April 5, 2013

ENGROSSED
HOUSE BILL No. 1006

DIGEST OF HB 1006 (Updated April 4, 2013 10:42 am - DI 58)

Citations Affected: Numerous provisions throughout the Indiana Code.

Synopsis: Various changes to the criminal code. Makes various changes to the criminal code, including changes to the law concerning community corrections, probation, sentencing, probation funding, drug and alcohol program funding, involuntary manslaughter, communicable disease crimes, battery, hazing, obstruction of traffic crimes, interference with medical services crimes, kidnapping,
(Continued next page)

Effective: July 1, 2013; July 1, 2014.

Steuerwald, McMillin, Pierce, Lawson L

(SENATE SPONSORS — STEELE, YOUNG R MICHAEL, HUME, TAYLOR, RANDOLPH)

January 10, 2013, read first time and referred to Committee on Courts and Criminal Code.
January 17, 2013, amended, reported — Do Pass; referred to Committee on Ways and Means pursuant to House Rule 127.
February 19, 2013, amended, reported — Do Pass.
February 21, 2013, read second time, ordered engrossed.
February 22, 2013, engrossed.
February 25, 2013, read third time, passed. Yeas 80, nays 13.

SENATE ACTION
February 27, 2013, referred to Committee on Corrections and Criminal Law.
April 1, 2013, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.
April 4, 2013, amended, reported favorably — Do Pass.

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Digest Continued

confinement, criminal mischief, railroad mischief, computer crimes, theft, deception and fraud crimes, timber spiking, offenses against general public administration, criminal gang activity crimes, stalking, offenses against public health, child care provider crimes, weapon crimes, drug crimes, protection zones, and rape. Repeals the law concerning criminal deviate conduct, and consolidates the crime of criminal deviate conduct into the crime of rape. Changes the phrase "deviate sexual conduct" to "other sexual conduct". Repeals laws concerning carjacking, and failure of a student athlete to disclose recruitment. Removes the current four level felony penalty classification and replaces that classification with a six level felony penalty classification. Assigns new felony penalties to each crime. Urges the legislative council to require an existing study committee to evaluate the criminal law statutes in IC 7.1 and IC 9 and to make recommendations to the general assembly for the modification of the criminal law statutes in those titles. Makes technical corrections. Makes conforming amendments. (The introduced version of this bill was prepared by the criminal code evaluation commission.)

C o p y

April 5, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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ENGROSSED
HOUSE BILL No. 1006

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 2-7-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Any person who knowingly or intentionally violates any provision of IC 2-7-2, IC 2-7-3, or IC 2-7-5 commits unlawful lobbying, a ~~Class D~~ **Level 6** felony. In addition to any penalty imposed on the defendant under IC 35-50-2-7 for unlawful lobbying, the court may order the defendant not to engage in lobbying for a period of up to ten (10) years, IC 2-7-5-6 notwithstanding.

(b) Any person who lobbies in contravention of a court order under subsection (a) of this section commits a ~~Class D~~ **Level 6** felony.

SECTION 2. IC 2-7-6-3, AS AMENDED BY P.L.58-2010, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who knowingly or intentionally makes a false report under this article that overstates or understates the amount of an expenditure or gift commits a ~~Class D~~ **Level 6** felony.

SECTION 3. IC 2-7-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A member of the general assembly who knowingly or intentionally conspires with a lobbyist in

the violation of section 2 or ~~section~~ 3 of this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 4. IC 3-14-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who knowingly:

(1) falsely makes or fraudulently defaces or destroys a declaration of candidacy, request for ballot placement under IC 3-8-3, certificate or petition of nomination, recount petition or cross-petition, contest petition, or certificate of candidate selection, or a part of the declaration, request, petition, or certificate;

(2) files a declaration of candidacy, request for ballot placement under IC 3-8-3, certificate or petition of nomination, recount petition or cross-petition, contest petition, or certificate of candidate selection, knowing any part thereof to be falsely made;

(3) refuses to execute a certificate of nomination or candidate selection when required by this title to do so and knowing that the candidate has been nominated or selected;

(4) if the document is listed in subdivision (1), refuses to:

(A) receive the document; or

(B) record the date and time the document was received;

when presented in accordance with this title; or

(5) suppresses a declaration of candidacy, request for ballot placement under IC 3-8-3, petition or certificate of nomination, recount petition or cross-petition, contest petition, or certificate of candidate selection, that has been duly filed, or any part of the declaration, request, petition, or certificate;

commits a ~~Class D~~ **Level 6** felony.

SECTION 5. IC 3-14-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. A person who knowingly files a report required by IC 3-9 that is fraudulent commits a ~~Class D~~ **Level 6** felony.

SECTION 6. IC 3-14-2-1, AS AMENDED BY P.L.103-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who knowingly does any of the following commits a ~~Class D~~ **Level 6** felony:

(1) Conspires with an individual for the purpose of encouraging the individual to submit a false application for registration.

(2) Conspires with an individual for the purpose of encouraging the individual to vote illegally.

(3) Pays or offers to pay an individual for doing any of the following:

(A) Applying for an absentee ballot.

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(B) Casting an absentee ballot.
(C) Registering to vote.
(D) Voting.

(4) Accepts the payment of any property for doing any of the following:
(A) Applying for an absentee ballot.
(B) Casting an absentee ballot.
(C) Registering to vote.
(D) Voting.

SECTION 7. IC 3-14-2-2.5, AS ADDED BY P.L.103-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. A person who does either of the following, knowing that an individual is ineligible to register to vote or to vote, commits absentee ballot fraud, a ~~Class D~~ **Level 6** felony:

(1) Solicits the individual to complete an absentee ballot application.

(2) Solicits the individual to submit an absentee ballot application to a county election board.

SECTION 8. IC 3-14-2-3, AS AMENDED BY P.L.103-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who:

(1) subscribes the name of another person to an affidavit of registration or application for an absentee ballot knowing that the application contains a false statement; or

(2) subscribes the name of another person to an affidavit of registration or application for an absentee ballot without writing on it the person's own name and address as an attesting witness;

commits a ~~Class D~~ **Level 6** felony.

SECTION 9. IC 3-14-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. A person who knowingly votes or offers to vote at an election when the person is not registered or authorized to vote commits a ~~Class D~~ **Level 6** felony.

SECTION 10. IC 3-14-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. Except as provided by IC 3-10-10, IC 3-10-11, or IC 3-10-12, a person who knowingly votes or offers to vote in a precinct except the one in which the person is registered and resides commits a ~~Class D~~ **Level 6** felony.

SECTION 11. IC 3-14-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. A person who:

(1) knowingly votes or makes application to vote in an election in a name other than the person's own; or

(2) having voted once at an election, knowingly applies to vote at

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the same election in the person's own name or any other name; commits a ~~Class D~~ **Level 6** felony.

SECTION 12. IC 3-14-2-13, AS AMENDED BY P.L.103-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. A person who knowingly hires or solicits another person to go into a precinct for the purpose of voting at an election at the precinct when the person hired or solicited is not a voter in the precinct commits a ~~Class D~~ **Level 6** felony.

SECTION 13. IC 3-14-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. A precinct election officer or public official upon whom a duty is imposed by this title who knowingly:

(1) allows a person to vote who is not entitled to vote; or

(2) allows a person to vote by use of an unauthorized procedure;

commits a ~~Class D~~ **Level 6** felony.

SECTION 14. IC 3-14-2-15, AS AMENDED BY P.L.103-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. A member, an employee, or an agent of a county election board who knowingly delivers a ballot to a person except in the manner prescribed by this title commits a ~~Class D~~ **Level 6** felony.

SECTION 15. IC 3-14-2-16, AS AMENDED BY P.L.103-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. A person who knowingly does any of the following commits a ~~Class D~~ **Level 6** felony:

(1) Applies for or receives a ballot in a precinct other than that precinct in which the person is entitled to vote.

(2) Except when receiving assistance under IC 3-11-9, shows a ballot after it is marked to another person in such a way as to reveal the contents of it or the name of a candidate for whom the person has voted.

(3) Except when offering assistance requested by a voter in accordance with IC 3-11-9, examines a ballot that a voter has prepared for voting or solicits the voter to show the ballot.

(4) Receives from a voter a ballot prepared by the voter for voting, except:

(A) the inspector;

(B) a member of the precinct election board temporarily acting for the inspector;

(C) a member or an employee of a county election board (acting under the authority of the board and state law) or an absentee voter board member acting under IC 3-11-10; or

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(D) a member of the voter's household, an individual designated as attorney in fact for the voter, or an employee of:
(i) the United States Postal Service; or
(ii) a bonded courier company;
(acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company) when delivering an envelope containing an absentee ballot under IC 3-11-10-1.

(5) Receives a ballot from a person other than one **(1)** of the poll clerks or authorized assistant poll clerks.

(6) Delivers a ballot to a voter to be voted, unless the person is:
(A) a poll clerk or authorized assistant poll clerk; or
(B) a member of a county election board or an absentee voter board acting under IC 3-11-10.

(7) Delivers a ballot (other than an absentee ballot) to an inspector that is not the ballot the voter receives from the poll clerk or assistant poll clerk.

(8) Delivers an absentee ballot to a team of absentee ballot counters appointed under IC 3-11.5-4-22, a county election board, a circuit court clerk, or an absentee voting board under IC 3-11-10 that is not the ballot cast by the absentee voter.

(9) Delivers an absentee ballot prepared by the voter for voting to a county election board, except for:
(A) the inspector;
(B) a member of the precinct election board temporarily acting for the inspector;
(C) a member or an employee of a county election board (acting under the authority of the board and in accordance with state law) or an absentee voter board member acting under IC 3-11-10; or
(D) a member of the voter's household or an individual designated as attorney in fact for the voter, an employee of:
(i) the United States Postal Service; or
(ii) a bonded courier company;
(acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company) when delivering an envelope containing an absentee ballot under IC 3-11-10-1.

(10) Possesses an unmarked absentee ballot on or before the date of the election for which the absentee ballot has been printed, unless the person is authorized to possess the absentee ballot under this title as any of the following:

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(A) A printer, when arranging for the delivery of unmarked absentee ballots to a county election board under IC 3-11-2.
(B) A county election board member or employee (acting under the authority of the board and in accordance with state law).
(C) An absentee voter board member.
(D) An employee of:
(i) the United States Postal Service; or
(ii) a bonded courier company;
(acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company) when delivering an envelope containing an absentee ballot.
(E) An individual authorized under IC 3-11-10-24 to deliver an absentee ballot.
(F) An absentee ballot counter under IC 3-11.5.
(G) A provisional ballot counter.
(H) A precinct election officer.
(I) The voter who applied for the absentee ballot.

(11) Completes or signs an absentee ballot application for a voter, or assists a voter in completing an absentee ballot application in violation of IC 3-11.

SECTION 16. IC 3-14-2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. A voter at an election who knowingly writes or places on a ballot a name, sign, or device as a distinguishing mark by which to indicate to any other person how the voter has voted commits a ~~Class D~~ **Level 6** felony.

SECTION 17. IC 3-14-2-18, AS AMENDED BY P.L.221-2005, SECTION 134, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. A voter who knowingly:

(1) does anything to enable any other person to see or know for what ticket, candidates, or public questions the voter has voted; or

(2) moves into a position, or does any other thing, to enable the voter to see or know for what ticket, candidates, or public questions any other voter votes;

commits a ~~Class D~~ **Level 6** felony.

SECTION 18. IC 3-14-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) A person who knowingly:

(1) forges or falsely makes the official endorsement of a ballot; or

(2) prints or circulates an imitation ballot;

commits a ~~Class D~~ **Level 6** felony.

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(b) This section does not prohibit the printing or circulation of a sample ballot or a reproduction of an official ballot if the sample or reproduction complies with IC 3-9-3-2.5 and the printing or circulation does not violate IC 3-14-1-2.

SECTION 19. IC 3-14-2-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. A person who knowingly:

(1) deceives a voter in registering the voter's vote under IC 3-11-8; or

(2) registers a voter's vote in a way other than as requested by the voter;

commits a ~~Class D~~ **Level 6** felony.

SECTION 20. IC 3-14-2-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. A person who fraudulently causes a voter at an election to vote for a person different from the one the voter intended to vote for or on a public question different from the vote the voter intended to cast commits a ~~Class D~~ **Level 6** felony.

SECTION 21. IC 3-14-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. A person who knowingly furnishes a voter who cannot read the English language with a ballot at an election that the person represents to the voter as containing a name different from the one printed or written on it commits a ~~Class D~~ **Level 6** felony.

SECTION 22. IC 3-14-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. A person entrusted with the custody of ballots who knowingly:

(1) opens a package in which the ballots are contained;

(2) destroys a ballot; or

(3) delivers such a package or ballot to a person not entitled to receive it;

commits a ~~Class D~~ **Level 6** felony.

SECTION 23. IC 3-14-2-24, AS AMENDED BY P.L.103-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 24. A person who:

(1) takes a ballot legally deposited out of a ballot box or out of a voting system for the purpose of destroying the ballot or substituting another ballot in its place;

(2) destroys or misplaces a ballot with the intent to substitute another ballot for it or with the intent to prevent it from being counted; or

(3) knowingly enters upon the pollbooks the name of a person

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who has not legally voted or knowingly tallies a vote for a candidate or on a public question not voted for by the ballot;

commits a ~~Class D~~ **Level 6** felony.

SECTION 24. IC 3-14-2-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. A member of a precinct election board or county election board, a person employed at the central counting headquarters, or a person charged with a duty in connection with an election or entrusted with the custody or control of a ballot either before or after voting who marks or defaces a ballot for the purpose of:

(1) identifying the ballot (except by numbering protested ballots for future reference as provided by law); or

(2) vitiating the ballot;

commits a ~~Class D~~ **Level 6** felony.

SECTION 25. IC 3-14-2-26, AS AMENDED BY P.L.103-2005, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26. A person who:

(1) during the progress of an election or within the time for preparation required under this title, knowingly breaks open or violates the seal or lock of a ballot box, envelope, container, bag, or voting system component in which ballots have been deposited;

(2) knowingly obtains a ballot box, envelope, container, bag, or voting system component that contains ballots and cancels, withholds, or destroys a ballot;

(3) knowingly increases or decreases the number of ballots legally deposited in a ballot box, envelope, container, bag, or voting system component; or

(4) knowingly makes a fraudulent erasure or alteration on a tally sheet, poll book, list of voters, or election return deposited in a ballot box, envelope, bag, or voting system component;

commits a ~~Class D~~ **Level 6** felony.

SECTION 26. IC 3-14-2-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 27. A precinct election officer at the close of the polls, an absentee ballot counter acting under IC 3-11.5-5 or IC 3-11.5-6, or a provisional ballot counter acting under IC 3-11.7-5 who knowingly:

(1) causes the vote to be incorrectly taken down for a candidate or public question; or

(2) makes a false statement, certificate, or return of any kind of that vote;

commits a ~~Class D~~ **Level 6** felony.

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SECTION 27. IC 3-14-2-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 28. A person who:

(1) with intent to defraud, alters an election return;

(2) knowingly destroys, misplaces, or loses a poll book or tally sheet; or

(3) with intent to defraud, alters the vote of a candidate or on a public question as returned by the county election board or its employees;

commits a ~~Class D~~ **Level 6** felony.

SECTION 28. IC 3-14-2-29, AS AMENDED BY P.L.103-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 29. A person who knowingly inspects a voting system under IC 3-12-4-18 without obtaining authorization from the state recount commission to conduct the inspection commits a ~~Class D~~ **Level 6** felony.

SECTION 29. IC 3-14-3-1.1, AS ADDED BY P.L.103-2005, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.1. A person who knowingly does any of the following commits a ~~Class D~~ **Level 6** felony:

(1) Procures or submits voter registration applications known by the person to be materially false, fictitious, or fraudulent.

(2) Procures, casts, or tabulates ballots known by the person to be materially false, fictitious, or fraudulent.

SECTION 30. IC 3-14-3-3, AS AMENDED BY P.L.221-2005, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who knowingly:

(1) interferes with a watcher;

(2) prevents a watcher from performing the watcher's duties;

(3) otherwise violates:

(A) IC 3-6-8-3;

(B) IC 3-6-8-4;

(C) IC 3-6-8-5;

(D) IC 3-6-8-6;

(E) IC 3-6-9; or

(F) IC 3-6-10; or

(4) violates IC 3-11-13-44(d);

commits a ~~Class D~~ **Level 6** felony.

SECTION 31. IC 3-14-3-4, AS AMENDED BY P.L.103-2005, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who:

(1) knowingly obstructs or interferes with an election officer in the discharge of the officer's duty; or

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(2) knowingly obstructs or interferes with a voter within the chute;

commits a ~~Class D~~ **Level 6** felony.

(b) A person who knowingly injures an election officer or a voter:

(1) in the exercise of the officer's or voter's rights or duties; or

(2) because the officer or voter has exercised the officer's or voter's rights or duties;

commits a ~~Class D~~ **Level 6** felony.

(c) A person called as a witness to testify against another for a violation of this section is a competent witness to prove the offense even though the person may have been a party to the violation. The person shall be compelled to testify as other witnesses. However, the person's evidence may not be used against the person in a prosecution growing out of matters about which the person testifies, and the person is not liable to indictment or information for the offense.

SECTION 32. IC 3-14-3-5, AS AMENDED BY P.L.221-2005, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A precinct election officer who, with the intent to cause or permit a ballot card voting system or an electronic voting system to fail to correctly register all votes cast, tampers with or disarranges the system or any part of it commits a ~~Class D~~ **Level 6** felony.

SECTION 33. IC 3-14-3-6, AS AMENDED BY P.L.221-2005, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. A precinct election officer who permits a ballot card voting system or an electronic voting system to be used for voting at an election, with knowledge of the fact that the system is not in order or not perfectly set and adjusted so that it will correctly register all votes cast, commits a ~~Class D~~ **Level 6** felony.

SECTION 34. IC 3-14-3-7, AS AMENDED BY P.L.103-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. An inspector or poll clerk in a precinct who, for the purpose of:

(1) deceiving a voter;

(2) causing it to be doubtful for what ticket, candidate, or public question a vote is cast; or

(3) causing it to appear that votes cast for one (1) ticket, candidate, or public question were cast for another ticket, candidate, or public question;

removes, changes, or mutilates a voting system or any part of a voting system commits a ~~Class D~~ **Level 6** felony.

SECTION 35. IC 3-14-3-8, AS AMENDED BY P.L.221-2005,

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SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. A person other than a precinct election officer who knowingly, before or during an election:

(1) damages, disarranges, or tampers with a ballot card system or an electronic voting system; or

(2) damages a ballot label placed or to be placed on the electronic voting system, or any other appliance used in connection with the ballot card voting system or electronic voting system;

commits a ~~Class D~~ **Level 6** felony.

SECTION 36. IC 3-14-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. A person who knowingly fails to receive the vote of a legal voter at an election commits a ~~Class D~~ **Level 6** felony.

SECTION 37. IC 3-14-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A person who during an election recklessly:

(1) removes or destroys any of the supplies or other conveniences placed in the voting booths or delivered to the voter for the purpose of enabling a voter to prepare a ballot;

(2) removes or defaces the cards printed for the instruction of the voters; or

(3) removes or destroys a voting booth, railing, or other convenience provided for the election;

commits a ~~Class D~~ **Level 6** felony.

SECTION 38. IC 3-14-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. A person who recklessly:

(1) tampers with or damages a marking device, ballot, or other record or equipment used in an election;

(2) interferes with the correct operation of such a device or equipment; or

(3) interferes with the secrecy of voting;

commits a ~~Class D~~ **Level 6** felony.

SECTION 39. IC 3-14-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. A person who during an election knowingly:

(1) removes a ballot, pencil, or other marking device from the polls; or

(2) possesses outside the polls a ballot, pencil, or other marking device either genuine or counterfeit;

commits a ~~Class D~~ **Level 6** felony.

SECTION 40. IC 3-14-3-14, AS AMENDED BY P.L.225-2011,

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SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. A printer of the ballots for an election, or person employed in printing the ballots, who knowingly:

(1) delivers a ballot to a person other than a county election board for which the ballots are being printed;

(2) prints a ballot in any form other than the one prescribed by law; or

(3) prints a ballot containing any names, spellings, or arrangements other than as authorized by the commission or a county election board;

commits a ~~Class D~~ **Level 6** felony.

SECTION 41. IC 3-14-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. A member of a precinct election board, a precinct election officer, or a member of an absentee voter board who knowingly induces or persuades a voter to vote for a candidate or for or against a public question while acting as a board member or precinct election officer commits a ~~Class D~~ **Level 6** felony.

SECTION 42. IC 3-14-3-18, AS AMENDED BY P.L.114-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) As used in this section, "candidate" includes an individual whom the person knows is considering becoming a candidate.

(b) A person who, for the purpose of influencing a voter or candidate, does any of the following commits a ~~Class D~~ **Level 6** felony:

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

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

(3) Begins a criminal prosecution.

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

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

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

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

SECTION 43. IC 3-14-3-19, AS AMENDED BY P.L.103-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. A person who, for the purpose of inducing or procuring another person to:

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(1) apply for or cast an absentee ballot; or
(2) vote or refrain from voting for or against a candidate or for or against a public question at an election or political convention;

gives, offers, or promises to any person any money or other property commits a ~~Class D~~ **Level 6** felony.

SECTION 44. IC 3-14-3-20, AS AMENDED BY P.L.103-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. A person who, for the purpose of inducing or procuring a voter to:

(1) apply for or cast an absentee ballot; or
(2) vote or refrain from voting for or against a candidate or for or against a public question at an election or political convention;

receives, accepts, requests, or solicits from any person any money or other property commits a ~~Class D~~ **Level 6** felony.

SECTION 45. IC 3-14-3-20.5, AS ADDED BY P.L.103-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20.5. (a) This section does not apply to activity subject to 18 U.S.C. 1341.

(b) An individual who knowingly:

(1) conspires to obtain property the individual would be entitled to receive as compensation for serving as an elected official by securing false or fraudulent absentee ballot applications or voter registration applications; and
(2) for the purpose of executing the conspiracy:
(A) causes the applications to be sent or delivered by a private or commercial carrier operating entirely within Indiana; or
(B) takes or receives from the private or commercial carrier the false or fraudulent applications, or causes the applications to be delivered by the carrier to another person;

commits a ~~Class D~~ **Level 6** felony.

SECTION 46. IC 3-14-3-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. A person who:

(1) pays employees the salary or wages due in pay envelopes upon which there is printed or in which there is enclosed a political motto, device, or argument containing threats intended or calculated to influence the political opinions or actions of the employees; or
(2) exhibits in the workplace of the person's employees a handbill or placard containing a threat, notice, or information that, if a particular ticket, candidate, or public question is elected, approved, or defeated:
(A) work in the person's place or establishment will cease in

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whole or in part;
(B) the person's establishment will be closed; or
(C) the wages of the employees will be reduced;
or that is otherwise intended or calculated to influence the political opinions or actions of the employees;
commits a ~~Class D~~ **Level 6** felony.

SECTION 47. IC 3-14-3-21.5, AS ADDED BY P.L.103-2005, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21.5. A person who knowingly or intentionally intimidates, threatens, or coerces an individual for:
(1) voting or attempting to vote;
(2) urging or aiding another individual to vote or attempt to vote; or
(3) exercising any power or duty under this title concerning registration or voting;
commits voter intimidation, a ~~Class D~~ **Level 6** felony.

SECTION 48. IC 3-14-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who knowingly serves as a member of a precinct election board in violation of IC 3-6-6 commits a ~~Class D~~ **Level 6** felony.

SECTION 49. IC 3-14-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. An inspector who negligently or knowingly fails to appear at the county election board's office in person or by representative as required by IC 3-11-3 commits a ~~Class D~~ **Level 6** felony.

SECTION 50. IC 3-14-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A precinct election officer or public official upon whom a duty is imposed by this title who knowingly omits to perform the duty commits a ~~Class D~~ **Level 6** felony.

SECTION 51. IC 3-14-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A member of a precinct election board who recklessly allows a booth or compartment in which a voter is preparing a ballot to be used:
(1) without a screen; or
(2) with a screen arranged so as not to shield the preparation of the ballot from observation;
commits a ~~Class D~~ **Level 6** felony.

SECTION 52. IC 3-14-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. An inspector, or person acting in the inspector's behalf, who knowingly deposits:
(1) a ballot upon which the initials of the poll clerks or authorized assistant poll clerks do not appear; or

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(2) a ballot on which appears externally a distinguishing mark or defacement;

commits a ~~Class D~~ **Level 6** felony.

