claim under IC 33-37-8-6, a law enforcement agency
- 19 shall submit to the fiscal body a verified statement of cause numbers
- 20 for fees collected that are attributable to the law enforcement efforts of
- 21 that agency.
- 22 (g) A law enforcement agency shall submit a claim for fees under
- 23 this section in the same county fiscal year in which the fees are
- 24 collected under IC 33-37-4.
- 25 (h) A county law enforcement agency program shall provide to each
- 26 law enforcement officer employed by the county and may provide to
- 27 each law enforcement officer employed by a city or town law
- 28 enforcement agency within the county continuing education concerning
- 29 the following:
  - 30 (1) Duties of a law enforcement officer in enforcing restraining
  - 31 orders, protective orders, temporary injunctions, and permanent
  - 32 injunctions involving abuse.
  - 33 (2) Guidelines for making felony and misdemeanor arrests in
  - 34 cases involving abuse.
  - 35 (3) Techniques for handling incidents of abuse that:
    - 36 (A) minimize the likelihood of injury to the law enforcement
    - 37 officer; and
    - 38 (B) promote the safety of a victim.
  - 39 (4) Information about the nature and extent of abuse.
  - 40 (5) Information about the legal rights of and remedies available
  - 41 to victims of abuse.
  - 42 (6) How to document and collect evidence in an abuse case.

COPY



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

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

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

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

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

C  
O  
P  
Y



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

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

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

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

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

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

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

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

C  
o  
p  
y



1 injury" has the meaning set forth in ~~IC 35-41-1~~. **IC 35-31.5-2-292.**  
2 SECTION 20. IC 9-24-19-3 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A person who  
4 operates a motor vehicle upon a highway when the person knows that  
5 the person's driving privilege, license, or permit is suspended or  
6 revoked, when the person's suspension or revocation was a result of the  
7 person's conviction of an offense (as defined in ~~IC 35-41-1-19~~)  
8 **IC 35-31.5-2-215**) commits a Class A misdemeanor.  
9 SECTION 21. IC 10-14-3-33.5, AS AMENDED BY P.L.17-2011,  
10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2012]: Sec. 33.5. (a) Except as provided in subsection (b), the  
12 state, a political subdivision, or any other person may not prohibit or  
13 restrict the lawful possession, transfer, sale, transportation, storage,  
14 display, or use of firearms or ammunition during:  
15 (1) a disaster emergency;  
16 (2) an energy emergency; or  
17 (3) a local disaster emergency;  
18 declared under this chapter.  
19 (b) Subsection (a) does not authorize the possession, transfer, sale,  
20 transportation, storage, display, or use of firearms or ammunition  
21 during an emergency described in subsection (a):  
22 (1) in or on school property, in or on property that is being used  
23 by a school for a school function, or on a school bus in violation  
24 of IC 20-33-8-16 or IC 35-47-9-2;  
25 (2) on the property of:  
26 (A) a child caring institution;  
27 (B) an emergency shelter care child caring institution;  
28 (C) a private secure facility;  
29 (D) a group home; or  
30 (E) an emergency shelter care group home;  
31 in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465  
32 IAC 2-11-80, 465 IAC 2-12-78, or 465 IAC 2-13-77;  
33 (3) on the property of a penal facility (as defined in  
34 ~~IC 35-41-1-21~~); **IC 35-31.5-2-232**);  
35 (4) in violation of federal law;  
36 (5) in or on property belonging to an approved postsecondary  
37 educational institution (as defined in IC 21-7-13-6(b));  
38 (6) on the property of a domestic violence shelter; or  
39 (7) on property owned, operated, controlled, or used by an entity  
40 that:  
41 (A) is required to:  
42 (i) conduct a vulnerability assessment; and

C  
O  
P  
Y



1 (ii) develop and implement a site security plan;  
 2 under the United States Department of Homeland Security's  
 3 Chemical Facility Anti-Terrorism Standards issued April 9,  
 4 2007; or  
 5 (B) is required to have a security plan under the Maritime  
 6 Transportation Security Act of 2002, Public Law 107-295.

7 SECTION 22. IC 10-16-19-1, AS ADDED BY P.L.10-2007,  
 8 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2012]: Sec. 1. (a) This section does not apply to an employee  
 10 of the state subject to IC 4-15-10-8.  
 11 (b) This section applies to an employee of a political subdivision  
 12 who:  
 13 (1) is a member of the civil air patrol; and  
 14 (2) has notified the employee's employer in writing that the  
 15 employee is a member of the civil air patrol.  
 16 (c) A political subdivision employer may not discipline an  
 17 employee:  
 18 (1) for being absent from employment by reason of engaging in an  
 19 emergency service operation that began before the time that the  
 20 employee was to report to employment; or  
 21 (2) for leaving the employee's duty station to engage in an  
 22 emergency service operation if the emergency service operation  
 23 began after the employee had reported for work and the employee  
 24 secured authorization from the employee's supervisor to leave the  
 25 employee's duty station before leaving to engage in the emergency  
 26 service operation.  
 27 (d) A political subdivision employer may require an employee who  
 28 has been absent from employment as set forth in subsection (c)(1) or  
 29 (c)(2) to present a written statement from the commander or other  
 30 officer in charge of the civil air patrol at the time of the absence  
 31 indicating that the employee was engaged in an emergency service  
 32 operation at the time of the absence.  
 33 (e) An employee who is disciplined by the employee's employer in  
 34 violation of subsection (c) may bring a civil action against the employer  
 35 in the county of employment. In the action, the employee may seek the  
 36 following:  
 37 (1) Payment of back wages.  
 38 (2) Reinstatement to the employee's former position.  
 39 (3) Fringe benefits wrongly denied or withdrawn.  
 40 (4) Seniority rights wrongly denied or withdrawn.  
 41 An action brought under this subsection must be filed within one (1)  
 42 year after the date of the disciplinary action.

COPY



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

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

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

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

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

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

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

22 (B) for a total period exceeding fourteen (14) days;  
23 during any calendar year in Indiana regardless of whether the sex  
24 or violent offender is financially compensated, volunteered, or is  
25 acting for the purpose of government or educational benefit.

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

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

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

C  
o  
p  
y



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

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

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

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

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

- 32 (1) is released from a penal facility (as defined in ~~IC 35-41-1-21~~;  
33 **IC 35-31.5-2-232**);
- 34 (2) is released from a secure private facility (as defined in  
35 IC 31-9-2-115);
- 36 (3) is released from a juvenile detention facility;
- 37 (4) is transferred to a community transition program;
- 38 (5) is placed on parole;
- 39 (6) is placed on probation;
- 40 (7) is placed on home detention; or
- 41 (8) arrives at the place where the sex or violent offender is  
42 required to register under subsection (b), (c), or (d);

C  
o  
p  
y



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

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

- 10 (1) is released from a penal facility (as defined in ~~IC 35-41-1-21~~;  
11 **IC 35-31.5-2-232**);
- 12 (2) is released from a secure private facility (as defined in  
13 IC 31-9-2-115);
- 14 (3) is released from a juvenile detention facility;
- 15 (4) is transferred to a community transition program;
- 16 (5) is placed on parole;
- 17 (6) is placed on probation;
- 18 (7) is placed on home detention; or
- 19 (8) arrives at the place where the sexually violent predator is  
20 required to register under subsection (b), (c), or (d);

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

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

C  
o  
p  
y



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

- 3 (1) immediately update the Indiana sex and violent offender
- 4 registry web site established under IC 36-2-13-5.5;
- 5 (2) notify every law enforcement agency having jurisdiction in the
- 6 county where the sex or violent offender resides; and
- 7 (3) update the National Crime Information Center National Sex
- 8 Offender Registry data base via the Indiana data and
- 9 communications system (IDACS).

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

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

- 22 (1) Mail a form that is approved or prescribed by the department
- 23 to each sex or violent offender in the county at the sex or violent
- 24 offender's listed address at least one (1) time per year, beginning
- 25 seven (7) days after the local law enforcement authority receives
- 26 a notice under section 11 or 20 of this chapter or the date the sex
- 27 or violent offender is:
  - 28 (A) released from a penal facility (as defined in
  - 29 ~~IC 35-41-1-21~~), **IC 35-31.5-2-232**), a secure private facility
  - 30 (as defined in IC 31-9-2-115), or a juvenile detention facility;
  - 31 (B) placed in a community transition program;
  - 32 (C) placed in a community corrections program;
  - 33 (D) placed on parole; or
  - 34 (E) placed on probation;

35 whichever occurs first.

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

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

C  
o  
p  
y



1            ~~IC 35-41-1-21~~; **IC 35-31.5-2-232**), a secure private facility  
 2            (as defined in IC 31-9-2-115), or a juvenile detention facility;  
 3            (B) placed in a community transition program;  
 4            (C) placed in a community corrections program;  
 5            (D) placed on parole; or  
 6            (E) placed on probation;  
 7            whichever occurs first.

8            (3) Personally visit each sex or violent offender in the county at  
 9            the sex or violent offender's listed address at least one (1) time per  
 10           year, beginning seven (7) days after the local law enforcement  
 11           authority receives a notice under section 7 of this chapter or the  
 12           date the sex or violent offender is:

13            (A) released from a penal facility (as defined in  
 14            ~~IC 35-41-1-21~~; **IC 35-31.5-2-232**), a secure private facility  
 15            (as defined in IC 31-9-2-115), or a juvenile detention facility;  
 16            (B) placed in a community transition program;  
 17            (C) placed in a community corrections program;  
 18            (D) placed on parole; or  
 19            (E) placed on probation;  
 20            whichever occurs first.

21            (4) Personally visit each sex or violent offender who is designated  
 22            a sexually violent predator under IC 35-38-1-7.5 at least once  
 23            every ninety (90) days, beginning seven (7) days after the local  
 24            law enforcement authority receives a notice under section 7 of  
 25            this chapter or the date the sex or violent offender is:

26            (A) released from a penal facility (as defined in  
 27            ~~IC 35-41-1-21~~; **IC 35-31.5-2-232**), a secure private facility  
 28            (as defined in IC 31-9-2-115), or a juvenile detention facility;  
 29            (B) placed in a community transition program;  
 30            (C) placed in a community corrections program;  
 31            (D) placed on parole; or  
 32            (E) placed on probation;  
 33            whichever occurs first.

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

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

C  
o  
p  
y



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

- 3 (1) is released from a penal facility (as defined in ~~IC 35-41-1-21~~)
- 4 **IC 35-31.5-2-232**) or a secure juvenile detention facility of a state
- 5 or another jurisdiction;
- 6 (2) is placed in a community transition program;
- 7 (3) is placed in a community corrections program;
- 8 (4) is placed on parole; or
- 9 (5) is placed on probation;

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

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

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

- 23 (1) when the person was at least eighteen (18) years of age; and
- 24 (2) against a victim who was less than twelve (12) years of age at  
25 the time of the crime;

26 is required to register for life.

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

- 29 (1) proximately caused serious bodily injury or death to the  
30 victim;
- 31 (2) used force or the threat of force against the victim or a  
32 member of the victim's family, unless the offense is sexual battery  
33 as a Class D felony; or
- 34 (3) rendered the victim unconscious or otherwise incapable of  
35 giving voluntary consent;

36 is required to register for life.

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

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

C  
o  
p  
y



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

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

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

- 14 (1) retained by the parolee;
- 15 (2) forwarded to any person charged with the parolee's
- 16 supervision; and
- 17 (3) placed in the parolee's master file.

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

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

- 26 (1) consider:
  - 27 (A) the residence of the parolee prior to the parolee's
  - 28 incarceration; and
  - 29 (B) the parolee's place of employment; and

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

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

- 36 (1) periodically undergo a laboratory chemical test (as defined in
- 37 IC 14-15-8-1) or series of tests to detect and confirm the presence
- 38 of a controlled substance (as defined in IC 35-48-1-9); and
- 39 (2) have the results of any test under this subsection reported to
- 40 the parole board by the laboratory.

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

C  
o  
p  
y



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

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

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

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

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

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

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

13 (2) shall:

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

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

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

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

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

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

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

37 (F) prohibit the sex offender from:

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

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

C  
o  
p  
y



1 The parole board may not grant a sexually violent predator (as defined  
 2 in IC 35-38-1-7.5) or a sex offender who is an offender against children  
 3 under IC 35-42-4-11 a waiver under subdivision (2)(B) or (2)(C). If the  
 4 parole board allows the sex offender to reside within one thousand  
 5 (1,000) feet of school property under subdivision (2)(B), the parole  
 6 board shall notify each school within one thousand (1,000) feet of the  
 7 sex offender's residence of the order.

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

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

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

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

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

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

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

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

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

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

C  
O  
P  
Y



- 1 the department assigned to supervise and assist parolees may:
- 2 (1) execute warrants issued by the parole board;
- 3 (2) serve orders, subpoenas, and notices issued by the parole
- 4 board;
- 5 (3) conduct investigations necessary to the performance of **his the**
- 6 **employee's** duties;
- 7 (4) visit and confer with any person under **his the employee's**
- 8 supervision, even when that person is in custody;
- 9 (5) act as a probation officer if requested by the appropriate court
- 10 and if that request is approved by the department;
- 11 (6) search a parolee's person or property if **he the employee** has
- 12 reasonable cause to believe that the parolee is violating or is in
- 13 imminent danger of violating a condition to remaining on parole;
- 14 (7) arrest a parolee without a warrant if **he the employee** has
- 15 reasonable cause to believe that the parolee has violated or is
- 16 about to violate a condition to remaining on parole and that an
- 17 emergency situation exists, so that awaiting action by the parole
- 18 board under section 8 of this chapter would create an undue risk
- 19 to the public or to the parolee; and
- 20 (8) exercise any other power reasonably necessary in discharging
- 21 **his the employee's** duties and powers.

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

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

- 28 (1) execute warrants issued by the department;
- 29 (2) serve orders, subpoenas, and notices issued by the department;
- 30 (3) conduct investigations necessary to the performance of **his the**
- 31 **employee's** duties;
- 32 (4) visit and confer with any person under **his the employee's**
- 33 supervision, even when that person is in custody;
- 34 (5) act as a probation officer if requested by the appropriate court
- 35 and if that request is approved by the department;
- 36 (6) search a parolee's person or property if **he the employee** has
- 37 reasonable cause to believe that the parolee is violating or is in
- 38 imminent danger of violating a condition of parole;
- 39 (7) arrest a parolee without a warrant if **he the employee** has
- 40 reasonable cause to believe that the parolee has violated or is
- 41 about to violate a condition of **his the parolee's** parole and that an
- 42 emergency situation exists, so that awaiting action under section

COPY



1 7 of this chapter would create an undue risk to the public or to the  
2 parolee; and  
3 (8) exercise any other power reasonably necessary in discharging  
4 **his the employee's** duties and powers.

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

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

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

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

- 23 (1) The offense involves death or serious bodily injury.
- 24 (2) The defendant has a record of at least two (2) prior
- 25 convictions of forcible felonies (as defined in ~~IC 35-41-1~~).
- 26 **IC 35-31.5-2-138).**
- 27 (3) Other criminal proceedings, not arising out of the same
- 28 incident, alleging commission of a felony are pending against the
- 29 defendant.
- 30 (4) The defendant is on probation or parole and the appropriate
- 31 parole or probation authority does not consent to the defendant's
- 32 participation.
- 33 (5) The defendant fails to meet additional eligibility requirements
- 34 imposed by the court.

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

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

C  
o  
p  
y



- 1 (2) For an individual with a developmental disability, a division
- 2 of disability and rehabilitative services service coordinator under
- 3 IC 12-11-2.1.
- 4 (3) For an individual entering an addictions program, an
- 5 addictions treatment provider that is certified by the division of
- 6 mental health and addiction.
- 7 (b) The division is the gatekeeper for the following:
- 8 (1) An individual who is found to have insufficient
- 9 comprehension to stand trial under IC 35-36-3.
- 10 (2) An individual who is found to be not guilty by reason of
- 11 insanity under IC 35-36-2-4 and is subject to a civil commitment
- 12 under IC 12-26.
- 13 (3) An individual who is immediately subject to a civil
- 14 commitment upon the individual's release from incarceration in
- 15 a facility administered by the department of correction or the
- 16 Federal Bureau of Prisons, or upon being charged with or
- 17 convicted of a forcible felony under ~~IC 35-41-1.~~
- 18 **IC 35-31.5-2-138.**
- 19 (4) An individual placed under the supervision of the division for
- 20 addictions treatment under IC 12-23-7 and IC 12-23-8.
- 21 (5) An individual transferred from the department of correction
- 22 under IC 11-10-4.

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

- 26 (1) IC 13-21;
- 27 (2) air pollution control laws;
- 28 (3) water pollution control laws; and
- 29 (4) environmental management laws, except as provided in
- 30 subsections (c), (d), **and** (e); ~~and (h);~~

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

37 (b) "Person", for purposes of:

- 38 (1) IC 13-18-10;
- 39 (2) IC 13-18-10.5;
- 40 (3) IC 13-20-10.5; and
- 41 (4) IC 13-20-17;

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

C  
o  
p  
y



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

4 (c) "Person", for purposes of:

- 5 (1) IC 13-20-13;
- 6 (2) IC 13-20-14;
- 7 (3) IC 13-20-16; and
- 8 (4) IC 13-25-6;

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

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

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

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

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

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

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

- 29 (1) is a law enforcement officer under IC 9-13-2-92 and  
30 ~~IC 35-41-1-17~~ **IC 35-31.5-2-185** and has the power to enforce  
31 Indiana laws and without warrant to arrest for the violation of any  
32 of those laws when committed in the officer's presence;
- 33 (2) is a police officer under IC 9-13-2-127;
- 34 (3) has the power of law enforcement officers to arrest under  
35 IC 35-33-1-1; and
- 36 (4) has the power to enforce Indiana laws and may exercise all  
37 powers granted by law to state police officers, sheriffs, and  
38 members of police departments.

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

C  
o  
p  
y



1 employed by the department.

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

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

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

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

18 the person commits a Class A misdemeanor.

19 (b) If:

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

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

24 **IC 35-31.5-2-215**;

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

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

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

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

C  
o  
p  
y



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

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

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

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

15 (1) at the scene of:

16 (A) an accident;

17 (B) an act of terrorism (as defined in ~~IC 35-41-1-26.5~~);  
18 **IC 35-31.5-2-329**) if the governor has declared a disaster  
19 emergency under IC 10-14-3-12 in response to the act of  
20 terrorism; or

21 (C) an illness;

22 (2) during transport; or

23 (3) at a hospital;

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

28 (b) The term may include any of the following:

29 (1) Defibrillation.

30 (2) Endotracheal intubation.

31 (3) Parenteral injections of appropriate medications.

32 (4) Electrocardiogram interpretation.

33 (5) Emergency management of trauma and illness.

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

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



C  
o  
p  
y

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

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

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

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

- 19 (1) Battery by body waste (IC 35-42-2-6).  
20 (2) An offense relating to a criminal sexual act (as defined in  
21 ~~IC 35-41-1-19.3~~); **IC 35-31.5-2-216**), if sexual intercourse or  
22 deviate sexual conduct occurred.

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

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

- 32 (1) Release may be made of medical or epidemiologic information  
33 for statistical purposes if done in a manner that does not identify  
34 an individual.  
35 (2) Release may be made of medical or epidemiologic information  
36 with the written consent of all individuals identified in the  
37 information released.  
38 (3) Release may be made of medical or epidemiologic information  
39 to the extent necessary to enforce public health laws, laws  
40 described in IC 31-37-19-4 through IC 31-37-19-6, IC 31-37-19-9  
41 through IC 31-37-19-10, IC 31-37-19-12 through IC 31-37-19-23,  
42 IC 35-38-1-7.1, and IC 35-42-1-7, or to protect the health or life

C  
o  
p  
y



1 of a named party.  
 2 (4) Release may be made of the medical information of a person  
 3 in accordance with this chapter.  
 4 (c) Except as provided in this chapter, a person responsible for  
 5 recording, reporting, or maintaining information required to be reported  
 6 under IC 16-41-2 who recklessly, knowingly, or intentionally discloses  
 7 or fails to protect medical or epidemiologic information classified as  
 8 confidential under this section commits a Class A misdemeanor.  
 9 (d) In addition to subsection (c), a public employee who violates this  
 10 section is subject to discharge or other disciplinary action under the  
 11 personnel rules of the agency that employs the employee.  
 12 (e) Release shall be made of the medical records concerning an  
 13 individual to:  
 14 (1) the individual;  
 15 (2) a person authorized in writing by the individual to receive the  
 16 medical records; or  
 17 (3) a coroner under IC 36-2-14-21.  
 18 (f) An individual may voluntarily disclose information about the  
 19 individual's communicable disease.  
 20 (g) The provisions of this section regarding confidentiality apply to  
 21 information obtained under IC 16-41-1 through IC 16-41-16.  
 22 SECTION 43. IC 20-33-8-16, AS ADDED BY P.L.1-2005,  
 23 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2012]: Sec. 16. (a) As used in this section, "firearm" has the  
 25 meaning set forth in IC 35-47-1-5.  
 26 (b) As used in this section, "deadly weapon" has the meaning set  
 27 forth in ~~IC 35-41-1-8.~~ **IC 35-31.5-2-86.** The term does not include a  
 28 firearm or destructive device.  
 29 (c) As used in this section, "destructive device" has the meaning set  
 30 forth in IC 35-47.5-2-4.  
 31 (d) Notwithstanding section 20 of this chapter, a student who is:  
 32 (1) identified as bringing a firearm or destructive device to school  
 33 or on school property; or  
 34 (2) in possession of a firearm or destructive device on school  
 35 property;  
 36 must be expelled for at least one (1) calendar year, with the return of  
 37 the student to be at the beginning of the first school semester after the  
 38 end of the one (1) year period.  
 39 (e) The superintendent may, on a case by case basis, modify the  
 40 period of expulsion under subsection (d) for a student who is expelled  
 41 under this section.  
 42 (f) Notwithstanding section 20 of this chapter, a student who is:

C  
o  
p  
y



1 (1) identified as bringing a deadly weapon to school or on school  
 2 property; or  
 3 (2) in possession of a deadly weapon on school property;  
 4 may be expelled for not more than one (1) calendar year.

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

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

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

- 21 (1) convicted of a felony;
- 22 (2) sentenced to a term of imprisonment for that felony; and
- 23 (3) confined for that felony at a penal facility (as defined in  
 24 ~~IC 35-41-1-21~~; **IC 35-31.5-2-232**).

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

- 28 (1) ~~he the owner~~ knowingly or intentionally violates section 2 of  
 29 this chapter; and
- 30 (2) bodily injury (as defined by ~~IC 35-41-1~~ **IC 35-31.5-2-29**) or  
 31 a loss of life occurs to a person lawfully in the public building as  
 32 a result of a fire in the building.