SECTION 53. IC 3-14-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A member of a precinct election board or a person otherwise entitled to the inspection of the ballots who knowingly:

(1) reveals to another person how a voter has voted; or

(2) gives information concerning the appearance of any ballot voted;

commits a ~~Class D~~ **Level 6** felony.

SECTION 54. IC 3-14-4-8, AS AMENDED BY P.L.221-2005, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. A member of a precinct election board, an absentee ballot counter appointed under IC 3-11.5-4-22, or a provisional ballot counter appointed under IC 3-11.7-3 who knowingly:

(1) opens or marks, by folding or otherwise, a ballot presented by a voter, except as provided by law; or

(2) tries to find out how the voter voted before the ballot is deposited in the ballot box or cast on a ballot card voting system or an electronic voting system or counted by the absentee ballot counter;

commits a ~~Class D~~ **Level 6** felony.

SECTION 55. IC 3-14-4-10, AS AMENDED BY P.L.221-2005, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A person who knowingly violates:

(1) IC 3-11.5-5;

(2) IC 3-11.5-6;

(3) IC 3-12-2-1;

(4) IC 3-12-3-14; or

(5) IC 3-12-3.5-7;

by providing any other person with information concerning the number of votes a candidate received for an office or cast to approve or reject a public question on absentee ballots counted under IC 3-11.5-5, IC 3-11.5-6, or IC 3-12 before the closing of the polls commits a ~~Class D~~ **Level 6** felony.

SECTION 56. IC 3-14-6-1.1, AS AMENDED BY P.L.164-2006, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.1. (a) A person who grants a request for voter registration information under IC 3-7-26.3 or

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IC 3-7-27 with knowledge that the information will be used in a manner prohibited by IC 3-7-26.3 or IC 3-7-27 commits a Class B infraction.

(b) A person who has previously received a judgment for committing an infraction under this section and knowingly, intentionally, or recklessly violates this section a second time commits a ~~Class D~~ **Level 6** felony.

SECTION 57. IC 4-1-10-8, AS ADDED BY P.L.91-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. An employee of a state agency who knowingly, intentionally, or recklessly discloses a Social Security number in violation of this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 58. IC 4-1-10-9, AS ADDED BY P.L.91-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. A person who knowingly, intentionally, or recklessly makes a false representation to a state agency to obtain a Social Security number from the state agency commits a ~~Class D~~ **Level 6** felony.

SECTION 59. IC 4-13-2-14.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14.7. A person employed, appointed, or under contract with a state agency, who works with or around children, shall be dismissed (after the appropriate pre-deprivation procedure has occurred) if that person is, or has ever been, convicted of any of the following:

(1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(2) Criminal deviate conduct (IC 35-42-4-2) **(for an act committed before IC 35-42-4-2 was repealed),** if the victim is less than eighteen (18) years of age.

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor as a Class A or Class B **felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, or Level 4** felony **(for a crime committed after June 30, 2014)** (IC 35-42-4-9).

(9) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

SECTION 60. IC 4-30-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) The definitions

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set forth in IC 3-5-2 apply to this section.

(b) This subsection applies to contributions made after March 15, 1989, and before March 29, 1996. The commission or director may not enter into a contract with a person to serve as a vendor for a major procurement or to provide auditing services to the commission if the person has made a contribution to a candidate for a state office within the three (3) years preceding the award of the contract. A person that enters into a contract with the commission as a vendor for a major procurement or to provide auditing services may not make a contribution to such a candidate during the three (3) years following the last award or renewal of the contract. A person is considered to have made a contribution if a contribution is made by:

(1) the person;

(2) an officer of the person; or

(3) a political action committee (as defined in IC 3-5-2-37) of the person.

(c) A person who knowingly or intentionally violates this section commits a ~~Class D~~ **Level 6** felony.

SECTION 61. IC 4-30-3-19.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19.5. (a) This section applies only to contributions made after March 28, 1996.

(b) The definitions set forth in IC 3-5-2 apply to this section.

(c) As used in this section, "candidate" refers only to a candidate for a state office.

(d) As used in this section, "committee" refers to any of the following:

(1) A candidate's committee.

(2) A regular party committee.

(3) A committee organized by a legislative caucus of the house of the general assembly.

(4) A committee organized by a legislative caucus of the senate of the general assembly.

(e) As used in this section, "contract" refers only to a contract with the commission or the director for any of the following:

(1) A major procurement.

(2) Auditing services to the commission.

(f) As used in this section, "contractor" means a person who has a contract with the commission or the director.

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

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

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

(h) A person is considered to have made a contribution under this section if a contribution is made by any of the following:

(1) The person.

(2) An officer of the person.

(3) A political action committee of the person.

(i) A person may not enter into a contract if the person has made a contribution to a candidate or a committee within the three (3) years preceding the award of the contract.

(j) A contractor, an officer of a contractor, or a political action committee of a contractor may not make a contribution to a candidate or a committee while the contract is in effect and during the three (3) years following the final expiration or termination of the contract.

(k) A person who knowingly or intentionally violates this section commits a ~~Class D~~ **Level 6** felony.

SECTION 62. IC 4-30-3-19.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19.7. (a) This section applies only to contributions made after March 28, 1996.

(b) The definitions set forth in IC 3-5-2 apply to this section.

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

(1) A candidate for a legislative office.

(2) A candidate for a local office.

(d) As used in this section, "committee" refers to any of the following:

(1) A candidate's committee.

(2) A regular party committee.

(3) A committee organized by a legislative caucus of the house of the general assembly.

(4) A committee organized by a legislative caucus of the senate of the general assembly.

(e) As used in this section, "contract" refers only to a contract with the commission or the director for any of the following:

(1) The printing of tickets to be used in a lottery game.

(2) Consultation services for operation of the lottery.

(3) Any goods and services involving any of the following:

(A) Equipment for the official recording for lottery game play purposes of a player's selection in lottery games involving player selections.

(B) The drawing, determination, or generation of winners in lottery games.

(C) The security services required under this article.

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(f) As used in this section, "contractor" refers to a person who has a contract with the commission or the director.

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

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

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

(h) A person is considered to have made a contribution under this section if a contribution is made by any of the following:

(1) The person.

(2) An officer of the person.

(3) A political action committee of the person.

(i) A person may not enter into a contract if the person has made a contribution to a candidate or a committee within the three (3) years preceding the award of the contract.

(j) A contractor, an officer of a contractor, or a political action committee of a contractor may not make a contribution to a candidate or a committee while the contract is in effect and during the three (3) years following the final expiration or termination of the contract.

(k) A person who knowingly or intentionally violates this section commits a ~~Class D~~ **Level 6** felony.

SECTION 63. IC 4-30-14-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who:

(1) knowingly presents a counterfeit or altered lottery ticket;

(2) knowingly transfers a counterfeit or altered lottery ticket to another to present for payment; or

(3) with intent to defraud, falsely makes, alters, forges, passes, or counterfeits a lottery ticket;

commits a ~~Class C~~ **Level 5** felony.

SECTION 64. IC 4-30-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who, with intent to defraud or with intent to provide a financial or other advantage to the person or another person, knowingly discloses information relating to the lottery that is designated as confidential under this article commits a ~~Class A~~ **Level 2** felony.

SECTION 65. IC 4-31-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who is not a permit holder may not conduct, or aid or abet the conducting of, a horse racing meeting at which pari-mutuel wagering is permitted. Each day of racing in violation of this section constitutes a separate offense.

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(b) A person who violates this section commits a ~~Class D~~ **Level 6** felony.

SECTION 66. IC 4-31-13-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.5. (a) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(b) This section applies only to contributions made after June 30, 1996.

(c) As used in this section, "candidate" refers to any of the following:

(1) A candidate for a state office.

(2) A candidate for a legislative office.

(3) A candidate for a local office.

(d) As used in this section, "committee" refers to any of the following:

(1) A candidate's committee.

(2) A regular party committee.

(3) A committee organized by a legislative caucus of the house of the general assembly.

(4) A committee organized by a legislative caucus of the senate of the general assembly.

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

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

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

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

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

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

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

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

(g) For purposes of this section, a permit holder is considered to have made a contribution if a contribution is made by a person who has an interest in the permit holder.

(h) A permit holder or a person with an interest in a permit holder may not make a contribution to a candidate or a committee during the following periods:

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(1) The term during which the permit holder holds a permit.

(2) The three (3) years following the final expiration or termination of the permit holder's permit.

(i) A person who knowingly or intentionally violates this section commits a ~~Class D~~ **Level 6** felony.

SECTION 67. IC 4-31-13-9, AS AMENDED BY P.L.114-2012, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

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

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

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

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

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

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

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

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

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

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

(f) A person who knowingly or intentionally violates this section commits a ~~Class D~~ **Level 6** felony.

SECTION 68. IC 4-32.2-8-4, AS ADDED BY P.L.91-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Except as provided in subsection (b), a person or an organization that recklessly, knowingly, or intentionally violates a provision of this article commits a Class B misdemeanor.

(b) An individual, a corporation, a partnership, a limited liability company, or other association that recklessly, knowingly, or intentionally enters into a contract or other agreement with a qualified organization in violation of IC 4-32.2-5-2 commits a ~~Class D~~ **Level 6**

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felony.

SECTION 69. IC 4-33-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who knowingly or intentionally does any of the following commits a ~~Class D~~ **Level 6** felony:

(1) Offers, promises, or gives anything of value or benefit:

(A) to a person who is connected with the owner or operating agent of a riverboat, including an officer or an employee of a riverboat owner, an operating agent, or a holder of an occupational license; and

(B) under an agreement to influence or with the intent to influence:

(i) the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game; or

(ii) an official action of a commission member.

(2) Solicits, accepts, or receives a promise of anything of value or benefit:

(A) while the person is connected with a riverboat, including an officer or employee of a licensed owner, an operating agent, or a holder of an occupational license; and

(B) under an agreement to influence or with the intent to influence:

(i) the actions of the person to affect or attempt to affect the outcome of a gambling game; or

(ii) an official action of a commission member.

(3) Uses or possesses with the intent to use a device to assist in:

(A) projecting the outcome of the game;

(B) keeping track of the cards played;

(C) analyzing the probability of the occurrence of an event relating to the gambling game; or

(D) analyzing the strategy for playing or betting to be used in the game, except as permitted by the commission.

(4) Cheats at a gambling game.

(5) Manufactures, sells, or distributes any cards, chips, dice, game, or device that is intended to be used to violate this article.

(6) Alters or misrepresents the outcome of a gambling game on which wagers have been made after the outcome is made sure but before the outcome is revealed to the players.

(7) Places a bet on the outcome of a gambling game after acquiring knowledge that:

(A) is not available to all players; and

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(B) concerns the outcome of the gambling game that is the subject of the bet.

(8) Aids a person in acquiring the knowledge described in subdivision (7) for the purpose of placing a bet contingent on the outcome of a gambling game.

(9) Claims, collects, takes, or attempts to claim, collect, or take money or anything of value in or from a gambling game:

(A) with the intent to defraud; or

(B) without having made a wager contingent on winning a gambling game.

(10) Claims, collects, or takes an amount of money or thing of value of greater value than the amount won in a gambling game.

(11) Uses or possesses counterfeit chips or tokens in or for use in a gambling game.

(12) Possesses a key or device designed for:

(A) opening, entering, or affecting the operation of a gambling game, drop box, or an electronic or a mechanical device connected with the gambling game; or

(B) removing coins, tokens, chips, or other contents of a gambling game.

This subdivision does not apply to a licensee or an operating agent or an employee of a licensee or an operating agent acting in the course of the employee's employment.

(13) Possesses materials used to manufacture a slug or device intended to be used in a manner that violates this article.

SECTION 70. IC 4-33-10-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.1. (a) This section applies only to contributions made after June 30, 1996.

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

(c) As used in this section, "candidate" refers to any of the following:

(1) A candidate for a state office.

(2) A candidate for a legislative office.

(3) A candidate for a local office.

(d) As used in this section, "committee" refers to any of the following:

(1) A candidate's committee.

(2) A regular party committee.

(3) A committee organized by a legislative caucus of the house of the general assembly.

(4) A committee organized by a legislative caucus of the senate

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of the general assembly.

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

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

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

(3) an operating agent contract issued under this article.

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

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

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

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

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

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

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

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

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

(i) A licensee is considered to have made a contribution if a contribution is made by a person who has an interest in the licensee.

(j) A licensee or a person who has an interest in a licensee may not make a contribution to a candidate or a committee during the following periods:

(1) The term during which the licensee holds a license.

(2) The three (3) years following the final expiration or termination of the licensee's license.

(k) A person who knowingly or intentionally violates this section commits a ~~Class D~~ **Level 6** felony.

SECTION 71. IC 4-33-10-2.5, AS AMENDED BY P.L.114-2012, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) This section applies only to property given after June 30, 1996.

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

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

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

(2) a supplier's license issued under this article to a supplier of

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gaming supplies or equipment, including electronic gaming equipment; or

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

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

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

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

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

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

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

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

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

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

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

(h) A person who knowingly or intentionally violates this section commits a ~~Class D~~ **Level 6** felony.

SECTION 72. IC 4-35-9-5, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A person who knowingly or intentionally does any of the following commits a ~~Class D~~ **Level 6** felony:

(1) Offers, promises, or gives anything of value or benefit:

(A) to a person who is connected with a licensee, including an officer or employee of a licensee; and

(B) under an agreement to influence or with the intent to influence:

(i) the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game; or

(ii) an official action of a commission member.

(2) Solicits, accepts, or receives a promise of anything of value or benefit:

(A) while the person is connected with a licensee, including as

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an officer or employee of a licensee; and

(B) under an agreement to influence or with the intent to influence:

(i) the actions of the person to affect or attempt to affect the outcome of a gambling game; or

(ii) an official action of a commission member.

(3) Uses or possesses with the intent to use a device to assist in:

(A) projecting the outcome of a gambling game;

(B) analyzing the probability of the occurrence of an event related to a gambling game; or

(C) analyzing the strategy for playing or betting to be used in a gambling game, except as permitted by the commission.

(4) Cheats at a gambling game.

(5) Manufactures, sells, or distributes any game or device that is intended to be used to violate this article.

(6) Alters or misrepresents the outcome of a gambling game on which wagers have been made after the outcome is made sure but before the outcome is revealed to the players.

(7) Places a bet on the outcome of a gambling game after acquiring knowledge that:

(A) is not available to all players; and

(B) concerns the outcome of the gambling game that is the subject of the bet.

(8) Aids a person in acquiring the knowledge described in subdivision (7) to place a bet contingent on the outcome of a gambling game.

(9) Claims, collects, takes, or attempts to claim, collect, or take money or anything of value in or from a gambling game:

(A) with the intent to defraud; or

(B) without having made a wager contingent on winning a gambling game.

(10) Claims, collects, or takes an amount of money or a thing of value that is of greater value than the amount won in a gambling game.

(11) Uses or possesses counterfeit tokens in or for use in a gambling game.

(12) Possesses a key or device designed for:

(A) opening, entering, or affecting the operation of a gambling game, a drop box, or an electronic or a mechanical device connected with the gambling game; or

(B) removing coins, tokens, or other contents of a gambling game.

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This subdivision does not apply to a licensee or an employee of a licensee acting in the course of the employee's employment.

(13) Possesses materials used to manufacture a slug or device intended to be used in a manner that violates this article.

SECTION 73. IC 5-2-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. A member of the commission, the architect, or any other person employed by the commission who knowingly is interested in, or knowingly derives any profit from, any contract, employment, or purchase connected with the building or buildings, or with any action of the commission, commits a ~~Class D~~ **Level 6** felony. A member of the commission, the architect, or any person employed by the commission who knowingly is interested in any claim against the commission or the state growing out of the construction of the building or buildings, other than for compensation for services or their expenses as provided in this chapter, commits a ~~Class D~~ **Level 6** felony.

SECTION 74. IC 5-10-10-4, AS AMENDED BY P.L.115-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. As used in this chapter, "public safety officer" means any of the following:

(1) A state police officer.

(2) A county sheriff.

(3) A county police officer.

(4) A correctional officer.

(5) An excise police officer.

(6) A county police reserve officer.

(7) A city police reserve officer.

(8) A conservation enforcement officer.

(9) A town marshal.

(10) A deputy town marshal.

(11) A probation officer.

(12) A state educational institution police officer appointed under IC 21-39-4.

(13) A police officer whose employer purchases coverage under section 4.5 of this chapter.

(14) An emergency medical services provider (as defined in IC 16-41-10-1) who is:

(A) employed by a political subdivision (as defined in IC 36-1-2-13); and

(B) not eligible for a special death benefit under IC 36-8-6-20, IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.

(15) A firefighter who is employed by the fire department of a

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state university.

(16) A firefighter whose employer purchases coverage under section 4.5 of this chapter.

(17) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.

(18) A gaming agent of the Indiana gaming commission.

(19) A person who is:

(A) employed by a political subdivision (as defined in IC 36-1-2-13); and

(B) appointed as a special deputy under IC 36-8-10-10.6.

(20) A school corporation police officer appointed under IC 20-26-16.

(21) A gaming control officer of the Indiana gaming commission.

(22) An eligible chaplain who meets the requirements of section 4.7 of this chapter.

(23) A community corrections officer.

SECTION 75. IC 5-15-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. A public official or other person who recklessly, knowingly, or intentionally destroys or damages any public record commits a ~~Class D~~ **Level 6** felony unless:

(1) the commission shall have given its approval in writing that the public records may be destroyed;

(2) the commission shall have entered its approval for destruction of the public records on its own minutes; or

(3) authority for destruction of the records is granted by an approved retention schedule established under this chapter.

SECTION 76. IC 6-1.1-5.5-10, AS AMENDED BY P.L.144-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A person who knowingly and intentionally:

(1) falsifies the value of transferred real property; or

(2) omits or falsifies any information required to be provided in the sales disclosure form;

commits a ~~Class C~~ **Level 5** felony.

(b) A public official who knowingly and intentionally accepts:

(1) a sales disclosure document for filing that:

(A) falsifies the value of transferred real property; or

(B) omits or falsifies any information required to be provided in the sales disclosure form; or

(2) a conveyance document for recording in violation of section 6 of this chapter;

commits a Class A infraction.

SECTION 77. IC 6-1.1-37-3 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person commits a ~~Class D~~ **Level 6** felony if:

(1) ~~he~~ **the person** makes and subscribes a property tax return, statement, or document (except a statement described in section 4 or 5 of this chapter) that ~~he~~ **the person** does not believe is correct in every material respect; and

(2) the return, statement, or document is certified to as to the truth of the information appearing in it.

SECTION 78. IC 6-2.3-5.5-12, AS ADDED BY P.L.162-2006, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) An individual who:

(1) is an employee, officer, or member of a corporation, partnership, or limited liability company that is a seller of utility services; and

(2) has a duty to remit utility services use tax to the department under an agreement entered into by the seller of utility services under section 8 of this chapter by virtue of the individual's responsibilities within the corporation, partnership, or limited liability company;

holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes, to the state.

(b) An individual described in subsection (a) who knowingly fails to collect or remit the specified taxes to the state commits a ~~Class D~~ **Level 6** felony.

SECTION 79. IC 6-2.3-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A taxpayer or any officer, employee, or partner of a taxpayer who makes a false entry in the taxpayer's records with the intent to defraud the state or evade payment of the utility receipts tax commits a ~~Class D~~ **Level 6** felony.

(b) A taxpayer or any officer, employee, or partner of a taxpayer who keeps more than one (1) set of records for the taxpayer with the intent to defraud the state or evade the payment of the utility receipts tax commits a ~~Class D~~ **Level 6** felony.

SECTION 80. IC 6-2.5-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. An individual who:

(1) is an individual retail merchant or is an employee, officer, or member of a corporate or partnership retail merchant; and

(2) has a duty to remit state gross retail or use taxes (as described in IC 6-2.5-3-2) to the department;

holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to

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those taxes, to the state. If the individual knowingly fails to collect or remit those taxes to the state, ~~he~~ **the individual** commits a ~~Class D~~ **Level 6** felony.

SECTION 81. IC 6-2.5-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) All records of a person that have collected or that should have collected gross retail taxes shall be kept open for examination at any reasonable time by the department or the department's authorized agents. A person that violates this subsection commits a ~~Class D~~ **Level 6** felony.

(b) A person that:

(1) makes false entries in a tax record; or

(2) keeps more than one (1) set of tax records;

with the intent to defraud the state or evade remittance of the tax imposed by this article commits a ~~Class D~~ **Level 6** felony.

SECTION 82. IC 6-3-4-8, AS AMENDED BY P.L.137-2012, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Except as provided in subsection (d), every employer making payments of wages subject to tax under this article, regardless of the place where such payment is made, who is required under the provisions of the Internal Revenue Code to withhold, collect, and pay over income tax on wages paid by such employer to such employee, shall, at the time of payment of such wages, deduct and retain therefrom the amount prescribed in withholding instructions issued by the department. The department shall base its withholding instructions on the adjusted gross income tax rate for persons, on the total rates of any income taxes that the taxpayer is subject to under IC 6-3.5, and on the total amount of exclusions the taxpayer is entitled to under IC 6-3-1-3.5(a)(3) and IC 6-3-1-3.5(a)(4). However, the withholding instructions on the adjusted gross income of a nonresident alien (as defined in Section 7701 of the Internal Revenue Code) are to be based on applying not more than one (1) withholding exclusion, regardless of the total number of exclusions that IC 6-3-1-3.5(a)(3) and IC 6-3-1-3.5(a)(4) permit the taxpayer to apply on the taxpayer's final return for the taxable year. Such employer making payments of any wages:

(1) shall be liable to the state of Indiana for the payment of the tax required to be deducted and withheld under this section and shall not be liable to any individual for the amount deducted from the individual's wages and paid over in compliance or intended compliance with this section; and

(2) shall make return of and payment to the department monthly of the amount of tax which under this article and IC 6-3.5 the

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employer is required to withhold.

(b) An employer shall pay taxes withheld under subsection (a) during a particular month to the department no later than thirty (30) days after the end of that month. However, in place of monthly reporting periods, the department may permit an employer to report and pay the tax for a calendar year reporting period, if the average monthly amount of all tax required to be withheld by the employer in the previous calendar year does not exceed one thousand dollars ($1,000). An employer using a reporting period (other than a monthly reporting period) must file the employer's return and pay the tax for a reporting period no later than the last day of the month immediately following the close of the reporting period.

(c) For purposes of determining whether an employee is subject to taxation under IC 6-3.5, an employer is entitled to rely on the statement of an employee as to the employee's county of residence as represented by the statement of address in forms claiming exemptions for purposes of withholding, regardless of when the employee supplied the forms. Every employee shall notify the employee's employer within five (5) days after any change in the employee's county of residence.

(d) A county that makes payments of wages subject to tax under this article:

(1) to a precinct election officer (as defined in IC 3-5-2-40.1); and

(2) for the performance of the duties of the precinct election officer imposed by IC 3 that are performed on election day;

is not required, at the time of payment of the wages, to deduct and retain from the wages the amount prescribed in withholding instructions issued by the department.

(e) Every employer shall, at the time of each payment made by the employer to the department, deliver to the department a return upon the form prescribed by the department showing:

(1) the total amount of wages paid to the employer's employees;

(2) the amount deducted therefrom in accordance with the provisions of the Internal Revenue Code;

(3) the amount of adjusted gross income tax deducted therefrom in accordance with the provisions of this section;

(4) the amount of income tax, if any, imposed under IC 6-3.5 and deducted therefrom in accordance with this section; and

(5) any other information the department may require.

Every employer making a declaration of withholding as provided in this section shall furnish the employer's employees annually, but not later than thirty (30) days after the end of the calendar year, a record of the total amount of adjusted gross income tax and the amount of each

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income tax, if any, imposed under IC 6-3.5, withheld from the employees, on the forms prescribed by the department.

(f) All money deducted and withheld by an employer shall immediately upon such deduction be the money of the state, and every employer who deducts and retains any amount of money under the provisions of this article shall hold the same in trust for the state of Indiana and for payment thereof to the department in the manner and at the times provided in this article. Any employer may be required to post a surety bond in the sum the department determines to be appropriate to protect the state with respect to money withheld pursuant to this section.