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

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

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

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

COPY



- 1 "Landlord" has the meaning set forth in IC 32-31-3-3.  
 2 "Owner" means a person having control or custody of any building  
 3 covered by this chapter.  
 4 "Person" means an individual, corporation, partnership, association,  
 5 or other legal entity.  
 6 "Rental premises" has the meaning set forth in IC 32-31-7-3.  
 7 "Rental unit" has the meaning set forth in IC 32-31-3-8.  
 8 "Smoke detector" means a device which senses visible or invisible  
 9 particles of combustion and conforms to the minimum standards for  
 10 type, components, and maintenance prescribed by the National Fire  
 11 Protection Association.  
 12 "Seasonally occupied dwellings" means hotels and motels open to  
 13 the public for occupancy by guests only during any period of time  
 14 between April 15 and October 15 each year.  
 15 "Single level dwellings" means all single level (no more than one  
 16 (1) level above ground) hotels and motels that have no interior  
 17 corridors, and whose individual rooms have exterior exits.  
 18 "Tenant" has the meaning set forth in IC 32-31-3-10.  
 19 SECTION 47. IC 23-1-55-2, AS ADDED BY P.L.92-2008,  
 20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2012]: Sec. 2. A person (as defined in ~~IC 35-41-1-22~~)  
 22 **IC 35-31.5-2-234**) that intends to offer for sale or sell sexually explicit  
 23 materials shall register with the secretary of state the intent to offer for  
 24 sale or sell sexually explicit materials and provide a statement detailing  
 25 the types of materials that the person intends to offer for sale or sell.  
 26 SECTION 48. IC 24-3-4-5 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this  
 28 chapter, "law enforcement officer" has the meaning set forth in  
 29 ~~IC 35-41-1-17~~; **IC 35-31.5-2-185**.  
 30 SECTION 49. IC 24-4-16.4-1, AS ADDED BY P.L.92-2008,  
 31 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2012]: Sec. 1. As used in this chapter, "person" has the  
 33 meaning set forth in ~~IC 35-41-1-22~~; **IC 35-31.5-2-234**.  
 34 SECTION 50. IC 24-8-2-6 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. "Property" has the  
 36 meaning set forth in ~~IC 35-41-1-23~~; **IC 35-31.5-2-253**.  
 37 SECTION 51. IC 25-1-9-3.5 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.5. As used in this  
 39 chapter, "sexual contact" means:  
 40 (1) sexual intercourse (as defined in ~~IC 35-41-1-26~~);  
 41 **IC 35-31.5-2-302**;  
 42 (2) deviate sexual conduct (as defined in ~~IC 35-41-1-9~~);

C  
o  
p  
y

- 1           **IC 35-31.5-2-94);** or
- 2           (3) any fondling or touching intended to arouse or satisfy the
- 3           sexual desires of either the individual performing the fondling or
- 4           touching or the individual being fondled or touched.
- 5           SECTION 52. IC 25-22.5-1-2, AS AMENDED BY P.L.177-2009,
- 6           SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7           JULY 1, 2012]: Sec. 2. (a) This article, as it relates to the unlawful or
- 8           unauthorized practice of medicine or osteopathic medicine, does not
- 9           apply to any of the following:
- 10          (1) A student in training in a medical school approved by the
- 11          board, or while performing duties as an intern or a resident in a
- 12          hospital under the supervision of the hospital's staff or in a
- 13          program approved by the medical school.
- 14          (2) A person who renders service in case of emergency where no
- 15          fee or other consideration is contemplated, charged, or received.
- 16          (3) A paramedic (as defined in IC 16-18-2-266), an emergency
- 17          medical technician-basic advanced (as defined in
- 18          IC 16-18-2-112.5), an emergency medical technician-intermediate
- 19          (as defined in IC 16-18-2-112.7), an emergency medical
- 20          technician (as defined in IC 16-18-2-112), or a person with
- 21          equivalent certification from another state who renders advanced
- 22          life support (as defined in IC 16-18-2-7) or basic life support (as
- 23          defined in IC 16-18-2-33.5):
- 24                (A) during a disaster emergency declared by the governor
- 25                under IC 10-14-3-12 in response to an act that the governor in
- 26                good faith believes to be an act of terrorism (as defined in
- 27                ~~IC 35-41-1-26.5);~~ **IC 35-31.5-2-329);** and
- 28                (B) in accordance with the rules adopted by the Indiana
- 29                emergency medical services commission or the disaster
- 30                emergency declaration of the governor.
- 31          (4) Commissioned medical officers or medical service officers of
- 32          the armed forces of the United States, the United States Public
- 33          Health Service, and medical officers of the United States
- 34          Department of Veterans Affairs in the discharge of their official
- 35          duties in Indiana.
- 36          (5) An individual who is not a licensee who resides in another
- 37          state or country and is authorized to practice medicine or
- 38          osteopathic medicine there, who is called in for consultation by an
- 39          individual licensed to practice medicine or osteopathic medicine
- 40          in Indiana.
- 41          (6) A person administering a domestic or family remedy to a
- 42          member of the person's family.

C  
o  
p  
y



- 1 (7) A member of a church practicing the religious tenets of the
- 2 church if the member does not make a medical diagnosis,
- 3 prescribe or administer drugs or medicines, perform surgical or
- 4 physical operations, or assume the title of or profess to be a
- 5 physician.
- 6 (8) A school corporation and a school employee who acts under
- 7 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- 8 (9) A chiropractor practicing the chiropractor's profession under
- 9 IC 25-10 or to an employee of a chiropractor acting under the
- 10 direction and supervision of the chiropractor under IC 25-10-1-13.
- 11 (10) A dental hygienist practicing the dental hygienist's profession
- 12 under IC 25-13.
- 13 (11) A dentist practicing the dentist's profession under IC 25-14.
- 14 (12) A hearing aid dealer practicing the hearing aid dealer's
- 15 profession under IC 25-20.
- 16 (13) A nurse practicing the nurse's profession under IC 25-23.
- 17 However, a certified registered nurse anesthetist (as defined in
- 18 IC 25-23-1-1.4) may administer anesthesia if the certified
- 19 registered nurse anesthetist acts under the direction of and in the
- 20 immediate presence of a physician.
- 21 (14) An optometrist practicing the optometrist's profession under
- 22 IC 25-24.
- 23 (15) A pharmacist practicing the pharmacist's profession under
- 24 IC 25-26.
- 25 (16) A physical therapist practicing the physical therapist's
- 26 profession under IC 25-27.
- 27 (17) A podiatrist practicing the podiatrist's profession under
- 28 IC 25-29.
- 29 (18) A psychologist practicing the psychologist's profession under
- 30 IC 25-33.
- 31 (19) A speech-language pathologist or audiologist practicing the
- 32 pathologist's or audiologist's profession under IC 25-35.6.
- 33 (20) An employee of a physician or group of physicians who
- 34 performs an act, a duty, or a function that is customarily within
- 35 the specific area of practice of the employing physician or group
- 36 of physicians, if the act, duty, or function is performed under the
- 37 direction and supervision of the employing physician or a
- 38 physician of the employing group within whose area of practice
- 39 the act, duty, or function falls. An employee may not make a
- 40 diagnosis or prescribe a treatment and must report the results of
- 41 an examination of a patient conducted by the employee to the
- 42 employing physician or the physician of the employing group

COPY



1 under whose supervision the employee is working. An employee  
 2 may not administer medication without the specific order of the  
 3 employing physician or a physician of the employing group.  
 4 Unless an employee is licensed or registered to independently  
 5 practice in a profession described in subdivisions (9) through  
 6 (18), nothing in this subsection grants the employee independent  
 7 practitioner status or the authority to perform patient services in  
 8 an independent practice in a profession.  
 9 (21) A hospital licensed under IC 16-21 or IC 12-25.  
 10 (22) A health care organization whose members, shareholders, or  
 11 partners are individuals, partnerships, corporations, facilities, or  
 12 institutions licensed or legally authorized by this state to provide  
 13 health care or professional services as:  
 14 (A) a physician;  
 15 (B) a psychiatric hospital;  
 16 (C) a hospital;  
 17 (D) a health maintenance organization or limited service  
 18 health maintenance organization;  
 19 (E) a health facility;  
 20 (F) a dentist;  
 21 (G) a registered or licensed practical nurse;  
 22 (H) a midwife;  
 23 (I) an optometrist;  
 24 (J) a podiatrist;  
 25 (K) a chiropractor;  
 26 (L) a physical therapist; or  
 27 (M) a psychologist.  
 28 (23) A physician assistant practicing the physician assistant  
 29 profession under IC 25-27.5.  
 30 (24) A physician providing medical treatment under  
 31 IC 25-22.5-1-2.1.  
 32 (25) An attendant who provides attendant care services (as  
 33 defined in IC 16-18-2-28.5).  
 34 (26) A personal services attendant providing authorized attendant  
 35 care services under IC 12-10-17.1.  
 36 (b) A person described in subsection (a)(9) through (a)(18) is not  
 37 excluded from the application of this article if:  
 38 (1) the person performs an act that an Indiana statute does not  
 39 authorize the person to perform; and  
 40 (2) the act qualifies in whole or in part as the practice of medicine  
 41 or osteopathic medicine.  
 42 (c) An employment or other contractual relationship between an

COPY



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

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

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

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

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

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

- 30 (A) the delivery by a person to another person; or
- 31 (B) the use by a person on another person;  
32 of a contaminated sharp (as defined in IC 16-41-16-2) or other  
33 paraphernalia that creates an epidemiologically demonstrated risk  
34 of transmission of HIV by involving percutaneous contact.

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

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

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



C  
o  
p  
y

1 (e) The state department of health shall do the following:  
 2 (1) Notify potentially affected victims of the offense relating to a  
 3 criminal sexual act (as defined in ~~IC 35-41-1-19.3~~)  
 4 **IC 35-31.5-2-216**) or offense relating to controlled substances (as  
 5 defined in ~~IC 35-41-1-19.4~~) **IC 35-31.5-2-217**) of the HIV  
 6 screening results.  
 7 (2) Provide counseling regarding HIV and a referral for  
 8 appropriate health care to the victims.  
 9 SECTION 54. IC 31-37-19-17.4, AS AMENDED BY P.L.146-2008,  
 10 SECTION 653, IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2012]: Sec. 17.4. (a) This section applies if a  
 12 child is a delinquent child under IC 31-37-1 due to the commission of  
 13 a delinquent act that, if committed by an adult, would be an offense  
 14 relating to a criminal sexual act (as defined in ~~IC 35-41-1-19.3~~):  
 15 **IC 35-1.5-2-216**).  
 16 (b) The juvenile court may, in addition to any other order or decree  
 17 the court makes under this chapter, order:  
 18 (1) the child; and  
 19 (2) the child's parent or guardian;  
 20 to receive psychological counseling as directed by the court, subject to  
 21 the applicable provisions of IC 31-37-17-1.4 and IC 31-37-18-9.  
 22 SECTION 55. IC 32-30-7-1 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this  
 24 chapter, "indecent nuisance" means a:  
 25 (1) place in or upon which prostitution (as described in  
 26 IC 35-45-4);  
 27 (2) public place in or upon which deviate sexual conduct (as  
 28 defined in ~~IC 35-41-1-9~~) **IC 35-31.5-2-94**) or sexual intercourse  
 29 (as defined in ~~IC 35-41-1-26~~); **IC 35-31.5-2-302**); or  
 30 (3) public place in or upon which the fondling of the genitals of  
 31 a person;  
 32 is conducted, permitted, continued, or exists, and the personal property  
 33 and contents used in conducting and maintaining the place for such a  
 34 purpose.  
 35 SECTION 56. IC 32-30-7-2 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this  
 37 chapter, "person" has the meaning set forth in ~~IC 35-41-1-22~~:  
 38 **IC 35-31.5-2-234**.  
 39 SECTION 57. IC 32-31-9-3, AS ADDED BY P.L.22-2007,  
 40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2012]: Sec. 3. As used in this chapter, "applicable offense"  
 42 refers to any of the following:

COPY



- 1 (1) A crime involving domestic or family violence (as defined in
- 2 ~~IC 35-41-1-6.5~~; **IC 35-31.5-2-76**).
- 3 (2) A sex offense under IC 35-42-4.
- 4 (3) Stalking under IC 35-45-10.
- 5 SECTION 58. IC 32-34-9-8 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. A brand adopted in
- 7 accordance with this chapter is the exclusive trademark of the person
- 8 adopting the brand, and the brand constitutes property under
- 9 ~~IC 35-41-1-23~~; **IC 35-31.5-2-253**.
- 10 SECTION 59. IC 33-39-1-6, AS AMENDED BY P.L.119-2007,
- 11 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2012]: Sec. 6. (a) Special prosecutors may be appointed under
- 13 this section or in accordance with IC 4-2-7-7.
- 14 (b) A circuit or superior court judge:
- 15 (1) shall appoint a special prosecutor if:
- 16 (A) any person other than the prosecuting attorney or the
- 17 prosecuting attorney's deputy files a verified petition
- 18 requesting the appointment of a special prosecutor; and
- 19 (B) the prosecuting attorney agrees that a special prosecutor is
- 20 needed;
- 21 (2) may appoint a special prosecutor if:
- 22 (A) a person files a verified petition requesting the
- 23 appointment of a special prosecutor; and
- 24 (B) the court, after:
- 25 (i) notice is given to the prosecuting attorney; and
- 26 (ii) an evidentiary hearing is conducted at which the
- 27 prosecuting attorney is given an opportunity to be heard;
- 28 finds by clear and convincing evidence that the appointment
- 29 is necessary to avoid an actual conflict of interest or there is
- 30 probable cause to believe that the prosecutor has committed a
- 31 crime;
- 32 (3) may appoint a special prosecutor if:
- 33 (A) the prosecuting attorney files a petition requesting the
- 34 court to appoint a special prosecutor; and
- 35 (B) the court finds that the appointment is necessary to avoid
- 36 the appearance of impropriety;
- 37 (4) may appoint a special prosecutor if:
- 38 (A) an elected public official, who is a defendant in a criminal
- 39 proceeding, files a verified petition requesting a special
- 40 prosecutor within ten (10) days after the date of the initial
- 41 hearing; and
- 42 (B) the court finds that the appointment of a special prosecutor

COPY



1 is in the best interests of justice; and  
 2 (5) shall appoint a special prosecutor if:  
 3 (A) a previously appointed special prosecutor:  
 4 (i) files a motion to withdraw as special prosecutor; or  
 5 (ii) has become incapable of continuing to represent the  
 6 interests of the state; and  
 7 (B) the court finds that the facts that established the basis for  
 8 the initial appointment of a special prosecutor still exist.  
 9 The elected prosecuting attorney of the appointing jurisdiction  
 10 shall receive notice of all pleadings filed and orders issued under  
 11 this subdivision.  
 12 (c) Each person appointed to serve as a special prosecutor:  
 13 (1) must consent to the appointment; and  
 14 (2) must be:  
 15 (A) the prosecuting attorney or a deputy prosecuting attorney  
 16 in a county other than the county in which the person is to  
 17 serve as special prosecutor; or  
 18 (B) except as provided in subsection (d), a senior prosecuting  
 19 attorney.  
 20 (d) A senior prosecuting attorney may be appointed in the county in  
 21 which the senior prosecuting attorney previously served if the court  
 22 finds that an appointment under this subsection would not create the  
 23 appearance of impropriety.  
 24 (e) A person appointed to serve as a special prosecutor has the same  
 25 powers as the prosecuting attorney of the county. However, the  
 26 appointing judge shall limit scope of the special prosecutor's duties to  
 27 include only the investigation or prosecution of a particular case or  
 28 particular grand jury investigation.  
 29 (f) The court shall establish the length of the special prosecutor's  
 30 term. If the target of an investigation by the special prosecutor is a  
 31 public servant (as defined in ~~IC 35-41-1-24~~; **IC 35-31.5-2-261**), the  
 32 court shall order the special prosecutor to file a report of the  
 33 investigation with the court at the conclusion of the investigation. The  
 34 report is a public record.  
 35 (g) If the special prosecutor is not regularly employed as a full-time  
 36 prosecuting attorney or full-time deputy prosecuting attorney, the  
 37 compensation for the special prosecutor's services:  
 38 (1) shall be paid to the special prosecutor from the unappropriated  
 39 funds of the appointing county; and  
 40 (2) may not exceed:  
 41 (A) an hourly rate based upon the regular salary of a full-time  
 42 prosecuting attorney of the appointing circuit;

COPY



- 1 (B) travel expenses and reasonable accommodation expenses
- 2 actually incurred; and
- 3 (C) other reasonable expenses actually incurred, including the
- 4 costs of investigation, discovery, and secretarial work, if:
- 5 (i) before incurring the other reasonable expenses described
- 6 in this clause, the special prosecutor submits an application
- 7 to the court to receive the other reasonable expenses; and
- 8 (ii) the court approves the expenses.

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

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

- 16 (1) shall be paid out of the appointing county's unappropriated
- 17 funds to the treasurer of the county in which the special
- 18 prosecutor regularly serves; and
- 19 (2) must include a per diem equal to the regular salary of a
- 20 full-time prosecuting attorney of the appointing circuit, travel
- 21 expenses, and reasonable accommodation expenses actually
- 22 incurred.

23 (i) The combination of:

- 24 (1) the compensation paid to a senior prosecuting attorney under
- 25 this chapter; and
- 26 (2) retirement benefits that the person appointed as a senior
- 27 prosecuting attorney is receiving or entitled to receive;

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

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

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

C  
o  
p  
y



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

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

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

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

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

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

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

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

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

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

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

C  
O  
P  
Y



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

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

9 (i) "Person", for purposes of IC 34-30-10.5, means the following:

- 10 (1) A political subdivision (as defined in IC 36-1-2-13).  
 11 (2) A volunteer fire department (as defined in IC 36-8-12-2).  
 12 (3) An employee of an entity described in subdivision (1) or (2)  
 13 who acts within the scope of the employee's responsibilities.  
 14 (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is  
 15 acting for a volunteer fire department.  
 16 (5) A corporation, a limited liability company, a partnership, an  
 17 unincorporated association, or any other entity recognized by law.

18 (j) "Person", for purposes of IC 34-28-7, means:

- 19 (1) an individual;  
 20 (2) a governmental entity;  
 21 (3) a corporation;  
 22 (4) a firm;  
 23 (5) a trust;  
 24 (6) a partnership; or  
 25 (7) an incorporated or unincorporated association that exists  
 26 under or is authorized by the laws of this state, another state, or a  
 27 foreign country.

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

32 (b) "Property", for purposes of IC 34-30-9, includes the following:

- 33 (1) Real property.  
 34 (2) Private ways.  
 35 (3) Waters.  
 36 (4) A structure located on property listed in subdivisions (1)  
 37 through (3).

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

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



C  
O  
P  
Y

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C  
O  
P  
Y



- 1 terrorism or commonly used as consideration for a violation of  
 2 IC 35-48-4 (other than items subject to forfeiture under  
 3 IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):
- 4 (A) furnished or intended to be furnished by any person in  
 5 exchange for an act that is in violation of a criminal statute;  
 6 (B) used to facilitate any violation of a criminal statute; or  
 7 (C) traceable as proceeds of the violation of a criminal statute.
- 8 (3) Any portion of real or personal property purchased with  
 9 money that is traceable as a proceed of a violation of a criminal  
 10 statute.
- 11 (4) A vehicle that is used by a person to:
- 12 (A) commit, attempt to commit, or conspire to commit;  
 13 (B) facilitate the commission of; or  
 14 (C) escape from the commission of;  
 15 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal  
 16 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting  
 17 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense  
 18 under IC 35-47 as part of or in furtherance of an act of terrorism.
- 19 (5) Real property owned by a person who uses it to commit any of  
 20 the following as a Class A felony, a Class B felony, or a Class C  
 21 felony:
- 22 (A) Dealing in or manufacturing cocaine or a narcotic drug  
 23 (IC 35-48-4-1).  
 24 (B) Dealing in methamphetamine (IC 35-48-4-1.1).  
 25 (C) Dealing in a schedule I, II, or III controlled substance  
 26 (IC 35-48-4-2).  
 27 (D) Dealing in a schedule IV controlled substance  
 28 (IC 35-48-4-3).  
 29 (E) Dealing in marijuana, hash oil, hashish, salvia, or a  
 30 synthetic cannabinoid (IC 35-48-4-10).
- 31 (6) Equipment and recordings used by a person to commit fraud  
 32 under IC 35-43-5-4(10).
- 33 (7) Recordings sold, rented, transported, or possessed by a person  
 34 in violation of IC 24-4-10.
- 35 (8) Property (as defined by ~~IC 35-41-1-23~~ **IC 35-31.5-2-253**) or  
 36 an enterprise (as defined by IC 35-45-6-1) that is the object of a  
 37 corrupt business influence violation (IC 35-45-6-2).
- 38 (9) Unlawful telecommunications devices (as defined in  
 39 IC 35-45-13-6) and plans, instructions, or publications used to  
 40 commit an offense under IC 35-45-13.
- 41 (10) Any equipment, including computer equipment and cellular  
 42 telephones, used for or intended for use in preparing,

C  
o  
p  
y



- 1           photographing, recording, videotaping, digitizing, printing,
- 2           copying, or disseminating matter in violation of IC 35-42-4.
- 3           (11) Destructive devices used, possessed, transported, or sold in
- 4           violation of IC 35-47.5.
- 5           (12) Tobacco products that are sold in violation of IC 24-3-5,
- 6           tobacco products that a person attempts to sell in violation of
- 7           IC 24-3-5, and other personal property owned and used by a
- 8           person to facilitate a violation of IC 24-3-5.
- 9           (13) Property used by a person to commit counterfeiting or
- 10          forgery in violation of IC 35-43-5-2.
- 11          (14) After December 31, 2005, if a person is convicted of an
- 12          offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
- 13          following real or personal property:
- 14                (A) Property used or intended to be used to commit, facilitate,
- 15                or promote the commission of the offense.
- 16                (B) Property constituting, derived from, or traceable to the
- 17                gross proceeds that the person obtained directly or indirectly
- 18                as a result of the offense.
- 19          (15) Except as provided in subsection (e), a motor vehicle used by
- 20          a person who operates the motor vehicle:
- 21                (A) while intoxicated, in violation of IC 9-30-5-1 through
- 22                IC 9-30-5-5, if in the previous five (5) years the person has two
- 23                (2) or more prior unrelated convictions:
- 24                      (i) for operating a motor vehicle while intoxicated in
- 25                      violation of IC 9-30-5-1 through IC 9-30-5-5; or
- 26                      (ii) for an offense that is substantially similar to IC 9-30-5-1
- 27                      through IC 9-30-5-5 in another jurisdiction; or
- 28                (B) on a highway while the person's driver's license is
- 29                suspended in violation of IC 9-24-19-2 through IC 9-24-19-4,
- 30                if in the previous five (5) years the person has two (2) or more
- 31                prior unrelated convictions:
- 32                      (i) for operating a motor vehicle while intoxicated in
- 33                      violation of IC 9-30-5-1 through IC 9-30-5-5; or
- 34                      (ii) for an offense that is substantially similar to IC 9-30-5-1
- 35                      through IC 9-30-5-5 in another jurisdiction.
- 36          If a court orders the seizure of a motor vehicle under this
- 37          subdivision, the court shall transmit an order to the bureau of
- 38          motor vehicles recommending that the bureau not permit a motor
- 39          vehicle to be registered in the name of the person whose motor
- 40          vehicle was seized until the person possesses a current driving
- 41          license (as defined in IC 9-13-2-41).
- 42          (16) The following real or personal property:

C  
o  
p  
y



- 1 (A) Property used or intended to be used to commit, facilitate,
- 2 or promote the commission of an offense specified in
- 3 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or
- 4 IC 30-2-13-38(f).
- 5 (B) Property constituting, derived from, or traceable to the
- 6 gross proceeds that a person obtains directly or indirectly as a
- 7 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
- 8 IC 30-2-10-9(b), or IC 30-2-13-38(f).
- 9 (b) A vehicle used by any person as a common or contract carrier in
- 10 the transaction of business as a common or contract carrier is not
- 11 subject to seizure under this section, unless it can be proven by a
- 12 preponderance of the evidence that the owner of the vehicle knowingly
- 13 permitted the vehicle to be used to engage in conduct that subjects it to
- 14 seizure under subsection (a).
- 15 (c) Equipment under subsection (a)(10) may not be seized unless it
- 16 can be proven by a preponderance of the evidence that the owner of the
- 17 equipment knowingly permitted the equipment to be used to engage in
- 18 conduct that subjects it to seizure under subsection (a)(10).
- 19 (d) Money, negotiable instruments, securities, weapons,
- 20 communications devices, or any property commonly used as
- 21 consideration for a violation of IC 35-48-4 found near or on a person
- 22 who is committing, attempting to commit, or conspiring to commit any
- 23 of the following offenses shall be admitted into evidence in an action
- 24 under this chapter as prima facie evidence that the money, negotiable
- 25 instrument, security, or other thing of value is property that has been
- 26 used or was to have been used to facilitate the violation of a criminal
- 27 statute or is the proceeds of the violation of a criminal statute:
- 28 (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
- 29 narcotic drug).
- 30 (2) IC 35-48-4-1.1 (dealing in methamphetamine).
- 31 (3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
- 32 substance).
- 33 (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
- 34 (5) IC 35-48-4-4 (dealing in a schedule V controlled substance)
- 35 as a Class B felony.
- 36 (6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
- 37 Class A felony, Class B felony, or Class C felony.
- 38 (7) IC 35-48-4-6.1 (possession of methamphetamine) as a Class
- 39 A felony, Class B felony, or Class C felony.
- 40 (8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, salvia,
- 41 or a synthetic cannabinoid) as a Class C felony.
- 42 (e) A motor vehicle operated by a person who is not:

COPY



- 1 (1) an owner of the motor vehicle; or
- 2 (2) the spouse of the person who owns the motor vehicle;
- 3 is not subject to seizure under subsection (a)(15) unless it can be
- 4 proven by a preponderance of the evidence that the owner of the
- 5 vehicle knowingly permitted the vehicle to be used to engage in
- 6 conduct that subjects it to seizure under subsection (a)(15).