(g) The provisions of IC 6-8.1 relating to additions to tax in case of delinquency and penalties shall apply to employers subject to the provisions of this section, and for these purposes any amount deducted or required to be deducted and remitted to the department under this section shall be considered to be the tax of the employer, and with respect to such amount the employer shall be considered the taxpayer. In the case of a corporate or partnership employer, every officer, employee, or member of such employer, who, as such officer, employee, or member is under a duty to deduct and remit such taxes, shall be personally liable for such taxes, penalties, and interest.

(h) Amounts deducted from wages of an employee during any calendar year in accordance with the provisions of this section shall be considered to be in part payment of the tax imposed on such employee for the employee's taxable year which begins in such calendar year, and a return made by the employer under subsection (b) shall be accepted by the department as evidence in favor of the employee of the amount so deducted from the employee's wages. Where the total amount so deducted exceeds the amount of tax on the employee as computed under this article and IC 6-3.5, the department shall, after examining the return or returns filed by the employee in accordance with this article and IC 6-3.5, refund the amount of the excess deduction. However, under rules promulgated by the department, the excess or any part thereof may be applied to any taxes or other claim due from the taxpayer to the state of Indiana or any subdivision thereof. No refund shall be made to an employee who fails to file the employee's return or returns as required under this article and IC 6-3.5 within two (2) years from the due date of the return or returns. In the event that the excess tax deducted is less than one dollar ($1), no refund shall be made.

(i) This section shall in no way relieve any taxpayer from the taxpayer's obligation of filing a return or returns at the time required under this article and IC 6-3.5, and, should the amount withheld under

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the provisions of this section be insufficient to pay the total tax of such taxpayer, such unpaid tax shall be paid at the time prescribed by section 5 of this chapter.

(j) Notwithstanding subsection (b), an employer of a domestic service employee that enters into an agreement with the domestic service employee to withhold federal income tax under Section 3402 of the Internal Revenue Code may withhold Indiana income tax on the domestic service employee's wages on the employer's Indiana individual income tax return in the same manner as allowed by Section 3510 of the Internal Revenue Code.

(k) To the extent allowed by Section 1137 of the Social Security Act, an employer of a domestic service employee may report and remit state unemployment insurance contributions on the employee's wages on the employer's Indiana individual income tax return in the same manner as allowed by Section 3510 of the Internal Revenue Code.

(l) A person who knowingly fails to remit trust fund money as set forth in this section commits a ~~Class D~~ **Level 6** felony.

SECTION 83. IC 6-3-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A taxpayer subject to taxation under this article shall keep and preserve records and any other books or accounts as required by IC 6-8.1-5-4. All the records shall be kept open for examination at any time by the department or its authorized agents. A taxpayer who violates this subsection or fails to comply with the request of the department pursuant to IC 6-3-4-6 commits a Class A misdemeanor.

(b) It is a ~~Class D~~ **Level 6** felony for a taxpayer to make false entries in ~~his~~ **the taxpayer's** books, or to keep more than one (1) set of books, with intent to defraud the state or evade the payment of the tax, or any part thereof, imposed by this article.

SECTION 84. IC 6-3-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) It is a ~~Class D~~ **Level 6** felony for a taxpayer to fail to make any return required to be made under this article, or to make any false return or false statement in any return, with intent to defraud the state or to evade the payment of the tax, or any part thereof, imposed by this article. It is a ~~Class D~~ **Level 6** felony for a person to knowingly fail to permit the examination of any book, paper, account, record, or other data by the department or its authorized agents, as required by this article, to knowingly fail to permit the inspection or appraisal of any property by the department or its authorized agents, or to knowingly refuse to offer testimony or produce any record as required in this article.

(b) The attorney general has concurrent jurisdiction with the

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prosecuting attorney in instituting and prosecuting actions under this section.

SECTION 85. IC 6-3-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As used in this section, "independent contractor" refers to a person described in IC 22-3-6-1(b)(7) or IC 22-3-7-9(b)(5).

(b) As used in this section, "person" means an individual, a proprietorship, a partnership, a joint venture, a firm, an association, a corporation, or other legal entity.

(c) An independent contractor who does not make an election under:

(1) IC 22-3-6-1(b)(4) or IC 22-3-6-1(b)(5) is not subject to the compensation provisions of IC 22-3-2 through IC 22-3-6; or

(2) IC 22-3-7-9(b)(2) or IC 22-3-7-9(b)(3) is not subject to the compensation provisions of IC 22-3-7;

and must file a statement with the department with supporting documentation of independent contractor status and obtain a certificate of exemption under this section.

(d) An independent contractor shall file with the department, in the form prescribed by the department, a statement providing the following information:

(1) The independent contractor's name, trade name, address, and telephone number.

(2) The independent contractor's federal identification number or Social Security number.

(3) The name and:

(A) Social Security number;

(B) federal employer identification number (FEIN); or

(C) taxpayer identification number (TIN);

of each person or entity with whom the independent contractor has contracted.

(e) Along with the statement required in subsection (d), an independent contractor shall file annually with the department documentation in support of independent contractor status before being granted a certificate of exemption. The independent contractor must obtain clearance from the department of state revenue before issuance of the certificate.

(f) An independent contractor shall pay a filing fee of five dollars ($5) with the statement required in subsection (d). The fees collected under this subsection shall be deposited into a special account in the state general fund known as the independent contractor information account. Money in the independent contractor information account is annually appropriated to the department for its use in carrying out the

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purposes of this section.

(g) The department shall keep each statement and supporting documentation received under this section on file and on request may verify that a certificate of exemption is on file.

(h) The certificate of exemption required by this section must be on a form prescribed and provided by the department. A certificate issued under this section is valid for one (1) year. The department shall maintain the original certificate on file.

(i) A certificate of exemption must certify the following information:

(1) That the independent contractor has worker's compensation coverage for the independent contractor's employees in accordance with IC 22-3-2 through IC 22-3-7.

(2) That the independent contractor desires to be exempt from being able to recover under the worker's compensation policy or self-insurance of a person for whom the independent contractor will perform work only as an independent contractor.

(j) The department shall provide the certificate of exemption to the person requesting it not less than seven (7) business days after verifying the accuracy of the supporting documentation. To be given effect, a certificate of exemption must be filed with the worker's compensation board of Indiana in accordance with IC 22-3-2-14.5(f) and IC 22-3-7-34.5(g).

(k) Not more than thirty (30) days after the department receives an independent contractor's statement and supporting documentation and issues a certificate of exemption, the department shall provide the independent contractor with an explanation of the department's tax treatment of independent contractors and the duty of the independent contractor to remit any taxes owed.

(l) The information received from an independent contractor's statement and supporting documentation is to be treated as confidential by the department and is to be used solely for the purposes of this section.

(m) A contractor who knowingly or intentionally causes or assists employees, including temporary employees, to file a false statement and supporting documentation of independent contractor status commits a ~~Class D~~ **Level 6** felony.

SECTION 86. IC 6-5.5-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A taxpayer who:

(1) makes false entries in the taxpayer's books;

(2) keeps more than one (1) set of books;

(3) fails to make a return required to be made under this chapter;

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or

(4) makes a false return or false statement in a return;

with intent to defraud the state or to evade the payment of a tax imposed under this article commits a ~~Class D~~ **Level 6** felony.

SECTION 87. IC 6-5.5-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who knowingly:

(1) fails to permit the examination of any book, paper, account, record, or other data by the department or its authorized agents;

(2) fails to permit the inspection or appraisal of any property by the department or its authorized agents; or

(3) refuses to offer testimony or produce a record;

required under this article commits a ~~Class D~~ **Level 6** felony.

SECTION 88. IC 6-6-1.1-1308 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1308. A person who receives or collects money as tax imposed under this chapter on gasoline on which ~~he~~ **the person** has not paid the tax, and knowingly fails to pay the money to the administrator as required under this chapter, commits a ~~Class D~~ **Level 6** felony.

SECTION 89. IC 6-6-1.1-1313 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1313. A person who violates sections 1309 through 1311 of this chapter with intent to evade the tax imposed by this chapter or to defraud the state commits a ~~Class D~~ **Level 6** felony.

SECTION 90. IC 6-6-1.1-1316 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1316. (a) A person:

(1) who knowingly breaks a seal on a sealed fuel pump without authorization; or

(2) who knowingly fails or refuses to report meter readings under section 1008 or section 1110 of this chapter;

commits a ~~Class D~~ **Level 6** felony.

(b) A person who, without authorization:

(1) removes;

(2) alters;

(3) defaces; or

(4) covers;

a sign posted by the department that states that no transactions involving gasoline, gasohol, aviation gasoline, or marina gasoline may be made at a location commits a Class B misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if it is committed with the intent to evade the tax imposed by this chapter or to defraud the state.

(c) A dealer or licensed distributor shall notify the department of:

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(1) a broken fuel pump seal; or

(2) a removed, altered, defaced, or covered sign that has been posted by the department.

(d) A dealer or licensed distributor that **knowingly** fails to notify the department, as required by subsection (c), within two (2) days after:

(1) a fuel pump seal is broken; or

(2) a sign posted by the department has been removed, altered, defaced, or covered;

commits a ~~Class D~~ **Level 6** felony.

SECTION 91. IC 6-6-2.5-28, AS AMENDED BY P.L.33-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 28. (a) A license tax of sixteen cents ($0.16) per gallon is imposed on all special fuel sold or used in producing or generating power for propelling motor vehicles except fuel used under section 30(a)(8) or 30.5 of this chapter. The tax shall be paid at those times, in the manner, and by those persons specified in this section and section 35 of this chapter.

(b) The department shall consider it a rebuttable presumption that all undyed or unmarked special fuel, or both, received in Indiana is to be sold for use in propelling motor vehicles.

(c) Except as provided in subsection (d), the tax imposed on special fuel by subsection (a) shall be measured by invoiced gallons of nonexempt special fuel received by a licensed supplier in Indiana for sale or resale in Indiana or with respect to special fuel subject to a tax precollection agreement under section 35(d) of this chapter, such special fuel removed by a licensed supplier from a terminal outside of Indiana for sale for export or for export to Indiana and in any case shall generally be determined in the same manner as the tax imposed by Section 4081 of the Internal Revenue Code and Code of Federal Regulations.

(d) The tax imposed by subsection (a) on special fuel imported into Indiana, other than into a terminal, is imposed at the time the product is entered into Indiana and shall be measured by invoiced gallons received at a terminal or at a bulk plant.

(e) In computing the tax, all special fuel in process of transfer from tank steamers at boat terminal transfers and held in storage pending wholesale bulk distribution by land transportation, or in tanks and equipment used in receiving and storing special fuel from interstate pipelines pending wholesale bulk reshipment, shall not be subject to tax.

(f) The department shall consider it a rebuttable presumption that special fuel consumed in a motor vehicle plated for general highway

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use is subject to the tax imposed under this chapter. A person claiming exempt use of special fuel in such a vehicle must maintain adequate records as required by the department to document the vehicle's taxable and exempt use.

(g) A person that engages in blending fuel for taxable sale or use in Indiana is primarily liable for the collection and remittance of the tax imposed under subsection (a). The person shall remit the tax due in conjunction with the filing of a monthly report in the form prescribed by the department.

(h) A person that receives special fuel that has been blended for taxable sale or use in Indiana is secondarily liable to the state for the tax imposed under subsection (a).

(i) A person may not use special fuel on an Indiana public highway if the special fuel contains a sulfur content that exceeds five one-hundredths of one percent (0.05%). A person who knowingly:

(1) violates; or

(2) aids or abets another person to violate;

this subsection commits a Class A infraction. However, the violation is a Class A misdemeanor if the person has committed one (1) prior unrelated violation of this subsection, and a ~~Class D~~ **Level 6** felony if the person has committed more than one (1) unrelated violation of this subsection.

SECTION 92. IC 6-6-2.5-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 40. (a) Each person operating a refinery, terminal, or bulk plant in Indiana shall prepare and provide to the driver of every vehicle receiving special fuel at the facility a shipping document setting out on its face the destination state as represented to the terminal operator by the shipper or the shipper's agent, except that an operator of a bulk plant in Indiana delivering special fuel into a vehicle with a capacity of not more than five thousand four hundred (5,400) gallons for subsequent delivery to an end consumer in Indiana is exempt from this requirement.

(b) Every person transporting special fuel in vehicles upon the Indiana public highways shall carry on board a shipping paper issued by the terminal operator or the bulk plant operator of the facility where the special fuel was obtained, which shipping paper shall set out on its face the state of destination of the special fuel transported in the vehicle, except that operators of vehicles with a capacity of not more than five thousand four hundred (5,400) gallons that have received special fuel at a bulk plant in Indiana for delivery to an end consumer in Indiana are exempt from this provision with respect to the special fuel. A person who violates this subsection commits a Class A

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infraction (as defined in IC 34-28-5-4).

(c) Every person transporting special fuel in vehicles upon the public highways of Indiana shall provide the original or a copy of the terminal issued shipping document accompanying the shipment to the operator of the retail outlet or bulk plant to which delivery of the shipment was made. A person who knowingly violates or knowingly aids and abets another person in violating this subsection commits a ~~Class D~~ **Level 6** felony.

(d) Each operator of a special fuel retail outlet or bulk plant shall receive, examine, and retain for a period of thirty (30) days at the delivery location the terminal issued shipping document received from the transporter for every shipment of special fuel that is delivered to that location, with record retention of the shipping paper of three (3) years required offsite. A person who knowingly violates or knowingly aids and abets another person in violating this subsection commits a ~~Class D~~ **Level 6** felony.

(e) No bulk end user, retail dealer, bulk plant operator, or wholesale distributor shall knowingly accept delivery of special fuel into storage facilities in Indiana if that delivery is not accompanied by a shipping paper issued by the terminal operator or bulk plant operator that sets out on its face Indiana as the state of destination of the special fuel. A person who knowingly violates or knowingly aids and abets another person in violating this subsection commits a ~~Class D~~ **Level 6** felony.

(f) The department shall provide for relief in a case where a shipment of special fuel is legitimately diverted from the represented destination state after the shipping paper has been issued by the terminal operator or where the terminal operator failed to cause proper information to be printed on the shipping paper. These relief provisions shall include a provision requiring that the shipper or its agent provide notification before the diversion or correction to the department if an intended diversion or correction is to occur, and the relief provision shall be consistent with the refund provisions of this chapter.

(g) The supplier and the terminal operator shall be entitled to rely for all purposes of this chapter on the representation by the shipper or the shipper's agent as to the shipper's intended state of destination or tax exempt use. The shipper, the importer, the transporter, the shipper's agent, and any purchaser, not the supplier or terminal operator, shall be jointly liable for any tax otherwise due to the state as a result of a diversion of the special fuel from the represented destination state.

SECTION 93. IC 6-6-2.5-56.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 56.5. (a) For the purpose of determining the amount of special tax due, every supplier

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shall file with the department on forms prescribed and furnished by the department a verified statement by the supplier. The department may require the reporting of any information reasonably necessary to determine the amount of special fuel tax due.

(b) The reports required by this section that contain information for the preceding calendar month shall be filed before the twentieth day of each month.

(c) Each supplier and permissive supplier shall separately report:

(1) all loads of special fuel received by the supplier or permissive supplier for export to another state; and

(2) all loads of special fuel removed by the supplier or permissive supplier out of an out-of-state terminal for delivery to Indiana and sold tax free to persons for import into Indiana;

in accordance with the shipping papers issued by the terminal operator. A person who knowingly violates this subsection commits a ~~Class D~~ **Level 6** felony.

(d) Each licensed importer shall file monthly with the department a verified sworn statement of operations within Indiana and any other information with respect to the source and means of transportation of special fuel as the department may require and on forms prescribed and furnished by the department. A person who knowingly violates this subsection commits a ~~Class D~~ **Level 6** felony.

SECTION 94. IC 6-6-2.5-62 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 62. (a) No person shall import, sell, use, deliver, or store in Indiana special fuel in bulk as to which dye or a marker, or both, has not been added in accordance with section 31 of this chapter, or as to which the tax imposed by this chapter has not been paid to or accrued by a licensed supplier or licensed permissive supplier as shown by a notation on a terminal-issued shipping paper subject to the following exceptions:

(1) A supplier shall be exempt from this provision with respect to special fuel manufactured in Indiana or imported by pipeline or waterborne barge and stored within a terminal in Indiana.

(2) An end user shall be exempt from this provision with respect to special fuel in a vehicle supply tank when the fuel was placed in the vehicle supply tank outside of Indiana.

(3) A licensed importer, and transporter operating on the importer's behalf, that transports in vehicles with a capacity of more than five thousand four hundred (5,400) gallons, shall be exempt from this prohibition if the importer or the transporter has met all of the following conditions:

(A) The importer or the transporter before entering onto the

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highways of Indiana has obtained an import verification number from the department not earlier than twenty-four (24) hours before entering Indiana.

(B) The import verification number must be set out prominently and indelibly on the face of each copy of the terminal-issued shipping paper carried on board the transport truck.

(C) The terminal origin and the importer's name and address must be set out prominently on the face of each copy of the terminal-issued shipping paper.

(D) The terminal-issued shipping paper data otherwise required by this chapter is present.

(E) All tax imposed by this chapter with respect to previously requested import verification number activity on the account of the importer or the transporter has been timely remitted.

In every case, a transporter acting in good faith is entitled to rely upon representations made to the transporter by the fuel supplier or importer and when acting in good faith is not liable for the negligence or malfeasance of another person. A person who knowingly violates or knowingly aids and abets another person in violating this subsection commits a ~~Class D~~ **Level 6** felony.

(b) No person shall export special fuel from Indiana unless that person has obtained an exporter's license or a supplier's license or has paid the destination state special fuel tax to the supplier and can demonstrate proof of export in the form of a destination state bill of lading. A person who knowingly violates or knowingly aids and abets another person in violating this subsection commits a ~~Class D~~ **Level 6** felony.

(c) No person shall operate or maintain a motor vehicle on any public highway in Indiana with special fuel contained in the fuel supply tank for the motor vehicle that contains dye or a marker, or both, as provided under section 31 of this chapter. This provision does not apply to persons operating motor vehicles that have received fuel into their fuel tanks outside of Indiana in a jurisdiction that permits introduction of dyed or marked, or both, special fuel of that color and type into the motor fuel tank of highway vehicles or to a person that qualifies for the federal fuel tax exemption under Section 4082 of the Internal Revenue Code and that is registered with the department as a dyed fuel user. A person who knowingly:

(1) violates; or

(2) aids and abets another person in violating;

this subsection commits a Class A infraction. However, the violation

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is a Class A misdemeanor if the person has committed one (1) prior unrelated violation of this subsection, and a ~~Class D~~ **Level 6** felony if the person has committed more than one (1) prior unrelated violation of this subsection.

(d) No person shall engage in any business activity in Indiana as to which a license is required by section 41 of this chapter unless the person shall have first obtained the license. A person who knowingly violates or knowingly aids and abets another person in violating this subsection commits a ~~Class D~~ **Level 6** felony.

(e) No person shall operate a motor vehicle with a capacity of more than five thousand four hundred (5,400) gallons that is engaged in the shipment of special fuel on the public highways of Indiana and that is destined for a delivery point in Indiana, as shown on the terminal-issued shipping papers, without having on board a terminal-issued shipping paper indicating with respect to any special fuel purchased:

(1) under claim of exempt use, a notation describing the load or the appropriate portion of the load as Indiana tax exempt special fuel;

(2) if not purchased under a claim of exempt use, a notation describing the load or the appropriate portion thereof as Indiana taxed or pretaxed special fuel; or

(3) if imported by or on behalf of a licensed importer instead of the pretaxed notation, a valid verification number provided before entry into Indiana by the department or the department's designee or appointee, and the valid verification number may be handwritten on the shipping paper by the transporter or importer.

A person is in violation of subdivision (1) or (2) (whichever applies) if the person boards the vehicle with a shipping paper that does not meet the requirements described in the applicable subdivision (1) or (2). A person in violation of this subsection commits a Class A infraction (as defined in IC 34-28-5-4).

(f) A person may not sell or purchase any product for use in the supply tank of a motor vehicle for general highway use that does not meet ASTM standards as published in the annual Book of Standards and its supplements unless amended or modified by rules adopted by the department under IC 4-22-2. The transporter and the transporter's agent and customer have the exclusive duty to dispose of any product in violation of this section in the manner provided by federal and state law. A person who knowingly:

(1) violates; or

(2) aids and abets another in violating;

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this subsection commits a ~~Class D~~ **Level 6** felony.

(g) This subsection does not apply to the following:

(1) A person that:

(A) inadvertently manipulates the dye or marker concentration of special fuel or coloration of special fuel; and

(B) contacts the department within one (1) business day after the date on which the contamination occurs.

(2) A person that affects the dye or marker concentration of special fuel by engaging in the blending of the fuel, if the blender:

(A) collects or remits, or both, all tax due as provided in section 28(g) of this chapter;

(B) maintains adequate records as required by the department to account for the fuel that is blended and its status as a taxable or exempt sale or use; and

(C) is otherwise in compliance with this subsection.

A person may not manipulate the dye or marker concentration of a special fuel or the coloration of special fuel after the special fuel is removed from a terminal or refinery rack for sale or use in Indiana. A person who knowingly violates or aids and abets another person to violate this subsection commits a ~~Class D~~ **Level 6** felony.

(h) This subsection does not apply to a person that receives blended fuel from a person in compliance with subsection (g)(2). A person may not sell or consume special fuel if the special fuel dye or marker concentration or coloration has been manipulated, inadvertently or otherwise, after the special fuel has been removed from a terminal or refinery rack for sale or use in Indiana. A person who knowingly:

(1) violates; or

(2) aids and abets another to violate;

this subsection commits a ~~Class D~~ **Level 6** felony.

(i) A person may not engage in blending fuel for taxable use in Indiana without collecting and remitting the tax due on the untaxed portion of the fuel that is blended. A person who knowingly:

(1) violates; or

(2) aids and abets another to violate;

this subsection commits a ~~Class D~~ **Level 6** felony.

SECTION 95. IC 6-6-2.5-63 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 63. (a) A supplier, permissive supplier, importer, or blender who knowingly fails to collect or timely remit tax otherwise required to be paid to the department under section 35 of this chapter or pursuant to a tax precollection agreement under section 35 of this chapter is liable for the uncollected tax plus a penalty equal to one hundred percent (100%) of the

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uncollected tax.

(b) Collection of a special fuel tax arising from an out-of-state transaction does not in itself subject a supplier or permissive supplier to the jurisdiction of Indiana for any tax liability arising outside of this chapter.

(c) A person who fails or refuses to pay over to the state the tax on special fuel at the time required in this chapter or who fraudulently withholds or appropriates or otherwise uses the money or any portion thereof belonging to the state commits a ~~Class D~~ **Level 6** felony.

(d) A person who negligently disregards any provision of this chapter is subject to a civil penalty of five hundred dollars ($500) for each separate occurrence of negligent disregard as determined by the commissioner.

SECTION 96. IC 6-6-2.5-71 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 71. (a) The department or any agent of the department may seal a special fuel or kerosene pump or impound a vehicle that does not have a sealable pump and post a sign that states that transactions involving special fuel or kerosene may not be made at the person's location if any of the following occur:

(1) A person becomes delinquent in payment of a tax due under this chapter.

(2) There is evidence that the revenue of the seller of fuel is in jeopardy.

(3) A person sells special fuel or kerosene without being licensed as required by this chapter.

(4) A person sells special fuel or kerosene without being bonded as required by the department.

(5) A person sells fuel that is taxable under this chapter without charging special fuel tax. However, this subdivision does not apply to a seller that acts in good faith and sells undyed special fuel to a person with a valid tax exemption certificate on file with the seller.

(6) A person sells dyed or marked special fuel for use in a motor vehicle operated on a public highway.

(b) A pump sealed under subsection (a) may remain sealed and a sign posted under subsection (a) may remain posted until all of the following have occurred:

(1) All reports are filed and the fees and taxes imposed under this chapter are paid in full.

(2) The interest and penalties imposed under this chapter, IC 6-8.1-10-1, and IC 6-8.1-10-2 **(repealed)** are paid in full.

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(3) The license required by this chapter is obtained.

(4) The bond, letter of credit, or cash deposit required by this chapter is provided in the amount required by the department.

(c) A person that sells special fuel or kerosene in Indiana shall allow the agents of the department to seal gallonage totalizers of metered pumps operated by or on behalf of the person selling special fuel or kerosene.

(d) If the department determines that a person is selling special fuel or kerosene from a metered pump in Indiana without an effectively sealable gallonage totalizer, the seller, at the department's request, shall:

(1) adapt the pump to the department's specifications so that the pump may be effectively sealed; or

(2) replace, in whole or in part, the pump with a pump employing an effectively sealable gallonage totalizer, as determined by the department.