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

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

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

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

- 24 (1) shall be conducted in accordance with the Indiana Rules of
- 25 Trial Procedure; and
- 26 (2) must be brought within two (2) years after the alleged conduct
- 27 or violation occurred.

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

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

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

- 37 IC 9-19
- 38 IC 9-21
- 39 IC 9-24
- 40 IC 9-25
- 41 IC 9-26
- 42 IC 9-30-5

C  
o  
p  
y



1 IC 9-30-10

2 IC 9-30-15.

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

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

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

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

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

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

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

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

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

41 (1) the:

42 (A) defendant; and



C  
O  
P  
Y

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

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

20 SECTION 67. IC 34-28-7-2, AS ADDED BY P.L.90-2010,  
 21 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2012]: Sec. 2. (a) Notwithstanding any other law and except  
 23 as provided in subsection (b), a person may not adopt or enforce an  
 24 ordinance, a resolution, a policy, or a rule that:

- 25 (1) prohibits; or
- 26 (2) has the effect of prohibiting:
- 27 an employee of the person, including a contract employee, from
- 28 possessing a firearm or ammunition that is locked in the trunk of the
- 29 employee's vehicle, kept in the glove compartment of the employee's
- 30 locked vehicle, or stored out of plain sight in the employee's locked
- 31 vehicle.

32 (b) Subsection (a) does not prohibit the adoption or enforcement of  
 33 an ordinance, a resolution, a policy, or a rule that prohibits or has the  
 34 effect of prohibiting an employee of the person, including a contract  
 35 employee, from possessing a firearm or ammunition:

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

C  
o  
p  
y



- 1 (D) a group home;  
 2 (E) an emergency shelter care group home; or  
 3 (F) a child care center;  
 4 in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465  
 5 IAC 2-11-80, 465 IAC 2-12-78, 465 IAC 2-13-77, or 470  
 6 IAC 3-4.7-19;  
 7 (3) on the property of a penal facility (as defined in  
 8 ~~IC 35-41-1-21~~; **IC 35-31.5-2-232**);  
 9 (4) in violation of federal law;  
 10 (5) in or on property belonging to an approved postsecondary  
 11 educational institution (as defined in IC 21-7-13-6(b));  
 12 (6) on the property of a domestic violence shelter;  
 13 (7) at a person's residence;  
 14 (8) on the property of a person that is:  
 15 (A) subject to the United States Department of Homeland  
 16 Security's Chemical Facility Anti-Terrorism Standards issued  
 17 April 9, 2007; and  
 18 (B) licensed by the United States Nuclear Regulatory  
 19 Commission under Title 10 of the Code of Federal  
 20 Regulations;  
 21 (9) on property owned by:  
 22 (A) a public utility (as defined in IC 8-1-2-1) that generates  
 23 and transmits electric power; or  
 24 (B) a department of public utilities created under IC 8-1-11.1;  
 25 or  
 26 (10) in the employee's personal vehicle if the employee, including  
 27 a contract employee, is a direct support professional who:  
 28 (A) works directly with individuals with developmental  
 29 disabilities to assist the individuals to become integrated into  
 30 the individuals' community or least restrictive environment;  
 31 and  
 32 (B) uses the employee's personal vehicle while transporting an  
 33 individual with developmental disabilities.
- 34 SECTION 68. IC 35-31.5 IS ADDED TO THE INDIANA CODE  
 35 AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY  
 36 1, 2012]:  
 37 **ARTICLE 31.5. DEFINITIONS**  
 38 **Chapter 1. General Definitions**  
 39 **Sec. 1. Except as otherwise provided, the definitions in this**  
 40 **article apply throughout this title and to all other statutes relating**  
 41 **to penal offenses.**  
 42 **Chapter 2. Definitions**



C  
o  
p  
y

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C  
O  
P  
Y

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 35           (1) destructive materials or force; or  
36           (2) dangerous gases;

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

40           (b) The term does not include the following:

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

C  
O  
P  
Y



- 1           (2) Fireworks regulated under IC 22-11-14.  
 2           (3) Boating, railroad, and other safety flares.  
 3           (4) Propellants used in model rockets or similar hobby  
 4           activities.  
 5           (5) Commercially manufactured black powder in quantities  
 6           not to exceed fifty (50) pounds, percussion caps, safety and  
 7           pyrotechnic fuses, quills, quick and slow matches, and friction  
 8           primers intended to be used solely for sporting, recreational,  
 9           or cultural purposes in antique firearms or antique devices.  
 10          Sec. 32. "Booby trap", for purposes of IC 35-47.5, has the  
 11          meaning set forth in IC 35-47.5-2-2.  
 12          Sec. 33. "Camera", for purposes of IC 35-45-4-5, has the  
 13          meaning set forth in IC 35-45-4-5(a)(1).  
 14          Sec. 34. "Card skimming device", for purposes of  
 15          IC 35-43-5-4.3, has the meaning set forth in IC 35-43-5-4.3(a).  
 16          Sec. 35. "Cave", for purposes of IC 35-43-1-3, has the meaning  
 17          set forth in IC 35-43-1-3(a).  
 18          Sec. 36. "Certified copy of a certificate of title", for purposes of  
 19          IC 35-37-4-9, has the meaning set forth in IC 35-37-4-9(a).  
 20          Sec. 37. "Charter school", for purposes of IC 35-42-4-7, has the  
 21          meaning set forth in IC 35-42-4-7(c).  
 22          Sec. 38. "Child", for purposes of IC 35-47-10, has the meaning  
 23          set forth in IC 35-47-10-3.  
 24          Sec. 39. "Child care provider", for purposes of IC 35-42-1-4, has  
 25          the meaning set forth in IC 35-42-1-4(a).  
 26          Sec. 40. "Child care worker", for purposes of IC 35-42-4-7, has  
 27          the meaning set forth in IC 35-42-4-7(d).  
 28          Sec. 41. "Chinese throwing star", for purposes of IC 35-47-5-12,  
 29          has the meaning set forth in IC 35-47-5-12(b).  
 30          Sec. 42. "Claim statement", for purposes of IC 35-43-5, has the  
 31          meaning set forth in IC 35-43-5-1(b).  
 32          Sec. 43. "Class D felony conviction", for purposes of IC 35-50-2,  
 33          has the meaning set forth in IC 35-50-2-1(a).  
 34          Sec. 44. "Cloning", for purposes of IC 35-46-5-2, has the  
 35          meaning set forth in IC 35-46-5-2(b).  
 36          Sec. 45. "Code grabbing device", for purposes of IC 35-45-12,  
 37          has the meaning set forth in IC 35-45-12-1.  
 38          Sec. 46. "Coin machine", for purposes of IC 35-43-5 and  
 39          IC 35-46-1-11.5, has the meaning set forth in IC 35-43-5-1(c).  
 40          Sec. 47. "Combative fighting", for purposes of IC 35-45-18, has  
 41          the meaning set forth in IC 35-45-18-1(a).  
 42          Sec. 48. "Community corrections program", for purposes of



C  
o  
p  
y

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

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

- 4 (1) not a law enforcement officer; and  
5 (2) actively participating in a plan, system, or strategy:  
6 (A) established by and conducted under the authority of a  
7 law enforcement agency; and  
8 (B) in which citizens:  
9 (i) participate with and are guided by the law  
10 enforcement agency; and  
11 (ii) work with members of the law enforcement agency to  
12 reduce or prevent crime within a defined geographic  
13 area.

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

- 16 (1) victim;  
17 (2) nonprofit entity; or  
18 (3) governmental entity;

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

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

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

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

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

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

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

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

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

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

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



C  
O  
P  
Y

- 1 has the meaning set forth in IC 35-38-2.5-2.3.
- 2 Sec. 59. "Consumer, " for purposes of IC 35-43-6, has the  
3 meaning set forth in IC 35-43-6-2.
- 4 Sec. 60. (a) "Consumer product", for purposes of IC 35-44-2-2,  
5 has the meaning set forth in IC 35-44-2-2(a).
- 6 (b) "Consumer product", for purposes of IC 35-45-8, has the  
7 meaning set forth in IC 35-45-8-1.
- 8 Sec. 61. "Constant video monitoring", for purposes of  
9 IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(1).
- 10 Sec. 62. "Contraband", for purposes of IC 35-44-3-9.3, has the  
11 meaning set forth in IC 35-44-3-9.3(a).
- 12 Sec. 63. "Contract agency", for purposes of IC 35-38-2.5, has  
13 the meaning set forth in IC 35-38-2.5-2.5.
- 14 Sec. 64. "Controlled substance", for purposes of IC 35-48, has  
15 the meaning set forth in IC 35-48-1-9.
- 16 Sec. 65. "Controlled substance analog", for purposes of  
17 IC 35-48, has the meaning set forth in IC 35-48-1-9.3.
- 18 Sec. 66. "Convenience package", for purposes of  
19 IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(2).
- 20 Sec. 67. "Correctional professional", for purposes of  
21 IC 35-42-2-1, has the meaning set forth in IC 35-42-2-1(b)(2).
- 22 Sec. 68. "Counterfeit substance", for purposes of IC 35-48, has  
23 the meaning set forth in IC 35-48-1-10.
- 24 Sec. 69. "Credit card", for purposes of IC 35-43-5, has the  
25 meaning set forth in IC 35-43-5-1(d).
- 26 Sec. 70. "Credit card holder", for purposes of IC 35-43-5, has  
27 the meaning set forth in IC 35-43-5-1(e).
- 28 Sec. 71. "Credit institution" means a bank, insurance company,  
29 credit union, savings association, investment trust, industrial loan  
30 and investment company, or other organization held out to the  
31 public as a place of deposit of funds or a medium of savings or  
32 collective investment.
- 33 Sec. 72. "Credit restricted felon" means a person who has been  
34 convicted of at least one (1) of the following offenses:
- 35 (1) Child molesting involving sexual intercourse or deviate  
36 sexual conduct (IC 35-42-4-3(a)), if:
- 37 (A) the offense is committed by a person at least  
38 twenty-one (21) years of age; and  
39 (B) the victim is less than twelve (12) years of age.
- 40 (2) Child molesting (IC 35-42-4-3) resulting in serious bodily  
41 injury or death.
- 42 (3) Murder (IC 35-42-1-1), if:



C  
O  
P  
Y

- 1 (A) the person killed the victim while committing or  
 2 attempting to commit child molesting (IC 35-42-4-3);  
 3 (B) the victim was the victim of a sex crime under  
 4 IC 35-42-4 for which the person was convicted; or  
 5 (C) the victim of the murder was listed by the state or  
 6 known by the person to be a witness against the person in  
 7 a prosecution for a sex crime under IC 35-42-4 and the  
 8 person committed the murder with the intent to prevent  
 9 the victim from testifying.
- 10 Sec. 73. "Criminal activity", for purposes of IC 35-45-15, has  
 11 the meaning set forth in IC 35-45-15-1.
- 12 Sec. 74. (a) "Criminal gang", for purposes of IC 35-45-9, has the  
 13 meaning set forth in IC 35-45-9-1.
- 14 (b) "Criminal gang", for purposes of IC 35-50-2-15, has the  
 15 meaning set forth in IC 35-50-2-1.4.
- 16 Sec. 75. (a) Except as provided in subsection (b), "crime" means  
 17 a felony or a misdemeanor.
- 18 (b) "Crime", for purposes of IC 35-40, has the meaning set forth  
 19 in IC 35-40-4-3.
- 20 Sec. 76. "Crime involving domestic or family violence" means  
 21 a crime that occurs when a family or household member commits,  
 22 attempts to commit, or conspires to commit any of the following  
 23 against another family or household member:
- 24 (1) A homicide offense under IC 35-42-1.  
 25 (2) A battery offense under IC 35-42-2.  
 26 (3) Kidnapping or confinement under IC 35-42-3.  
 27 (4) Human and sexual trafficking crimes under IC 35-42-3.5.  
 28 (5) A sex offense under IC 35-42-4.  
 29 (6) Robbery under IC 35-42-5.  
 30 (7) Arson or mischief under IC 35-43-1.  
 31 (8) Burglary or trespass under IC 35-43-2.  
 32 (9) Disorderly conduct under IC 35-45-1.  
 33 (10) Intimidation or harassment under IC 35-45-2.  
 34 (11) Voyeurism under IC 35-45-4.  
 35 (12) Stalking under IC 35-45-10.  
 36 (13) An offense against family under IC 35-46-1-2 through  
 37 IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.  
 38 (14) A crime involving animal cruelty and a family or  
 39 household member under IC 35-46-3-12(b)(2) or  
 40 IC 35-46-3-12.5.
- 41 Sec. 77. "Crime of deception", for purposes of IC 35-38-1, has  
 42 the meaning set forth in IC 35-38-1-2.5(a).

C  
O  
P  
Y

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

4           **(1) has as an element the:**

5           **(A) use of physical force; or**

6           **(B) threatened use of a deadly weapon; and**

7           **(2) is committed against a:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41           **(1) A loaded or unloaded firearm.**

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

C  
O  
P  
Y



1 IC 35-47-8-3) or electronic stun weapon (as defined in  
 2 IC 35-47-8-1), equipment, chemical substance, or other  
 3 material that in the manner it:  
 4 (A) is used;  
 5 (B) could ordinarily be used; or  
 6 (C) is intended to be used;  
 7 is readily capable of causing serious bodily injury.  
 8 (3) An animal (as defined in IC 35-46-3-3) that is:  
 9 (A) readily capable of causing serious bodily injury; and  
 10 (B) used in the commission or attempted commission of a  
 11 crime.  
 12 (4) A biological disease, virus, or organism that is capable of  
 13 causing serious bodily injury.  
 14 (b) The term does not include:  
 15 (1) a taser (as defined in IC 35-47-8-3);  
 16 (2) an electronic stun weapon (as defined in IC 35-47-8-1);  
 17 (3) a chemical designed to temporarily incapacitate a person;  
 18 or  
 19 (4) another device designed to temporarily incapacitate a  
 20 person;  
 21 if the device described in subdivisions (1) through (4) is used by a  
 22 law enforcement officer who has been trained in the use of the  
 23 device and who uses the device in accordance with the law  
 24 enforcement officer's training and while lawfully engaged in the  
 25 execution of official duties.  
 26 Sec. 87. (a) "Dealer", for purposes of IC 35-43-4-2.3, has the  
 27 meaning set forth in IC 35-43-4-2.3(a).  
 28 (b) "Dealer", for purposes of IC 35-47, has the meaning set  
 29 forth in IC 35-47-1-3.  
 30 Sec. 88. "Delinquent act", for purposes of IC 35-40, has the  
 31 meaning set forth in IC 35-40-4-4.  
 32 Sec. 89. "Delivery", for purposes of IC 35-48, has the meaning  
 33 set forth in IC 35-48-1-11.  
 34 Sec. 90. (a) "Dependent", for purposes of IC 35-44-1-3, has the  
 35 meaning set forth in IC 35-44-1-3(a)(1).  
 36 (b) "Dependent", for purposes of IC 35-46-1, has the meaning  
 37 set forth in IC 35-46-1-1.  
 38 Sec. 91. "Designated offense", for purposes of IC 35-33.5, means  
 39 the following:  
 40 (1) A Class A, Class B, or Class C felony that is a controlled  
 41 substance offense (IC 35-48-4).  
 42 (2) Murder (IC 35-42-1-1).

COPY



- 1           **(3) Kidnapping (IC 35-42-3-2).**
- 2           **(4) Criminal confinement (IC 35-42-3-3).**
- 3           **(5) Robbery (IC 35-42-5-1).**
- 4           **(6) Arson (IC 35-43-1-1).**
- 5           **(7) Child solicitation (IC 35-42-4-6).**
- 6           **(8) Human and sexual trafficking crimes under IC 35-42-3.5.**
- 7           **(9) Escape as a Class B felony or Class C felony**
- 8           **(IC 35-44-3-5).**
- 9           **(10) An offense that relates to a weapon of mass destruction**
- 10           **(as defined in IC 35-41-1-29.4).**
- 11           **(11) An attempt or conspiracy to commit an offense described**
- 12           **in subdivisions (1) through (10).**
- 13           **(12) An offense under the law of the United States or in**
- 14           **another state or country that is substantially similar to an**
- 15           **offense described in subdivisions (1) through (11).**
- 16           **Sec. 92. "Destructive device" has the meaning set forth in**
- 17           **IC 35-47.5-2-4.**
- 18           **Sec. 93. "Detonator", for purposes of IC 35-47.5, has the**
- 19           **meaning set forth in IC 35-47.5-2-5.**
- 20           **Sec. 94. "Deviate sexual conduct" means an act involving:**
- 21               **(1) a sex organ of one (1) person and the mouth or anus of**
- 22               **another person; or**
- 23               **(2) the penetration of the sex organ or anus of a person by an**
- 24               **object.**
- 25           **Sec. 95. "Dispatched firefighter", for purposes of IC 35-44-4,**
- 26           **has the meaning set forth in IC 35-44-4-1.**
- 27           **Sec. 96. (a) Except as provided in subsection (b), "dispense", for**
- 28           **purposes of IC 35-48, has the meaning set forth in IC 35-48-1-12.**
- 29           **(b) "Dispense", for purposes of IC 35-48-7, has the meaning set**
- 30           **forth in IC 35-48-7-2.9(a).**
- 31           **Sec. 97. "Dispenser", for purposes of IC 35-48, has the meaning**
- 32           **set forth in IC 35-48-1-13.**
- 33           **Sec. 98. "Disseminate", for purposes of IC 35-42-4-4, has the**
- 34           **meaning set forth in IC 35-42-4-4(a).**
- 35           **Sec. 99. "Dissolvable tobacco product", for purposes of**
- 36           **IC 35-46-1, has the meaning set forth in IC 35-46-1-1.3.**
- 37           **Sec. 100. (a) "Distribute", for purposes of IC 35-46-1-10, has the**
- 38           **meaning set forth in IC 35-46-1-10(e).**
- 39               **(b) "Distribute", for purposes of IC 35-46-1-10.2, has the**
- 40               **meaning set forth in IC 35-46-1-10.2(e).**
- 41               **(c) "Distribute", for purposes of IC 35-47.5, has the meaning set**
- 42               **forth in IC 35-47.5-2-6.**

COPY



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

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

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

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

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

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

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

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

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

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

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

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

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

29 (2) abused individual's:

30 (A) spouse or former spouse;

31 (B) parent;

32 (C) guardian or former guardian;

33 (D) custodian or former custodian; or

34 (E) cohabitant or former cohabitant.

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

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

C  
o  
p  
y

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35               (A) where children are domiciled or are likely to be  
36               domiciled; and

37               (B) that are owned by a governmental unit or political  
38               subdivision;

39           (2) that is operated as a hotel or motel (as described in  
40           IC 22-11-18-1);

41           (3) that is operated as an apartment complex; or

42           (4) that contains subsidized housing.

C  
O  
P  
Y



1           **Sec. 128. (a) An individual is a "family or household member"**  
 2 **of another person if the individual:**

- 3           **(1) is a current or former spouse of the other person;**  
 4           **(2) is dating or has dated the other person;**  
 5           **(3) is or was engaged in a sexual relationship with the other**  
 6 **person;**  
 7           **(4) is related by blood or adoption to the other person;**  
 8           **(5) is or was related by marriage to the other person;**  
 9           **(6) has or previously had an established legal relationship:**  
 10           **(A) as a guardian of the other person;**  
 11           **(B) as a ward of the other person;**  
 12           **(C) as a custodian of the other person;**  
 13           **(D) as a foster parent of the other person; or**  
 14           **(E) in a capacity with respect to the other person similar to**  
 15 **those listed in clauses (A) through (D); or**  
 16           **(7) has a child in common with the other person.**

17           **(b) An individual is a "family or household member" of both**  
 18 **persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5),**  
 19 **(a)(6), or (a)(7) applies if the individual is a minor child of one (1)**  
 20 **of the persons.**

21           **Sec. 129. "Federal enforcement officer" means any of the**  
 22 **following:**

- 23           **(1) A Federal Bureau of Investigation special agent.**  
 24           **(2) A United States Marshals Service marshal or deputy.**  
 25           **(3) A United States Secret Service special agent.**  
 26           **(4) A United States Fish and Wildlife Service special agent.**  
 27           **(5) A United States Drug Enforcement Agency agent.**  
 28           **(6) A Bureau of Alcohol, Tobacco, Firearms and Explosives**  
 29 **agent.**  
 30           **(7) A United States Forest Service law enforcement officer.**  
 31           **(8) A United States Department of Defense police officer or**  
 32 **criminal investigator.**  
 33           **(9) A United States Customs Service agent.**  
 34           **(10) A United States Postal Service investigator.**  
 35           **(11) A National Park Service law enforcement commissioned**  
 36 **ranger.**  
 37           **(12) United States Department of Agriculture, Office of**  
 38 **Inspector General special agent.**  
 39           **(13) A United States Citizenship and Immigration Services**  
 40 **special agent.**  
 41           **(14) An individual who is:**  
 42           **(A) an employee of a federal agency; and**



C  
O  
P  
Y

- 1 (B) authorized to make arrests and carry a firearm in the  
2 performance of the individual's official duties.
- 3 Sec. 130. "Felony conviction", for purposes of IC 35-50-2, has  
4 the meaning set forth in IC 35-50-2-1(b).
- 5 Sec. 131. "Fetal tissue", for purposes of IC 35-46-5-1, has the  
6 meaning set forth in IC 35-46-5-1(a).
- 7 Sec. 132. "Fetus", for purposes of IC 35-42-1-4, has the meaning  
8 set forth in IC 35-42-1-4(b).
- 9 Sec. 133. (a) Except as provided in subsection (b), "firearm", for  
10 purposes of IC 35-47, has the meaning set forth in IC 35-47-1-5.  
11 (b) "Firearm", for purposes of IC 35-47-15, has the meaning set  
12 forth in IC 35-47-15-1.  
13 (c) "Firearm", for purposes of IC 35-50-2-11, has the meaning  
14 set forth in IC 35-50-2-11(a).
- 15 Sec. 134. "Firearm accessory", for purposes of IC 35-47, has the  
16 meaning set forth in IC 35-47-1-5.1.
- 17 Sec. 135. (a) "Firefighter", for purposes of IC 35-42-2-6, has the  
18 meaning set forth in IC 35-42-2-6(b).  
19 (b) "Firefighter", for purposes of IC 35-44-4, has the meaning  
20 set forth in IC 35-44-4-3.
- 21 Sec. 136. "First responder", for purposes of IC 35-42-2-6, has  
22 the meaning set forth in IC 35-42-2-6(c).
- 23 Sec. 137. "Food processing facility" means a facility used to  
24 prepare or process animal, plant, or other food ingredients into  
25 food products intended for sale or distribution to the general public  
26 for human consumption.
- 27 Sec. 138. "Forcible felony" means a felony that involves the use  
28 or threat of force against a human being, or in which there is  
29 imminent danger of bodily injury to a human being.
- 30 Sec. 139. "Forensic DNA analysis", for purposes of  
31 IC 35-37-4-13, has the meaning set forth in IC 35-37-4-13(a).
- 32 Sec. 140. "Gain", for purposes of IC 35-45-5, has the meaning  
33 set forth in IC 35-45-5-1(c).
- 34 Sec. 141. "Gambling", for purposes of IC 35-45-5, has the  
35 meaning set forth in IC 35-45-5-1(d).
- 36 Sec. 142. "Gambling device", for purposes of IC 35-45-5, has the  
37 meaning set forth in IC 35-45-5-1(e).
- 38 Sec. 143. "Gambling information", for purposes of IC 35-45-5,  
39 has the meaning set forth in IC 35-45-5-1(f).
- 40 Sec. 144. "Governmental entity" means:  
41 (1) the United States or any state, county, township, city,  
42 town, separate municipal corporation, special taxing district,