(e) A person's failure to comply with subsection (c) or (d) shall be considered evidence that the revenue of the person is in jeopardy.

(f) A person that, without authorization, removes, alters, defaces, or covers a sign that:

(1) is posted by the department; and

(2) states that transactions involving special fuel or kerosene may not be made at a location;

commits a Class B misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the offense is committed with intent to evade the tax imposed by this chapter or defraud the state.

~~(h)~~ **(g)** A person that sells special fuel or kerosene shall notify the department of the following:

(1) A broken fuel pump seal.

(2) A removed, altered, defaced, or covered sign that was posted by the department.

~~(i)~~ **(h)** A person that sells special fuel or kerosene that fails to notify the department, as required by subsection ~~(h),~~ **(g),** after:

(1) a fuel pump seal is broken; or

(2) a sign that was posted by the department is removed, altered, defaced, or covered;

commits a ~~Class D~~ **Level 6** felony.

SECTION 97. IC 6-7-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. A distributor or other person who knowingly sells or offers for sale an individual package, having affixed thereto any fraudulent, spurious, imitation, or counterfeit stamp, or stamp which has been previously affixed,

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commits a ~~Class C~~ **Level 5** felony. A person who knowingly affixes to an individual package either a fraudulent, spurious, imitation, or counterfeit stamp or a stamp which has previously been affixed to an individual package commits a ~~Class C~~ **Level 5** felony.

SECTION 98. IC 6-7-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 24. (a) Whenever the department discovers any cigarettes which are subject to tax under this chapter and upon which the tax has not been paid or the stamps affixed as required, it may seize and take possession of the cigarettes together with any vending machine or receptacle in which they are held for sale. The seized cigarettes, vending machine, or receptacle, not including money contained in the vending machine or receptacle, shall be forfeited to the state. The department may, within a reasonable time after the seizure:

(1) sell the forfeited cigarettes and vending machines or receptacles at public auction, but the department shall require the purchaser to affix the proper amount of the stamps to the cigarettes upon delivery to the purchaser;

(2) permit the person from whom the cigarettes were seized to redeem the cigarettes and any vending machine or receptacle seized therewith, by the payment of the tax due together with a penalty of fifty percent (50%) and the costs incurred in the proceeding; or

(3) destroy the confiscated cigarettes and vending machine or receptacle.

(b) The confiscation, destruction, sale, or redemption of cigarettes does not relieve any person of criminal penalties imposed for violation of this chapter.

(c) Any person who sells or holds for sale any packages of cigarettes not bearing Indiana tax stamps commits a Class A misdemeanor. This subsection does not apply to distributors or to employees of the department who are performing their official duties.

(d) The possession of more than one thousand five hundred (1,500) cigarettes in packages not bearing Indiana tax stamps by any person other than a distributor, a common carrier, or an employee of the state or federal government performing ~~his~~ **the employee's** official duties in the enforcement of this chapter constitutes prima facie evidence that the cigarettes are possessed for the purpose of sale.

(e) A person who knowingly possesses more than twelve thousand (12,000) cigarettes not bearing Indiana tax stamps and who has previously been convicted of a misdemeanor for possession or sale of unstamped cigarettes commits a ~~Class D~~ **Level 6** felony.

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SECTION 99. IC 6-7-2-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. A distributor who knowingly:

(1) acts as a distributor without a license;

(2) makes a false statement in a report under this chapter; or

(3) does not pay the tax for which the distributor is liable under this chapter;

commits a Class B misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if it is committed with intent to evade the tax imposed by this chapter or to defraud the state.

SECTION 100. IC 6-8-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. Any person charging against or deducting from any payment due to any other person any amount being or represented as being a tax levied by this chapter or receiving money or credits as or purporting to be such a tax is a trustee of the amounts so charged, deducted, or received. A trustee who fails to pay any of those amounts to the department when due, with intent to evade payment of the tax, commits a ~~Class D~~ **Level 6** felony.

SECTION 101. IC 6-8-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 24. It is a Class B misdemeanor for a person to fail to make any return required to be made under this chapter, or to make any false return, with intent to defraud the state or to evade the payment of the tax, or any part thereof, imposed by this chapter. It is a Class B misdemeanor for a person to recklessly fail to permit the examination of any book, paper, account, record, or other data by the department or its authorized agents, as required by this chapter, to recklessly fail to permit the inspection or appraisal of any property by the department or its authorized agents, or to knowingly fail to offer testimony or produce any record as required in this chapter. A person who makes a false statement, with intent to defraud the state or to evade the payment of the tax imposed under this chapter, commits a ~~Class D~~ **Level 6** felony.

SECTION 102. IC 6-9-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A member of the convention and visitor bureau created under section 3 of this chapter ~~or the economic development authority created under section 7 of this chapter~~ who knowingly:

(1) approves the transfer of money to any person or corporation not qualified under law for that transfer; or

(2) approves a transfer for a purpose not permitted under law;

commits a ~~Class D~~ **Level 6** felony.

(b) A person who receives a transfer of money under this chapter

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and knowingly uses that money for any purpose not permitted under this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 103. IC 6-9-2.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A member of the commission who knowingly:

(1) approves the transfer of funds to any person not qualified under this chapter for such a transfer; or

(2) approves a transfer for a purpose not permitted under this chapter;

commits a ~~Class D~~ **Level 6** felony.

(b) A person who receives a transfer of funds under this chapter and knowingly uses those funds for any purpose other than a proposal approved by the commission commits a ~~Class D~~ **Level 6** felony.

SECTION 104. IC 6-9-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A member of the commission who knowingly approves the transfer of funds to any person not qualified under this chapter for such a transfer, or approves a transfer for a purpose not permitted under this chapter, commits a ~~Class D~~ **Level 6** felony.

(b) A person who receives a transfer of funds under this chapter and knowingly uses the funds for any purpose other than a proposal approved by the commission commits a ~~Class D~~ **Level 6** felony.

SECTION 105. IC 6-9-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. Any person or officer or employee of a corporation who receives a transfer of funds under this chapter and who uses the funds for any purpose other than a proposal approved by the commission commits a ~~Class D~~ **Level 6** felony.

SECTION 106. IC 6-9-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Any member of the commission who approves the transfer of funds to any person or corporation not qualified under this chapter for that transfer or who approves a transfer for a purpose not permitted under this chapter commits a ~~Class D~~ **Level 6** felony.

(b) Any person or officer or employee of a corporation who receives a transfer of funds under this chapter and who uses those funds for any purpose other than a proposal approved by the commission commits a ~~Class D~~ **Level 6** felony.

SECTION 107. IC 6-9-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A person who approves the transfer of funds to any person not qualified under this chapter for that transfer, or approves a transfer for a purpose not

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permitted under this chapter, commits a ~~Class D~~ **Level 6** felony.

(b) A person who receives a transfer of funds under this chapter and knowingly uses the funds for any purpose other than a proposal approved by the board commits a ~~Class D~~ **Level 6** felony.

SECTION 108. IC 6-9-10.5-12, AS ADDED BY P.L.172-2011, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) A member of a commission created under section 9 of this chapter who knowingly:

(1) approves the transfer of money to any person or corporation not qualified under law to receive the transfer; or

(2) approves a transfer for a purpose not permitted under law;

commits a ~~Class D~~ **Level 6** felony.

(b) A person who receives a transfer of money under this chapter and knowingly uses the money for any purpose not permitted under this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 109. IC 6-9-11-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A member of the commission who knowingly approves the transfer of funds to any person not qualified under this chapter for such a transfer, or approves a transfer for a purpose not permitted under this chapter, commits a ~~Class D~~ **Level 6** felony.

(b) A person who receives a transfer of funds under this chapter and knowingly uses the funds for any purpose other than a proposal approved by the commission commits a ~~Class D~~ **Level 6** felony.

SECTION 110. IC 6-9-14-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A member of the commission who knowingly approves the transfer of funds to any person not qualified under this chapter for such a transfer, or approves a transfer for a purpose not permitted under this chapter, commits a ~~Class D~~ **Level 6** felony.

(b) A person who receives a transfer of funds under this chapter and knowingly uses the funds for any purpose other than a proposal approved by the commission commits a ~~Class D~~ **Level 6** felony.

SECTION 111. IC 6-9-15-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A person who approves the transfer of funds to any person not qualified under this chapter for that transfer, or approves a transfer for a purpose not permitted under this chapter, commits a ~~Class D~~ **Level 6** felony.

(b) A person who receives a transfer of funds under this chapter and knowingly uses the funds for any purpose other than a proposal approved by the board commits a ~~Class D~~ **Level 6** felony.

SECTION 112. IC 6-9-16-8 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A member of the commission who knowingly approves the transfer of funds to any person not qualified under this chapter for such a transfer, or approves a transfer for a purpose not permitted under this chapter, commits a ~~Class D~~ **Level 6** felony.

(b) A person who receives a transfer of funds under this chapter and knowingly uses the funds for any purpose other than a proposal approved by the commission commits a ~~Class D~~ **Level 6** felony.

SECTION 113. IC 6-9-17-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A member of the commission who knowingly:

(1) approves the transfer of money to any person or corporation not qualified under law for that transfer; or

(2) approves a transfer for a purpose not permitted under law;

commits a ~~Class D~~ **Level 6** felony.

(b) A person who receives a transfer of money under this chapter and knowingly uses that money for any purpose not permitted under this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 114. IC 6-9-18-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A member of the commission who knowingly:

(1) approves the transfer of money to any person or corporation not qualified under law for that transfer; or

(2) approves a transfer for a purpose not permitted under law;

commits a ~~Class D~~ **Level 6** felony.

(b) A person who receives a transfer of money under this chapter and knowingly uses that money for any purpose not permitted under this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 115. IC 6-9-19-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A member of the commission who knowingly:

(1) approves the transfer of money to any person or corporation not qualified under law for that transfer; or

(2) approves a transfer for a purpose not permitted under law;

commits a ~~Class D~~ **Level 6** felony.

(b) A person who receives a transfer of money under this chapter and knowingly uses that money for any purpose not permitted under this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 116. IC 6-9-29-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. An individual who:

(1) is an individual taxpayer or an employee, an officer, or a member of a corporate or partnership taxpayer; and

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(2) has a duty to remit innkeeper's taxes to the department of state revenue or a political subdivision;

holds those innkeeper's taxes in trust for the state or political subdivision and is personally liable for the payment of the innkeeper's taxes, plus any penalties and interest attributable to the innkeeper's taxes, to the state or political subdivision. An individual who knowingly fails to collect or remit the innkeeper's taxes to the state or political subdivision commits a ~~Class D~~ **Level 6** felony.

SECTION 117. IC 6-9-32-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A member of the commission who knowingly:

(1) approves the transfer of money to any person or corporation not qualified under law for that transfer; or

(2) approves a transfer for a purpose not permitted under law;

commits a ~~Class D~~ **Level 6** felony.

(b) A person who receives a transfer of money under this chapter and knowingly uses that money for any purpose not permitted under this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 118. IC 6-9-37-8, AS ADDED BY P.L.214-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A member of the commission who knowingly:

(1) approves the transfer of money to any person or corporation not qualified under law for that transfer; or

(2) approves a transfer for a purpose not permitted under law;

commits a ~~Class D~~ **Level 6** felony.

(b) A person who receives a transfer of money under this chapter and knowingly uses that money for any purpose not permitted under this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 119. IC 7.1-3-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The commission shall not issue a beer retailer's permit, except as otherwise authorized in this title and subject to the other restrictions contained in this title, to the following persons:

(1) An alien.

(2) A person who:

(A) is not of good moral character and of good repute in the community in which the person resides; or

(B) has been convicted within ten (10) years before the date of application of:

(i) a federal crime having a sentence of at least one (1) year;

(ii) an Indiana Class A, Class B, or Class C **felony (for a**

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crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony **(for a crime committed after June 30, 2014);** or

(iii) a crime in a state other than Indiana having a penalty equal to the penalty for an Indiana Class A, Class B, or Class C **felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, Level 4, or Level 5** felony **(for a crime committed after June 30, 2014).**

(3) A person who does not own the premises to which the permit will be applicable, or who does not have a bona fide lease on the premises for the full period for which the permit is to be issued.

(4) A law enforcement officer or an officer who is not an elected officer of a municipal corporation, or governmental subdivision, or of this state, charged with any duty or function in the enforcement of this title.

(5) An officer or employee of a person engaged in the alcoholic beverage traffic, which person is a nonresident of this state, or is engaged in carrying on any phase of the manufacture of, traffic in, or transportation of alcoholic beverages without a permit under this title when a permit is required by this title.

(6) If the permit applicant does not hold a brewer's permit, a person who leases from a person, or an officer or agent of that person, who holds a brewer's permit or a beer wholesaler's permit.

(7) If the permit applicant does not hold a brewer's permit, a person who is indebted to a person who holds a brewer's permit or a beer wholesaler's permit, or an officer or agent of that person, for a debt secured by a lien, mortgage, or otherwise, upon the premises for which the beer retailer's permit is to be applicable, or upon any of the property or fixtures on the premises, or used, or to be used in connection with the premises.

(8) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required for the issuance of a beer retailer's permit to the person.

(9) A minor.

(10) A person non compos mentis.

(11) A person who has held a permit under this title and who has had that permit revoked within one (1) year prior to the date of application for a beer retailer's permit.

(12) A person who has made an application for a permit of any type which has been denied less than one (1) year prior to the person's application for a beer retailer's permit unless the first

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application was denied by reason of a procedural or technical defect.

(13) A person who is not the proprietor of a restaurant located and being operated on the premises described in the application for the beer retailer's permit, or of a hotel, or of a club, owning, or leasing the premises as a part of it. The disqualification contained in this subdivision shall not apply to the qualifications for or affect the privileges to be accorded under a beer dealer's permit or a dining car beer permit.

(b) Subsection (a)(9) does not prevent a minor from being a stockholder in a corporation.

SECTION 120. IC 7.1-3-26-15, AS ADDED BY P.L.165-2006, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) Except as provided in subsections (b) and (c), a seller who violates this chapter commits a Class A infraction.

(b) Except as provided in subsection (d), a seller who:

(1) knowingly or intentionally violates this chapter; and

(2) has one (1) prior unrelated conviction or judgment for an infraction under this section for an act or omission that occurred not more than ten (10) years before the act or omission that is the basis for the most recent conviction or judgment for an infraction;

commits a Class A misdemeanor.

(c) Except as provided in subsection (d), a seller who:

(1) knowingly or intentionally violates this chapter; and

(2) has at least two (2) prior unrelated convictions or judgments for infractions under this section for acts or omissions that occurred not more than ten (10) years before the act or omission that is the basis for the most recent conviction or judgment for an infraction;

commits a ~~Class D~~ **Level 6** felony.

(d) A person who violates section 6(5) of this chapter commits a Class A infraction. The commission may consider an infraction committed under this subsection in its determination of whether to renew a seller's permit.

SECTION 121. IC 7.1-5-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. ~~Felony Penalty.~~ A person who knowingly violates IC 7.1-5-4-3, IC 7.1-5-4-6, or IC 7.1-5-6-4 commits a ~~Class D~~ **Level 6** felony.

SECTION 122. IC 7.1-5-1-9.5, AS AMENDED BY P.L.1-2006, SECTION 150, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9.5. (a) An in state or an out of state vintner, distiller, brewer, rectifier, or importer that:

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(1) holds a basic permit from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives; and

(2) knowingly violates IC 7.1-5-11-1.5;

commits a Class A misdemeanor.

(b) A person who:

(1) is not described in subsection (a); and

(2) knowingly violates IC 7.1-5-11-1.5;

commits a ~~Class D~~ **Level 6** felony.

(c) If the chairman of the alcohol and tobacco commission or the attorney general determines that a vintner, distiller, brewer, rectifier, or importer that holds a basic permit from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives has made an illegal shipment of an alcoholic beverage to consumers in Indiana, the chairman shall:

(1) notify the federal Bureau of Alcohol, Tobacco, Firearms and Explosives in writing and by certified mail of the official determination that state law has been violated; and

(2) request the federal bureau to take appropriate action.

SECTION 123. IC 7.1-5-7-8, AS AMENDED BY P.L.94-2008, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) It is a Class B misdemeanor for a person to recklessly, knowingly, or intentionally sell, barter, exchange, provide, or furnish an alcoholic beverage to a minor.

(b) However, the offense described in subsection (a) is:

(1) a Class A misdemeanor if the person has a prior unrelated conviction under this section; and

(2) a ~~Class D~~ **Level 6** felony if the consumption, ingestion, or use of the alcoholic beverage is the proximate cause of the serious bodily injury or death of any person.

(c) This section shall not be construed to impose civil liability upon any postsecondary educational institution, including public and private universities and colleges, business schools, vocational schools, and schools for continuing education, or its agents for injury to any person or property sustained in consequence of a violation of this section unless such institution or its agent sells, barters, exchanges, provides, or furnishes an alcoholic beverage to a minor.

SECTION 124. IC 7.1-5-10-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. (a) A person who knowingly or intentionally visits a building, structure, vehicle, or other place when it is being used by any person to buy an alcoholic beverage (if the sale is in violation of section 5 of this chapter) commits visiting a common nuisance, a Class B misdemeanor.

(b) A person who knowingly or intentionally maintains a building,

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structure, vehicle, or other place that is used for the sale of alcoholic beverages (if the sale is in violation of section 5 of this chapter) commits maintaining a common nuisance, a ~~Class D~~ **Level 6** felony.

SECTION 125. IC 7.1-5-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. ~~Transportation of Untaxed Beverage Prohibited.~~ It is a ~~Class D~~ **Level 6** felony for a person to transport an alcoholic beverage on a public highway, knowing that any of the taxes due the state on it are not paid. This section does not apply to a permittee, or a duly licensed carrier for a permittee, who is lawfully entitled to hold or possess an alcoholic beverage without the payment of the excise tax on it prior to the time that it is withdrawn for sale.

SECTION 126. IC 8-1-2-79 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 79. (a) Whenever a public utility desires to issue bonds, notes, or other evidences of indebtedness, payable more than one (1) year from the execution thereof, or preferred or common stock, it shall file with the commission a petition verified by its president or vice-president, and secretary or assistant secretary, or by two (2) of its incorporators, if it has no such officers, setting forth:

(1) the principal amount of bonds, notes, or other evidences of indebtedness, and the par value or number of shares of preferred and common stock;

(2) the minimum price for which said securities are to be disposed of or sold;

(3) the purposes for which said securities are to be disposed of or sold;

(4) the description, cost, or value of any property acquired or to be acquired from the proceeds of the disposal or sale of said securities;

(5) a balance sheet and income account; and

(6) all other information that may be relevant or that may be required by the commission.

For the purpose of enabling it to determine whether the proposed issue is in the public interest, in accordance with laws touching the issuance of securities by public utilities, and reasonably necessary in the operation and management of the business of the utility in order that the utility may provide adequate service and facilities, the commission also may consider the total outstanding capitalization of the utility, including the proposed issue, in relation to the total value of or investment in the property of the utility, including the property to be acquired by the proposed issue, as shown by the balance sheet,

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accounts, or reports of the utility, the records of the commission, or other evidence, and the character and proportionate amount of each kind of security, including the proposed issue, and the unamortized discount suffered by the utility in the sale of the outstanding securities. The commission shall make such further inquiry or investigation, hold such hearing or hearings, and examine such witnesses, books, papers, documents, or contracts as it may deem of importance in enabling it to reach a decision.

(b) An owner, officer, or agent of any public utility who knowingly violates this section, or knowingly makes any material misrepresentation or misstatements in connection with this section, commits a ~~Class D~~ **Level 6** felony.

SECTION 127. IC 8-1-2-102 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 102. (a) The definitions set forth in IC 3-5-2 apply to this section.

(b) No public utility, or any agent or officer thereof, or any agent or officer of a political subdivision constituting a public utility, as defined in this chapter, may offer or give, for any purpose, to any political committee or any member or employee thereof, candidate for, or incumbent of, any office or position under the constitution or laws of Indiana, or under any political subdivision or to any person, at the request, or for the advantage of, any of them, any frank, privilege, or property withheld from any person for any product or service produced, transmitted, delivered, furnished, or rendered, or to be produced, transmitted, delivered, furnished, or rendered by any public utility or any free product or service.

(c) No political committee, or member or employee thereof, or candidate for or incumbent of any office or position under the constitution or laws of Indiana or under any political subdivision may ask for or accept from any public utility, or any agent or officer thereof, or any agent or officer of any political subdivision constituting a public utility, as defined in this chapter, or use, in any matter or for any purpose, any frank or privilege withheld from any person for any product or service produced, transmitted, delivered, furnished, or rendered, or to be produced, transmitted, delivered, furnished, or rendered by any public utility.

(d) A person who knowingly violates this section commits a ~~Class D~~ **Level 6** felony.

(e) This chapter does not:

(1) prevent any public utility, carrier, or agent or officer thereof, from furnishing free or reduced service or transportation to any bona fide employee or officer thereof;

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(2) prohibit any carrier from carrying free, or at reduced rates, agricultural experiment and demonstration cars or trains and the lecturers and necessary demonstrators accompanying such trains or cars; or

(3) prohibit any carrier from carrying free, or at reduced rates, its furloughed, pensioned, or superannuated employees, persons who have become disabled or infirm in its service, the remains of any person killed in its service, or the unremarried surviving spouses and dependent children under eighteen (18) years of age of persons who died in its service.

SECTION 128. IC 8-2-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who, with intent to defraud:

(1) falsely makes, alters, forges, counterfeits, prints, or photographs any bill of lading purporting to represent goods received for shipment intrastate in Indiana;

(2) utters or publishes as true and genuine any such falsely made, altered, forged, counterfeited, printed, or photographed bill of lading; or

(3) issues, negotiates, or transfers for value a bill which contains a false statement as to the receipt of the goods, or as to any other matter;

commits a ~~Class D~~ **Level 6** felony.

SECTION 129. IC 8-10-1-29, AS AMENDED BY P.L.98-2008, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) Unless the ports of Indiana declares an emergency, the ports of Indiana may not during any six (6) month period make separate contracts with another party for similar construction projects or the purchase of similar equipment, materials, or supplies under IC 8-10-1-7(5) without advertising for and accepting public bids, if the aggregate cost of the separate contracts is more than twenty-five thousand dollars ($25,000).

(b) A commission member or an employee of the ports of Indiana who knowingly violates subsection (a) commits a ~~Class D~~ **Level 6** felony.

(c) A person who accepts a contract with the ports of Indiana knowing that subsection (a) was violated in connection with the contract commits a ~~Class D~~ **Level 6** felony and may not be a party to or benefit from any contract with a public body in the state for two (2) years from the date of the person's conviction.

SECTION 130. IC 8-15.5-13-8, AS ADDED BY P.L.47-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2014]: Sec. 8. A person who knowingly or intentionally violates this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 131. IC 8-15.7-16-8, AS ADDED BY P.L.47-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. A person who knowingly or intentionally violates this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 132. IC 8-23-23-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. An inspector who knowingly permits:

(1) construction of a highway contrary to the specifications;

(2) the use of inferior materials not provided for in the specifications; or

(3) the use of a lesser amount of materials than provided for in the specifications;

commits a ~~Class D~~ **Level 6** felony.

SECTION 133. IC 9-17-3-3.2, AS AMENDED BY P.L.125-2012, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.2. (a) When a certificate of title is available and a vehicle is sold or transferred to a person other than a dealer licensed in Indiana, the seller or transferor shall fill in all blanks on the certificate of title relating to buyer information, including the sale price.

(b) The knowing or intentional failure of the seller or transferor to fill in all buyer information is a Class A misdemeanor for the first offense and a ~~Class D~~ **Level 6** felony for the second or subsequent offense under ~~IC 9-17-3-7(c)(2).~~ **section 7(c)(2) of this chapter.**

SECTION 134. IC 9-17-3-7, AS AMENDED BY P.L.131-2008, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) This section does not apply to section 5 of this chapter.

(b) Except as provided in subsection (c), a person who violates this chapter commits a Class C infraction.

(c) A person who knowingly or intentionally violates:

(1) section 3(a)(1), 3(a)(2), 3(a)(4), or 3(a)(5) of this chapter commits a Class B misdemeanor; or

(2) section 3(a)(3) of this chapter commits:

(A) a Class A misdemeanor for the first violation; or

(B) a ~~Class D~~ **Level 6** felony for the second violation or any subsequent violation.