C  
O  
P  
Y

1 or public school corporation;  
 2 (2) any authority, board, bureau, commission, committee,  
 3 department, division, hospital, military body, or other  
 4 instrumentality of any of those entities; or  
 5 (3) a state assisted college or state assisted university.  
 6 Sec. 145. "Governmental entity served by the public servant",  
 7 for purposes of IC 35-44-1-3, has the meaning set forth in  
 8 IC 35-44-1-3(a)(2).  
 9 Sec. 146. "Graffiti" means any unauthorized inscription, work,  
 10 figure, or design that is marked, etched, scratched, drawn, or  
 11 painted on a component of any building, structure, or other  
 12 facility.  
 13 Sec. 147. "Gun show", for purposes of IC 35-47, has the  
 14 meaning set forth in IC 35-47-1-5.5.  
 15 Sec. 148. "Handgun", for purposes of IC 35-47, has the meaning  
 16 set forth in IC 35-47-1-6.  
 17 Sec. 149. "Harm" means loss, disadvantage, or injury or  
 18 anything so regarded by the person affected, including loss,  
 19 disadvantage, or injury to any other person in whose welfare the  
 20 person is interested.  
 21 Sec. 150. "Harassment", for purposes of IC 35-45-10, has the  
 22 meaning set forth in IC 35-45-10-2.  
 23 Sec. 151. "Hazing", for purposes of IC 35-42-2-2, has the  
 24 meaning set forth in IC 35-42-2-2(a).  
 25 Sec. 152. "Health care provider", for purposes of IC 35-46-7,  
 26 has the meaning set forth in IC 35-46-7-1.  
 27 Sec. 153. "Hoarding program", for purposes of IC 35-43-2-3,  
 28 has the meaning set forth in IC 35-43-2-3(a).  
 29 Sec. 154. "Hoax device", for purposes of IC 35-47.5, has the  
 30 meaning set forth in IC 35-47.5-2-8.  
 31 Sec. 155. (a) "Home", for purposes of IC 35-38-2.5, has the  
 32 meaning set forth in IC 35-38-2.5-2.  
 33 (b) "Home", for purposes of IC 35-38-2.6-6, has the meaning set  
 34 forth in IC 35-38-2.6-6(a).  
 35 Sec. 156. "Home improvement", for purposes of IC 35-43-6, has  
 36 the meaning set forth in IC 35-43-6-3.  
 37 Sec. 157. "Home improvement contract", for purposes of  
 38 IC 35-43-6, has the meaning set forth in IC 35-43-6-4.  
 39 Sec. 158. "Home improvement contract price", for purposes of  
 40 IC 35-43-6, has the meaning set forth in IC 35-43-6-5.  
 41 Sec. 159. "Home improvement supplier", for purposes of  
 42 IC 35-43-6, has the meaning set forth in IC 35-43-6-6.

COPY



1           **Sec. 160. "Human being"** means an individual who has been  
2 born and is alive.

3           **Sec. 161. "Human organ"**, for purposes of IC 35-46-5-1, has the  
4 meaning set forth in IC 35-46-5-1(b).

5           **Sec. 162. "Identification number"**, for purposes of IC 35-43-7,  
6 has the meaning set forth in IC 35-43-7-2.

7           **Sec. 163. "Identify theft"**, for the purposes of IC 35-40-14, has  
8 the meaning set forth in IC 35-40-14-1.

9           **Sec. 164. "Identifying information"**, for purposes of IC 35-43-5,  
10 has the meaning set forth in IC 35-43-5-1(i).

11           **Sec. 165. "Immediate precursor"**, for purposes of IC 35-48, has  
12 the meaning set forth in IC 35-48-1-17.

13           **Sec. 166. "Imprison"** means to:

- 14           (1) confine in a penal facility;  
15           (2) commit to the department of correction; or  
16           (3) assign to a community transition program under  
17 IC 11-10-11.5.

18           **Sec. 167. "Incendiary"**, for purposes of IC 35-47.5, has the  
19 meaning set forth in IC 35-47.5-2-9.

20           **Sec. 168. "Included offense"** means an offense that:

- 21           (1) is established by proof of the same material elements or  
22 less than all the material elements required to establish the  
23 commission of the offense charged;  
24           (2) consists of an attempt to commit the offense charged or an  
25 offense otherwise included therein; or  
26           (3) differs from the offense charged only in the respect that a  
27 less serious harm or risk of harm to the same person,  
28 property, or public interest, or a lesser kind of culpability, is  
29 required to establish its commission.

30           **Sec. 169. (a) "Individual with mental retardation"**, for purposes  
31 of IC 35-36-2-5(e), has the meaning set forth in IC 35-36-2-5(e).

32           **(b) "Individual with mental retardation"**, for purposes of  
33 IC 35-36-9 and IC 35-50-2, has the meaning set forth in  
34 IC 35-36-9-2.

35           **Sec. 170. "Inmate"**, for purposes of IC 35-43-5-20, has the  
36 meaning set forth in IC 35-43-5-20(a).

37           **Sec. 171. "Inmate outside a facility"**, for purposes of  
38 IC 35-44-3-9.3, has the meaning set forth in IC 35-44-3-9.3(b).

39           **Sec. 172. "INSPECT"**, for purposes of IC 35-48-7, has the  
40 meaning set forth in IC 35-48-7-5.2.

41           **Sec. 173. "Instant messaging or chat room program"**, for  
42 purposes of IC 35-42-4-12, has the meaning set forth in

C  
O  
P  
Y



1 IC 35-42-4-12(c).

2 Sec. 174. "Insurer", for purposes of IC 35-43-5, has the meaning  
3 set forth in IC 35-43-5-1(k).

4 Sec. 175. "Interactive computer service", for purposes of  
5 IC 35-45-5, has the meaning set forth in IC 35-45-5-1(g).

6 Sec. 176. "Interception", for purposes of IC 35-33.5, means the  
7 intentional recording or acquisition of the contents of an electronic  
8 communication by a person other than a sender or receiver of that  
9 communication, without the consent of the sender or receiver, by  
10 means of any instrument, device, or equipment under this article.  
11 This term includes the intentional recording or acquisition of  
12 communication through the use of a computer or a fax (facsimile  
13 transmission) machine. The term does not include recording or  
14 acquiring the contents of a radio transmission that is not:

- 15 (1) scrambled or encrypted;
- 16 (2) transmitted using modulation techniques whose essential  
17 parameters have been withheld from the public with the  
18 intention of preserving the privacy of the communication;
- 19 (3) carried on a subcarrier or other signal subsidiary to a  
20 radio transmission;
- 21 (4) transmitted over a communication system provided by a  
22 common carrier, unless the communication is a tone only  
23 paging system communication; or
- 24 (5) transmitted on frequencies allocated under part 25,  
25 subpart D, E, or F of part 74, or part 94 of the Rules of the  
26 Federal Communications Commission, unless, in the case of  
27 a communication transmitted on a frequency allocated under  
28 part 74 that is not exclusively allocated to broadcast auxiliary  
29 services, the communication is a two-way voice  
30 communication by radio.

31 Sec. 177. "Item of value", for purposes of IC 35-46-5-1, has the  
32 meaning set forth in IC 35-46-5-1(c).

33 Sec. 178. "Juvenile facility", for purposes of IC 35-44-3-9, has  
34 the meaning set forth in IC 35-44-3-9(a).

35 Sec. 179. "Key facility" means any of the following:

- 36 (1) A chemical manufacturing facility.
- 37 (2) A refinery.
- 38 (3) An electric utility facility, including:
  - 39 (A) a power plant;
  - 40 (B) a power generation facility peaker;
  - 41 (C) an electric transmission facility;
  - 42 (D) an electric station or substation; or



C  
O  
P  
Y

- 1 (E) any other facility used to support the generation,
- 2 transmission, or distribution of electricity.
- 3 However, the term does not include electric transmission land
- 4 or right-of-way that is not completely enclosed, posted, and
- 5 maintained by the electric utility.
- 6 (4) A water intake structure or water treatment facility.
- 7 (5) A natural gas utility facility, including:
- 8 (A) an age station;
- 9 (B) a compressor station;
- 10 (C) an odorization facility;
- 11 (D) a main line valve;
- 12 (E) a natural gas storage facility; or
- 13 (F) any other facility used to support the acquisition,
- 14 transmission, distribution, or storage of natural gas.
- 15 However, the term does not include gas transmission
- 16 pipeline property that is not completely enclosed, posted,
- 17 and maintained by the natural gas utility.
- 18 (6) A gasoline, propane, liquid natural gas (LNG), or other
- 19 fuel terminal or storage facility.
- 20 (7) A transportation facility, including, but not limited to, a
- 21 port, railroad switching yard, or trucking terminal. However,
- 22 the term does not include a railroad track that is not part of
- 23 a railroad switching yard.
- 24 (8) A pulp or paper manufacturing facility.
- 25 (9) A pharmaceutical manufacturing facility.
- 26 (10) A hazardous waste storage, treatment, or disposal
- 27 facility.
- 28 (11) A telecommunications facility, including a central office
- 29 or cellular telephone tower site.
- 30 (12) A facility:
- 31 (A) that is substantially similar to a facility, structure, or
- 32 station listed in this section; or
- 33 (B) whose owner or operator is required to submit a risk
- 34 management plan under the federal Chemical Safety
- 35 Information, Site Security and Fuels Regulatory Relief Act
- 36 (42 U.S.C. 7412(r)).
- 37 Sec. 180. "Knife", for purposes of IC 35-47-5-2.5, has the
- 38 meaning set forth in IC 35-47-5-2.5(a) and IC 35-47-5-2.5(b).
- 39 Sec. 181. "Labeling", for purposes of IC 35-45-8, has the
- 40 meaning set forth in IC 35-45-8-2.
- 41 Sec. 182. "Laser pointer", for purposes of IC 35-47-4.5, has the
- 42 meaning set forth in IC 35-47-4.5-2.

COPY



- 1           **Sec. 183. "Law enforcement agency", for purposes of**
- 2 **IC 35-47-15, has the meaning set forth in IC 35-47-15-2.**
- 3           **Sec. 184. "Law enforcement animal", for purposes of**
- 4 **IC 35-46-3, has the meaning set forth in IC 35-46-3-4.5.**
- 5           **Sec. 185. "Law enforcement officer" means:**
- 6               **(1) a police officer (including a correctional police officer),**
- 7               **sheriff, constable, marshal, prosecuting attorney, special**
- 8               **prosecuting attorney, special deputy prosecuting attorney, the**
- 9               **securities commissioner, or the inspector general;**
- 10              **(2) a deputy of any of those persons;**
- 11              **(3) an investigator for a prosecuting attorney or for the**
- 12              **inspector general;**
- 13              **(4) a conservation officer;**
- 14              **(5) an enforcement officer of the alcohol and tobacco**
- 15              **commission; or**
- 16              **(6) an enforcement officer of the securities division of the**
- 17              **office of the secretary of state.**
- 18           **Sec. 186. (a) "Lawful detention" means:**
- 19               **(1) arrest;**
- 20               **(2) custody following surrender in lieu of arrest;**
- 21               **(3) detention in a penal facility;**
- 22               **(4) detention in a facility for custody of persons alleged or**
- 23               **found to be delinquent children;**
- 24               **(5) detention under a law authorizing civil commitment in lieu**
- 25               **of criminal proceedings or authorizing such detention while**
- 26               **criminal proceedings are held in abeyance;**
- 27               **(6) detention for extradition or deportation;**
- 28               **(7) placement in a community corrections program's**
- 29               **residential facility;**
- 30               **(8) electronic monitoring;**
- 31               **(9) custody for purposes incident to any of the above including**
- 32               **transportation, medical diagnosis or treatment, court**
- 33               **appearances, work, or recreation; or**
- 34               **(10) any other detention for law enforcement purposes.**
- 35           **(b) Except as provided in subsection (a)(7) and (a)(8), the term**
- 36 **does not include supervision of a person on probation or parole or**
- 37 **constraint incidental to release with or without bail.**
- 38           **Sec. 187. "Licensed health professional", for purposes of**
- 39 **IC 35-42-2-8, has the meaning set forth in IC 35-42-2-8(a)(2).**
- 40           **Sec. 188. "Loaded", for purposes of IC 35-47-10, has the**
- 41 **meaning set forth in IC 35-47-10-4.**
- 42           **Sec. 189. "Loan", for purposes of IC 35-45-7, has the meaning**

COPY



1 set forth in IC 35-45-7-1.

2 Sec. 190. "Machine gun" means a weapon that:

3 (1) shoots; or

4 (2) can be readily restored to shoot;

5 automatically more than one (1) shot, without manual reloading,  
6 by a single function of the trigger.

7 Sec. 191. "Make", for purposes of IC 35-43-5, has the meaning  
8 set forth in IC 35-43-5-1(m).

9 Sec. 192. "Manufacture", for purposes of IC 35-48, has the  
10 meaning set forth in IC 35-48-1-18.

11 Sec. 193. "Manufacture of an unlawful telecommunications  
12 device", for purposes of IC 35-45-13, has the meaning set forth in  
13 IC 35-45-13-1.

14 Sec. 194. "Manufacturer", for purposes of IC 35-43-5, has the  
15 meaning set forth in IC 35-43-5-1(l).

16 Sec. 195. "Marijuana", for purposes of IC 35-48, has the  
17 meaning set forth in IC 35-48-1-19.

18 Sec. 196. (a) "Matter", for purposes of IC 35-42-4-4, has the  
19 meaning set forth in IC 35-42-4-4(a).

20 (b) "Matter", for purposes of IC 35-49, has the meaning set  
21 forth in IC 35-49-1-3.

22 Sec. 197. "Mental disease or defect", for purposes of  
23 IC 35-41-3-6, has the meaning set forth in IC 35-41-3-6(b).

24 Sec. 198. "Mentally ill", for purposes of IC 35-36, has the  
25 meaning set forth in IC 35-36-1-1.

26 Sec. 199. "Metering device", for purposes of IC 35-43-5, has the  
27 meaning set forth in IC 35-43-5-1(n).

28 Sec. 200. "Military recruiter", for purposes of IC 35-42-4-7, has  
29 the meaning set forth in IC 35-42-4-7(f).

30 Sec. 201. "Minimum sentence", for purposes of IC 35-50-2, has  
31 the meaning set forth in IC 35-50-2-1(c).

32 Sec. 202. "Minor", for purposes of IC 35-49, has the meaning set  
33 forth in IC 35-49-1-4.

34 Sec. 203. "Misconduct", for purposes of IC 35-44-2-2, has the  
35 meaning set forth in IC 35-44-2-2(b).

36 Sec. 204. "Model glue", for purposes of IC 35-46-6, has the  
37 meaning set forth in IC 35-46-6-1.

38 Sec. 205. "Monitoring device", for purposes of IC 35-38-2.5, has  
39 the meaning set forth in IC 35-38-2.5-3.

40 Sec. 206. "Motion picture exhibition facility" has the meaning  
41 set forth in IC 35-46-8-3.

42 Sec. 207. "Motor vehicle" has the meaning set forth in

C  
o  
p  
y



- 1 IC 9-13-2-105(a).
- 2 Sec. 208. "Mutilate", for purposes of IC 35-46-3, has the  
3 meaning set forth in IC 35-46-3-0.5(3).
- 4 Sec. 209. "Narcotic drug", for purposes of IC 35-48, has the  
5 meaning set forth in IC 35-48-1-20.
- 6 Sec. 210. "Neglect", for purposes of IC 35-46-3, has the meaning  
7 set forth in IC 35-46-3-0.5(4).
- 8 Sec. 211. "Nonpublic school", for purposes of IC 35-42-4-7, has  
9 the meaning set forth in IC 35-42-4-7(g).
- 10 Sec. 212. (a) "Nudity", for purposes of IC 35-45-4-1 and  
11 IC 35-45-4-1.5, has the meaning set forth in IC 35-45-4-1(d).
- 12 (b) "Nudity", for purposes of IC 35-49, has the meaning set  
13 forth in IC 35-49-1-5.
- 14 Sec. 213. (a) "Offender", for purposes of IC 35-38-2-2.5, has the  
15 meaning set forth in IC 35-38-2-2.5(a).
- 16 (b) "Offender", for purposes of IC 35-38-2.5, has the meaning  
17 set forth in IC 35-38-2.5-4.
- 18 Sec. 214. (a) "Offender against children", for purposes of  
19 IC 35-42-4-10, has the meaning set forth in IC 35-42-4-10(a).
- 20 (b) "Offender against children", for purposes of IC 35-42-4-11,  
21 has the meaning set forth in IC 35-42-4-11(a).
- 22 Sec. 215. (a) Except as provided in subsections (b) and (c),  
23 "offense" means a crime. The term does not include an infraction.
- 24 (b) "Offense", for purposes of IC 35-38-7, has the meaning set  
25 forth in IC 35-38-7-3.
- 26 (c) "Offense", for purposes of IC 35-50-2-11, has the meaning  
27 set forth in IC 35-50-2-11(b).
- 28 Sec. 216. "Offense relating to a criminal sexual act" means the  
29 following:
- 30 (1) Rape (IC 35-42-4-1).
- 31 (2) Criminal deviate conduct (IC 35-42-4-2).
- 32 (3) Child molesting (IC 35-42-4-3).
- 33 (4) Child seduction (IC 35-42-4-7).
- 34 (5) Prostitution (IC 35-45-4-2).
- 35 (6) Patronizing a prostitute (IC 35-45-4-3).
- 36 (7) Incest (IC 35-46-1-3).
- 37 (8) Sexual misconduct with a minor under IC 35-42-4-9(a).
- 38 Sec. 217. "Offense relating to controlled substances" means the  
39 following:
- 40 (1) Dealing in or manufacturing cocaine or a narcotic drug  
41 (IC 35-48-4-1).
- 42 (2) Dealing in methamphetamine (IC 35-48-4-1.1).

C  
o  
p  
y

- 1 (3) Dealing in a schedule I, II, or III controlled substance  
2 (IC 35-48-4-2).
- 3 (4) Dealing in a schedule IV controlled substance  
4 (IC 35-48-4-3).
- 5 (5) Dealing in a schedule V controlled substance  
6 (IC 35-48-4-4).
- 7 (6) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
- 8 (7) Possession of methamphetamine (IC 35-48-4-6.1).
- 9 (8) Possession of a controlled substance (IC 35-48-4-7).
- 10 (9) Possession of paraphernalia (IC 35-48-4-8.3).
- 11 (10) Dealing in paraphernalia (IC 35-48-4-8.5).
- 12 (11) Offenses relating to registration (IC 35-48-4-14).
- 13 Sec. 218. "Official proceeding" means a proceeding held or that  
14 may be held before a legislative, judicial, administrative, or other  
15 agency or before an official authorized to take evidence under oath,  
16 including a referee, hearing examiner, commissioner, notary, or  
17 other person taking evidence in connection with a proceeding.
- 18 Sec. 219. "Operator", for purposes of IC 35-45-5, has the  
19 meaning set forth in IC 35-45-5-1(h).
- 20 Sec. 220. "Opiate", for purposes of IC 35-48, has the meaning  
21 set forth in IC 35-48-1-21.
- 22 Sec. 221. "Opium poppy", for purposes of IC 35-48, has the  
23 meaning set forth in IC 35-48-1-22.
- 24 Sec. 222. "Overpass", for purposes of IC 35-42-2-5, has the  
25 meaning set forth in IC 35-42-2-5(a).
- 26 Sec. 223. "Overpressure device", for purposes of IC 35-47.5, has  
27 the meaning set forth in IC 35-47.5-2-11.
- 28 Sec. 224. (a) "Owner", for purposes of IC 35-43-1-3, has the  
29 meaning set forth in IC 35-43-1-3(a).
- 30 (b) "Owner", for purposes of IC 35-49, has the meaning set  
31 forth in IC 35-49-1-6.
- 32 Sec. 225. "Panhandling", for purposes of IC 35-45-17, has the  
33 meaning set forth in IC 35-45-17-1.
- 34 Sec. 226. "Party", for purposes of IC 35-43-9, has the meaning  
35 set forth in IC 35-43-9-1.
- 36 Sec. 227. "Pattern of racketeering activity", for purposes of  
37 IC 35-45-6, has the meaning set forth in IC 35-45-6-1(d).
- 38 Sec. 228. "Party line", for purposes of IC 35-45-2-3, has the  
39 meaning set forth in IC 35-45-2-3(b).
- 40 Sec. 229. "Patient", for purposes of IC 35-48-7, has the meaning  
41 set forth in IC 35-48-7-5.6.
- 42 Sec. 230. "Pecuniary interest", for purposes of IC 35-44-1-3 and



C  
o  
p  
y

- 1 IC 35-44-1-7, has the meaning set forth in IC 35-44-1-3(a)(3).  
 2 Sec. 231. "Peep", for purposes of IC 35-45-4-5 has the meaning  
 3 set forth in IC 35-45-4-5(a)(2).  
 4 Sec. 232. "Penal facility" means a state prison, correctional  
 5 facility, county jail, penitentiary, house of correction, or any other  
 6 facility for confinement of persons under sentence, or awaiting trial  
 7 or sentence, for offenses. The term includes a correctional facility  
 8 constructed under IC 4-13.5.  
 9 Sec. 233. (a) "Performance", for purposes of IC 35-42-4-4, has  
 10 the meaning set forth in IC 35-42-4-4(a).  
 11 (b) "Performance", for purposes of IC 35-49, has the meaning  
 12 set forth in IC 35-49-1-7.  
 13 Sec. 234. (a) "Person" means a human being, corporation,  
 14 limited liability company, partnership, unincorporated association,  
 15 or governmental entity.  
 16 (b) "Person", for purposes of IC 35-41-1-10.6, means an adult  
 17 or a minor.  
 18 (c) "Person", for purposes of IC 35-43-6, has the meaning set  
 19 forth in IC 35-43-6-7.  
 20 (d) "Person", for purposes of IC 35-43-9, has the meaning set  
 21 forth in IC 35-43-9-2.  
 22 Sec. 235. "Personally identifying information", for purposes of  
 23 IC 35-37-6, has the meaning set forth in IC 35-37-6-2.5(a).  
 24 Sec. 236. "Plea agreement", for purposes of IC 35-35-3, means  
 25 an agreement between a prosecuting attorney and a defendant  
 26 concerning the disposition of a felony or misdemeanor charge.  
 27 Sec. 237. "Police radio", for purposes of IC 35-44-3-12, has the  
 28 meaning set forth in IC 35-44-3-12(c).  
 29 Sec. 238. "Polygraph", for purposes of IC 35-37-4.5, has the  
 30 meaning set forth in IC 35-37-4.5-1.  
 31 Sec. 239. "Poppy straw", for purposes of IC 35-48, has the  
 32 meaning set forth in IC 35-48-1-23.  
 33 Sec. 240. "Postarrest release", for purposes of IC 35-40, has the  
 34 meaning set forth in IC 35-40-4-5.  
 35 Sec. 241. "Postconviction release", for purposes of IC 35-40, has  
 36 the meaning set forth in IC 35-40-4-6.  
 37 Sec. 242. (a) "Practitioner", for purposes of IC 35-42-2-8, has  
 38 the meaning set forth in IC 35-42-2-8(a)(3).  
 39 (b) Except as provided in subsection (c), "practitioner", for  
 40 purposes of IC 35-48, has the meaning set forth in IC 35-48-1-24.  
 41 (c) "Practitioner", for purposes of IC 35-48-7, has the meaning  
 42 set forth in IC 35-48-7-5.8.



C  
O  
P  
Y

1           Sec. 243. "Prescription", for purposes of IC 35-45-20, has the  
2 meaning set forth in IC 35-45-20-1.

3           Sec. 244. "Prescription drug", for purposes of IC 35-48, has the  
4 meaning set forth in IC 35-48-1-25.

5           Sec. 245. "Principal", for purposes of IC 35-45-7, has the  
6 meaning set forth in IC 35-45-7-1.

7           Sec. 246. "Private area", for purposes of IC 35-45-4-5, has the  
8 meaning set forth in IC 35-45-4-5(a)(3).

9           Sec. 247. "Proceeds", for purposes of IC 35-45-15, has the  
10 meaning set forth in IC 35-45-15-4.

11          Sec. 248. "Product", for purposes of IC 35-43-7, has the  
12 meaning set forth in IC 35-43-7-3.

13          Sec. 249. "Professional sports services contract", for purposes  
14 of IC 35-46-4, has the meaning set forth in IC 35-46-4-2.

15          Sec. 250. "Profit", for purposes of IC 35-45-5, has the meaning  
16 set forth in IC 35-45-5-1(i).

17          Sec. 251. "Proper person", for purposes of IC 35-47, has the  
18 meaning set forth in IC 35-47-1-7.

19          Sec. 252. "Proper reason", for purposes of IC 35-47, has the  
20 meaning set forth in IC 35-47-1-8.

21          Sec. 253. (a) Except as provided in subsection (c), "property"  
22 means anything of value. The term includes:

23           (1) a gain or advantage or anything that might reasonably be  
24 regarded as such by the beneficiary;

25           (2) real property, personal property, money, labor, and  
26 services;

27           (3) intangibles;

28           (4) commercial instruments;

29           (5) written instruments concerning labor, services, or  
30 property;

31           (6) written instruments otherwise of value to the owner, such  
32 as a public record, deed, will, credit card, or letter of credit;

33           (7) a signature to a written instrument;

34           (8) extension of credit;

35           (9) trade secrets;

36           (10) contract rights, choses-in-action, and other interests in or  
37 claims to wealth;

38           (11) electricity, gas, oil, and water;

39           (12) captured or domestic animals, birds, and fish;

40           (13) food and drink; and

41           (14) human remains.

42          (b) Property is that "of another person" if the other person has

C  
O  
P  
Y



1 a possessory or proprietary interest in it, even if an accused person  
2 also has an interest in that property.

3 (c) "Property", for purposes of IC 35-47.5, has the meaning set  
4 forth in IC 35-47.5-2-12.

5 Sec. 254. "Prosecuting attorney", for purposes of IC 35-35-3,  
6 includes a deputy prosecuting attorney.

7 Sec. 255. "Protected person", for purposes of IC 35-37-4, has  
8 the meaning set forth in IC 35-37-4-6(c).

9 Sec. 256. "Pseudoephedrine", for purposes of IC 35-48-4-14.7,  
10 has the meaning set forth in IC 35-48-4-14.7(b)(4).

11 Sec. 257. "Public court proceeding", for purposes of IC 35-40,  
12 has the meaning set forth in IC 35-40-4-7.

13 Sec. 258. "Public park" means any property operated by a  
14 political subdivision for park purposes (as defined in IC 36-10-1-2).

15 Sec. 259. "Public relief or assistance", for purposes of  
16 IC 35-43-5, has the meaning set forth in IC 35-43-5-1(o).

17 Sec. 260. "Public safety officer", for purposes of IC 35-45-19,  
18 has the meaning set forth in IC 35-45-19-2.

19 Sec. 261. "Public servant" means a person who:

- 20 (1) is authorized to perform an official function on behalf of,  
21 and is paid by, a governmental entity;  
22 (2) is elected or appointed to office to discharge a public duty  
23 for a governmental entity; or  
24 (3) with or without compensation, is appointed in writing by  
25 a public official to act in an advisory capacity to a  
26 governmental entity concerning a contract or purchase to be  
27 made by the entity.

28 The term does not include a person appointed by the governor to  
29 an honorary advisory or honorary military position.

30 Sec. 262. "Publicly paid costs of representation" means the part  
31 of all attorney's fees, expenses, or wages incurred by the county  
32 that are:

- 33 (1) directly attributable to the defendant's defense; and  
34 (2) not overhead expenditures made in connection with the  
35 maintenance or operation of a governmental agency.

36 Sec. 263. "Public safety officer", for purposes of IC 35-47-4.5,  
37 has the meaning set forth in IC 35-47-4.5-3.

38 Sec. 264. "Publish", for purposes of IC 35-45-13, has the  
39 meaning set forth in IC 35-45-13-2.

40 Sec. 265. "Racketeering activity", for purposes of IC 35-45-6,  
41 has the meaning set forth in IC 35-45-6-1(e).

42 Sec. 266. "Rate", for purposes of IC 35-45-7, has the meaning

C  
O  
P  
Y



- 1 set forth in IC 35-45-7-1.
- 2 Sec. 267. "Rated capacity", for purposes of IC 35-38-3, has the  
3 meaning set forth in IC 35-38-3-1.
- 4 Sec. 268. "Receiving", for purposes of IC 35-43-4-1, has the  
5 meaning set forth in IC 35-43-4-1(c).
- 6 Sec. 269. "Receiving authority", for purposes of IC 35-38-3, has  
7 the meaning set forth in IC 35-38-3-1.
- 8 Sec. 270. "Recipient", for purposes of IC 35-48-7, has the  
9 meaning set forth in IC 35-48-7-6.
- 10 Sec. 271. "Recipient representative", for purposes of IC 35-48-7,  
11 has the meaning set forth in IC 35-48-7-7.
- 12 Sec. 272. "Recommendation", for purposes of IC 35-35-3 and  
13 IC 35-38-1, means a proposal that is part of a plea agreement made  
14 to a court that:
- 15 (1) a felony charge be dismissed; or  
16 (2) a defendant, if the defendant pleads guilty to a felony  
17 charge, receive less than the advisory sentence.
- 18 Sec. 273. "Recording", for purposes of IC 35-43-5, has the  
19 meaning set forth in IC 35-43-5-1(p).
- 20 Sec. 274. "Replica", for purposes of IC 35-47.5, has the meaning  
21 set forth in IC 35-47.5-2-8.
- 22 Sec. 275. "Reside", for purposes of IC 35-42-4-11, has the  
23 meaning set forth in IC 35-42-4-11(b).
- 24 Sec. 276. "Residential property", for purposes of IC 35-43-6,  
25 has the meaning set forth in IC 35-43-6-1.
- 26 Sec. 277. "Residential real property transaction", for purposes  
27 of IC 35-43-9, has the meaning set forth in IC 35-43-9-3.
- 28 Sec. 278. "Retail", for purposes of IC 35-47, has the meaning set  
29 forth in IC 35-47-1-9.
- 30 Sec. 279. "Retailer", for purposes of IC 35-48-4-14.7, has the  
31 meaning set forth in IC 35-48-4-14.7(b)(5).
- 32 Sec. 280. "Sado-masochistic abuse", for purposes of IC 35-49,  
33 has the meaning set forth in IC 35-49-1-8.
- 34 Sec. 281. (a) "Salvia" means *salvia divinorum* or *salvinorin A*,  
35 including:
- 36 (1) all parts of the plant that are classified botanically as  
37 *salvia divinorum*, whether growing or not;  
38 (2) the seeds of the plant;  
39 (3) any extract from any part of the plant; and  
40 (4) every compound, manufacture, derivative, mixture, or  
41 preparation of the plant, its seeds, or extracts, including its  
42 salts, isomers, and salts of isomers whenever the existence of

C  
O  
P  
Y

- 1           such salts, isomers, and salts of isomers is possible within the  
2           specific chemical designation of the plant, its seeds, or  
3           extracts.
- 4           (b) The term does not include any other species in the genus  
5           salvia.
- 6           Sec. 282. "Sawed-off shotgun", for purposes of IC 35-47, has the  
7           meaning set forth in IC 35-47-1-10.
- 8           Sec. 283. "School bus" means any motor vehicle designed and  
9           constructed for the accommodation of more than ten (10)  
10          passengers and used for the transportation of Indiana school  
11          children.
- 12          Sec. 284. "School corporation", for purposes of IC 35-42-4-7,  
13          has the meaning set forth in IC 35-42-4-7(h).
- 14          Sec. 285. "School property" means the following:
- 15               (1) A building or other structure owned or rented by:
- 16                   (A) a school corporation;
- 17                   (B) an entity that is required to be licensed under  
18                   IC 12-17.2 or IC 31-27;
- 19                   (C) a private school that is not supported and maintained  
20                   by funds realized from the imposition of a tax on property,  
21                   income, or sales; or
- 22                   (D) a federal, state, local, or nonprofit program or service  
23                   operated to serve, assist, or otherwise benefit children who  
24                   are at least three (3) years of age and not yet enrolled in  
25                   kindergarten, including the following:
- 26                       (i) A Head Start program under 42 U.S.C. 9831 et seq.
- 27                       (ii) A special education preschool program.
- 28                       (iii) A developmental child care program for preschool  
29                       children.
- 30               (2) The grounds adjacent to and owned or rented in common  
31               with a building or other structure described in subdivision (1).
- 32          Sec. 286. "Scientific purposes", for purposes of IC 35-43-1-3,  
33          has the meaning set forth in IC 35-43-1-3(a).
- 34          Sec. 287. "Scientific research facility" means a facility in which  
35          research is conducted.
- 36          Sec. 288. "Search and rescue dog", for purposes of  
37          IC 35-46-3-11.3, has the meaning set forth in IC 35-46-3-11.3(a).
- 38          Sec. 289. "Security agent" means a person who has been  
39          employed by a store to prevent the loss of property due to theft.
- 40          Sec. 290. "Security risk", for purposes of IC 35-38-2.5, has the  
41          meaning set forth in IC 35-38-2.5-4.5.
- 42          Sec. 291. "Self-service display", for purposes of IC 35-46-1-11.8,

C  
O  
P  
Y

- 1 has the meaning set forth in IC 35-46-1-11.8.
- 2 Sec. 292. "Serious bodily injury" means bodily injury that  
3 creates a substantial risk of death or that causes:
- 4 (1) serious permanent disfigurement;  
5 (2) unconsciousness;  
6 (3) extreme pain;  
7 (4) permanent or protracted loss or impairment of the  
8 function of a bodily member or organ; or  
9 (5) loss of a fetus.
- 10 Sec. 293. "Serious violent felon", for purposes of IC 35-47-4-5,  
11 has the meaning set forth in IC 35-47-4-5(a).
- 12 Sec. 294. "Serious violent felony", for purposes of IC 35-47-4-5,  
13 has the meaning set forth in IC 35-47-4-5(b).
- 14 Sec. 295. "Service animal", for purposes of IC 35-46-3-11.5, has  
15 the meaning set forth in IC 35-46-3-11.5(a).
- 16 Sec. 296. "Service provider", for purposes of IC 35-44-1-5, has  
17 the meaning set forth in IC 35-44-1-5(a).
- 18 Sec. 297. (a) "Sex offense", for purposes of IC 35-38-2-2.5, has  
19 the meaning set forth in IC 35-38-2-2.5(b).
- 20 (b) "Sex offense", for purposes of IC 35-50-2-14, has the  
21 meaning set forth in IC 35-50-2-14(a).
- 22 Sec. 298. "Sex offense against a child", for purposes of  
23 IC 35-50-2, has the meaning set forth in IC 35-50-2-1.8.
- 24 Sec. 299. "Sexual activity", for purposes of IC 35-42-4-13, has  
25 the meaning set forth in IC 35-42-4-13(b).
- 26 Sec. 300. (a) "Sexual conduct", for purposes of IC 35-42-4-4, has  
27 the meaning set forth in IC 35-42-4-4(a).
- 28 (b) "Sexual conduct", for purposes of IC 35-49, has the meaning  
29 set forth in IC 35-49-1-9.
- 30 Sec. 301. "Sexual excitement", for purposes of IC 35-49, has the  
31 meaning set forth in IC 35-49-1-10.
- 32 Sec. 302. "Sexual intercourse" means an act that includes any  
33 penetration of the female sex organ by the male sex organ.
- 34 Sec. 303. (a) "Sexually violent predator", for purposes of  
35 IC 35-38-1-7.5, has the meaning set forth in IC 35-38-1-7.5(a).
- 36 (b) "Sexually violent predator", for purposes of IC 35-42-4-10,  
37 has the meaning set forth in IC 35-42-4-10(b).
- 38 Sec. 304. "Sexually violent predator defendant", for purposes of  
39 IC 35-33-8-3.5, has the meaning set forth in IC 35-33-8-3.5(b).
- 40 Sec. 305. "Shotgun", for purposes of IC 35-47, has the meaning  
41 set forth in IC 35-47-1-11.
- 42 Sec. 306. "Slug", for purposes of IC 35-43-5, has the meaning set

C  
o  
p  
y

- 1       forth in IC 35-43-5-1(q).
- 2       Sec. 307. "Social networking web site" for purposes of
- 3       IC 35-42-4-12, has the meaning set forth in IC 35-42-4-12(d).
- 4       Sec. 308. "Solicit", for purposes of IC 35-42-4-6, has the
- 5       meaning set forth in IC 35-42-4-6(a).
- 6       Sec. 309. "Special education cooperative", for purposes of
- 7       IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(i).
- 8       Sec. 310. "Stalk", for purposes of IC 35-45-10, has the meaning
- 9       set forth in IC 35-45-10-1.
- 10       Sec. 311. "State", for purposes of IC 35-48-7, has the meaning
- 11       set forth in IC 35-48-7-7.5.
- 12       Sec. 312. "State or federally chartered or federally insured
- 13       financial institution", for purposes of IC 35-43-5-8, has the
- 14       meaning set forth in IC 35-43-5-8(b).
- 15       Sec. 313. "Stepparent", for purposes of IC 35-42-4-7, has the
- 16       meaning set forth in IC 35-42-4-7(j).
- 17       Sec. 314. "Store" means a place of business where property or
- 18       service with respect to property is displayed, rented, sold, or
- 19       offered for sale.
- 20       Sec. 315. "Student athlete", for purposes of IC 35-46-4, has the
- 21       meaning set forth in IC 35-46-4-3.
- 22       Sec. 316. "Stun gun", for purposes of IC 35-47-8, has the
- 23       meaning set forth in IC 35-47-8-2.
- 24       Sec. 317. "Substance offense", for purposes of IC 35-50-2-10,
- 25       has the meaning set forth in IC 35-50-2-10(a)(2).
- 26       Sec. 318. "Superintendent", for purposes of IC 35-47, has the
- 27       meaning set forth in IC 35-47-1-12.
- 28       Sec. 319. "Support", for purposes of IC 35-46-1, has the
- 29       meaning set forth in IC 35-46-1-1.
- 30       Sec. 320. "Suspicious order", for purposes of IC 35-48-4-14.7,
- 31       has the meaning set forth in IC 35-48-4-14.7(b)(6).
- 32       Sec. 321. "Synthetic cannabinoid" means a substance containing
- 33       one (1) or more of the following chemical compounds:
- 34       (1) JWH-015 ((2-Methyl-1-propyl-1H-
- 35       indol-3-yl)-1-naphthalenylmethanone).
- 36       (2) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).
- 37       (3) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).
- 38       (4) JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone).
- 39       (5) JWH-081 (4-methoxynaphthalen-1-yl- (1-pentylindol-
- 40       3-yl)methanone).
- 41       (6) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
- 42       (7) JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-



C  
o  
p  
y

- 1 naphthalen-1-ylmethanone).  
 2 (8) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).  
 3 (9) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).  
 4 (10) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).  
 5 (11) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-  
 6 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo  
 7 [c]chromen-1-ol).  
 8 (12) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-  
 9 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo  
 10 [c]chromen-1-ol).  
 11 (13) HU-308 ([ (1R,2R,5R)-2-[2,6-dimethoxy-4-  
 12 (2-methyloctan-2-yl)phenyl]-  
 13 7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]methanol).  
 14 (14) HU-331 ((3-hydroxy-2-[(1R,6R)-3-methyl-6-  
 15 (1-methylethenyl)-2-cyclohexen-1-yl]-5-  
 16 -pentyl-2,5-cyclohexadiene-1,4-dione).  
 17 (15) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-  
 18 2-(3-hydroxypropyl)cyclohexyl]-5-(2-methyloctan-  
 19 2-yl)phenol).  
 20 (16) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-  
 21 methyloctan-2-yl)phenol) and its homologues.  
 22 (17) WIN 55212-2 ((R)-(+)-[2,3-Dihydro-  
 23 5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de)-1,4-  
 24 benzoxazin-6-yl]-1-naphthalenylmethanone).  
 25 (18) RCS-4 ((4-methoxyphenyl)  
 26 (1-pentyl-1H-indol-3-yl)methanone).  
 27 (19) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-  
 28 indol-3-yl)-2-(2-methoxyphenyl)ethanone).  
 29 (20) 4-Methylmethcathinone. Other name: mephedrone.  
 30 (21) 3,4-Methylenedioxy-methcathinone. Other name:  
 31 methylone.  
 32 (22) Fluoromethcathinone.  
 33 (23) 4-Methoxymethcathinone. Other name: methedrone.  
 34 (24) 4-Ethylmethcathinone (4-EMC).  
 35 (25) Methylenedioxy-pyrovalerone. Other name: MDPV.  
 36 Sec. 322. "Synthetic identifying information", for purposes of  
 37 IC 35-43-5, has the meaning set forth in IC 35-43-5-1(r).  
 38 Sec. 323. "Target", for purposes of IC 35-34-2, has the meaning  
 39 set forth in IC 35-34-2-1.  
 40 Sec. 324. "Taser", for purposes of IC 35-47-8, has the meaning  
 41 set forth in IC 35-47-8-3.  
 42 Sec. 325. "Tattoo", for purposes of IC 35-42-2-7, has the



- 1 meaning set forth in IC 35-42-2-7(a).
- 2 Sec. 326. "Telecommunications device", for purposes of  
3 IC 35-45-13, has the meaning set forth in IC 35-45-13-3.
- 4 Sec. 327. "Telecommunications service", for purposes of  
5 IC 35-45-13, has the meaning set forth in IC 35-45-13-4.
- 6 Sec. 328. "Telecommunications service provider", for purposes  
7 of IC 35-45-13, has the meaning set forth in IC 35-45-13-5.
- 8 Sec. 329. "Terrorism" means the unlawful use of force or  
9 violence or the unlawful threat of force or violence to intimidate or  
10 coerce a government or all or part of the civilian population.
- 11 Sec. 330. "Threat", for purposes of IC 35-45-2-1, has the  
12 meaning set forth in IC 35-45-2-1(c).
- 13 Sec. 331. "Title insurance agent", for purposes of IC 35-43-9,  
14 has the meaning set forth in IC 35-43-9-4.
- 15 Sec. 332. "Title insurance escrow account", for purposes of  
16 IC 35-43-9, has the meaning set forth in IC 35-43-9-5.
- 17 Sec. 333. "Title insurer", for purposes of IC 35-43-9, has the  
18 meaning set forth in IC 35-43-9-6.
- 19 Sec. 334. "Tobacco business", for purposes of IC 35-46-1, has  
20 the meaning set forth in IC 35-46-1-1.
- 21 Sec. 335. "Torture", for purposes of IC 35-46-3, has the  
22 meaning set forth in IC 35-46-3-0.5(5).
- 23 Sec. 336. "Tournament", for purposes of IC 35-45-5, has the  
24 meaning set forth in IC 35-45-5-1(j).
- 25 Sec. 337. "Toy crane machine", for purposes of IC 35-45-5, has  
26 the meaning set forth in IC 35-45-5-1(k).
- 27 Sec. 338. "Tumultuous conduct", for purposes of IC 35-45-1,  
28 has the meaning set forth in IC 35-45-1-1.
- 29 Sec. 339. "Ultimate user", for purposes of IC 35-48, has the  
30 meaning set forth in IC 35-48-1-27.
- 31 Sec. 340. "Unit", for purposes of IC 35-40-14, has the meaning  
32 set forth in IC 35-40-14-2.
- 33 Sec. 341. "Unlawful assembly", for purposes of IC 35-45-1, has  
34 the meaning set forth in IC 35-45-1-1.
- 35 Sec. 342. "Unlawful telecommunications device", for purposes  
36 of IC 35-45-13, has the meaning set forth in IC 35-45-13-6.
- 37 Sec. 343. "Unusual theft", for purposes of IC 35-48-4-14.7, has  
38 the meaning set forth in IC 35-48-4-14.7(b)(7).
- 39 Sec. 344. "Utility", for purposes of IC 35-43-5, has the meaning  
40 set forth in IC 35-43-5-1(s).
- 41 Sec. 345. "Utter" means to issue, authenticate, transfer, publish,  
42 deliver, sell, transmit, present, or use.

C  
O  
P  
Y

1           **Sec. 346. "Vehicle"** means a device for transportation by land,  
 2 water, or air. The term includes mobile equipment with provision  
 3 for transport of an operator.

4           **Sec. 347. "Vending machine"**, for purposes of IC 35-43-4-7, has  
 5 the meaning set forth in IC 35-43-4-7(a).

6           **Sec. 348. (a) "Victim"**, for purposes of IC 35-38-1-9 and  
 7 IC 35-38-1-17, means a person who has suffered harm as a result  
 8 of a crime.

9           **(b) "Victim"**, for purposes of IC 35-37-6, has the meaning set  
 10 forth in IC 35-37-6-3.

11           **(c) "Victim"**, for purposes of IC 35-38-7, has the meaning set  
 12 forth in IC 35-38-7-4.

13           **(d) "Victim"**, for purposes of IC 35-40, has the meaning set  
 14 forth in IC 35-40-4-8.

15           **(e) "Victim"**, for purposes of IC 35-45-10, has the meaning set  
 16 forth in IC 35-45-10-4.

17           **Sec. 349. "Victim advocate"**, for purposes IC 35-37-6, has the  
 18 meaning set forth in IC 35-37-6-3.5.

19           **Sec. 350. "Victim representative"**, for purposes of IC 35-38-1,  
 20 has the meaning set forth in IC 35-38-1-2(a).

21           **Sec. 351. "Victim service provider"**, for purposes of IC 35-37-6,  
 22 has the meaning set forth in IC 35-37-6-5.

23           **Sec. 352. "Violent offender"**, for purposes of IC 35-38-2.5, has  
 24 the meaning set forth in IC 35-38-2.5-4.7.

25           **Sec. 353. "Warrant"**, for purposes of IC 35-33.5, means a  
 26 warrant authorizing the interception of electronic communication  
 27 under this article.

28           **Sec. 354. "Weapon of mass destruction"** means any chemical  
 29 device, biological device or organism, or radiological device that is  
 30 capable of being used for terrorism.