SECTION 135. IC 9-17-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) Except as provided under subsection (b), a person who violates this chapter

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commits a Class C infraction.

(b) A person who knowingly damages, removes, covers, or alters an identification number commits a ~~Class C~~ **Level 5** felony.

SECTION 136. IC 9-18-8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. A person who owns or possesses a vehicle knowing the vehicle to be in violation of section 2, 3, or 4 of this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 137. IC 9-18-8-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. A person who knowingly:

(1) damages;
(2) removes;
(3) covers; or
(4) alters;

an original or a special identification number commits a ~~Class C~~ **Level 5** felony.

SECTION 138. IC 9-18-8-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. A person who knowingly sells or offers for sale a motor vehicle that has had the original or special identification number:

(1) destroyed;
(2) removed;
(3) altered;
(4) covered; or
(5) defaced;

commits a ~~Class D~~ **Level 6** felony.

SECTION 139. IC 9-18-8-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. A person who knowingly or intentionally sells or offers for sale a motor vehicle part that has had the identification number:

(1) destroyed;
(2) removed;
(3) altered;
(4) covered; or
(5) defaced;

commits a ~~Class D~~ **Level 6** felony.

SECTION 140. IC 9-18-8-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) Subsection (c) does not apply to a person who manufactures or installs a plate or label containing an identification number:

(1) in a program authorized by a manufacturer of motor vehicles or motor vehicle parts; or

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(2) with permission granted by the bureau under this chapter.

(b) As used in this section, "identification number" means a set of numbers, letters, or numbers and letters that is assigned to a motor vehicle or motor vehicle part:

(1) by a manufacturer of motor vehicles or motor vehicle parts; or

(2) by a governmental entity in Indiana or another state to replace a destroyed, a removed, an altered, or a defaced set of numbers, letters, or numbers and letters assigned by a manufacturer of motor vehicles or motor vehicle parts.

(c) A person who knowingly or intentionally possesses a plate or label that:

(1) contains an identification number; and

(2) is not attached to the motor vehicle or motor vehicle part to which the identification number was assigned by a manufacturer of motor vehicles or motor vehicle parts or a governmental entity;

commits a ~~Class D~~ **Level 6** felony.

(d) A person who knowingly or intentionally possesses a plate or label on which an identification number has been altered or removed commits a ~~Class D~~ **Level 6** felony.

(e) A person who, with intent to defraud, possesses a plate or label containing a set of numbers, letters, or numbers and letters that purports to be an identification number commits a ~~Class D~~ **Level 6** felony.

SECTION 141. IC 9-19-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A person who, with intent to defraud:

(1) violates this chapter; or

(2) omits to do any act that is required by this chapter;

commits a ~~Class D~~ **Level 6** felony.

SECTION 142. IC 9-19-10.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who violates section 2 of this chapter commits a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if a person in a motor vehicle is injured as a result of the air bag tampering.

SECTION 143. IC 9-19-10.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A person who violates section 3 of this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 144. IC 9-21-8-56, AS AMENDED BY P.L.66-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 56. (a) For purposes of this section, "highway work zone" has the meaning set forth in IC 8-23-2-15.

(b) Except as provided in subsections (f) through (h), a person who

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recklessly operates a vehicle in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor.

(c) Except as provided in subsections (f) through (h), a person who knowingly, intentionally, or recklessly operates a motor vehicle in the immediate vicinity of a highway work zone when workers are present with the intent to:

(1) damage traffic control devices; or

(2) inflict bodily injury on a worker;

commits a Class A misdemeanor.

(d) Except as provided in subsections (f) through (h), a person who knowingly, intentionally, or recklessly engages in:

(1) aggressive driving, as defined in section 55 of this chapter; or

(2) a speed contest, as prohibited under IC 9-21-6-1;

in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor.

(e) Except as provided in subsections (f) through (h), a person who recklessly fails to obey a traffic control device or flagman, as prohibited under section 41 of this chapter, in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor.

(f) An offense under subsection (b), (c), (d), or (e) is a ~~Class D~~ **Level 6** felony if the person who commits the offense:

(1) has a prior unrelated conviction under this section in the previous five (5) years; or

(2) is operating the vehicle in violation of IC 9-30-5-1 or IC 9-30-5-2.

(g) An offense under subsection (b), (c), (d), or (e) is a ~~Class D~~ **Level 6** felony if the offense results in bodily injury to a worker in the worksite.

(h) An offense under subsection (b), (c), (d), or (e) is a ~~Class C~~ **Level 5** felony if the offense results in the death of a worker in the worksite.

(i) A person who knowingly, intentionally, or recklessly engages in an act described in section 55(b)(1), 55(b)(2), 55(b)(3), 55(b)(4), 55(b)(5), or 55(b)(6) of this chapter in the immediate vicinity of a highway work zone when workers are present commits a Class B infraction. Notwithstanding IC 34-28-5-5(c), the funds collected as judgments for an infraction under this subsection shall be transferred to the Indiana department of transportation to pay the costs of hiring off duty police officers to perform the duties described in IC 8-23-2-15(b).

SECTION 145. IC 9-22-3-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 31. A person who

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knowingly possesses, buys, sells, exchanges, gives away, or offers to buy, sell, exchange or give away a manufacturer's identification plate or serial plate that has been removed from a motor vehicle, motorcycle, semitrailer, or recreational vehicle that is a total loss or salvage commits a ~~Class D~~ **Level 6** felony.

SECTION 146. IC 9-22-3-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 32. A person who knowingly possesses, buys, sells, exchanges, gives away, or offers to buy, sell, exchange, or give away a certificate of title or ownership papers from a nontitle state of a motor vehicle, motorcycle, semitrailer, or recreational vehicle that is a total loss or salvage commits a ~~Class D~~ **Level 6** felony.

SECTION 147. IC 9-22-3-33, AS AMENDED BY P.L.125-2012, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 33. A person who **knowingly** violates section 4, 5, 6, 7, or 8 of this chapter (or section 9 of this chapter before its repeal) commits a ~~Class D~~ **Level 6** felony.

SECTION 148. IC 9-24-6-6, AS AMENDED BY P.L.125-2012, SECTION 191, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The following, if committed while driving a commercial motor vehicle or while holding any class of commercial driver's license or permit, are serious traffic violations:

(1) Operating a vehicle at least fifteen (15) miles per hour above the posted speed limit in violation of IC 9-21-5, IC 9-21-6, or IC 9-21-5-14.

(2) Operating a vehicle recklessly as provided in IC 9-21-8-50 and IC 9-21-8-52.

(3) Improper or erratic traffic lane changes in violation of IC 9-21-8-2 through IC 9-21-8-13 and IC 9-21-8-17 through IC 9-21-8-18.

(4) Following a vehicle too closely in violation of IC 9-21-8-14 through IC 9-21-8-16.

(5) In connection with a fatal accident, violating any statute, ordinance, or rule concerning motor vehicle traffic control other than parking statutes, ordinances, or rules.

(6) Operating a vehicle while disqualified under this chapter.

(7) For drivers who are not required to always stop at a railroad crossing, failing to do any of the following:

(A) Slow down and determine that the railroad tracks are clear of an approaching train or other on-track equipment, in violation of IC 9-21-5-4, IC 9-21-8-39, ~~IC 35-42-2-4,~~ **IC 35-44.1-2-13,** or any similar statute.

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(B) Stop before reaching the railroad crossing, if the railroad tracks are not clear of an approaching train or other on-track equipment, in violation of IC 9-21-4-16, IC 9-21-8-39, or any similar statute.

(8) For all drivers, whether or not they are required to always stop at a railroad crossing, to do any of the following:

(A) Stopping in a railroad crossing, in violation of IC 9-21-8-50 or any similar statute.

(B) Failing to obey a traffic control device or failing to obey the directions of a law enforcement officer at a railroad crossing, in violation of IC 9-21-8-1 or any similar statute.

(C) Stopping in a railroad crossing because of insufficient undercarriage clearance, in violation of ~~IC 35-42-2-4,~~ **IC 35-44.1-2-13,** IC 9-21-8-50, or any similar statute.

(9) Operating a commercial motor vehicle without having ever obtained a commercial driver's license or permit.

(10) Operating a commercial motor vehicle without a commercial driver's license or permit in the possession of the individual.

(11) Operating a commercial motor vehicle without holding the proper class or endorsement of a commercial driver's license or permit for the operation of the class of the commercial motor vehicle.

(12) Driving a commercial motor vehicle while using a hand-held mobile device as set forth in 49 CFR 383 through 384, and 49 CFR 390 through 392.

(b) Subsection (a)(1) through (a)(11) are intended to comply with the provisions of 49 U.S.C. 31311(a)(10) and regulations adopted under that statute.

SECTION 149. IC 9-24-11-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Except as provided in subsections (b) and (c), a person who violates this chapter commits a Class C infraction.

(b) A person who:

(1) has been issued a permit or license on which there is a printed or stamped restriction as provided under section 7 of this chapter; and

(2) operates a motor vehicle in violation of the restriction;

commits a Class C misdemeanor. The license of a person who violates this subsection may be suspended in the manner provided for the suspension or revocation of an operator's license.

(c) A person who causes serious bodily injury to or the death of another person when operating a motor vehicle after knowingly or

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intentionally failing to take prescribed medication, the taking of which was a condition of the issuance of the operator's restricted license under section 7 of this chapter, commits a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if, within the five (5) years preceding the commission of the offense, the person had a prior unrelated conviction under this subsection.

(d) A person who violates subsection (c) commits a separate offense for each person whose serious bodily injury or death is caused by the violation of subsection (c).

SECTION 150. IC 9-24-15-6.5, AS AMENDED BY P.L.125-2012, SECTION 220, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6.5. (a) The court shall grant a petition for restricted driving privileges filed under this chapter if all of the following conditions exist:

(1) The person was not convicted of one (1) or more of the following:

(A) A Class D felony under IC 9-30-5-4 before July 1, 1996, or a Class D felony, ~~or~~ a Class C felony, **a Level 6 felony, or a Level 5 felony** under IC 9-30-5-4 after June 30, 1996.

(B) A Class C felony under IC 9-30-5-5 before July 1, 1996, or a Class C felony, ~~or~~ a Class B felony, **a Level 5 felony, a Level 4 felony, or a Level 3 felony** under IC 9-30-5-5 after June 30, 1996.

(2) The person's driving privileges were suspended under IC 9-30-6-9(c) or IC 35-48-4-15.

(3) The driving that was the basis of the suspension was not in connection with the person's work.

(4) The person does not have a previous conviction for operating while intoxicated.

(5) The person is participating in a rehabilitation program certified by either the division of mental health and addiction or the Indiana judicial center.

(b) The person filing the petition for restricted driving privileges shall include in the petition the information specified in subsection (a) in addition to the information required by sections 3 through 4 of this chapter.

(c) Whenever the court grants a person restricted driving privileges under this chapter, that part of the court's order granting probationary driving privileges shall not take effect until the person's driving privileges have been suspended for at least thirty (30) days under IC 9-30-6-9. In a county that provides for the installation of an ignition interlock device under IC 9-30-8, installation of an ignition interlock

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device is required as a condition of probationary driving privileges for the entire duration of the probationary driving privileges.

(d) If a court requires installation of a certified ignition interlock device under subsection (c), the court shall order the bureau to record this requirement in the person's driving record in accordance with IC 9-14-3-7. When the person is no longer required to operate only a motor vehicle equipped with an ignition interlock device, the court shall notify the bureau that the ignition interlock use requirement has expired and order the bureau to update its records accordingly.

SECTION 151. IC 9-24-16-12, AS AMENDED BY P.L.109-2011, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) A person who:

(1) knowingly permits the use of an identification card issued under this chapter by a person other than the person to whom the card was issued;

(2) knowingly displays or represents as the person's own identification card issued under this chapter an identification card that was not issued to the person displaying the card;

(3) does not surrender, upon demand of the proper official, an identification card issued under this chapter that has become invalid or expired; or

(4) knowingly sells, offers to sell, buys, possesses, or offers a false identification card that could reasonably be mistaken for a valid identification card required by this chapter to be issued by the bureau but that has not been issued by the bureau;

commits a Class B misdemeanor.

(b) A person who:

(1) knowingly or intentionally uses false information in an application:

(A) for an identification card issued under this chapter; or

(B) for a renewal, amendment, or replacement of an identification card issued under this chapter; or

(2) knowingly or intentionally makes a false statement or otherwise commits fraud in an application for an identification card issued under this chapter;

commits application fraud, a ~~Class D~~ **Level 6** felony.

SECTION 152. IC 9-24-18-2, AS AMENDED BY P.L.109-2011, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person may not do any of the following:

(1) Display, cause or permit to be displayed, or have in possession a license or permit issued under this article knowing that the license or permit is fictitious or has been canceled, revoked,

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suspended, or altered.

(2) Lend to a person or knowingly permit the use by a person not entitled to use a license or permit a license or permit issued under this article.

(3) Display or represent as the person's license or permit issued under this article a license or permit not issued to the person.

(4) Fail or refuse to surrender, upon demand of the proper official, a license or permit issued under this article that has been suspended, canceled, or revoked as provided by law.

(5) Knowingly sell, offer to sell, buy, possess, or offer as genuine, a license or permit required by this article to be issued by the bureau that has not been issued by the bureau under this article or by the appropriate authority of any other state.

A person who knowingly or intentionally violates this subsection commits a Class C misdemeanor.

(b) A person who:

(1) knowingly or intentionally uses a false or fictitious name or gives a false or fictitious address in an application:

(A) for a license or permit issued under this article; or

(B) for a renewal, amendment, or replacement of a license or permit issued under this article; or

(2) knowingly or intentionally makes a false statement or conceals a material fact or otherwise commits a fraud in an application for a license or permit issued under this article;

commits application fraud, a ~~Class D~~ **Level 6** felony.

SECTION 153. IC 9-24-19-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who violates section 3 of this chapter commits a ~~Class D~~ **Level 6** felony if the operation results in bodily injury or serious bodily injury.

(b) A person who violates section 3 of this chapter commits a ~~Class C~~ **Level 5** felony if the operation results in the death of another person.

SECTION 154. IC 9-26-1-8, AS AMENDED BY P.L.126-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A person who knowingly or intentionally fails to stop or comply with section 1(1) or 1(2) of this chapter after causing injury to a person commits a Class A misdemeanor. However, the offense is:

(1) a ~~Class D~~ **Level 6** felony if:

(A) the accident involves serious bodily injury to a person; or

(B) within the five (5) years preceding the commission of the offense, the person had a previous conviction of any of the offenses listed in IC 9-30-10-4(a);

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(2) a ~~Class C~~ **Level 5** felony if the accident involves the death of a person; and

(3) a ~~Class B~~ **Level 4** felony if the person knowingly or intentionally fails to stop or comply with section 1(1) or 1(2) of this chapter after committing operating while intoxicated causing serious bodily injury (IC 9-30-5-4).

(b) A person who knowingly or intentionally fails to stop or comply with section 3 or 4 of this chapter after causing damage to the property of another person commits a Class B misdemeanor.

SECTION 155. IC 9-30-5-3, AS AMENDED BY P.L.126-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) Except as provided in subsection (b), a person who violates section 1 or 2 of this chapter commits a ~~Class D~~ **Level 6** felony if:

(1) the person has a previous conviction of operating while intoxicated that occurred within the five (5) years immediately preceding the occurrence of the violation of section 1 or 2 of this chapter; or

(2) the person:

(A) is at least twenty-one (21) years of age;

(B) violates section 1(b) or 2(b) of this chapter; and

(C) operated a vehicle in which at least one (1) passenger was less than eighteen (18) years of age.

(b) A person who violates section 1 or 2 of this chapter or subsection (a)(2) ~~of this section,~~ commits a ~~Class C~~ **Level 5** felony if:

(1) the person has a previous conviction of operating while intoxicated causing death (IC 9-30-5-5); or

(2) the person has a previous conviction of operating while intoxicated causing serious bodily injury (IC 9-30-5-4).

SECTION 156. IC 9-30-5-4, AS AMENDED BY P.L.125-2012, SECTION 335, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who causes serious bodily injury to another person when operating a vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body; or

(3) while intoxicated;

commits a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~ **Level 5** felony if the person has a previous conviction of operating

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while intoxicated within the five (5) years preceding the commission of the offense.

(b) A person who violates subsection (a) commits a separate offense for each person whose serious bodily injury is caused by the violation of subsection (a).

(c) It is a defense under subsection (a)(2) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 157. IC 9-30-5-5, AS AMENDED BY P.L.125-2012, SECTION 336, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person who causes the death of another person when operating a vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood; or

(3) while intoxicated;

commits a ~~Class C~~ **Level 5** felony. However, the offense is a ~~Class B~~ **Level 4** felony if the person has a previous conviction of operating while intoxicated within the five (5) years preceding the commission of the offense, or if the person operated the vehicle when the person knew that the person's driver's license, driving privilege, or permit is suspended or revoked for a previous conviction for operating a vehicle while intoxicated.

(b) A person at least twenty-one (21) years of age who causes the death of another person when operating a vehicle:

(1) with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath; or

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood;

commits a ~~Class B~~ **Level 4** felony.

(c) A person who causes the death of a law enforcement animal (as defined in IC 35-46-3-4.5) when operating a vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath; or

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(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood;

commits a ~~Class D~~ **Level 6** felony.

(d) A person who violates subsection (a), (b), or (c) commits a separate offense for each person or law enforcement animal whose death is caused by the violation of subsection (a), (b), or (c).

(e) It is a defense under subsection (a)(2), (b)(2), or (c)(2) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 158. IC 9-30-10-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A person who operates a motor vehicle:

(1) while the person's driving privileges are validly suspended under this chapter or IC 9-12-2 (repealed July 1, 1991) and the person knows that the person's driving privileges are suspended; or

(2) in violation of restrictions imposed under this chapter or IC 9-12-2 (repealed July 1, 1991) and who knows of the existence of the restrictions;

commits a ~~Class D~~ **Level 6** felony.

(b) Service by the bureau of notice of the suspension or restriction of a person's driving privileges under subsection (a)(1) or (a)(2):

(1) in compliance with section 5 of this chapter; and

(2) by first class mail to the person at the last address shown for the person in the bureau's records;

establishes a rebuttable presumption that the person knows that the person's driving privileges are suspended or restricted.

(c) In addition to any criminal penalty, a person who is convicted of a felony under subsection (a) forfeits the privilege of operating a motor vehicle for life. However, if judgment for conviction of a Class A misdemeanor is entered for an offense under subsection (a), the court may order a period of suspension of the convicted person's driving privileges that is in addition to any suspension of driving privileges already imposed upon the person.

SECTION 159. IC 9-30-10-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. A person who operates a motor vehicle after the person's driving privileges are forfeited for life under section 16 of this chapter, IC 9-4-13-14 (repealed April 1, 1984), or IC 9-12-3-1 (repealed July 1, 1991) commits a ~~Class C~~ **Level 5** felony.

SECTION 160. IC 9-30-13-2, AS AMENDED BY P.L.125-2012,

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SECTION 367, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. For a person who uses a motor vehicle to commit obstruction of traffic under ~~IC 35-42-2-4,~~ **IC 35-44.1-2-13,** the judge of the court in which the person is convicted may recommend that the driving privileges of the person be suspended for not less than sixty (60) days and not more than two (2) years.

SECTION 161. IC 9-31-2-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 27. A person who does any of the following commits a ~~Class D~~ **Level 6** felony:

(1) Alters or forges a certificate of title or a manufacturer's or importer's certificate to a watercraft, an assignment of either, or a cancellation of a lien on a watercraft.

(2) Holds or uses a certificate, assignment, or cancellation, knowing the document is altered or forged.

(3) Procures or attempts to procure a certificate of title to a watercraft or passes or attempts to pass a certificate of title or an assignment of title to a watercraft knowing or having reason to believe that the watercraft is stolen.

(4) Sells or offers for sale in Indiana a watercraft on which the manufacturer's or assigned hull identification number is destroyed, removed, covered, altered, or defaced, with knowledge of the destruction, removal, covering, alteration, or defacement of the manufacturer's or assigned hull identification number.

(5) Destroys, removes, alters, or defaces the manufacturer's or assigned hull identification number of a watercraft.

(6) Uses a false or fictitious name, gives a false or fictitious address, or makes a false statement in an application or certificate required under this chapter or in a bill of sale or sworn statement of ownership, or otherwise commits fraud in an application.

(7) Sells or transfers a watercraft without delivering to the purchaser or transferee of the watercraft a certificate of title or a manufacturer's or importer's certificate to the watercraft assigned to the purchaser as provided for in this chapter.

SECTION 162. IC 10-13-3-27, AS AMENDED BY P.L.48-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 27. (a) Except as provided in subsection (b), on request, a law enforcement agency shall release a limited criminal history to or allow inspection of a limited criminal history by noncriminal justice organizations or individuals only if the subject of the request:

(1) has applied for employment with a noncriminal justice

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organization or individual;
(2) has:
(A) applied for a license or is maintaining a license; and
(B) provided criminal history data as required by law to be provided in connection with the license;
(3) is a candidate for public office or a public official;
(4) is in the process of being apprehended by a law enforcement agency;
(5) is placed under arrest for the alleged commission of a crime;
(6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;
(7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;
(8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;
(9) is currently residing in a location designated by the department of child services (established by IC 31-25-1-1) or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location;
(10) has volunteered services at a public school (as defined in IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school;
(11) is being investigated for welfare fraud by an investigator of the division of family resources or a county office of the division of family resources;
(12) is being sought by the parent locator service of the child support bureau of the department of child services;
(13) is or was required to register as a sex or violent offender under IC 11-8-8;
(14) has been convicted of any of the following:
(A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
(B) Criminal deviate conduct (IC 35-42-4-2) **(repealed),** if the victim is less than eighteen (18) years of age.
(C) Child molesting (IC 35-42-4-3).
(D) Child exploitation (IC 35-42-4-4(b)).
(E) Possession of child pornography (IC 35-42-4-4(c)).
(F) Vicarious sexual gratification (IC 35-42-4-5).
(G) Child solicitation (IC 35-42-4-6).

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(H) Child seduction (IC 35-42-4-7).
(I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
(J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.
(K) Attempt under IC 35-41-5-1 to commit an offense listed in clauses (A) through (J).
(L) Conspiracy under IC 35-41-5-2 to commit an offense listed in clauses (A) through (J).
(M) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under clauses (A) through (J);

(15) is identified as a possible perpetrator of child abuse or neglect in an assessment conducted by the department of child services under IC 31-33-8; or

(16) is:
(A) a parent, guardian, or custodian of a child; or
(B) an individual who is at least eighteen (18) years of age and resides in the home of the parent, guardian, or custodian;

with whom the department of child services or a county probation department has a case plan, dispositional decree, or permanency plan approved under IC 31-34 or IC 31-37 that provides for reunification following an out-of-home placement.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

(1) Federally chartered or insured banking institutions.

(2) Officials of state and local government for any of the following purposes:
(A) Employment with a state or local governmental entity.
(B) Licensing.

(3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who knowingly or intentionally uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 163. IC 10-13-6-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. A person who

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knowingly or intentionally without lawful authority tampers with or attempts to tamper with any DNA sample or a container collected under section 10 of this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 164. IC 10-14-2-5, AS AMENDED BY P.L.2-2007, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) For purposes of this section, "member of the military or public safety officer" means an individual who is any of the following:

(1) A member of a fire department (as defined in IC 36-8-1-8).
(2) An emergency medical service provider (as defined in IC 16-41-10-1).
(3) A member of a police department (as defined in IC 36-8-1-9).
(4) A correctional officer (as defined in IC 5-10-10-1.5).
(5) A state police officer.
(6) A county police officer.
(7) A police reserve officer.
(8) A county sheriff.
(9) A deputy sheriff.
(10) An excise police officer.
(11) A conservation enforcement officer.
(12) A town marshal.
(13) A deputy town marshal.
(14) A postsecondary educational institution police officer appointed under IC 21-17-5 or IC 21-39-4.
(15) A probation officer.
(16) A paramedic.
(17) A volunteer firefighter (as defined in IC 36-8-12-2).
(18) An emergency medical technician or a paramedic working in a volunteer capacity.
(19) A member of the armed forces of the United States.
(20) A member of the Indiana Air National Guard.
(21) A member of the Indiana Army National Guard.
(22) A member of a state or local emergency management agency.
(23) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.
(24) A community corrections officer.