31           **Sec. 355. "Wholesale"**, for purposes of IC 35-47, has the  
 32 meaning set forth in IC 35-47-1-13.

33           **Sec. 356. "Written instrument"**, for purposes of IC 35-43-5, has  
 34 the meaning set forth in IC 35-43-5-1(t).

35           **Sec. 357. (a) "Youth program center"** means the following:

36           (1) A building or structure that on a regular basis provides  
 37 recreational, vocational, academic, social, or other programs  
 38 or services for persons less than eighteen (18) years of age.

39           (2) The real property on which a building or structure  
 40 described in subdivision (1) is located.

41           **(b)** The term does not include school property (as defined in  
 42 IC 35-41-1-24.7).

C  
O  
P  
Y

1 SECTION 69. IC 35-33-1-1.7, AS ADDED BY P.L.44-2008,  
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2012]: Sec. 1.7. (a) A facility having custody of a person  
 4 arrested for a crime of domestic violence (as described in  
 5 ~~IC 35-41-1-6.3~~ **IC 35-31.5-2-78**) shall keep the person in custody for  
 6 at least eight (8) hours from the time of the arrest.

7 (b) A person described in subsection (a) may not be released on bail  
 8 until at least eight (8) hours from the time of the person's arrest.

9 SECTION 70. IC 35-33-6-1 IS REPEALED [EFFECTIVE JULY 1,  
 10 2012]. ~~Sec. 1. As used in this chapter:~~

11 "Adult employee" means an employee who is eighteen (18) years  
 12 old or older.

13 "Agent" means an operator, a manager, an adult employee, or a  
 14 security agent employed by a store.

15 "Motion picture exhibition facility" has the meaning set forth in  
 16 ~~IC 35-46-8-3~~.

17 "Security agent" means a person who has been employed by a store  
 18 to prevent the loss of property due to theft.

19 "Store" means a place of business where property or service with  
 20 respect to property is displayed, rented, sold, or offered for sale.

21 SECTION 71. IC 35-33-8-6.5, AS ADDED BY P.L.44-2008,  
 22 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2012]: Sec. 6.5. The court may not release a person arrested  
 24 for a crime of domestic violence (as described in ~~IC 35-41-1-6.3~~)  
 25 **IC 35-31.5-2-78**) on bail until at least eight (8) hours from the time of  
 26 the person's arrest.

27 SECTION 72. IC 35-33-8-11, AS ADDED BY P.L.94-2010,  
 28 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2012]: Sec. 11. (a) A court may require a person who has been  
 30 charged with a crime of domestic violence (as described in  
 31 ~~IC 35-41-1-6.3~~) **IC 35-31.5-2-78**) to wear a GPS tracking device as a  
 32 condition of bail.

33 (b) A court may order a person who is required to wear a GPS  
 34 tracking device under subsection (a) to pay any costs associated with  
 35 the GPS tracking device.

36 SECTION 73. IC 35-33.5-1 IS REPEALED [EFFECTIVE JULY 1,  
 37 2012]. (Applicability and Definitions).

38 SECTION 74. IC 35-35-1-2 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The court shall  
 40 not accept a plea of guilty or guilty but mentally ill at the time of the  
 41 crime without first determining that the defendant:

42 (1) understands the nature of the charge against ~~him~~; **the**



C  
o  
p  
y

- 1 **defendant;**  
 2 (2) has been informed that by ~~his the defendant's~~ plea ~~he the~~  
 3 **defendant** waives ~~his the defendant's~~ rights to:  
 4 (A) a public and speedy trial by jury;  
 5 (B) confront and cross-examine the witnesses against ~~him; the~~  
 6 **defendant;**  
 7 (C) have compulsory process for obtaining witnesses in ~~his the~~  
 8 **defendant's** favor; and  
 9 (D) require the state to prove ~~his the defendant's~~ guilt beyond  
 10 a reasonable doubt at a trial at which the defendant may not be  
 11 compelled to testify against himself **or herself;**  
 12 (3) has been informed of the maximum possible sentence and  
 13 minimum sentence for the crime charged and any possible  
 14 increased sentence by reason of the fact of a prior conviction or  
 15 convictions, and any possibility of the imposition of consecutive  
 16 sentences;  
 17 (4) has been informed that the person will lose the right to possess  
 18 a firearm if the person is convicted of a crime of domestic  
 19 violence (~~IC 35-41-1-6.3~~); **(IC 35-31.5-2-78)**; and  
 20 (5) has been informed that if:  
 21 (A) there is a plea agreement as defined by ~~IC 35-35-3-1;~~  
 22 **IC 35-31.5-2-236**; and  
 23 (B) the court accepts the plea;  
 24 the court is bound by the terms of the plea agreement.  
 25 (b) A defendant in a misdemeanor case may waive the rights under  
 26 subsection (a) by signing a written waiver.  
 27 (c) Any variance from the requirements of this section that does not  
 28 violate a constitutional right of the defendant is not a basis for setting  
 29 aside a plea of guilty.  
 30 SECTION 75. IC 35-35-3-1 IS REPEALED [EFFECTIVE JULY 1,  
 31 2012]. ~~Sec. 1. As used in this chapter:~~  
 32 "Advisory sentence" means the nonbinding guideline sentence  
 33 defined in ~~IC 35-50-2-1.3~~.  
 34 "Plea agreement" means an agreement between a prosecuting  
 35 attorney and a defendant concerning the disposition of a felony or  
 36 misdemeanor charge.  
 37 "Prosecuting attorney" includes a deputy prosecuting attorney.  
 38 "Recommendation" means a proposal that is part of a plea  
 39 agreement made to a court that:  
 40 (1) a felony charge be dismissed; or  
 41 (2) a defendant, if the defendant pleads guilty to a felony charge;  
 42 receive less than the advisory sentence.



C  
o  
p  
y

1 "Victim" means a person who has suffered harm as a result of a  
2 crime:

3 SECTION 76. IC 35-36-2-5, AS AMENDED BY P.L.110-2009,  
4 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2012]: Sec. 5. (a) Except as provided by subsection (e),  
6 whenever a defendant is found guilty but mentally ill at the time of the  
7 crime or enters a plea to that effect that is accepted by the court, the  
8 court shall sentence the defendant in the same manner as a defendant  
9 found guilty of the offense.

10 (b) Before sentencing the defendant under subsection (a), the court  
11 shall require the defendant to be evaluated by a physician licensed  
12 under IC 25-22.5 who practices psychiatric medicine, a licensed  
13 psychologist, or a community mental health center (as defined in  
14 IC 12-7-2-38). However, the court may waive this requirement if the  
15 defendant was evaluated by a physician licensed under IC 25-22.5 who  
16 practices psychiatric medicine, a licensed psychologist, or a community  
17 mental health center and the evaluation is contained in the record of the  
18 defendant's trial or plea agreement hearing.

19 (c) If a defendant who is found guilty but mentally ill at the time of  
20 the crime is committed to the department of correction, the defendant  
21 shall be further evaluated and then treated in such a manner as is  
22 psychiatrically indicated for the defendant's mental illness. Treatment  
23 may be provided by:

- 24 (1) the department of correction; or  
25 (2) the division of mental health and addiction after transfer under  
26 IC 11-10-4.

27 (d) If a defendant who is found guilty but mentally ill at the time of  
28 the crime is placed on probation, the court may, in accordance with  
29 IC 35-38-2-2.3, require that the defendant undergo treatment.

30 (e) As used in this subsection, "individual with mental retardation"  
31 has the meaning set forth in ~~IC 35-36-9-2~~. **means an individual who,**  
32 **before becoming twenty-two (22) years of age, manifests:**

- 33 **(1) significantly subaverage intellectual functioning; and**  
34 **(2) substantial impairment of adaptive behavior;**

35 **that is documented in a court ordered evaluative report.** If a court  
36 determines under IC 35-36-9 that a defendant who is charged with a  
37 murder for which the state seeks a death sentence is an individual with  
38 mental retardation, the court shall sentence the defendant under  
39 IC 35-50-2-3(a).

40 (f) If a defendant is found guilty but mentally ill, the court shall  
41 transmit any information required by the division of state court  
42 administration to the division of state court administration for

C  
o  
p  
y



1 transmission to the NICS (as defined in IC 35-47-2.5-2.5) in  
2 accordance with IC 33-24-6-3.

3 SECTION 77. IC 35-38-1-7.7 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7.7. (a) At the time of  
5 sentencing, a court shall determine whether a person has committed a  
6 crime of domestic violence (as defined in ~~IC 35-41-1-6.3~~):  
7 **IC 35-31.5-2-78**).

8 (b) A determination under subsection (a) must be based upon:

9 (1) evidence introduced at trial; or

10 (2) a factual basis provided as part of a guilty plea.

11 (c) Upon determining that a defendant has committed a crime of  
12 domestic violence, a court shall advise the defendant of the  
13 consequences of this finding.

14 (d) A judge shall record a determination that a defendant has  
15 committed a crime of domestic violence on a form prepared by the  
16 division of state court administration.

17 SECTION 78. IC 35-38-1-9, AS AMENDED BY P.L.155-2011,  
18 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2012]: Sec. 9. (a) As used in this chapter, "recommendation"  
20 **has the meaning set forth in IC 35-31.5-2-272**, and "victim" **have has**  
21 **the meanings meaning set out forth in ~~IC 35-35-3-1~~**  
22 **IC 35-31.5-2-348**.

23 (b) The presentence investigation consists of the gathering of  
24 information with respect to:

25 (1) the circumstances attending the commission of the offense;

26 (2) the convicted person's history of delinquency or criminality,  
27 social history, employment history, family situation, economic  
28 status, education, and personal habits;

29 (3) the impact of the crime upon the victim; and

30 (4) whether the convicted person is licensed or certified in a  
31 profession regulated by IC 25.

32 (c) The presentence investigation may include any matter that the  
33 probation officer conducting the investigation believes is relevant to  
34 the question of sentence, and must include:

35 (1) any matters the court directs to be included;

36 (2) any written statements submitted to the prosecuting attorney  
37 by a victim under IC 35-35-3;

38 (3) any written statements submitted to the probation officer by a  
39 victim; and

40 (4) preparation of the victim impact statement required under  
41 section 8.5 of this chapter.

42 (d) If there are no written statements submitted to the probation

C  
O  
P  
Y



1 officer, the probation officer shall certify to the court:

2 (1) that the probation officer has attempted to contact the victim;  
3 and

4 (2) that if the probation officer has contacted the victim, the  
5 probation officer has offered to accept the written statements of  
6 the victim or to reduce the victim's oral statements to writing,  
7 concerning the sentence, including the acceptance of any  
8 recommendation.

9 (e) A presentence investigation report prepared by a probation  
10 officer must include the information and comply with any other  
11 requirements established in the rules adopted under IC 11-13-1-8.

12 SECTION 79. IC 35-38-1-17, AS AMENDED BY P.L.1-2010,  
13 SECTION 141, IS AMENDED TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) Within three hundred  
15 sixty-five (365) days after:

16 (1) a convicted person begins serving the person's sentence;

17 (2) a hearing is held:

18 (A) at which the convicted person is present; and

19 (B) of which the prosecuting attorney has been notified; and

20 (3) the court obtains a report from the department of correction  
21 concerning the convicted person's conduct while imprisoned;

22 the court may reduce or suspend the sentence. The court must  
23 incorporate its reasons in the record.

24 (b) If more than three hundred sixty-five (365) days have elapsed  
25 since the convicted person began serving the sentence and after a  
26 hearing at which the convicted person is present, the court may reduce  
27 or suspend the sentence, subject to the approval of the prosecuting  
28 attorney. However, if in a sentencing hearing for a convicted person  
29 conducted after June 30, 2001, the court could have placed the  
30 convicted person in a community corrections program as an alternative  
31 to commitment to the department of correction, the court may modify  
32 the convicted person's sentence under this section without the approval  
33 of the prosecuting attorney to place the convicted person in a  
34 community corrections program under IC 35-38-2.6.

35 (c) The court must give notice of the order to reduce or suspend the  
36 sentence under this section to the victim (as defined in ~~IC 35-35-3-1~~)  
37 **IC 35-31.5-2-348**) of the crime for which the convicted person is  
38 serving the sentence.

39 (d) The court may suspend a sentence for a felony under this section  
40 only if suspension is permitted under IC 35-50-2-2.

41 (e) The court may deny a request to suspend or reduce a sentence  
42 under this section without making written findings and conclusions.

**SB 26—LS 6105/DI 107+**



C  
O  
P  
Y

1 (f) Notwithstanding subsections (a) and (b), the court is not required  
2 to conduct a hearing before reducing or suspending a sentence if:

3 (1) the prosecuting attorney has filed with the court an agreement  
4 of the reduction or suspension of the sentence; and

5 (2) the convicted person has filed with the court a waiver of the  
6 right to be present when the order to reduce or suspend the  
7 sentence is considered.

8 SECTION 80. IC 35-38-2-2.2, AS AMENDED BY P.L.119-2008,  
9 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2012]: Sec. 2.2. As a condition of probation for a sex offender  
11 (as defined in IC 11-8-8-4.5), the court shall:

12 (1) require the sex offender to register with the local law  
13 enforcement authority under IC 11-8-8;

14 (2) prohibit the sex offender from residing within one thousand  
15 (1,000) feet of school property (as defined in ~~IC 35-41-1-24.7~~;  
16 **IC 35-31.5-2-285**), as measured from the property line of the sex  
17 offender's residence to the property line of the school property, for  
18 the period of probation, unless the sex offender obtains written  
19 approval from the court;

20 (3) require the sex offender to consent:

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

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

27 (4) prohibit the sex offender from:

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

30 (B) deleting, erasing, or tampering with information on the sex  
31 offender's personal computer with intent to conceal an activity  
32 prohibited by clause (A).

33 If the court allows the sex offender to reside within one thousand  
34 (1,000) feet of school property under subdivision (2), the court shall  
35 notify each school within one thousand (1,000) feet of the sex  
36 offender's residence of the order. However, a court may not allow a sex  
37 offender who is a sexually violent predator (as defined in  
38 IC 35-38-1-7.5) or an offender against children under IC 35-42-4-11 to  
39 reside within one thousand (1,000) feet of school property.

40 SECTION 81. IC 35-41-1-3 IS REPEALED [EFFECTIVE JULY 1,  
41 2012]. Sec. 3. The definitions in this chapter apply throughout this title  
42 and to all other statutes relating to penal offenses.

C  
o  
p  
y



1 SECTION 82. IC 35-41-1-3.2 IS REPEALED [EFFECTIVE JULY  
2 1, 2012]. Sec. 3:2. (a) "Agency" means any authority; board; bureau;  
3 commission; committee; department; division; hospital; military body;  
4 or other instrumentality of:

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

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

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

11 SECTION 83. IC 35-41-1-3.4 IS REPEALED [EFFECTIVE JULY  
12 1, 2012]. Sec. 3:4. "Apartment complex" means real property  
13 consisting of at least five (5) units that are regularly used to rent or  
14 otherwise furnish residential accommodations for periods of at least  
15 thirty (30) days:

16 SECTION 84. IC 35-41-1-4 IS REPEALED [EFFECTIVE JULY 1,  
17 2012]. Sec. 4. "Bodily injury" means any impairment of physical  
18 condition, including physical pain.

19 SECTION 85. IC 35-41-1-4.3 IS REPEALED [EFFECTIVE JULY  
20 1, 2012]. Sec. 4:3. (a) "Bomb" means an explosive or incendiary device  
21 designed to release:

22 (1) destructive materials or force; or

23 (2) dangerous gases;

24 that is detonated by impact; proximity to an object; a timing  
25 mechanism; a chemical reaction; ignition; or other predetermined  
26 means:

27 (b) The term does not include the following:

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

30 (2) Fireworks regulated under IC 22-11-14.

31 (3) Boating; railroad; and other safety flares.

32 (4) Propellants used in model rockets or similar hobby activities.

33 (5) Commercially manufactured black powder in quantities not to  
34 exceed fifty (50) pounds; percussion caps; safety and pyrotechnic  
35 fuses; quills; quick and slow matches; and friction primers  
36 intended to be used solely for sporting; recreational; or cultural  
37 purposes in antique firearms or antique devices.

38 SECTION 86. IC 35-41-1-4.4 IS REPEALED [EFFECTIVE JULY  
39 1, 2012]. Sec. 4:4. "Community transition program" has the meaning  
40 set forth in IC 11-8-1-5.5.

41 SECTION 87. IC 35-41-1-4.6 IS REPEALED [EFFECTIVE JULY  
42 1, 2012]. Sec. 4:6. "Community restitution or service" means

C  
o  
p  
y



1 performance of services directly for a:

- 2 (1) victim;
- 3 (2) nonprofit entity; or
- 4 (3) governmental entity;

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

10 SECTION 88. IC 35-41-1-4.7 IS REPEALED [EFFECTIVE JULY  
11 1, 2012]. Sec. 4.7: "Community policing volunteer" means a person  
12 who is:

- 13 (1) not a law enforcement officer; and
- 14 (2) actively participating in a plan, system, or strategy:
  - 15 (A) established by and conducted under the authority of a law
  - 16 enforcement agency; and
  - 17 (B) in which citizens:
    - 18 (i) participate with and are guided by the law enforcement
    - 19 agency; and
    - 20 (ii) work with members of the law enforcement agency to
    - 21 reduce or prevent crime within a defined geographic area.

22 SECTION 89. IC 35-41-1-5 IS REPEALED [EFFECTIVE JULY 1,  
23 2012]. Sec. 5: "Credit institution" means a bank, insurance company,  
24 credit union, savings association, investment trust, industrial loan and  
25 investment company, or other organization held out to the public as a  
26 place of deposit of funds or a medium of savings or collective  
27 investment.

28 SECTION 90. IC 35-41-1-5.5 IS REPEALED [EFFECTIVE JULY  
29 1, 2012]. Sec. 5.5: "Credit restricted felon" means a person who has  
30 been convicted of at least one (1) of the following offenses:

- 31 (1) Child molesting involving sexual intercourse or deviate sexual  
32 conduct (IC 35-42-4-3(a)); if:
  - 33 (A) the offense is committed by a person at least twenty-one
  - 34 (21) years of age; and
  - 35 (B) the victim is less than twelve (12) years of age.
- 36 (2) Child molesting (IC 35-42-4-3) resulting in serious bodily  
37 injury or death.
- 38 (3) Murder (IC 35-42-1-1); if:
  - 39 (A) the person killed the victim while committing or
  - 40 attempting to commit child molesting (IC 35-42-4-3);
  - 41 (B) the victim was the victim of a sex crime under IC 35-42-4
  - 42 for which the person was convicted; or

C  
o  
p  
y



(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.

(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.

C  
O  
P  
Y



1 (14) A crime involving animal cruelty and a family or household  
2 member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.

3 SECTION 94. IC 35-41-1-6.6 IS REPEALED [EFFECTIVE JULY  
4 1, 2012]. Sec. 6:6. "Dangerous gas", for purposes of IC 35-41-1-4.3,  
5 means a toxic chemical or its precursors that through chemical action  
6 or properties on life processes cause death or permanent injury to  
7 human beings. The term does not include the following:

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

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

14 SECTION 95. IC 35-41-1-7 IS REPEALED [EFFECTIVE JULY 1,  
15 2012]. Sec. 7. "Deadly force" means force that creates a substantial risk  
16 of serious bodily injury.

17 SECTION 96. IC 35-41-1-8 IS REPEALED [EFFECTIVE JULY 1,  
18 2012]. Sec. 8. (a) Except as provided in subsection (b); "deadly  
19 weapon" means the following:

20 (1) A loaded or unloaded firearm.

21 (2) A destructive device; weapon; device; taser (as defined in  
22 IC 35-47-8-3) or electronic stun weapon (as defined in  
23 IC 35-47-8-1); equipment; chemical substance; or other material  
24 that in the manner it is used; or could ordinarily be used; or is  
25 intended to be used; is readily capable of causing serious bodily  
26 injury.

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

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

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

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

33 (b) The term does not include:

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

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

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

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

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

42 SECTION 97. IC 35-41-1-8.5 IS REPEALED [EFFECTIVE JULY

C  
o  
p  
y



1 1, 2012]. Sec. 8.5: "Destructive device" has the meaning set forth in  
 2 IC 35-47.5-2-4.

3 SECTION 98. IC 35-41-1-9 IS REPEALED [EFFECTIVE JULY 1,  
 4 2012]. Sec. 9: "Deviate sexual conduct" means an act involving:

- 5 (1) a sex organ of one person and the mouth or anus of another
- 6 person; or
- 7 (2) the penetration of the sex organ or anus of a person by an
- 8 object.

9 SECTION 99. IC 35-41-1-10 IS REPEALED [EFFECTIVE JULY  
 10 1, 2012]. Sec. 10: "Dwelling" means a building; structure; or other  
 11 enclosed space; permanent or temporary; movable or fixed; that is a  
 12 person's home or place of lodging.

13 SECTION 100. IC 35-41-1-10.3 IS REPEALED [EFFECTIVE  
 14 JULY 1, 2012]. Sec. 10.3: "The effects of battery" refers to a  
 15 psychological condition of an individual who has suffered repeated  
 16 physical or sexual abuse inflicted by another individual who is the:

- 17 (1) victim of an alleged crime for which the abused individual is
- 18 charged in a pending prosecution; and
- 19 (2) abused individual's:
  - 20 (A) spouse or former spouse;
  - 21 (B) parent;
  - 22 (C) guardian or former guardian;
  - 23 (D) custodian or former custodian; or
  - 24 (E) cohabitant or former cohabitant.

25 SECTION 101. IC 35-41-1-10.5 IS REPEALED [EFFECTIVE  
 26 JULY 1, 2012]. Sec. 10.5: "Family housing complex" means a building  
 27 or series of buildings:

- 28 (1) that contains at least twelve (12) dwelling units:
  - 29 (A) where children are domiciled or are likely to be domiciled;
  - 30 and
  - 31 (B) that are owned by a governmental unit or political
  - 32 subdivision;
- 33 (2) that is operated as a hotel or motel (as described in
- 34 IC 22-11-18-1);
- 35 (3) that is operated as an apartment complex; or
- 36 (4) that contains subsidized housing.