(b) For purposes of this section, "dies in the line of duty" refers to a death that occurs as a direct result of personal injury or illness resulting from any action that a member of the military or public safety officer, in the member of the military's or public safety officer's official capacity, is obligated or authorized by rule, regulation, condition of employment or services, or law to perform in the course of performing

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the member of the military's or public safety officer's duty.

(c) If a member of the military or public safety officer dies in the line of duty, a state flag shall be presented to:

(1) the surviving spouse;

(2) the surviving children if there is no surviving spouse; or

(3) the surviving parent or parents if there is no surviving spouse and there are no surviving children.

(d) The agency shall administer this section.

(e) The director may adopt rules under IC 4-22-2 to implement this section.

SECTION 165. IC 10-18-1-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 38. It is a ~~Class D~~ **Level 6** felony for a member of the commission or the architect, secretary, superintendent, or any other person in the employ of the commission to:

(1) knowingly be interested in or derive any profit from any contract, employment, or purchase connected with the Indiana World War Memorial or with any action of the commission; or

(2) knowingly be interested in any claim against the commission or the state growing out of the erection or maintenance of the Indiana World War Memorial;

other than for the compensation for their services or for their expenses as provided in this chapter.

SECTION 166. IC 11-8-1-5.6, AS AMENDED BY P.L.220-2011, SECTION 242, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5.6. (a) "Community transition program commencement date" means the following:

(1) Not earlier than sixty (60) days and not later than thirty (30) days before an offender's expected release date, if the most serious offense for which the person is committed is a Class D **felony (for a crime committed before July 1, 2014) or a Level 6** felony **(for a crime committed after June 30, 2014).**

(2) Not earlier than ninety (90) days and not later than thirty (30) days before an offender's expected release date, if the most serious offense for which the person is committed is a Class C **felony (for a crime committed before July 1, 2014) or a Level 5** felony **(for a crime committed after June 30, 2014)** and subdivision (3) does not apply.

(3) Not earlier than one hundred twenty (120) days and not later than thirty (30) days before an offender's expected release date, if:

(A) the most serious offense for which the person is committed is a Class C **felony (for a crime committed before July 1,**

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2014) or a Level 5 felony **(for a crime committed after June 30, 2014);**

(B) all of the offenses for which the person was concurrently or consecutively sentenced are offenses under IC 16-42-19 or IC 35-48-4; and

(C) none of the offenses for which the person was concurrently or consecutively sentenced are ~~listed in IC 35-50-2-2(b)(4).~~ **nonsuspendible under IC 35-50-2-2.2.**

(4) Not earlier than one hundred twenty (120) days and not later than thirty (30) days before an offender's expected release date, if the most serious offense for which the person is committed is a Class A or Class B **felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, or Level 4** felony **(for a crime committed after June 30, 2014)** and subdivision (5) does not apply.

(5) Not earlier than one hundred eighty (180) days and not later than thirty (30) days before an offender's expected release date, if:

(A) the most serious offense for which the person is committed is a Class A or Class B **felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, or Level 4** felony **(for a crime committed after June 30, 2014);**

(B) all of the offenses for which the person was concurrently or consecutively sentenced are offenses under IC 16-42-19 or IC 35-48-4; and

(C) none of the offenses for which the person was concurrently or consecutively sentenced are ~~listed in IC 35-50-2-2(b)(4).~~ **nonsuspendible under IC 35-50-2-2.2.**

(b) This subsection applies only to a person whose community transition program commencement date is less than forty-five (45) days after May 11, 2008, solely as a result of the amendment of subsection (a) by P.L.291-2001. The community transition program commencement date for a person described by this subsection is June 26, 2001.

SECTION 167. IC 11-8-8-4.5, AS AMENDED BY P.L.72-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) **(repealed).**

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

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(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
(6) Child solicitation (IC 35-42-4-6).
(7) Child seduction (IC 35-42-4-7).
(8) Sexual misconduct with a minor as a Class A, Class B, or Class C **felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5** felony **(for a crime committed after June 30, 2014)** (IC 35-42-4-9), unless:
(A) the person is convicted of sexual misconduct with a minor as a Class C **felony (for a crime committed before July 1, 2014) or a Level 5** felony **(for a crime committed after June 30, 2014);**
(B) the person is not more than:
(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
(C) the sentencing court finds that the person should not be required to register as a sex offender.
(9) Incest (IC 35-46-1-3).
(10) Sexual battery (IC 35-42-4-8).
(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
(13) Possession of child pornography (IC 35-42-4-4(c)).
(14) Promoting prostitution (IC 35-45-4-4) as a Class B **felony (for a crime committed before July 1, 2014) or a Level 4** felony **(for a crime committed after June 30, 2014).**
(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.
(16) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).
(17) Human trafficking (IC 35-42-3.5-1(d)(3)) if the victim is less than eighteen (18) years of age.
(18) Sexual misconduct by a service provider with a detained child ~~(IC 35-44-1-5(c)).~~ **(IC 35-44.1-3-10(c)).**
(19) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (18).
(20) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the

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offenses listed in subdivisions (1) through (19).

(b) The term includes:

(1) a person who is required to register as a sex offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 168. IC 11-8-8-5, AS AMENDED BY P.L.1-2012, SECTION 3, AND AS AMENDED BY P.L.72-2012, SECTION 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) **(repealed).**

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor as a Class A, Class B, or Class C **felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5** felony **(for a crime committed after June 30, 2014)** (IC 35-42-4-9), unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C **felony (for a crime committed before July 1, 2014) or a Level 5** felony **(for a crime committed after June 30, 2014);**

(B) the person is not more than:

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(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

(C) the sentencing court finds that the person should not be required to register as a sex offender.

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(13) Possession of child pornography (IC 35-42-4-4(c)).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony **(for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).**

(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.

(16) Sexual trafficking of a minor ~~*(IC 35-42-3.5-1(b)).*~~ *(IC 35-42-3.5-1(c)).*

(17) Human trafficking ~~*(IC 35-42-3.5-1(c)(3))*~~ *(IC 35-42-3.5-1(d)(3))* if the victim is less than eighteen (18) years of age.

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

(19) Voluntary manslaughter (IC 35-42-1-3).

(20) Sexual misconduct by a service provider with a detained child ~~*(IC 35-44-1-5(c)).*~~ **(IC 35-44.1-3-10(c)).**

~~*(20)*~~ *(21)* An attempt or conspiracy to commit a crime listed in subdivisions (1) through ~~*(19).*~~ *(20).*

~~*(21)*~~ *(22)* A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through ~~*(20).*~~ *(21).*

(b) The term includes:

(1) a person who is required to register as a sex or violent offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged

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from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 169. IC 11-8-8-15, AS AMENDED BY P.L.216-2007, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A sex or violent offender who is a resident of Indiana shall obtain and keep in the sex or violent offender's possession:

(1) a valid Indiana driver's license; or

(2) a valid Indiana identification card (as described in IC 9-24-16).

(b) A sex or violent offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex or violent offender's possession:

(1) a valid driver's license issued by the state in which the sex or violent offender resides; or

(2) a valid state issued identification card issued by the state in which the sex or violent offender resides.

(c) A person who knowingly or intentionally violates this section commits failure of a sex or violent offender to possess identification, a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the person:

(1) is a sexually violent predator; or

(2) has a prior unrelated conviction:

(A) under this section; or

(B) based on the person's failure to comply with any requirement imposed on an offender under this chapter.

(d) It is a defense to a prosecution under this section that:

(1) the person has been unable to obtain a valid driver's license or state issued identification card because less than thirty (30) days have passed since the person's release from incarceration; or

(2) the person possesses a driver's license or state issued identification card that expired not more than thirty (30) days before the date the person violated subsection (a) or (b).

SECTION 170. IC 11-8-8-17, AS AMENDED BY P.L.216-2007,

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SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) A sex or violent offender who knowingly or intentionally:

(1) fails to register when required to register under this chapter;

(2) fails to register in every location where the sex or violent offender is required to register under this chapter;

(3) makes a material misstatement or omission while registering as a sex or violent offender under this chapter;

(4) fails to register in person as required under this chapter; or

(5) does not reside at the sex or violent offender's registered address or location;

commits a ~~Class D~~ **Level 6** felony.

(b) The offense described in subsection (a) is a ~~Class C~~ **Level 5** felony if the sex or violent offender has a prior unrelated conviction for an offense:

(1) under this section; or

(2) based on the person's failure to comply with any requirement imposed on a sex or violent offender under this chapter or under IC 5-2-12 before its repeal.

(c) It is not a defense to a prosecution under this section that the sex or violent offender was unable to pay the sex or violent offender registration fee or the sex or violent offender address change fee described under IC 36-2-13-5.6.

SECTION 171. IC 11-8-8-18, AS AMENDED BY P.L.216-2007, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) A sexually violent predator who will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours shall inform the local law enforcement authority in the county where the sexually violent predator's principal address is located, in person, of the following:

(1) That the sexually violent predator will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours.

(2) The location where the sexually violent predator will be located during the absence from the sexually violent predator's principal residence.

(3) The length of time the sexually violent predator will be absent from the sexually violent predator's principal residence.

(b) A sexually violent predator who will spend more than seventy-two (72) hours in a county in which the sexually violent predator is not required to register shall inform the local law enforcement authority in the county in which the sexually violent

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predator is not required to register, in person, of the following:

(1) That the sexually violent predator will spend more than seventy-two (72) hours in the county.

(2) The location where the sexually violent predator will be located while spending time in the county.

(3) The length of time the sexually violent predator will remain in the county.

Upon request of the local law enforcement authority of the county in which the sexually violent predator is not required to register, the sexually violent predator shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the sexually violent predator's whereabouts during the sexually violent predator's stay in the county.

(c) A sexually violent predator who knowingly or intentionally violates this section commits failure to notify, a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the person has a prior unrelated conviction under this section based on the person's failure to comply with any requirement imposed on a sex or violent offender under this chapter.

SECTION 172. IC 11-8-8-19, AS AMENDED BY P.L.114-2012, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) Except as provided in subsections (b) through (e), a sex or violent offender is required to register under this chapter until the expiration of ten (10) years after the date the sex or violent offender:

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

(2) is placed in a community transition program;

(3) is placed in a community corrections program;

(4) is placed on parole; or

(5) is placed on probation;

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

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

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

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

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

is required to register for life.

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

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

(2) used force or the threat of force against the victim or a member of the victim's family, unless the offense is sexual battery as a Class D **felony (for an offense committed before July 1, 2014) or a Level 6** felony **(for a crime committed after June 30, 2014);** or

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

is required to register for life.

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

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

SECTION 173. IC 11-10-11.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) This section applies to a person if the most serious offense for which the person is committed is a Class C or Class D **felony (for a crime committed before July 1, 2014) or Level 5 or Level 6** felony **(for a crime committed after June 30, 2014).**

(b) Unless the department has received:

(1) an order under IC 35-38-1-24; or

(2) a warrant order of detainer seeking the transfer of the person to a county or another jurisdiction;

the department shall assign a person to a minimum security classification and place the person in a community transition program beginning with the community transition program commencement date designated by the department until the person completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to the term.

SECTION 174. IC 11-12-1-2 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a)** Notwithstanding any other law, a county or any combination of counties may establish and operate a community corrections advisory board for the purpose of coordinating or operating community corrections programs. The county, in consultation with the advisory board, shall coordinate or operate community corrections programs for any of the following:

(1) The prevention of crime or delinquency.

(2) Persons sentenced to imprisonment in a county or local penal facility other than a state owned or operated facility.

(3) Committed offenders.

(4) Persons ordered to participate in community corrections programs as a condition of probation.

(b) If a county or combination of counties has established a community corrections program, a:

(1) court; or

(2) division of a court;

with authority to impose probation may, with the consent of the community corrections advisory board, establish and operate a consolidated probation and community corrections department.

(c) If a county or combination of counties has not established a community corrections program, a:

(1) court; or

(2) division of a court;

with authority to impose probation may establish a community corrections advisory board and establish and operate a consolidated probation and community corrections department. The court or division of a court shall consult the community corrections board in establishing and operating the department.

(d) A court or a division of a court that establishes and operates a consolidated probation and community corrections department shall perform the duties imposed by this chapter.

SECTION 175. IC 11-12-3.7-6, AS AMENDED BY P.L.126-2012, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. As used in this chapter, "violent offense" means one (1) or more of the following offenses:

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

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Battery (IC 35-42-2-1) as a:

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(A) Class A felony, Class B felony, or Class C felony **(for a crime committed before July 1, 2014); or**

(B) Level 2 felony, Level 3 felony, or Level 5 felony (for a crime committed after June 30, 2014).

(8) Kidnapping (IC 35-42-3-2).

(9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that is a:

(A) Class A felony, Class B felony, or Class C felony **(for a crime committed before July 1, 2014); or**

(B) Level 1 felony, Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony (for a crime committed after June 30, 2014).

(10) Sexual misconduct with a minor (IC 35-42-4-9) as a:

(A) Class A felony or Class B felony **(for a crime committed before July 1, 2014); or**

(B) Level 1 felony, Level 2 felony, or Level 4 felony (for a crime committed after June 30, 2014).

(11) Incest (IC 35-46-1-3).

(12) Robbery **(IC 35-42-5-1)** as a:

(A) Class A felony or a Class B felony ~~(IC 35-42-5-1).~~ **(for a crime committed before July 1, 2014); or**

(B) Level 2 felony or Level 3 felony (for a crime committed after June 30, 2014).

(13) Burglary **(IC 35-43-2-1)** as a:

(A) Class A felony or a Class B felony ~~(IC 35-43-2-1).~~ **(for a crime committed before July 1, 2014); or**

(B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (for a crime committed after June 30, 2014).

(14) Carjacking (IC 35-42-5-2) **(repealed).**

(15) Assisting a criminal **(IC 35-44.1-2-5)** as a:

(A) Class C felony ~~(IC 35-44.1-2-5).~~ **(for a crime committed before July 1, 2014); or**

(B) Level 5 felony (for a crime committed after June 30, 2014).

(16) Escape (IC 35-44.1-3-4) as a:

(A) Class B felony or Class C felony **(for a crime committed before July 1, 2014); or**

(B) Level 4 felony or Level 5 felony (for a crime committed after June 30, 2014).

(17) Trafficking with an inmate **(IC 35-44.1-3-5)** as a:

(A) Class C felony ~~(IC 35-44.1-3-5).~~ **(for a crime committed before July 1, 2014); or**

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(B) Level 5 felony (for a crime committed after June 30, 2014).

(18) Causing death when operating a vehicle (IC 9-30-5-5).

(19) Criminal confinement (IC 35-42-3-3) as a:

(A) Class B felony **(for a crime committed before July 1, 2014); or**

(B) Level 3 felony (for a crime committed after June 30, 2014).

(20) Arson (IC 35-43-1-1) as a:

(A) Class A or Class B felony **(for a crime committed before July 1, 2014); or**

(B) Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014).

(21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).

(22) Terroristic mischief (IC 35-47-12-3) as a:

(A) Class B felony **(for a crime committed before July 1, 2014); or**

(B) Level 4 felony (for a crime committed after June 30, 2014).

(23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).

(24) A violation of IC 35-47.5 (controlled explosives) as a:

(A) Class A or Class B felony **(for a crime committed before July 1, 2014); or**

(B) Level 2 or Level 4 felony (for a crime committed after June 30, 2014).

(25) A crime under the laws of another jurisdiction, including a military court, that is substantially similar to any of the offenses listed in this subdivision.

(26) Any other crimes evidencing a propensity or history of violence.

SECTION 176. IC 12-17.2-6-14, AS AMENDED BY P.L.124-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. ~~The~~ **A** child care ministry must do the following:

(1) Conduct a criminal history check of the child care ministry's employees and volunteers.

(2) Refrain from employing, or allowing to serve as a volunteer, an individual who:

(A) has been convicted of any of the following felonies:

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

(ii) Causing suicide (IC 35-42-1-2).

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(iii) Assisting suicide (IC 35-42-1-2.5).
(iv) Voluntary manslaughter (IC 35-42-1-3).
(v) Reckless homicide (IC 35-42-1-5).
(vi) Battery (IC 35-42-2-1).
(vii) Aggravated battery (IC 35-42-2-1.5).
(viii) Kidnapping (IC 35-42-3-2).
(ix) Criminal confinement (IC 35-42-3-3).
(x) A felony sex offense under IC 35-42-4.
(xi) Carjacking (IC 35-42-5-2) **(repealed) (for a crime committed before July 1, 2014).**
(xii) Arson (IC 35-43-1-1).
(xiii) Incest (IC 35-46-1-3).
(xiv) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).
(xv) Child selling (IC 35-46-1-4(d)).
(xvi) A felony involving a weapon under IC 35-47 or IC 35-47.5.
(xvii) A felony relating to controlled substances under IC 35-48-4.
(xviii) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.
(xix) A felony that is substantially equivalent to a felony listed in items (i) through (xviii) for which the conviction was entered in another state.

(B) has been convicted of a misdemeanor related to the health or safety of a child; or
(C) is a person against whom an allegation of child abuse or neglect has been substantiated under IC 31-33.

(3) Maintain records of each criminal history check.

SECTION 177. IC 12-20-1-4, AS AMENDED BY P.L.73-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) This section does not apply to an attorney who is admitted to practice law in Indiana.

(b) A person who receives any item of value from an applicant or a recipient in connection with assisting that applicant or recipient in obtaining township assistance commits township assistance profiteering, a Class C misdemeanor.

(c) A person who unfairly profits from the:
(1) sale, lease, or rental of goods or shelter; or
(2) provision of services;
to a township assistance recipient commits township assistance fraud, a ~~Class D~~ **Level 6** felony. For purposes of this subsection, a person

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unfairly profits if the person receives payment from the township trustee for goods or services that the person does not provide or the person charges the township trustee more for the goods or services than the person would charge members of the public.

(d) In addition to any other penalty imposed for a conviction under subsection (c), a person who is convicted of township assistance fraud is ineligible to participate in the township assistance program for thirty (30) years after the date of the conviction.

SECTION 178. IC 12-23-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A drug abuser or an alcoholic charged with or convicted of a felony may request treatment under the supervision of the division and upon the consent of the authorities concerned as set forth in this chapter instead of prosecution or imprisonment, unless any of the following conditions exist:

(1) The offense is a forcible felony or burglary classified as a Class A or Class B **felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, or Level 4** felony **(for a crime committed after June 30, 2014).**

(2) The defendant has a record that includes at least two (2) prior convictions for forcible felonies or a burglary classified as a Class A or Class B **felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, or Level 4** felony **(for a crime committed after June 30, 2014).**

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

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

(5) The defendant was admitted to a treatment program under IC 12-23-7 or IC 12-23-8 on two (2) prior occasions within the preceding two (2) years.

SECTION 179. IC 12-23-14-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) The Indiana judicial center drug and alcohol programs fund is established for the purpose of administering, certifying, and supporting alcohol and drug services programs under this chapter. The fund shall be administered by the Indiana judicial center established by IC 33-38-9-4.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(c) Money in the fund at the end of the fiscal year does not revert to the state general fund.

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(d) The Indiana judicial center may award a grant from the fund to a probation department or a community corrections program to increase substance abuse treatment access for individuals on probation or individuals placed in a community corrections program who are under court supervision and who have been diagnosed with a substance abuse disorder or co-occurring disorder.

(e) To receive a grant under this section, a probation department or community corrections program and the agency that will be providing treatment if the grant is approved must submit an application to the Indiana judicial center:

(1) on a form; and

(2) in the manner;

prescribed by the Indiana judicial center.

(f) The Indiana judicial center shall determine the amount of a grant awarded under this section in consultation with the division of mental health and addiction and the local probation department or community corrections program.

(g) Mental health and substance abuse counseling provided by grants under this section must be contracted for with a certified mental health or addiction provider as determined by the division of mental health and addiction.

SECTION 180. IC 12-24-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. To provide greater security for patients, visitors, and employees, the division may not employ in a state institution an individual who has been convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) **(repealed).**

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4).

(5) Sexual misconduct with a minor **(IC 35-42-4-9)** as a Class A or **Class** B **felony (for a crime committed before July 1, 2014) or a Level 1 felony, Level 2 felony, or Level 4** felony ~~(IC 35-42-4-9)~~ **(for a crime committed after June 30, 2014).**

SECTION 181. IC 12-32-1-7, AS ADDED BY P.L.171-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A person who knowingly or intentionally makes a false, fictitious, or fraudulent statement or representation in a verification required by this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 182. IC 13-18-13-31, AS ADDED BY P.L.137-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2014]: Sec. 31. A person who, with intent to defraud, knowingly or intentionally makes a material misstatement in connection with an application for a loan or other financial assistance from the fund commits a ~~Class D~~ **Level 6** felony.

SECTION 183. IC 13-18-21-31, AS ADDED BY P.L.137-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 31. A person who, with intent to defraud, knowingly or intentionally makes a material misstatement in connection with an application for a loan or other financial assistance from the fund commits a ~~Class D~~ **Level 6** felony.

SECTION 184. IC 13-19-5-17, AS ADDED BY P.L.137-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. A person who, with intent to defraud, knowingly or intentionally makes a material misstatement in connection with an application for a loan or other financial assistance from the fund commits a ~~Class D~~ **Level 6** felony.

SECTION 185. IC 13-20-13-17, AS ADDED BY P.L.137-2007, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. A person who, with intent to defraud, knowingly or intentionally makes a material misstatement in connection with an application for a loan or grant from the fund commits a ~~Class D~~ **Level 6** felony.

SECTION 186. IC 13-20-22-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. A person who knowingly or intentionally fails to pay the fee to the department of state revenue under section 11 of this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 187. IC 13-20-22-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. (a) A person who, without authorization:

(1) removes;
(2) alters;
(3) defaces; or
(4) covers;

a sign posted by the department of state revenue under section 17 of this chapter commits a Class B misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the offense is committed with the intent to evade the fee imposed by this chapter or to defraud the state.

(b) An owner or operator of a final disposal facility shall notify the department of state revenue not later than two (2) days after discovering that a sign posted by the department has been removed, altered, defaced, or covered.

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(c) An owner or operator of a final disposal facility who fails to notify the department under subsection (b) commits a Class B misdemeanor.

SECTION 188. IC 13-20-22-21, AS ADDED BY P.L.137-2007, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. A person who, with intent to defraud, knowingly or intentionally makes a material misstatement in connection with an application for a loan or grant from the fund commits a ~~Class D~~ **Level 6** felony.

SECTION 189. IC 13-23-7-9, AS ADDED BY P.L.137-2007, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. A person who, with intent to defraud, knowingly or intentionally makes a material misstatement in connection with an application for financial assistance from the fund commits a ~~Class D~~ **Level 6** felony.

SECTION 190. IC 13-23-9-6, AS ADDED BY P.L.137-2007, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. A person who, with intent to defraud, knowingly or intentionally makes a material misstatement in connection with a request for payment from the excess liability trust fund commits a ~~Class D~~ **Level 6** felony.

SECTION 191. IC 13-25-4-28, AS ADDED BY P.L.137-2007, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 28. A person who, with intent to defraud, knowingly or intentionally makes a material misstatement in connection with an application for financial assistance from the fund commits a ~~Class D~~ **Level 6** felony.

SECTION 192. IC 13-29-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. A person who knowingly or intentionally commits any of the violations listed in section 3(o) of this chapter commits a ~~Class D~~ **Level 6** felony. However, notwithstanding IC 35-50-2-7(a), a person who is convicted of a ~~Class D~~ **Level 6** felony under this section may, in addition to the term of imprisonment established under IC 35-50-2-7(a), be fined not more than fifty thousand dollars ($50,000) for each day of violation.

SECTION 193. IC 13-30-10-1.5, AS AMENDED BY P.L.57-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) Except as provided in subsection (b), a person regulated under IC 13-22 who knowingly does any of the following commits a Class B misdemeanor:

(1) Transports hazardous waste to an unpermitted facility.

(2) Treats, stores, or disposes of hazardous waste without a permit

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issued by the department.

(3) Transports, treats, stores, disposes, recycles, or causes to be transported used oil regulated under 329 IAC 13 in violation of the standards established by the department for the management of used oil.

(4) Makes a false material statement or representation in any label, manifest, record, report, or other document filed or maintained under the hazardous waste or used oil standards.

(b) An offense under subsection (a) is a ~~Class D~~ **Level 6** felony if the offense results in damage to the environment that renders the environment unfit for human or vertebrate animal life. An offense under subsection (a) is a ~~Class C~~ **Level 5** felony if the offense results in the death of another person.

(c) Before imposing sentence upon conviction of an offense under subsection (a) or (b), the court shall consider either or both of the following factors, if found by the jury or if stipulated to by the parties in a plea agreement:

(1) If the offense involves discharge of a contaminant into the environment, whether that discharge resulted in any or a combination of the following:

(A) A substantial risk of serious bodily injury.

(B) Serious bodily injury to an individual.

(C) The death of a vertebrate animal.

(D) Damage to the environment that:

(i) renders the environment unfit for human or vertebrate animal life; or

(ii) causes damage to an endangered, an at risk, or a threatened species.

(2) Whether the person did not know and could not reasonably have been expected to know that the contaminant discharged into the environment was capable of causing a result described in subdivision (1).

(d) Notwithstanding the maximum fine under IC 35-50-3-3, the court shall order a person convicted under subsection (a) to pay a fine of at least five thousand dollars ($5,000) per day for each violation and not more than twenty-five thousand dollars ($25,000) per day for each violation.

(e) Notwithstanding the maximum fine under IC 35-50-2-6(a) or IC 35-50-2-7(a), the court shall order a person convicted under subsection (b) to pay:

(1) a fine of at least five thousand dollars ($5,000) and not more than fifty thousand dollars ($50,000) for each day of violation; or

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(2) if the person has a prior unrelated conviction for an offense under this title that may be punished as a felony, a fine of at least five thousand dollars ($5,000) and not more than one hundred thousand dollars ($100,000) for each day of violation.

(f) Except as provided in subsection (g), a person regulated under IC 13-17 who does any of the following commits a Class C misdemeanor:

(1) Knowingly violates any applicable requirements of IC 13-17-4, IC 13-17-5, IC 13-17-6, IC 13-17-7, IC 13-17-8, IC 13-17-9, IC 13-17-10, or IC 13-17-13.

(2) Knowingly violates any air pollution registration, construction, or operating permit condition issued by the department.

(3) Knowingly violates any fee or filing requirement in IC 13-17.

(4) Knowingly makes any false material statement, representation, or certification in any form, notice, or report required by an air pollution registration, construction, or operating permit issued by the department.

(g) An offense under subsection (f) is a ~~Class D~~ **Level 6** felony if the offense results in damage to the environment that renders the environment unfit for human or vertebrate animal life. An offense under subsection (f) is a ~~Class C~~ **Level 5** felony if the offense results in the death of another person.

(h) Before imposing sentence upon conviction of an offense under subsection (f) or (g), the court shall consider either or both of the following factors, if found by the jury or if stipulated to by the parties in a plea agreement:

(1) If the offense involves discharge of a contaminant into the environment, whether that discharge resulted in any or a combination of the following:

(A) A substantial risk of serious bodily injury.

(B) Serious bodily injury to an individual.

(C) The death of a vertebrate animal.

(D) Damage to the environment that:

(i) renders the environment unfit for human or vertebrate animal life; or

(ii) causes damage to an endangered, an at risk, or a threatened species.

(2) Whether the person did not know and could not reasonably have been expected to know that the contaminant discharged into the environment was capable of causing a result described in subdivision (1).

(i) Notwithstanding the maximum fine under IC 35-50-3-4, the court

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shall order a person convicted under subsection (f) to pay a fine of at least five thousand dollars ($5,000) per day for each violation and not more than twenty-five thousand dollars ($25,000) per day for each violation.

(j) Notwithstanding the maximum fine under IC 35-50-2-6(a) or IC 35-50-2-7(a), the court shall order a person convicted under subsection (g) to pay:

(1) a fine of at least five thousand dollars ($5,000) and not more than fifty thousand dollars ($50,000) for each day of violation; or

(2) if the person has a prior unrelated conviction for an offense under this title that may be punished as a felony, a fine of at least five thousand dollars ($5,000) and not more than one hundred thousand dollars ($100,000) for each day of violation.

(k) Except as provided in subsection (l), a person regulated under IC 13-18 who does any of the following commits a Class C misdemeanor:

(1) Willfully or recklessly violates any applicable standards or limitations of IC 13-18-3-2.4, IC 13-18-4-5, IC 13-18-8, IC 13-18-9, IC 13-18-10, IC 13-18-12, IC 13-18-14, IC 13-18-15, or IC 13-18-16.

(2) Willfully or recklessly violates any National Pollutant Discharge Elimination System permit condition issued by the department under IC 13-18-19.

(3) Willfully or recklessly violates any National Pollutant Discharge Elimination System Permit filing requirement.

(4) Knowingly makes any false material statement, representation, or certification in any National Pollutant Discharge Elimination System Permit form or in any notice or report required by a National Pollutant Discharge Elimination System permit issued by the department.

(l) An offense under subsection (k) is a ~~Class D~~ **Level 6** felony if the offense results in damage to the environment that renders the environment unfit for human or vertebrate animal life. An offense under subsection (k) is a ~~Class C~~ **Level 5** felony if the offense results in the death of another person.

(m) Before imposing sentence upon conviction of an offense under subsection (k) or (l), the court shall consider any or a combination of the following factors, if found by the jury or if stipulated to by the parties in a plea agreement:

(1) If the offense involves discharge of a contaminant into the environment, whether that discharge resulted in any or a combination of the following:

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(A) A substantial risk of serious bodily injury.
(B) Serious bodily injury to an individual.
(C) The death of a vertebrate animal.
(D) Damage to the environment that:
(i) renders the environment unfit for human or vertebrate animal life; or
(ii) causes damage to an endangered, an at risk, or a threatened species.

(2) Whether the person did not know and could not reasonably have been expected to know that the contaminant discharged into the environment was capable of causing a result described in subdivision (1).

(3) Whether the discharge was the result of a combined sewer overflow and the person regulated had given notice of that fact to the department.

(n) Notwithstanding the maximum fine under IC 35-50-3-4, the court shall order a person convicted under subsection (k)(1), (k)(2), or (k)(3) to pay a fine of at least five thousand dollars ($5,000) a day for each violation and not more than twenty-five thousand dollars ($25,000) a day for each violation.

(o) Notwithstanding the maximum fine under IC 35-50-3-4, the court shall order a person convicted under subsection (k)(4) to pay a fine of at least five thousand dollars ($5,000) for each instance of violation and not more than ten thousand dollars ($10,000) for each instance of violation.

(p) Notwithstanding the maximum fine under IC 35-50-2-6(a) or IC 35-50-2-7(a), the court shall order a person convicted under subsection (l) to pay:

(1) a fine of at least five thousand dollars ($5,000) and not more than fifty thousand dollars ($50,000) for each day of violation; or

(2) if the person has a prior unrelated conviction for an offense under this title that may be punished as a felony, a fine of at least five thousand dollars ($5,000) and not more than one hundred thousand dollars ($100,000) for each day of violation.

(q) The penalties under this section apply regardless of whether a person uses electronic submissions or paper documents to accomplish the actions described in this section.

SECTION 194. IC 13-30-10-5, AS ADDED BY P.L.137-2007, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person who:

(1) operates an underground storage tank and knowingly, intentionally, or recklessly violates:

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(A) the terms of a permit issued by the department that relates to the operation of an underground storage tank; or

(B) an Indiana statute that relates to the operation of an underground storage tank; and

(2) discharges a contaminant into the environment, if the discharge results in:

(A) a substantial risk of serious bodily injury;

(B) serious bodily injury to an individual;

(C) the death of a vertebrate animal; or

(D) damage to the environment that renders the environment unfit for human or vertebrate animal life, or causes damage to an endangered, an at risk, or a threatened species;

commits a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~ **Level 5** felony if it results in the death of another person.

(b) It is a defense to a prosecution under this section that the person did not know and could not reasonably have been expected to know that the substance discharged into the environment was capable of causing a result described in subsection (a)(2).

(c) Notwithstanding IC 35-50-2-6(a), IC 35-50-2-7(a), or IC 35-50-3-2, the court may order a person convicted under this section to pay:

(1) a fine of at least five thousand dollars ($5,000) and not more than fifty thousand dollars ($50,000) for each day of violation; or

(2) if the person has a prior unrelated conviction for an offense under this title that may be punished as a felony, a fine of not more than one hundred thousand dollars ($100,000) for each day of violation.

In determining the amount of a fine imposed for a violation of this section, the court shall consider any improper economic benefit, including unjust enrichment, received by the defendant as a result of the unlawful conduct.

SECTION 195. IC 13-30-10-6, AS ADDED BY P.L.137-2007, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who:

(1) knowingly or intentionally violates:

(A) the terms of a permit issued under IC 13-18-22 that relates to state regulated wetlands; or

(B) a statute that relates to state regulated wetlands; and

(2) causes substantial harm to a state regulated wetland;

commits a ~~Class D~~ **Level 6** felony.

(b) Notwithstanding IC 35-50-2-6(a), IC 35-50-2-7(a), or IC 35-50-3-2, the court may order a person convicted under this section

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to pay:

(1) a fine of at least five thousand dollars ($5,000) and not more than fifty thousand dollars ($50,000) for each day of violation; or

(2) if the person has a prior unrelated conviction for an offense under this title that may be punished as a felony, a fine of not more than one hundred thousand dollars ($100,000) for each day of violation.

In determining the amount of a fine imposed for a violation of this section, the court shall consider any improper economic benefit, including unjust enrichment, received by the defendant as a result of the unlawful conduct.

SECTION 196. IC 14-15-4-4, AS AMENDED BY P.L.40-2012, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who violates this chapter commits a Class C misdemeanor. However, the offense is:

(1) a Class A misdemeanor if the accident or collision results in an injury to a person;

(2) a ~~Class D~~ **Level 6** felony if:

(A) the accident or collision results in serious bodily injury to a person; or

(B) within the five (5) years preceding the commission of the offense, the person had a previous conviction of any of the offenses listed in IC 9-30-10-4(a), IC 35-46-9-6, or IC 14-15-8-8 (before its repeal); or

(3) a ~~Class C~~ **Level 5** felony if the accident or collision results in the death of a person.

SECTION 197. IC 14-21-1-26, AS AMENDED BY P.L.26-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26. (a) A person who disturbs the ground for the purpose of discovering, uncovering, or moving artifacts, burial objects, or human remains must do so in accordance with a plan approved by the department under section 25 of this chapter or under IC 14-3-3.4-14 (before its repeal).

(b) A person who recklessly, knowingly, or intentionally violates this section commits the following:

(1) A Class A misdemeanor, if the violation does not involve disturbing human remains.

(2) A ~~Class D~~ **Level 6** felony, if the violation involves disturbing human remains.

SECTION 198. IC 14-21-1-26.5, AS AMENDED BY P.L.26-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26.5. (a) Notwithstanding IC 23-14-44-1, this

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section does not apply to the following:

(1) A public utility (as defined in IC 8-1-2-1(a)).

(2) A corporation organized under IC 8-1-13.

(3) A municipally owned utility (as defined in IC 8-1-2-1(h)).

(4) A surface coal mining and reclamation operation permitted under IC 14-34.

(b) Except as provided in this subsection and subsections (c) and (d), a person may not disturb the ground within one hundred (100) feet of a burial ground for the purpose of excavating or covering over the ground or erecting, altering, or repairing any structure without having a development plan approved by the department under section 25 of this chapter or in violation of a development plan approved by the department under section 25 of this chapter. The department must review the development plan as required by section 25(e) of this chapter.

(c) A development plan:

(1) must be approved if a person intends to:

(A) excavate or cover over the ground; or

(B) construct a new structure or alter or repair an existing structure;

that would impact the burial ground or cemetery; and

(2) is not required if a person intends to:

(A) excavate or cover over the ground; or

(B) erect, alter, or repair an existing structure;

for an incidental or existing use that would not impact the burial ground or cemetery.

(d) A development plan for a governmental entity to disturb ground within one hundred (100) feet of a burial ground must be approved as follows:

(1) A development plan of a municipality requires approval of the executive of the municipality and does not require the approval of the department. However, if the burial ground or cemetery is located outside the municipality, approval is also required by the executive of the county where the burial ground or cemetery is located. A county cemetery commission established under IC 23-14-67-2 may advise the executive of the municipality on whether to approve a development plan.

(2) A development plan of a governmental entity other than:

(A) a municipality; or

(B) the state;

requires the approval of the executive of the county where the governmental entity is located and does not require the approval

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of the department. However, if the governmental entity is located in more than one (1) county, only the approval of the executive of the county where the burial ground or cemetery is located is required. A county cemetery commission established under IC 23-14-67-2 may advise the county executive on whether to approve a development plan.

(3) A development plan of the state requires the approval of the department.

(e) If a burial ground is within an archeological site, an archeological plan is required to be part of the development plan.

(f) A person who recklessly, knowingly, or intentionally violates this section commits a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the person disturbs buried human remains or grave markers while committing the offense.

SECTION 199. IC 14-21-1-28, AS AMENDED BY P.L.26-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 28. A person who recklessly, knowingly, or intentionally disturbs human remains or grave markers while moving, uncovering, or removing artifacts or burial objects either:

(1) without a plan approved by the department under:

(A) section 25 of this chapter; or

(B) IC 14-3-3.4-14 (before its repeal); or

(2) in violation of such a plan;

commits a ~~Class D~~ **Level 6** felony.

SECTION 200. IC 14-21-1-36, AS ADDED BY P.L.26-2008, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 36. A person who knowingly or intentionally receives, retains, or disposes of an artifact, a burial object, or human remains obtained in violation of this chapter commits possession of looted property, a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~ **Level 5** felony if the fair market cost of carrying out a scientific archeological investigation of the area that was damaged to obtain the artifact, burial object, or human remains is at least one hundred thousand dollars ($100,000).

SECTION 201. IC 14-22-38-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) As used in this section, "sell" includes barters, purchases, and offers to sell, barter, or purchase.

(b) As used in this section, "ship" includes transporting, delivering for shipment or transport, and causing to be shipped or transported.

(c) As used in this section, "wild animal" includes the following:

(1) A living or dead wild animal.

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(2) A part of a living or dead wild animal.

(d) A person who knowingly or intentionally sells or ships wild animals, nests, or eggs that:

(1) are protected by law; and

(2) have an aggregate market value of less than five hundred dollars ($500);

commits a Class C misdemeanor.

(e) A person who knowingly or intentionally sells or ships wild animals, nests, or eggs that:

(1) are protected by law; and

(2) have an aggregate market value of at least five hundred dollars ($500) but less than five thousand dollars ($5,000);

commits a ~~Class D~~ **Level 6** felony.

(f) A person who knowingly or intentionally sells or ships wild animals, nests, or eggs that:

(1) are protected by law; and

(2) have an aggregate market value of at least five thousand dollars ($5,000);

commits a ~~Class C~~ **Level 5** felony.

SECTION 202. IC 14-37-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) Except as provided in subsection (b), a person who knowingly violates this article commits a Class B misdemeanor. Each day a violation occurs is a separate offense.

(b) A person who knowingly violates this article with respect to the operation of a Class II well commits a ~~Class D~~ **Level 6** felony.

SECTION 203. IC 15-12-1-38, AS ADDED BY P.L.2-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 38. (a) If, upon receipt of a biennial report delivered under section 37 of this chapter, the secretary of state determines or has reason to believe that the association filing the report is not disclosing the association's true financial condition or is violating this chapter, the secretary of state may require the association to disclose all material facts by:

(1) submitting a verified audit bearing the certificate under oath of a qualified public accountant approved by the secretary of state;

(2) replying to interrogatories; or

(3) reporting under oath on any matters requested by the secretary of state.

(b) An officer or a director of an association who knowingly distributes, publishes, or files with the secretary of state a written

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report, certificate, or statement of the condition or business of the association that is false in any material respect commits a ~~Class D~~ **Level 6** felony.

SECTION 204. IC 15-15-9-8, AS ADDED BY P.L.2-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. A person who intentionally or knowingly forges a certification or the identification of an agricultural product under this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 205. IC 15-17-5-25, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. A person who knowingly:

(1) makes a false entry or statement of fact in a report required to be made under this chapter or in any account, record, or memorandum kept by a person subject to this chapter;

(2) fails to make full, true, and correct entries in the accounts, records, or memoranda of all facts and transactions pertaining to the person's business;

(3) removes out of Indiana or damages, alters, or falsifies documentary evidence of a person subject to this chapter; or

(4) refuses to submit to the state veterinarian or board or to the state veterinarian's or board's authorized agent for the purpose of inspection and taking copies of documentary evidence of a person subject to this chapter in the person's possession or within the person's control;

commits a ~~Class D~~ **Level 6** felony.

SECTION 206. IC 15-17-5-30, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 30. A person who knowingly and forcibly resists, obstructs, or interferes with another person while the other person is engaged in or on account of the performance of the person's official duties under this chapter commits a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~ **Level 5** felony if, while committing the offense, the person draws or uses a deadly weapon or inflicts bodily injury on any other person.

SECTION 207. IC 15-17-5.5-4, AS ADDED BY P.L.120-2008, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who knowingly or intentionally forges a grade or certification under this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 208. IC 15-17-14-11, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person who knowingly or intentionally

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allows a scale to be used in a business transaction involving the purchase, sale, or exchange of livestock:

(1) after the scale has been condemned; and

(2) before it has been repaired to the satisfaction of the scale inspector;

commits a ~~Class D~~ **Level 6** felony.

(b) In addition to any criminal penalties imposed, a person who violates subsection (a) may be subject to a civil penalty of fifty dollars ($50) for each day the defective scale is used. If a civil penalty is assessed under this subsection and not paid, the prosecuting attorney of the county where the proceeding was brought may enforce the collection of the civil penalty. Civil penalties collected under this section must be deposited in the state general fund.

SECTION 209. IC 15-17-16-9, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. A person who recklessly, knowingly, or intentionally engages in an activity without a license required for the activity under this article commits a ~~Class D~~ **Level 6** felony.

SECTION 210. IC 15-17-18-1, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who knowingly or intentionally:

(1) treats a bovine animal with a material, substance, or biologic to interfere with the brucellosis test or with a reaction to a brucellosis test;

(2) fraudulently makes an animal react to a brucellosis test; or

(3) interferes with the inspector who is making the test;

commits a ~~Class D~~ **Level 6** felony.

SECTION 211. IC 15-17-18-2, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who knowingly or intentionally:

(1) alters or changes an animal's official identification to conceal the identity of an animal;

(2) interferes with the official identification of a diseased domestic animal;

(3) removes, without permission of the board, except as provided in this article, any animal from a herd placed under quarantine; or

(4) alters or changes the official identification of any domestic animal;

commits a ~~Class D~~ **Level 6** felony.

SECTION 212. IC 15-17-18-3, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who knowingly or intentionally:

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(1) sells;
(2) keeps, with intent to sell; or
(3) disposes of to another person, with intent to conceal, except for immediate slaughter;

an animal classified as a reactor, or suspected of being affected with any disease as disclosed by a test recognized by the board, commits a ~~Class D~~ **Level 6** felony.

SECTION 213. IC 15-17-18-4, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who knowingly or intentionally:

(1) delivers for transportation;
(2) drives on foot;
(3) removes from the premises where they are located; or
(4) receives for transportation;

any cattle classified as a reactor or suspected of being affected with brucellosis as disclosed by a test recognized by the board, except for immediate slaughter or by special permit from the board, commits a ~~Class D~~ **Level 6** felony.

SECTION 214. IC 15-17-18-5, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A person who knowingly or intentionally transports a domestic animal identified as a reactor with other domestic animals, except where the other domestic animals are being transported for immediate slaughter, commits a ~~Class D~~ **Level 6** felony.

SECTION 215. IC 15-17-18-6, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. A person who knowingly or intentionally imports a domestic animal into Indiana without taking suitable precautions to prevent the introduction and spread of contagious or infectious disease, in conformance with the rules adopted by the board, commits a ~~Class D~~ **Level 6** felony.

SECTION 216. IC 15-17-18-7, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A person who knowingly or intentionally moves, from the property on which the domestic animal is confined, a domestic animal that has an infectious or a contagious disease, except under rules adopted by the board, commits a ~~Class D~~ **Level 6** felony.

SECTION 217. IC 15-17-18-9, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) This section does not apply to IC 15-17-5 or IC 15-18-1.

(b) A person who knowingly or intentionally violates or fails to

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comply with this article commits a ~~Class D~~ **Level 6** felony.

(c) A person who knowingly or intentionally violates or fails to comply with a rule adopted under this article commits a Class A infraction.

SECTION 218. IC 15-19-5-8, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. A person who intentionally or knowingly forges a certification or the identification of livestock, bovine semen, or embryos certified under this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 219. IC 15-19-6-19, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. A person who, without permission of the owner, knowingly or intentionally applies a brand to livestock for the purpose of transferring ownership of that livestock commits a ~~Class C~~ **Level 5** felony.

SECTION 220. IC 15-19-6-20, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. A person who knowingly destroys or alters a brand recorded with the board from livestock to conceal the identity of the owner of that livestock commits a ~~Class C~~ **Level 5** felony.

SECTION 221. IC 15-19-6-21, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. A person who knowingly sells or offers for sale livestock whose brand has been destroyed or altered for the purpose of concealing the identity of the owner of that livestock commits a ~~Class C~~ **Level 5** felony.

SECTION 222. IC 15-19-6-22, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. A person who knowingly purchases livestock whose brand has been destroyed or altered for the purpose of concealing the identity of the owner of that livestock commits a ~~Class C~~ **Level 5** felony.

SECTION 223. IC 15-20-1-4, AS ADDED BY P.L.2-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Except as provided in subsection (b), the owner of a dog commits a Class C misdemeanor if:

(1) the owner recklessly, knowingly, or intentionally fails to take reasonable steps to restrain the dog;

(2) the dog enters property other than the property of the dog's owner; and

(3) as the result of the owner's failure to restrain the dog, the dog bites or attacks another person without provocation, resulting in

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bodily injury to the other person.

(b) The offense under subsection (a) is:

(1) a Class B misdemeanor if the person has been convicted of one (1) previous unrelated violation of this section;

(2) a Class A misdemeanor if:

(A) the person has been convicted of more than one (1) previous unrelated violation of this section; or

(B) the violation results in serious bodily injury to a person;

(3) a ~~Class D~~ **Level 6** felony if the owner recklessly violates this section and the violation results in the death of a person; and

(4) a ~~Class C~~ **Level 5** felony if the owner intentionally or knowingly violates this section and the violation results in the death of a person.

(c) This subsection does not apply to a nonaggressive dog that goes beyond the owner's premises onto agricultural or forested land. An owner of a dog commits a Class D infraction if the owner of the dog allows the dog to stray beyond the owner's premises, unless the dog is under the reasonable control of an individual or the dog is engaged in lawful hunting and accompanied by the owner or a custodian of the dog. However, the offense is a Class C infraction if the owner has a prior unrelated judgment for a violation of this subsection.

SECTION 224. IC 15-20-1-5, AS ADDED BY P.L.2-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The following definitions apply throughout this section:

(1) "Coydog" means:

(A) an animal that is the offspring of a coyote and another animal; or

(B) an animal that is the offspring of:

(i) an animal that is the offspring of a coyote and another animal; and

(ii) another animal.

(2) "Secure enclosure" means an outdoor pen that is:

(A) roofed or that has sides at least six (6) feet tall; and

(B) constructed in such a manner that the type of animal contained within the pen cannot reasonably be expected to escape.

(3) "Wolf hybrid" means:

(A) an animal that is the offspring of a wolf and another animal; or

(B) an animal that is the offspring of:

(i) an animal that is the offspring of a wolf and another

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animal; and
(ii) another animal.

(b) An owner of a wolf hybrid or coydog shall:

(1) keep the animal in a building or secure enclosure; or

(2) keep the animal:

(A) under the reasonable control of an individual; and

(B) on a leash not more than eight (8) feet in length.

Subject to subsections (c) and (d), an owner who does not comply with this subsection commits a Class B infraction. An owner who merely tethers or chains a coydog or wolf hybrid does not comply with this subsection.

(c) Subject to subsection (d), an owner of a wolf hybrid or coydog commits a Class B misdemeanor if the owner recklessly, knowingly, or intentionally fails to comply with subsection (b) and:

(1) the wolf hybrid or coydog enters property other than the property of the owner; and

(2) the wolf hybrid or coydog causes damage to livestock or the personal property of another individual.