37 SECTION 102. IC 35-41-1-10.6 IS REPEALED [EFFECTIVE  
 38 JULY 1, 2012]. Sec. 10.6: (a) An individual is a "family or household  
 39 member" of another person if the individual:

- 40 (1) is a current or former spouse of the other person;
- 41 (2) is dating or has dated the other person;
- 42 (3) is or was engaged in a sexual relationship with the other



C  
o  
p  
y

1 person;  
 2 (4) is related by blood or adoption to the other person;  
 3 (5) is or was related by marriage to the other person;  
 4 (6) has or previously had an established legal relationship:  
 5 (A) as a guardian of the other person;  
 6 (B) as a ward of the other person;  
 7 (C) as a custodian of the other person;  
 8 (D) as a foster parent of the other person; or  
 9 (E) in a capacity with respect to the other person similar to  
 10 those listed in clauses (A) through (D); or  
 11 (7) has a child in common with the other person.  
 12 (b) An individual is a "family or household member" of both  
 13 persons to whom subsection (a)(1); (a)(2); (a)(3); (a)(4); (a)(5); (a)(6);  
 14 or (a)(7) applies if the individual is a minor child of one (1) of the  
 15 persons:  
 16 SECTION 103. IC 35-41-1-10.8 IS REPEALED [EFFECTIVE  
 17 JULY 1, 2012]. Sec. 10-8: "Food processing facility" means a facility  
 18 used to prepare or process animal, plant, or other food ingredients into  
 19 food products intended for sale or distribution to the general public for  
 20 human consumption.  
 21 SECTION 104. IC 35-41-1-11 IS REPEALED [EFFECTIVE JULY  
 22 1, 2012]. Sec. 11: "Forcible felony" means a felony that involves the  
 23 use or threat of force against a human being, or in which there is  
 24 imminent danger of bodily injury to a human being.  
 25 SECTION 105. IC 35-41-1-12 IS REPEALED [EFFECTIVE JULY  
 26 1, 2012]. Sec. 12: "Governmental entity" means:  
 27 (1) the United States or any state, county, township, city, town,  
 28 separate municipal corporation, special taxing district, or public  
 29 school corporation;  
 30 (2) any authority, board, bureau, commission, committee,  
 31 department, division, hospital, military body, or other  
 32 instrumentality of any of those entities; or  
 33 (3) a state-assisted college or state-assisted university.  
 34 SECTION 106. IC 35-41-1-12.3 IS REPEALED [EFFECTIVE  
 35 JULY 1, 2012]. Sec. 12.3: "Graffiti" means any unauthorized  
 36 inscription, work, figure, or design that is marked, etched, scratched,  
 37 drawn, or painted on a component of any building, structure, or other  
 38 facility.  
 39 SECTION 107. IC 35-41-1-13 IS REPEALED [EFFECTIVE JULY  
 40 1, 2012]. Sec. 13: "Harm" means loss, disadvantage, or injury or  
 41 anything so regarded by the person affected, including loss,  
 42 disadvantage, or injury to any other person in whose welfare he is

C  
 O  
 P  
 Y



- 1 interested:
- 2 SECTION 108. IC 35-41-1-14 IS REPEALED [EFFECTIVE JULY
- 3 1, 2012]. Sec. 14. "Human being" means an individual who has been
- 4 born and is alive.
- 5 SECTION 109. IC 35-41-1-15 IS REPEALED [EFFECTIVE JULY
- 6 1, 2012]. Sec. 15. "Imprison" means to:
- 7 (1) confine in a penal facility;
- 8 (2) commit to the department of correction; or
- 9 (3) assign to a community transition program under
- 10 IC 11-10-11.5.
- 11 SECTION 110. IC 35-41-1-16 IS REPEALED [EFFECTIVE JULY
- 12 1, 2012]. Sec. 16. "Included offense" means an offense that:
- 13 (1) is established by proof of the same material elements or less
- 14 than all the material elements required to establish the
- 15 commission of the offense charged;
- 16 (2) consists of an attempt to commit the offense charged or an
- 17 offense otherwise included therein; or
- 18 (3) differs from the offense charged only in the respect that a less
- 19 serious harm or risk of harm to the same person; property; or
- 20 public interest; or a lesser kind of culpability; is required to
- 21 establish its commission.
- 22 SECTION 111. IC 35-41-1-16.5 IS REPEALED [EFFECTIVE
- 23 JULY 1, 2012]. Sec. 16.5. "Key facility" means any of the following:
- 24 (1) A chemical manufacturing facility;
- 25 (2) A refinery;
- 26 (3) An electric utility facility, including:
- 27 (A) a power plant;
- 28 (B) a power generation facility peaker;
- 29 (C) an electric transmission facility;
- 30 (D) an electric station or substation; or
- 31 (E) any other facility used to support the generation;
- 32 transmission; or distribution of electricity.
- 33 However, the term does not include electric transmission land or
- 34 right-of-way that is not completely enclosed, posted, and
- 35 maintained by the electric utility.
- 36 (4) A water intake structure or water treatment facility.
- 37 (5) A natural gas utility facility, including:
- 38 (A) an age station;
- 39 (B) a compressor station;
- 40 (C) an odorization facility;
- 41 (D) a main line valve;
- 42 (E) a natural gas storage facility; or



C  
O  
P  
Y

- 1 (F) any other facility used to support the acquisition;  
 2 transmission; distribution; or storage of natural gas. However;  
 3 the term does not include gas transmission pipeline property  
 4 that is not completely enclosed; posted; and maintained by the  
 5 natural gas utility.
- 6 (6) A gasoline; propane; liquid natural gas (LNG); or other fuel  
 7 terminal or storage facility.
- 8 (7) A transportation facility; including; but not limited to; a port;  
 9 railroad switching yard; or trucking terminal. However; the term  
 10 does not include a railroad track that is not part of a railroad  
 11 switching yard.
- 12 (8) A pulp or paper manufacturing facility.
- 13 (9) A pharmaceutical manufacturing facility.
- 14 (10) A hazardous waste storage; treatment; or disposal facility.
- 15 (11) A telecommunications facility; including a central office or  
 16 cellular telephone tower site.
- 17 (12) A facility:
- 18 (A) that is substantially similar to a facility; structure; or  
 19 station listed in this section; or
- 20 (B) whose owner or operator is required to submit a risk  
 21 management plan under the federal Chemical Safety  
 22 Information; Site Security and Fuels Regulatory Relief Act (42  
 23 U.S.C. 7412(r)).
- 24 SECTION 112. IC 35-41-1-17 IS REPEALED [EFFECTIVE JULY  
 25 1, 2012]. Sec. 17: (a) "Law enforcement officer" means:
- 26 (1) a police officer (including a correctional police officer);  
 27 sheriff; constable; marshal; prosecuting attorney; special  
 28 prosecuting attorney; special deputy prosecuting attorney; the  
 29 securities commissioner; or the inspector general;
- 30 (2) a deputy of any of those persons;
- 31 (3) an investigator for a prosecuting attorney or for the inspector  
 32 general;
- 33 (4) a conservation officer;
- 34 (5) an enforcement officer of the alcohol and tobacco  
 35 commission; or
- 36 (6) an enforcement officer of the securities division of the office  
 37 of the secretary of state.
- 38 (b) "Federal enforcement officer" means any of the following:
- 39 (1) A Federal Bureau of Investigation special agent.
- 40 (2) A United States Marshals Service marshal or deputy.
- 41 (3) A United States Secret Service special agent.
- 42 (4) A United States Fish and Wildlife Service special agent.



C  
o  
p  
y

- 1 (5) A United States Drug Enforcement Agency agent.
- 2 (6) A Bureau of Alcohol, Tobacco, Firearms and Explosives
- 3 agent.
- 4 (7) A United States Forest Service law enforcement officer.
- 5 (8) A United States Department of Defense police officer or
- 6 criminal investigator.
- 7 (9) A United States Customs Service agent.
- 8 (10) A United States Postal Service investigator.
- 9 (11) A National Park Service law enforcement commissioned
- 10 ranger.
- 11 (12) United States Department of Agriculture, Office of Inspector
- 12 General special agent.
- 13 (13) A United States Citizenship and Immigration Services
- 14 special agent.
- 15 (14) An individual who is:
- 16 (A) an employee of a federal agency; and
- 17 (B) authorized to make arrests and carry a firearm in the
- 18 performance of the individual's official duties.
- 19 SECTION 113. IC 35-41-1-18 IS REPEALED [EFFECTIVE JULY
- 20 1, 2012]. Sec. 18: (a) "Lawful detention" means:
- 21 (1) arrest;
- 22 (2) custody following surrender in lieu of arrest;
- 23 (3) detention in a penal facility;
- 24 (4) detention in a facility for custody of persons alleged or found
- 25 to be delinquent children;
- 26 (5) detention under a law authorizing civil commitment in lieu of
- 27 criminal proceedings or authorizing such detention while criminal
- 28 proceedings are held in abeyance;
- 29 (6) detention for extradition or deportation;
- 30 (7) placement in a community corrections program's residential
- 31 facility;
- 32 (8) electronic monitoring;
- 33 (9) custody for purposes incident to any of the above including
- 34 transportation, medical diagnosis or treatment, court appearances,
- 35 work, or recreation; or
- 36 (10) any other detention for law enforcement purposes.
- 37 (b) Except as provided in subsection (a)(7) and (a)(8), the term does
- 38 not include supervision of a person on probation or parole or constraint
- 39 incidental to release with or without bail.
- 40 SECTION 114. IC 35-41-1-18.3 IS REPEALED [EFFECTIVE
- 41 JULY 1, 2012]. Sec. 18.3: "Machine gun" means a weapon that:
- 42 (1) shoots; or

COPY



1 (2) can be readily restored to shoot;  
2 automatically more than one (1) shot, without manual reloading, by a  
3 single function of the trigger.

4 SECTION 115. IC 35-41-1-18.5 IS REPEALED [EFFECTIVE  
5 JULY 1, 2012]. Sec. 18.5: "Motor vehicle" has the meaning set forth in  
6 IC 9-13-2-105(a).

7 SECTION 116. IC 35-41-1-19 IS REPEALED [EFFECTIVE JULY  
8 1, 2012]. Sec. 19: "Offense" means a crime. The term does not include  
9 an infraction.

10 SECTION 117. IC 35-41-1-19.3 IS REPEALED [EFFECTIVE  
11 JULY 1, 2012]. Sec. 19.3: "Offense relating to a criminal sexual act"  
12 means the following:

- 13 (1) Rape (IC 35-42-4-1).
- 14 (2) Criminal deviate conduct (IC 35-42-4-2).
- 15 (3) Child molesting (IC 35-42-4-3).
- 16 (4) Child seduction (IC 35-42-4-7).
- 17 (5) Prostitution (IC 35-45-4-2).
- 18 (6) Patronizing a prostitute (IC 35-45-4-3).
- 19 (7) Incest (IC 35-46-1-3).
- 20 (8) Sexual misconduct with a minor under IC 35-42-4-9(a).

21 SECTION 118. IC 35-41-1-19.4 IS REPEALED [EFFECTIVE  
22 JULY 1, 2012]. Sec. 19.4: "Offense relating to controlled substances"  
23 means the following:

- 24 (1) Dealing in or manufacturing cocaine or a narcotic drug  
25 (IC 35-48-4-1).
- 26 (2) Dealing in methamphetamine (IC 35-48-4-1.1).
- 27 (3) Dealing in a schedule I, II, or III controlled substance  
28 (IC 35-48-4-2).
- 29 (4) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- 30 (5) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 31 (6) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
- 32 (7) Possession of methamphetamine (IC 35-48-4-6.1).
- 33 (8) Possession of a controlled substance (IC 35-48-4-7).
- 34 (9) Possession of paraphernalia (IC 35-48-4-8.3).
- 35 (10) Dealing in paraphernalia (IC 35-48-4-8.5).
- 36 (11) Offenses relating to registration (IC 35-48-4-14).

37 SECTION 119. IC 35-41-1-20 IS REPEALED [EFFECTIVE JULY  
38 1, 2012]. Sec. 20: "Official proceeding" means a proceeding held or  
39 that may be held before a legislative, judicial, administrative, or other  
40 agency or before an official authorized to take evidence under oath,  
41 including a referee, hearing examiner, commissioner, notary, or other  
42 person taking evidence in connection with a proceeding.

C  
o  
p  
y

1 SECTION 120. IC 35-41-1-21 IS REPEALED [EFFECTIVE JULY  
2 1, 2012]. Sec. 21: "Penal facility" means state prison; correctional  
3 facility; county jail; penitentiary; house of correction; or any other  
4 facility for confinement of persons under sentence; or awaiting trial or  
5 sentence; for offenses. The term includes a correctional facility  
6 constructed under IC 4-13-5.

7 SECTION 121. IC 35-41-1-22 IS REPEALED [EFFECTIVE JULY  
8 1, 2012]. Sec. 22: (a) "Person" means a human being; corporation;  
9 limited liability company; partnership; unincorporated association; or  
10 governmental entity.

11 (b) "Person", for purposes of section 10-6 of this chapter, means an  
12 adult or a minor.

13 SECTION 122. IC 35-41-1-23 IS REPEALED [EFFECTIVE JULY  
14 1, 2012]. Sec. 23: (a) "Property" means anything of value. The term  
15 includes:

- 16 (1) a gain or advantage or anything that might reasonably be
- 17 regarded as such by the beneficiary;
- 18 (2) real property; personal property; money; labor; and services;
- 19 (3) intangibles;
- 20 (4) commercial instruments;
- 21 (5) written instruments concerning labor; services; or property;
- 22 (6) written instruments otherwise of value to the owner, such as
- 23 a public record; deed; will; credit card; or letter of credit;
- 24 (7) a signature to a written instrument;
- 25 (8) extension of credit;
- 26 (9) trade secrets;
- 27 (10) contract rights, choses-in-action, and other interests in or
- 28 claims to wealth;
- 29 (11) electricity; gas; oil; and water;
- 30 (12) captured or domestic animals; birds; and fish;
- 31 (13) food and drink; and
- 32 (14) human remains.

33 (b) Property is that "of another person" if the other person has a  
34 possessory or proprietary interest in it, even if an accused person also  
35 has an interest in that property.

36 SECTION 123. IC 35-41-1-23.7 IS REPEALED [EFFECTIVE  
37 JULY 1, 2012]. Sec. 23.7: "Public park" means any property operated  
38 by a political subdivision for park purposes (as defined in  
39 IC 36-10-1-2).

40 SECTION 124. IC 35-41-1-24 IS REPEALED [EFFECTIVE JULY  
41 1, 2012]. Sec. 24: "Public servant" means a person who:

- 42 (1) is authorized to perform an official function on behalf of; and

C  
o  
p  
y



- 1 is paid by, a governmental entity;
- 2 (2) is elected or appointed to office to discharge a public duty for
- 3 a governmental entity; or
- 4 (3) with or without compensation, is appointed in writing by a
- 5 public official to act in an advisory capacity to a governmental
- 6 entity concerning a contract or purchase to be made by the entity.

7 The term does not include a person appointed by the governor to an  
 8 honorary advisory or honorary military position.

9 SECTION 125. IC 35-41-1-24.2 IS REPEALED [EFFECTIVE  
 10 JULY 1, 2012]. Sec. 24.2: (a) "Salvia" means salvia divinorum or  
 11 salvinorin A; including:

- 12 (1) all parts of the plant that are classified botanically as salvia
- 13 divinorum, whether growing or not;
- 14 (2) the seeds of the plant;
- 15 (3) any extract from any part of the plant; and
- 16 (4) every compound, manufacture, derivative, mixture, or
- 17 preparation of the plant, its seeds, or extracts, including its salts,
- 18 isomers, and salts of isomers whenever the existence of such salts,
- 19 isomers, and salts of isomers is possible within the specific
- 20 chemical designation of the plant, its seeds, or extracts.

21 (b) The term does not include any other species in the genus salvia.

22 SECTION 126. IC 35-41-1-24.3 IS REPEALED [EFFECTIVE  
 23 JULY 1, 2012]. Sec. 24.3: "School bus" means any motor vehicle  
 24 designed and constructed for the accommodation of more than ten (10)  
 25 passengers, which is used for the transportation of Indiana school  
 26 children.

27 SECTION 127. IC 35-41-1-24.7 IS REPEALED [EFFECTIVE  
 28 JULY 1, 2012]. Sec. 24.7: "School property" means the following:

- 29 (1) A building or other structure owned or rented by:
  - 30 (A) a school corporation;
  - 31 (B) an entity that is required to be licensed under IC 12-17.2
  - 32 or IC 31-27;
  - 33 (C) a private school that is not supported and maintained by
  - 34 funds realized from the imposition of a tax on property,
  - 35 income, or sales; or
  - 36 (D) a federal, state, local, or nonprofit program or service
  - 37 operated to serve, assist, or otherwise benefit children who are
  - 38 at least three (3) years of age and not yet enrolled in
  - 39 kindergarten; including the following:
    - 40 (i) A Head Start program under 42 U.S.C. 9831 et seq.
    - 41 (ii) A special education preschool program.
    - 42 (iii) A developmental child care program for preschool

C  
o  
p  
y



1 children:

2 (2) The grounds adjacent to and owned or rented in common with  
3 a building or other structure described in subdivision (1):

4 SECTION 128. IC 35-41-1-24.8 IS REPEALED [EFFECTIVE  
5 JULY 1, 2012]. Sec. 24.8: "Scientific research facility" means a facility  
6 in which research is conducted:

7 SECTION 129. IC 35-41-1-25 IS REPEALED [EFFECTIVE JULY  
8 1, 2012]. Sec. 25: "Serious bodily injury" means bodily injury that  
9 creates a substantial risk of death or that causes:

10 (1) serious permanent disfigurement;

11 (2) unconsciousness;

12 (3) extreme pain;

13 (4) permanent or protracted loss or impairment of the function of  
14 a bodily member or organ; or

15 (5) loss of a fetus:

16 SECTION 130. IC 35-41-1-26 IS REPEALED [EFFECTIVE JULY  
17 1, 2012]. Sec. 26: "Sexual intercourse" means an act that includes any  
18 penetration of the female sex organ by the male sex organ.

19 SECTION 131. IC 35-41-1-26.3 IS REPEALED [EFFECTIVE  
20 JULY 1, 2012]. Sec. 26.3: "Synthetic cannabinoid" means a substance  
21 containing one (1) or more of the following chemical compounds:

22 (1) JWH-015 ((2-Methyl-1-propyl-1H-  
23 indol-3-yl)-1-naphthalenylmethanone):

24 (2) JWH-018 (1-pentyl-3-(1-naphthoyl)indole):

25 (3) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole):

26 (4) JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone):

27 (5) JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-  
28 3-yl)methanone):

29 (6) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole):

30 (7) JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-  
31 naphthalen-1-ylmethanone):

32 (8) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole):

33 (9) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole):

34 (10) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole):

35 (11) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-  
36 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-  
37 1-ol):

38 (12) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-  
39 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo  
40 [c]chromen-1-ol):

41 (13) HU-308 ((1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-  
42 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]

C  
O  
P  
Y



- 1           methanol):
- 2           (14) HU-331 ((3-hydroxy-2- [(1R,6R)-3-methyl-6-
- 3           (1-methylethenyl)-2-cyclohexen-1-yl]-5-
- 4           -pentyl-2,5-cyclohexadiene-1,4-dione):
- 5           (15) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)
- 6           cyclohexyl]-5-(2-methyloctan-2-yl)phenol):
- 7           (16) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-
- 8           (2-methyloctan-2-yl)phenol) and its homologues:
- 9           (17) W-I-N-5-5-2-1-2-2
- 10          ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl) pyrrolo
- 11          [1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone):
- 12          (18) R-C-S-4 ((4-methoxyphenyl)-
- 13          (1-pentyl-1H-indol-3-yl)methanone):
- 14          (19) R-C-S-8 (1-(1-(2-cyclohexylethyl)-1H-
- 15          indol-3-yl)-2-(2-methoxyphenyl)ethanone):
- 16          (20) 4-Methylmethcathinone. Other name: mephedrone.
- 17          (21) 3,4-Methylenedioxymethcathinone. Other name: methyldone.
- 18          (22) Fluoromethcathinone.
- 19          (23) 4-Methoxymethcathinone. Other name: methedrone.
- 20          (24) 4-Ethylmethcathinone (4-EMC):
- 21          (25) Methylenedioxypropylvalerone. Other name: MDPV:
- 22          SECTION 132. IC 35-41-1-26.5 IS REPEALED [EFFECTIVE
- 23          JULY 1, 2012]. Sec. 26.5: "Terrorism" means the unlawful use of force
- 24          or violence or the unlawful threat of force or violence to intimidate or
- 25          coerce a government or all or part of the civilian population:
- 26          SECTION 133. IC 35-41-1-27 IS REPEALED [EFFECTIVE JULY
- 27          1, 2012]. Sec. 27: "Utter" means to issue, authenticate, transfer,
- 28          publish, deliver, sell, transmit, present, or use:
- 29          SECTION 134. IC 35-41-1-28 IS REPEALED [EFFECTIVE JULY
- 30          1, 2012]. Sec. 28: "Vehicle" means a device for transportation by land,
- 31          water, or air. The term includes mobile equipment with provision for
- 32          transport of an operator:
- 33          SECTION 135. IC 35-41-1-29 IS REPEALED [EFFECTIVE JULY
- 34          1, 2012]. Sec. 29: (a) "Youth program center" means the following:
- 35               (1) A building or structure that on a regular basis provides
- 36               recreational, vocational, academic, social, or other programs or
- 37               services for persons less than eighteen (18) years of age:
- 38               (2) The real property on which a building or structure described
- 39               in subdivision (1) is located:
- 40               (b) The term does not include school property (as defined in section
- 41               24.7 of this chapter):
- 42          SECTION 136. IC 35-41-1-29.4 IS REPEALED [EFFECTIVE

COPY



1 JULY 1, 2012]. Sec. 29.4. "Weapon of mass destruction" means any  
2 chemical device, biological device or organism, or radiological device  
3 that is capable of being used for terrorism.

4 SECTION 137. IC 35-42-2-1, AS AMENDED BY P.L.131-2009,  
5 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2012]: Sec. 1. (a) A person who knowingly or intentionally  
7 touches another person in a rude, insolent, or angry manner commits  
8 battery, a Class B misdemeanor. However, the offense is:

9 (1) a Class A misdemeanor if:

10 (A) it results in bodily injury to any other person;

11 (B) it is committed against a law enforcement officer or  
12 against a person summoned and directed by the officer while  
13 the officer is engaged in the execution of the officer's official  
14 duty;

15 (C) it is committed against an employee of a penal facility or  
16 a juvenile detention facility (as defined in IC 31-9-2-71) while  
17 the employee is engaged in the execution of the employee's  
18 official duty;

19 (D) it is committed against a firefighter (as defined in  
20 IC 9-18-34-1) while the firefighter is engaged in the execution  
21 of the firefighter's official duty;

22 (E) it is committed against a community policing volunteer:

23 (i) while the volunteer is performing the duties described in  
24 ~~IC 35-41-1-4.7~~; **IC 35-31.5-2-49**; or

25 (ii) because the person is a community policing volunteer;  
26 or

27 (F) it is committed against the state chemist or the state  
28 chemist's agent while the state chemist or the state chemist's  
29 agent is performing a duty under IC 15-16-5;

30 (2) a Class D felony if it results in bodily injury to:

31 (A) a law enforcement officer or a person summoned and  
32 directed by a law enforcement officer while the officer is  
33 engaged in the execution of the officer's official duty;

34 (B) a person less than fourteen (14) years of age and is  
35 committed by a person at least eighteen (18) years of age;

36 (C) a person of any age who has a mental or physical disability  
37 and is committed by a person having the care of the person  
38 with a mental or physical disability, whether the care is  
39 assumed voluntarily or because of a legal obligation;

40 (D) the other person and the person who commits the battery  
41 was previously convicted of a battery in which the victim was  
42 the other person;

C  
o  
p  
y



- 1 (E) an endangered adult (as defined in IC 12-10-3-2);
- 2 (F) an employee of the department of correction while the
- 3 employee is engaged in the execution of the employee's
- 4 official duty;
- 5 (G) an employee of a school corporation while the employee
- 6 is engaged in the execution of the employee's official duty;
- 7 (H) a correctional professional while the correctional
- 8 professional is engaged in the execution of the correctional
- 9 professional's official duty;
- 10 (I) a person who is a health care provider (as defined in
- 11 IC 16-18-2-163) while the health care provider is engaged in
- 12 the execution of the health care provider's official duty;
- 13 (J) an employee of a penal facility or a juvenile detention
- 14 facility (as defined in IC 31-9-2-71) while the employee is
- 15 engaged in the execution of the employee's official duty;
- 16 (K) a firefighter (as defined in IC 9-18-34-1) while the
- 17 firefighter is engaged in the execution of the firefighter's
- 18 official duty;
- 19 (L) a community policing volunteer:
- 20 (i) while the volunteer is performing the duties described in
- 21 ~~IC 35-41-1-4.7~~; **IC 35-31.5-2-49**; or
- 22 (ii) because the person is a community policing volunteer;
- 23 (M) a family or household member (as defined in
- 24 ~~IC 35-41-1-10.6~~) **IC 35-31.5-2-128**) if the person who
- 25 committed the offense:
- 26 (i) is at least eighteen (18) years of age; and
- 27 (ii) committed the offense in the physical presence of a child
- 28 less than sixteen (16) years of age, knowing that the child
- 29 was present and might be able to see or hear the offense; or
- 30 (N) a department of child services employee while the
- 31 employee is engaged in the execution of the employee's
- 32 official duty;
- 33 (3) a Class C felony if it results in serious bodily injury to any
- 34 other person or if it is committed by means of a deadly weapon;
- 35 (4) a Class B felony if it results in serious bodily injury to a
- 36 person less than fourteen (14) years of age and is committed by a
- 37 person at least eighteen (18) years of age;
- 38 (5) a Class A felony if it results in the death of a person less than
- 39 fourteen (14) years of age and is committed by a person at least
- 40 eighteen (18) years of age;
- 41 (6) a Class C felony if it results in serious bodily injury to an
- 42 endangered adult (as defined in IC 12-10-3-2);

C  
o  
p  
y



- 1 (7) a Class B felony if it results in the death of an endangered
- 2 adult (as defined in IC 12-10-3-2); and
- 3 (8) a Class C felony if it results in bodily injury to a pregnant
- 4 woman and the person knew the woman was pregnant.
- 5 (b) For purposes of this section:
- 6 (1) "law enforcement officer" includes an alcoholic beverage
- 7 enforcement officer; and
- 8 (2) "correctional professional" means a:
- 9 (A) probation officer;
- 10 (B) parole officer;
- 11 (C) community corrections worker; or
- 12 (D) home detention officer.
- 13 SECTION 138. IC 35-42-4-7, AS AMENDED BY P.L.125-2009,
- 14 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 JULY 1, 2012]: Sec. 7. (a) As used in this section, "adoptive parent"
- 16 has the meaning set forth in IC 31-9-2-6.
- 17 (b) As used in this section, "adoptive grandparent" means the parent
- 18 of an adoptive parent.
- 19 (c) As used in this section, "charter school" has the meaning set
- 20 forth in IC 20-18-2-2.5.
- 21 (d) As used in this section, "child care worker" means a person who:
- 22 (1) provides care, supervision, or instruction to a child within the
- 23 scope of the person's employment in a shelter care facility;
- 24 (2) is employed by a:
- 25 (A) school corporation;
- 26 (B) charter school;
- 27 (C) nonpublic school; or
- 28 (D) special education cooperative;
- 29 attended by a child who is the victim of a crime under this
- 30 chapter; or
- 31 (3) is:
- 32 (A) affiliated with a:
- 33 (i) school corporation;
- 34 (ii) charter school;
- 35 (iii) nonpublic school; or
- 36 (iv) special education cooperative;
- 37 attended by a child who is the victim of a crime under this
- 38 chapter, regardless of how or whether the person is
- 39 compensated;
- 40 (B) in a position of trust in relation to a child who attends the
- 41 school or cooperative;
- 42 (C) engaged in the provision of care or supervision to a child

COPY



1           who attends the school or cooperative; and  
2           (D) at least four (4) years older than the child who is the  
3           victim of a crime under this chapter.  
4       The term does not include a student who attends the school or  
5       cooperative.  
6       (e) As used in this section, "custodian" means any person who  
7       resides with a child and is responsible for the child's welfare.  
8       (f) As used in this section, "military recruiter" means a member of  
9       the armed forces of the United States (as defined in IC 20-33-10-2) or  
10       the Indiana National Guard whose primary job function, classification,  
11       or specialty is recruiting individuals to enlist with the armed forces of  
12       the United States or the Indiana National Guard.  
13       (g) As used in this section, "nonpublic school" has the meaning set  
14       forth in IC 20-18-2-12.  
15       (h) As used in this section, "school corporation" has the meaning set  
16       forth in IC 20-18-2-16.  
17       (i) As used in this section, "special education cooperative" has the  
18       meaning set forth in IC 20-35-5-1.  
19       (j) As used in this section, "stepparent" means an individual who is  
20       married to a child's custodial or noncustodial parent and is not the  
21       child's adoptive parent.  
22       (k) If a person who:  
23           (1) is at least eighteen (18) years of age; and  
24           (2) is:  
25           (A) the:  
26               (i) guardian, adoptive parent, adoptive grandparent,  
27               custodian, or stepparent of; or  
28               (ii) child care worker for; or  
29           (B) a military recruiter who is attempting to enlist;  
30           a child at least sixteen (16) years of age but less than eighteen  
31           (18) years of age;  
32       engages with the child in sexual intercourse, deviate sexual conduct (as  
33       defined in ~~IC 35-41-1-9~~; **IC 35-31.5-2-94**), or any fondling or touching  
34       with the intent to arouse or satisfy the sexual desires of either the child  
35       or the adult, the person commits child seduction, a Class D felony.  
36       SECTION 139. IC 35-44-4-7 IS AMENDED TO READ AS  
37       FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. A person other than  
38       a firefighter who, with intent to mislead a firefighter or law  
39       enforcement officer as to the person's status as a dispatched firefighter,  
40       knowingly or intentionally enters an emergency incident area while  
41       wearing, transporting, or otherwise possessing a uniform, fire  
42       protective clothing, or fire protective gear commits a Class A

C  
O  
P  
Y



1 misdemeanor. However, the offense is a Class D felony if, as a  
2 proximate result of the person entering the emergency incident area, a  
3 person or firefighter suffers bodily injury (as defined in ~~IC 35-41-1-4~~;  
4 **IC 35-31.5-2-29**).

5 SECTION 140. IC 35-47-1-7, AS AMENDED BY P.L.127-2011,  
6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2012]: Sec. 7. "Proper person" means a person who:

- 8 (1) does not have a conviction for resisting law enforcement
- 9 under IC 35-44-3-3 within five (5) years before the person applies
- 10 for a license or permit under this chapter;
- 11 (2) does not have a conviction for a crime for which the person
- 12 could have been sentenced for more than one (1) year;
- 13 (3) does not have a conviction for a crime of domestic violence
- 14 (as defined in ~~IC 35-41-1-6.3~~; **IC 35-31.5-2-78**), unless a court
- 15 has restored the person's right to possess a firearm under
- 16 IC 35-47-4-7;
- 17 (4) is not prohibited by a court order from possessing a handgun;
- 18 (5) does not have a record of being an alcohol or drug abuser as
- 19 defined in this chapter;
- 20 (6) does not have documented evidence which would give rise to
- 21 a reasonable belief that the person has a propensity for violent or
- 22 emotionally unstable conduct;
- 23 (7) does not make a false statement of material fact on the
- 24 person's application;
- 25 (8) does not have a conviction for any crime involving an inability
- 26 to safely handle a handgun;
- 27 (9) does not have a conviction for violation of the provisions of
- 28 this article within five (5) years of the person's application;
- 29 (10) does not have an adjudication as a delinquent child for an act
- 30 that would be a felony if committed by an adult, if the person
- 31 applying for a license or permit under this chapter is less than
- 32 twenty-three (23) years of age;
- 33 (11) has not been involuntarily committed, other than a temporary
- 34 commitment for observation or evaluation, to a mental institution
- 35 by a court, board, commission, or other lawful authority;
- 36 (12) has not been the subject of a:
- 37 (A) ninety (90) day commitment as a result of proceeding
- 38 under IC 12-26-6; or
- 39 (B) regular commitment under IC 12-26-7; or
- 40 (13) has not been found by a court to be mentally incompetent,
- 41 including being found:
- 42 (A) not guilty by reason of insanity;

C  
o  
p  
y



1 (B) guilty but mentally ill; or  
 2 (C) incompetent to stand trial.  
 3 SECTION 141. IC 35-47-5-2.5, AS ADDED BY P.L.72-2006,  
 4 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2012]: Sec. 2.5. (a) As used in this section, "knife" means an  
 6 instrument that:  
 7 (1) consists of a sharp edged or sharp pointed blade capable of  
 8 inflicting cutting, stabbing, or tearing wounds; and  
 9 (2) is intended to be used as a weapon.  
 10 (b) The term includes a dagger, dirk, poniard, stiletto, switchblade  
 11 knife, or gravity knife.  
 12 (c) A person who recklessly, knowingly, or intentionally possesses  
 13 a knife on:  
 14 (1) school property (as defined in ~~IC 35-41-1-24.7~~;  
 15 **IC 35-31.5-2-285**);  
 16 (2) a school bus (as defined in IC 20-27-2-8); or  
 17 (3) a special purpose bus (as defined in IC 20-27-2-10);  
 18 commits a Class B misdemeanor. However, the offense is a Class A  
 19 misdemeanor if the person has a previous unrelated conviction under  
 20 this section and a Class D felony if the offense results in bodily injury  
 21 or serious bodily injury to another person.  
 22 (d) This section does not apply to a person who possesses a knife:  
 23 (1) if:  
 24 (A) the knife is provided to the person by the school  
 25 corporation or possession of the knife is authorized by the  
 26 school corporation; and  
 27 (B) the person uses the knife for a purpose authorized by the  
 28 school corporation; or  
 29 (2) if the knife is secured in a motor vehicle.  
 30 SECTION 142. IC 35-47-6-1.1, AS ADDED BY P.L.50-2005,  
 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2012]: Sec. 1.1. (a) As used in this section, "dangerous  
 33 device" means:  
 34 (1) a firearm;  
 35 (2) a destructive device (as defined in IC 35-47.5-2-4); or  
 36 (3) a weapon of mass destruction (~~IC 35-41-1-29.4~~;  
 37 **IC 35-31.5-2-354**).  
 38 (b) A person who checks an item to be transported on a commercial  
 39 passenger airline and who:  
 40 (1) knows the item contains a dangerous device; and  
 41 (2) knowingly or intentionally fails to disclose orally or in writing  
 42 to the person to whom possession of the item is delivered for

COPY



1 carriage that the item contains a dangerous device;  
 2 commits undisclosed transport of a dangerous device, a Class A  
 3 misdemeanor.

4 SECTION 143. IC 35-47-12-3 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A person who  
 6 knowingly or intentionally places or disseminates a device or substance  
 7 with the intent to cause a reasonable person to believe that the device  
 8 or substance is a weapon of mass destruction (as defined in  
 9 ~~IC 35-41-1-29.4~~); **IC 35-31.5-2-354**) commits terroristic mischief, a  
 10 Class C felony. However, the offense is a Class B felony if, as a result  
 11 of the terroristic mischief:

12 (1) a physician prescribes diagnostic testing or medical treatment  
 13 for any person other than the person who committed the terroristic  
 14 mischief; or

15 (2) a person suffers serious bodily injury.

16 SECTION 144. IC 35-47-15-3, AS ADDED BY P.L.1-2006,  
 17 SECTION 538, IS AMENDED TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2012]: Sec. 3. As used in this chapter, "law  
 19 enforcement officer" has the meaning set forth in ~~IC 35-41-1-17(a)~~;  
 20 **IC 35-31.5-2-185**. The term includes an arson investigator employed  
 21 by the office of the state fire marshal.

22 SECTION 145. IC 35-50-5-1.1, AS AMENDED BY P.L.119-2005,  
 23 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2012]: Sec. 1.1. (a) Whenever a person is convicted of a  
 25 misdemeanor under IC 35-44-1, the court may include in the sentence  
 26 an order rendering the person incapable of holding a public office of  
 27 trust or profit for a fixed period of not more than ten (10) years.

28 (b) If any officer of a governmental entity is convicted of a  
 29 misdemeanor under IC 35-44-1, the court may enter an order removing  
 30 the officer from office.

31 (c) This subsection applies whenever:

32 (1) the court enters an order under this section that applies to a  
 33 person who is an officer of a governmental entity (as defined in  
 34 ~~IC 35-41-1-12~~); **IC 35-31.5-2-144**); and

35 (2) a vacancy occurs in the office held by the person as the result  
 36 of the court's order.

37 The court must file a certified copy of the order with the person who is  
 38 entitled under IC 5-8-6 to receive notice of the death of an individual  
 39 holding the office. The person receiving the copy of the order must give  
 40 notice of the order in the same manner as if the person had received a  
 41 notice of the death of the officeholder under IC 5-8-6. The person  
 42 required or permitted to fill the vacancy that results from a removal



C  
 O  
 P  
 Y

1 under this section must comply with IC 3-13 or IC 20, whichever  
2 applies, to fill the vacancy.

3 SECTION 146. IC 36-2-13-14 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) As used in this  
5 section, "accident and sickness insurance policy" means an insurance  
6 policy that provides one (1) or more of the types of insurance described  
7 as Class 1(b) or 2(a) insurance under IC 27-1-5-1 on an individual  
8 basis or a group basis.

9 (b) As used in this section, "enrollee" has the meaning set forth in  
10 IC 27-13-1-12.

11 (c) As used in this section, "lawful detention" has the meaning set  
12 forth in ~~IC 35-41-1-18~~. **IC 35-31.5-2-186.**

13 (d) As used in this section, "health maintenance organization" has  
14 the meaning set forth in IC 27-13-1-19.

15 (e) An individual who is:  
16 (1) insured under an accident and sickness insurance policy; or  
17 (2) an enrollee under a health maintenance organization;  
18 shall submit a claim under the policy or plan for expenses resulting  
19 from health care services that are rendered to the individual while the  
20 individual is subject to lawful detention by a county sheriff.

21 (f) A county sheriff is not obligated to pay for health care services  
22 rendered to an individual while in the lawful detention of the sheriff to  
23 the extent that payment for the services is available under:

- 24 (1) an accident and sickness insurance policy under which the  
25 individual is insured; or
- 26 (2) a health maintenance organization under which the individual  
27 is an enrollee.

28 (g) If an individual to whom health care services are rendered while  
29 subject to lawful detention by a county sheriff fails or refuses to file a  
30 claim for payment of expenses resulting from the health care services,  
31 a claim for payment of the expenses may be filed by:

- 32 (1) the sheriff; or
- 33 (2) the health care provider that rendered the services;  
34 on behalf of the individual with the accident and sickness insurance  
35 policy under which the individual is insured or the health maintenance  
36 organization under which the individual is an enrollee.

37 SECTION 147. IC 36-2-13-15 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) As used in this  
39 section, "lawful detention" has the meaning set forth in ~~IC 35-41-1-18~~.  
40 **IC 35-31.5-2-186.**

41 (b) This section applies to a county only if the legislative body for  
42 the county elects by ordinance to implement this section.

C  
o  
p  
y



- 1 (c) A person who is:
- 2 (1) sentenced under this article for a felony or a misdemeanor;
- 3 (2) subject to lawful detention in a county jail for a period of more
- 4 than seventy-two (72) hours;
- 5 (3) not a member of a family that makes less than **one hundred**
- 6 **fifty percent** (150%) of the federal income poverty level; and
- 7 (4) not detained as a child subject to the jurisdiction of a juvenile
- 8 court;
- 9 shall reimburse the county for the costs described in subsection (d).
- 10 (d) A person described in subsection (c) shall reimburse the county
- 11 for the sum of the following amounts:
- 12 (1) The lesser of:
- 13 (A) the per diem amount specified under subsection (e); or
- 14 (B) thirty dollars (\$30);
- 15 multiplied by each day or part of a day that the person is lawfully
- 16 detained in a county jail or lawfully detained under IC 35-33-11-3
- 17 for more than six (6) hours.
- 18 (2) The direct cost of investigating whether the person is indigent.
- 19 (3) The cost of collecting the amount for which the person is
- 20 liable under this section.
- 21 (e) The county fiscal body shall fix the per diem described in
- 22 subsection (d)(1)(A) in an amount that is reasonably related to the
- 23 average daily cost of housing a person in the county jail. If the county
- 24 transfers the person to another county or the department of correction
- 25 under IC 35-33-11-3, the per diem is equal to the per diem charged to
- 26 the county under IC 35-33-11-5.
- 27 (f) The county sheriff shall collect the amounts due from a person
- 28 under this section in conformity with the procedures specified in the
- 29 ordinance adopted under subsection (b). If the county sheriff does not
- 30 collect the amount due to the county, the county attorney may collect
- 31 the amount due.
- 32 SECTION 148. IC 36-2-13-15.3 IS AMENDED TO READ AS
- 33 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15.3. (a) As used in this
- 34 section, "lawful detention" has the meaning set forth in ~~IC 35-41-1-18.~~
- 35 **IC 35-31.5-2-186.**
- 36 (b) This section applies only:
- 37 (1) to a county having a population of less than six thousand
- 38 (6,000); and
- 39 (2) if the legislative body for the county elects by ordinance to
- 40 implement this section.
- 41 (c) A person who is:
- 42 (1) sentenced under this article for a felony or a misdemeanor;

COPY



- 1 (2) subject to lawful detention in a county jail for a period of more
- 2 than six (6) hours;
- 3 (3) not a member of a family that makes less than **one hundred**
- 4 **fifty percent** (150%) of the federal income poverty level; and
- 5 (4) not detained as a child subject to the jurisdiction of a juvenile
- 6 court;

7 shall reimburse the county for the costs described in subsection (d).

8 (d) A person described in subsection (c) shall reimburse the county  
9 for the sum of the following amounts:

10 (1) The lesser of:

11 (A) the per diem amount specified under subsection (e); or

12 (B) fifty dollars (\$50);

13 multiplied by each day or part of a day that the person is lawfully  
14 detained in a county jail or lawfully detained under IC 35-33-11-3  
15 for more than six (6) hours.

16 (2) The direct cost of investigating whether the person is indigent.

17 (3) The cost of collecting the amount for which the person is  
18 liable under this section.

19 (e) The county fiscal body shall fix the per diem described in  
20 subsection (d)(1)(A) in an amount that is reasonably related to the  
21 average daily cost of housing a person in the county jail. If the county  
22 transfers the person to another county or the department of correction  
23 under IC 35-33-11-3, the per diem is equal to the per diem charged to  
24 the county under IC 35-33-11-5.

25 (f) The county sheriff shall collect the amounts due from a person  
26 under this section in conformity with the procedures specified in the  
27 ordinance adopted under subsection (b). If the county sheriff does not  
28 collect the amount due to the county, the county attorney may collect  
29 the amount due.

30 SECTION 149. IC 36-8-10-10.6 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10.6. (a) The sheriff  
32 may appoint as a special deputy any person who is employed by a  
33 governmental entity as defined in ~~IC 35-41-1~~ **IC 35-31.5-2-144** or  
34 private employer, the nature of which employment necessitates that the  
35 person have the powers of a law enforcement officer. During the term  
36 of ~~his~~ **the special deputy's** appointment and while ~~he~~ **the special**  
37 **deputy** is fulfilling the specific responsibilities for which the  
38 appointment is made, a special deputy has the powers, privileges, and  
39 duties of a county police officer under this chapter, subject to any  
40 written limitations and specific requirements imposed by the sheriff  
41 and signed by the special deputy. A special deputy is subject to the  
42 direction of the sheriff and shall obey the rules and orders of the

C  
O  
P  
Y



1 department. A special deputy may be removed by the sheriff at any  
 2 time, without notice and without assigning any cause.

3 (b) The sheriff shall fix the prerequisites of training, education, and  
 4 experience for special deputies, subject to the minimum requirements  
 5 prescribed by this subsection. Applicants must:

- 6 (1) be twenty-one (21) years of age or older;
- 7 (2) never have been convicted of a felony, or a misdemeanor  
 8 involving moral turpitude;
- 9 (3) be of good moral character; and
- 10 (4) have sufficient training to insure the proper performance of  
 11 their authorized duties.

12 (c) Except as provided in subsection (d), a special deputy shall wear  
 13 a uniform the design and color of which is easily distinguishable from  
 14 the uniforms of the Indiana state police, the regular county police force,  
 15 and all municipal police and fire forces located in the county.

16 (d) The sheriff may permit a special deputy to wear the uniform of  
 17 the regular county police force if the special deputy:

- 18 (1) has successfully completed the minimum basic training  
 19 requirements under IC 5-2-1;
- 20 (2) is periodically assigned by the sheriff to duties of a regular  
 21 county police officer; and
- 22 (3) is an employee of the department.

23 The sheriff may revoke permission for the special deputy to wear the  
 24 uniform of the regular county police force at any time without cause or  
 25 notice.

26 (e) The sheriff may also appoint one (1) legal deputy, who must be  
 27 a member of the Indiana bar. The legal deputy does not have police  
 28 powers. The legal deputy may continue to practice law. However,  
 29 neither the legal deputy nor any attorney in partnership with ~~him~~ **the**  
 30 **legal deputy** may represent a defendant in a criminal case.

31 (f) The sheriff, for the purpose of guarding prisoners in the county  
 32 jail:

- 33 (1) in counties not having a consolidated city, may appoint special  
 34 deputies to serve as county jail guards; and
- 35 (2) in counties having a consolidated city, shall appoint only  
 36 special deputies to serve as county jail guards.

37 This subsection does not affect the rights or liabilities accrued by any  
 38 county police officer assigned to guard the jail before August 31, 1982.

39 SECTION 150. IC 36-8-12-2, AS AMENDED BY P.L.174-2009,  
 40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2012]: Sec. 2. As used in this chapter:

42 "Emergency medical services personnel" means individuals certified

C  
o  
p  
y



1 by the emergency medical services commission established by  
2 IC 16-31-2-1 who:

- 3 (1) as a result of a written application, have been elected or
- 4 appointed to membership in a volunteer fire department; and
- 5 (2) have executed a pledge to faithfully perform, with or without
- 6 nominal compensation, the work related duties assigned and
- 7 orders given to the individuals by the chief of the volunteer fire
- 8 department or an officer of the volunteer fire department,
- 9 including orders or duties involving education and training.

10 "Employee" means a person in the service of another person under  
11 a written or implied contract of hire or apprenticeship.

12 "Employer" means:

- 13 (1) a political subdivision;
- 14 (2) an individual or the legal representative of a deceased
- 15 individual;
- 16 (3) a firm;
- 17 (4) an association;
- 18 (5) a limited liability company;
- 19 (6) an employer that provides on-the-job training under the
- 20 federal School to Work Opportunities Act (20 U.S.C. 6101 et
- 21 seq.) to the extent set forth in IC 22-3-2-2.5(a); or
- 22 (7) a corporation or its receiver or trustee;

23 that uses the services of another person for pay.

24 "Essential employee" means an employee:

- 25 (1) who the employer has determined to be essential to the
- 26 operation of the employer's daily enterprise; and
- 27 (2) without whom the employer is likely to suffer economic injury
- 28 as a result of the absence of the essential employee.

29 "Nominal compensation" means annual compensation of not more  
30 than twenty thousand dollars (\$20,000).

31 "Public servant" has the meaning set forth in ~~IC 35-41-1-24.~~  
32 **IC 35-31.5-2-261.**

33 "Responsible party" has the meaning set forth in IC 13-11-2-191(e).

34 "Volunteer fire department" means a department or association  
35 organized for the purpose of answering fire alarms, extinguishing fires,  
36 and providing other emergency services, the majority of members of  
37 which receive no compensation or nominal compensation for their  
38 services.

39 "Volunteer firefighter" means a firefighter:

- 40 (1) who, as a result of a written application, has been elected or
- 41 appointed to membership in a volunteer fire department;
- 42 (2) who has executed a pledge to faithfully perform, with or

C  
o  
p  
y



1 without nominal compensation, the work related duties assigned  
2 and orders given to the firefighter by the chief of the volunteer  
3 fire department or an officer of the volunteer fire department,  
4 including orders or duties involving education and training as  
5 prescribed by the volunteer fire department or the state; and  
6 (3) whose name has been entered on a roster of volunteer  
7 firefighters that is kept by the volunteer fire department and that  
8 has been approved by the proper officers of the unit.  
9 "Volunteer member" means a member of a volunteer emergency  
10 medical services association connected with a unit as set forth in  
11 IC 16-31-5-1(6).

C  
o  
p  
y



## 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.

---

SENATE MOTION

Madam President: I move that Senate Bill 26 be amended to read as follows:

Page 67, delete lines 35 through 36.

(Reference is to SB 26 as printed January 13, 2012.)

BRAY

C  
O  
P  
Y