(d) The offense under subsection (c) is:

(1) a Class A misdemeanor if the owner has one (1) prior unrelated conviction under this section;

(2) a ~~Class D~~ **Level 6** felony if:

(A) the owner has more than one (1) prior unrelated conviction for a violation under this section; or

(B) the owner knowingly, intentionally, or recklessly fails to comply with subsection (b) and the failure to comply results in serious bodily injury to a person; and

(3) a ~~Class C~~ **Level 5** felony if the owner knowingly, intentionally, or recklessly fails to comply with subsection (b) and the failure to comply results in the death of a person.

(e) Notwithstanding IC 36-1-3-8(a), a unit (as defined in IC 36-1-2-23) may adopt an ordinance:

(1) prohibiting a person from possessing a wolf hybrid or coydog; or

(2) imposing:

(A) a penalty of more than one thousand dollars ($1,000) up to the limits prescribed in IC 36-1-3-8(a)(10)(B) for a violation of subsection (b); or

(B) conditions on the possession of a wolf hybrid or coydog that are more stringent than the provisions of subsection (b).

SECTION 225. IC 16-21-8-1, AS AMENDED BY P.L.41-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2014]: Sec. 1. (a) A hospital licensed under IC 16-21-2 that provides general medical and surgical hospital services shall provide forensic medical exams and additional forensic services to all alleged sex crime victims who apply for forensic medical exams and additional forensic services in relation to injuries or trauma resulting from the alleged sex crime. The provision of services may not be dependent on a victim's reporting to, or cooperating with, law enforcement.

(b) For the purposes of this chapter, the following crimes are considered sex crimes:

(1) Rape (IC 35-42-4-1).
(2) Criminal deviate conduct (IC 35-42-4-2) **(repealed).**
(3) Child molesting (IC 35-42-4-3).
(4) Vicarious sexual gratification (IC 35-42-4-5).
(5) Sexual battery (IC 35-42-4-8).
(6) Sexual misconduct with a minor (IC 35-42-4-9).
(7) Child solicitation (IC 35-42-4-6).
(8) Child seduction (IC 35-42-4-7).
(9) Incest (IC 35-46-1-3).

(c) Payment for services under this section shall be processed in accordance with rules adopted by the victim services division of the Indiana criminal justice institute.

SECTION 226. IC 16-25-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person may not own or operate a hospice program if the person has:

(1) been convicted of rape (IC 35-42-4-1);
(2) been convicted of criminal deviate conduct (IC 35-42-4-2) **(repealed);**
(3) been convicted of exploitation of a dependent or an endangered adult (IC 35-46-1-12);
(4) had a judgment entered against the person for failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13); or
(5) been convicted of theft (IC 35-43-4), if the person's conviction for theft occurred less than ten (10) years before the date of submission by the person of an application for licensure or approval as a hospice program under IC 16-25-3.

(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor.

SECTION 227. IC 16-25-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) Except as provided in subsection (b), a person who owns or operates a hospice program may not employ an individual or allow a volunteer to provide

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hospice services if that individual's or volunteer's limited criminal history indicates that the individual or volunteer has:

(1) been convicted of rape (IC 35-42-4-1);

(2) been convicted of criminal deviate conduct (IC 35-42-4-2) **(repealed);**

(3) been convicted of exploitation of an endangered adult (IC 35-46-1-12);

(4) had a judgment entered against the individual for failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13); or

(5) been convicted of theft (IC 35-43-4), if the conviction for theft occurred less than ten (10) years before the individual's employment application date.

(b) A hospice program may not employ an individual or allow a volunteer to provide hospice services for more than twenty-one (21) calendar days without receipt of that individual's or volunteer's limited criminal history required by section 2 of this chapter, unless the Indiana central repository for criminal history information under IC 10-13-3 is solely responsible for failing to provide the individual's or volunteer's limited criminal history to the hospice program within the time required under this subsection.

SECTION 228. IC 16-27-2-3, AS AMENDED BY P.L.212-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person may not operate a home health agency or a personal services agency if the person has been convicted of any of the following:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) **(repealed).**

(3) Exploitation of an endangered adult (IC 35-46-1-12).

(4) Failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13).

(5) Theft (IC 35-43-4), if the person's conviction for theft occurred less than ten (10) years before the date of submission by the person of an application for licensure as a home health agency under IC 16-27-1 or as a personal services agency under IC 16-27-4.

(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor.

SECTION 229. IC 16-27-2-5, AS AMENDED BY P.L.84-2010, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as provided in subsection (b), a person who operates a home health agency under IC 16-27-1 or a

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personal services agency under IC 16-27-4 may not employ a person to provide services in a patient's or client's temporary or permanent residence if that person's limited criminal history, national criminal history background check, or expanded criminal history check indicates that the person has been convicted of any of the following:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) **(repealed).**

(3) Exploitation of an endangered adult (IC 35-46-1-12).

(4) Failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13).

(5) Theft (IC 35-43-4), if the conviction for theft occurred less than ten (10) years before the person's employment application date.

(6) A felony that is substantially equivalent to a felony listed in:

(A) subdivisions (1) through (4); or

(B) subdivision (5), if the conviction for theft occurred less than ten (10) years before the person's employment application date;

for which the conviction was entered in another state.

(b) A home health agency or personal services agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than twenty-one (21) calendar days without receipt of that person's limited criminal history, national criminal history background check, or expanded criminal history check, required by section 4 of this chapter, unless the state police department, the Federal Bureau of Investigation under IC 10-13-3-39, or the private agency providing the expanded criminal history check is responsible for failing to provide the person's limited criminal history, national criminal history background check, or expanded criminal history check to the home health agency or personal services agency within the time required under this subsection.

SECTION 230. IC 16-28-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who intentionally destroys or falsifies records of the breach of any provision of this article commits a ~~Class D~~ **Level 6** felony.

SECTION 231. IC 16-31-3-14, AS AMENDED BY P.L.77-2012, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) A person holding a certificate or license issued under this article must comply with the applicable standards and rules established under this article. A certificate holder or license holder is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder

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or license holder:

(1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate or license, including cheating on a certification or licensure examination;

(2) engaged in fraud or material deception in the course of professional services or activities;

(3) advertised services or goods in a false or misleading manner;

(4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;

(5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder or license holder should be entrusted to provide emergency medical services;

(6) is convicted of violating IC 9-19-14.5;

(7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;

(8) continues to practice if the certificate holder or license holder becomes unfit to practice due to:

(A) professional incompetence that includes the undertaking of professional activities that the certificate holder or license holder is not qualified by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's or license holder's ability to practice safely;

(9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(10) allows the certificate holder's or license holder's name or a certificate or license issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;

(11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;

(12) assists another person in committing an act that would

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constitute a ground for disciplinary sanction under this chapter; or

(13) allows a certificate or license issued by the commission to be:

(A) used by another person; or

(B) displayed to the public when the certificate or license is expired, inactive, invalid, revoked, or suspended.

(b) The department of homeland security may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the department of homeland security determines that a certificate holder or license holder is subject to disciplinary sanctions under subsection (a):

(1) Revocation of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.

(2) Suspension of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.

(3) Censure of a certificate holder or license holder.

(4) Issuance of a letter of reprimand.

(5) Assessment of a civil penalty against the certificate holder or license holder in accordance with the following:

(A) The civil penalty may not exceed five hundred dollars ($500) per day per violation.

(B) If the certificate holder or license holder fails to pay the civil penalty within the time specified by the department of homeland security, the department of homeland security may suspend the certificate holder's certificate or license holder's license without additional proceedings.

(6) Placement of a certificate holder or license holder on probation status and requirement of the certificate holder or license holder to:

(A) report regularly to the department of homeland security upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department of homeland security;

(C) continue or renew professional education approved by the department of homeland security until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department of homeland security considers appropriate to the public interest or to the rehabilitation or treatment of the

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certificate holder or license holder.

The department of homeland security may withdraw or modify this probation if the department of homeland security finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder or license holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate or license, including cheating on the certification or licensure examination, the department of homeland security may rescind the certificate or license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate or license for a length of time established by the department of homeland security.

(d) The department of homeland security may deny certification or licensure to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder or license holder, has had disciplinary action taken against the applicant or the applicant's certificate or license to practice in another state or jurisdiction, or has practiced without a certificate or license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department of homeland security may order a certificate holder or license holder to submit to a reasonable physical or mental examination if the certificate holder's or license holder's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department of homeland security order to submit to a physical or mental examination makes a certificate holder or license holder liable to temporary suspension under subsection (i).

(f) Except as provided under subsection (a), subsection (g), and section 14.5 of this chapter, a certificate or license may not be denied, revoked, or suspended because the applicant, certificate holder, or license holder has been convicted of an offense. The acts from which the applicant's, certificate holder's, or license holder's conviction resulted may be considered as to whether the applicant or certificate holder or license holder should be entrusted to serve the public in a specific capacity.

(g) The department of homeland security may deny, suspend, or revoke a certificate or license issued under this article if the individual who holds or is applying for the certificate or license is convicted of any of the following:

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(1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
(2) Possession of methamphetamine under IC 35-48-4-6.1.
(3) Possession of a controlled substance under IC 35-48-4-7(a).
(4) Fraudulently obtaining a controlled substance under ~~IC 35-48-4-7(b).~~ **IC 35-48-4-7(c).**
(5) Manufacture of paraphernalia as a Class D **felony (for a crime committed before July 1, 2014) or Level 6** felony **(for a crime committed after June 30, 2014)** under IC 35-48-4-8.1(b).
(6) Dealing in paraphernalia as a Class D **felony (for a crime committed before July 1, 2014) or Level 6** felony **(for a crime committed after June 30, 2014)** under IC 35-48-4-8.5(b).
(7) Possession of paraphernalia as a Class D **felony (for a crime committed before July 1, 2014) or Level 6** felony **(for a crime committed after June 30, 2014)** under IC 35-48-4-8.3(b).
(8) Possession of marijuana, hash oil, hashish, salvia, or a synthetic drug as a Class D **felony (for a crime committed before July 1, 2014) or Level 6** felony **(for a crime committed after June 30, 2014)** under IC 35-48-4-11.
(9) Maintaining a common nuisance under IC 35-48-4-13.
(10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).
(12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described by subdivisions (1) through (12).

(h) A decision of the department of homeland security under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The department of homeland security may temporarily suspend a certificate holder's certificate or license holder's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department of homeland security finds that a certificate holder or license holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder or license holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified or licensed under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions

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under this chapter, the department of homeland security must initiate an investigation against the person.

(k) The department of homeland security shall conduct a factfinding investigation as the department of homeland security considers proper in relation to the complaint.

(l) The department of homeland security may reinstate a certificate or license that has been suspended under this section if the department of homeland security is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the department of homeland security may impose disciplinary or corrective measures authorized under this chapter.

(m) The department of homeland security may not reinstate a certificate or license that has been revoked under this chapter.

(n) The department of homeland security must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department of homeland security's findings or orders.

(o) A certificate holder may not surrender the certificate holder's certificate, and a license holder may not surrender the license holder's license, without the written approval of the department of homeland security, and the department of homeland security may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate or license.

(p) For purposes of this section, "certificate holder" means a person who holds:

(1) an unlimited certificate;

(2) a limited or probationary certificate; or

(3) an inactive certificate.

(q) For purposes of this section, "license holder" means a person who holds:

(1) an unlimited license;

(2) a limited or probationary license; or

(3) an inactive license.

SECTION 232. IC 16-34-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) Except as provided in subsections (b) and (c), a person who knowingly or intentionally performs an abortion not expressly provided for in this chapter commits a ~~Class C~~ **Level 5** felony.

(b) A physician who performs an abortion intentionally or knowingly in violation of section 1(a)(1)(C) or 4 of this chapter commits a Class A misdemeanor.

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(c) A person who knowingly or intentionally performs an abortion in violation of section 1.1 of this chapter commits a Class A infraction.

(d) A woman upon whom a partial birth abortion is performed may not be prosecuted for violating or conspiring to violate section 1(b) of this chapter.

SECTION 233. IC 16-36-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. A person who knowingly or intentionally:

(1) physically cancels or destroys a living will declaration or a life prolonging procedures will declaration without the declarant's consent; or

(2) falsifies or forges a revocation of another person's living will declaration or life prolonging procedures will declaration;

commits a ~~Class D~~ **Level 6** felony.

SECTION 234. IC 16-36-4-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. A person who knowingly or intentionally:

(1) falsifies or forges the living will declaration of another person with intent to cause withholding or withdrawal of life prolonging procedures; or

(2) conceals or withholds personal knowledge of the revocation of a living will declaration with intent to cause a withholding or withdrawal of life prolonging procedures;

commits a ~~Class C~~ **Level 5** felony.

SECTION 235. IC 16-36-5-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 28. (a) A person who knowingly or intentionally:

(1) falsifies or forges the out of hospital DNR declaration and order of another person with intent to cause the withholding or withdrawal of CPR; or

(2) conceals or withholds personal knowledge of the revocation of an out of hospital DNR declaration and order with intent to cause the withholding or withdrawal of CPR;

commits a ~~Class C~~ **Level 5** felony.

(b) A person who commits an offense described in this section is subject to IC 29-1-2-12.1.

SECTION 236. IC 16-37-1-12, AS AMENDED BY P.L.41-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. A person who, with intent to defraud:

(1) makes a false or fraudulent statement in applying to a local health officer or to the state registrar for a certified copy of a birth certificate;

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(2) makes a false or fraudulent statement in applying to the state registrar for permission to inspect public birth records held by the state registrar;

(3) alters, counterfeits, or mutilates a certified copy of a birth certificate issued by a local health officer or by the state registrar; or

(4) uses an altered, a counterfeit, or a mutilated certified copy of a birth certificate;

commits a ~~Class D~~ **Level 6** felony.

SECTION 237. IC 16-41-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as provided in ~~IC 35-42-1-9,~~ **IC 35-45-21-3,** a person who recklessly violates or fails to comply with this chapter commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.

SECTION 238. IC 16-41-8-1, AS AMENDED BY P.L.114-2012, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) As used in this chapter, "potentially disease transmitting offense" means any of the following:

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

(2) An offense relating to a criminal sexual act (as defined in IC 35-31.5-2-216), if sexual intercourse or ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5)** occurred.

The term includes an attempt to commit an offense, if sexual intercourse or ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5)** occurred, and a delinquent act that would be a crime if committed by an adult.

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

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

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

(3) Release may be made of medical or epidemiologic information to the extent necessary to enforce public health laws, laws described in IC 31-37-19-4 through IC 31-37-19-6, IC 31-37-19-9

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through IC 31-37-19-10, IC 31-37-19-12 through IC 31-37-19-23, IC 35-38-1-7.1, and ~~IC 35-42-1-7,~~ **IC 35-45-21-1** or to protect the health or life of a named party.

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

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

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

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

(1) the individual;

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

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

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

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

SECTION 239. IC 16-41-8-5, AS AMENDED BY P.L.94-2010, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) This section does not apply to medical testing of an individual for whom an indictment or information is filed for a sex crime and for whom a request to have the individual tested under section 6 of this chapter is filed.

(b) The following definitions apply throughout this section:

(1) "Bodily fluid" means blood, human waste, or any other bodily fluid.

(2) "Dangerous disease" means any of the following:

(A) Chancroid.

(B) Chlamydia.

(C) Gonorrhea.

(D) Hepatitis.

(E) Human immunodeficiency virus (HIV).

(F) Lymphogranuloma venereum.

(G) Syphilis.

(H) Tuberculosis.

(3) "Offense involving the transmission of a bodily fluid" means

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any offense (including a delinquent act that would be a crime if committed by an adult) in which a bodily fluid is transmitted from the defendant to the victim in connection with the commission of the offense.

(c) This subsection applies only to a defendant who has been charged with a potentially disease transmitting offense. At the request of an alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney shall petition a court to order a defendant charged with the commission of a potentially disease transmitting offense to submit to a screening test to determine whether the defendant is infected with a dangerous disease. In the petition, the prosecuting attorney must set forth information demonstrating that the defendant has committed a potentially disease transmitting offense. The court shall set the matter for hearing not later than forty-eight (48) hours after the prosecuting attorney files a petition under this subsection. The alleged victim, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, and the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2) are entitled to receive notice of the hearing and are entitled to attend the hearing. The defendant and the defendant's counsel are entitled to receive notice of the hearing and are entitled to attend the hearing. If, following the hearing, the court finds probable cause to believe that the defendant has committed a potentially disease transmitting offense, the court may order the defendant to submit to a screening test for one (1) or more dangerous diseases. If the defendant is charged with ~~committing~~ battery ~~by body waste (IC 35-42-2-6),~~ **(IC 35-42-2-1(b)(2)),** the court may limit testing under this subsection to a test only for human immunodeficiency virus (HIV). However, the court may order additional testing for human immunodeficiency virus (HIV) as may be medically appropriate. The court shall take actions to ensure the confidentiality of evidence introduced at the hearing.

(d) This subsection applies only to a defendant who has been charged with an offense involving the transmission of a bodily fluid. At the request of an alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney shall petition a court to order a defendant charged with the commission of an offense involving the transmission of a bodily fluid

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to submit to a screening test to determine whether the defendant is infected with a dangerous disease. In the petition, the prosecuting attorney must set forth information demonstrating that:

(1) the defendant has committed an offense; and

(2) a bodily fluid was transmitted from the defendant to the victim in connection with the commission of the offense.

The court shall set the matter for hearing not later than forty-eight (48) hours after the prosecuting attorney files a petition under this subsection. The alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, and the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2) are entitled to receive notice of the hearing and are entitled to attend the hearing. The defendant and the defendant's counsel are entitled to receive notice of the hearing and are entitled to attend the hearing. If, following the hearing, the court finds probable cause to believe that the defendant has committed an offense and that a bodily fluid was transmitted from the defendant to the alleged victim in connection with the commission of the offense, the court may order the defendant to submit to a screening test for one (1) or more dangerous diseases. If the defendant is charged with ~~committing~~ battery ~~by body waste (IC 35-42-2-6),~~ **(IC 35-42-2-1(b)(2))** the court may limit testing under this subsection to a test only for human immunodeficiency virus (HIV). However, the court may order additional testing for human immunodeficiency virus (HIV) as may be medically appropriate. The court shall take actions to ensure the confidentiality of evidence introduced at the hearing.

(e) The testimonial privileges applying to communication between a husband and wife and between a health care provider and the health care provider's patient are not sufficient grounds for not testifying or providing other information at a hearing conducted in accordance with this section.

(f) A health care provider (as defined in IC 16-18-2-163) who discloses information that must be disclosed to comply with this section is immune from civil and criminal liability under Indiana statutes that protect patient privacy and confidentiality.

(g) The results of a screening test conducted under this section shall be kept confidential if the defendant ordered to submit to the screening test under this section has not been convicted of the potentially disease transmitting offense or offense involving the transmission of a bodily fluid with which the defendant is charged. The results may not be made available to any person or public or private agency other than the following:

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(1) The defendant and the defendant's counsel.
(2) The prosecuting attorney.
(3) The department of correction or the penal facility, juvenile detention facility, or secure private facility where the defendant is housed.
(4) The alleged victim or the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), and the alleged victim's counsel.

The results of a screening test conducted under this section may not be admitted against a defendant in a criminal proceeding or against a child in a juvenile delinquency proceeding.

(h) As soon as practicable after a screening test ordered under this section has been conducted, the alleged victim or the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), and the victim's counsel shall be notified of the results of the test.

(i) An alleged victim may disclose the results of a screening test to which a defendant is ordered to submit under this section to an individual or organization to protect the health and safety of or to seek compensation for:
(1) the alleged victim;
(2) the alleged victim's sexual partner; or
(3) the alleged victim's family.

(j) The court shall order a petition filed and any order entered under this section sealed.

(k) A person that knowingly or intentionally:
(1) receives notification or disclosure of the results of a screening test under this section; and
(2) discloses the results of the screening test in violation of this section;

commits a Class B misdemeanor.

SECTION 240. IC 16-41-12-15, AS AMENDED BY P.L.59-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A blood center shall require a blood donor to provide to the blood center the following information:
(1) Name.
(2) Address.
(3) Date of birth.

(b) A blood center shall request a blood donor to provide the blood

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donor's Social Security number.

(c) A blood center shall report the name and address of a blood donor to the state department when a confirmatory test of the blood donor's blood confirms the presence of antibodies to the human immunodeficiency virus (HIV).

(d) A blood center shall provide to a blood donor information to enable the blood donor to give informed consent to the procedures required by this chapter or IC 16-36. The information required by this subsection must be in the following form:

NOTICE

(1) This blood center performs a screening test for the human immunodeficiency virus (HIV) on every donor's blood.

(2) This blood center reports to the state department of health the name and address of a blood donor when a confirmatory test of the blood donor's blood confirms the presence of antibodies to the human immunodeficiency virus (HIV).

(3) A person who recklessly, knowingly, or intentionally donates (excluding self-donations for stem cell transplantation), sells, or transfers blood or a blood component that contains antibodies for the human immunodeficiency virus (HIV) commits transferring contaminated blood, a ~~Class C~~ **Level 5** felony. The offense is a ~~Class A~~ **Level 4** felony if the offense results in the transmission of the virus to another person.

SECTION 241. IC 16-41-14-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. A practitioner shall provide information to a semen donor to enable the semen donor to give informed consent to the procedures required by this chapter. The information required by this section must be in the following form:

NOTICE

(1) This facility performs a screening test for the human immunodeficiency virus (HIV) on every donor's blood.

(2) This facility reports to the state department of health the name and address of a semen donor or recipient when a confirmatory test of the semen donor's blood or the recipient's blood confirms the presence of antibodies to the human immunodeficiency virus (HIV).

(3) A person who, for the purpose of artificial insemination, recklessly, knowingly, or intentionally donates, sells, or transfers semen that contains antibodies for the human immunodeficiency virus (HIV) commits transferring contaminated semen, a ~~Class C~~ **Level 5** felony. The offense is a ~~Class A~~ **Level 4** felony if the offense results in the transmission of the virus to another person.

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SECTION 242. IC 16-41-14-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) This section does not apply to a person who transfers for research purposes semen that contains antibodies for the human immunodeficiency virus (HIV).

(b) A person who, for the purpose of artificial insemination, recklessly, knowingly, or intentionally donates, sells, or transfers semen that contains antibodies for the human immunodeficiency virus (HIV) commits transferring contaminated semen, a ~~Class C~~ **Level 5** felony. The offense is a ~~Class A~~ **Level 4** felony if the offense results in the transmission of the virus to another person.

SECTION 243. IC 16-41-22-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. A person who knowingly violates section 5 of this chapter or violates a condition on which the person is granted a license commits a ~~Class D~~ **Level 6** felony.

SECTION 244. IC 16-42-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A person may not engage in any of the following acts:

(1) The sale in intrastate commerce of a food, drug, device, or cosmetic that is adulterated or misbranded.

(2) The adulteration or misbranding of a food, drug, device, or cosmetic in intrastate commerce.

(3) The receipt in intrastate commerce of a food, drug, device, or cosmetic that is adulterated or misbranded, and the sale of those items in intrastate commerce for pay or otherwise.

(4) The sale of any article in violation of ~~IC 16-42-1-6,~~ **section 6 of this chapter,** IC 16-42-3-7, IC 16-42-3-8, IC 16-42-3-9, or IC 16-42-3-10.

(5) The refusal to permit access to or copying of any record as required by section 12 of this chapter.

(6) The refusal to permit entry or inspection and collecting of samples as authorized by section 10 or 13 of this chapter.

(7) The use, without proper authority, of any mark, stamp, tag, label, or other identification device authorized or required by rules adopted under this chapter or IC 16-42-2 through IC 16-42-4.

(8) The use by any person to the person's own advantage, or the revelation, other than to the state health commissioner or the state health commissioner's authorized representative or to the courts when relevant in any judicial proceeding, any information acquired under authority of section 13 of this chapter or IC 16-42-3-7 through IC 16-42-3-10 concerning any method or

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process that as a trade secret is entitled to protection.

(9) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a food, drug, device, or cosmetic if the act is done while the article is held for sale and results in the article being misbranded.

(10) The use on the labeling of any drug or in any advertising relating to the drug of any representation or suggestion that an application with respect to the drug is effective under IC 16-42-3-7 and IC 16-42-3-8 unless the drug complies with those sections.

(11) The removal or disposal of a detained or embargoed article in violation of this chapter.

(12) The giving of a guaranty or undertaking in intrastate commerce referred to in subsection (c) that is false.

(b) A person who violates subsection (a) commits a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the offense is committed with intent to defraud or mislead.

(c) It is a defense for a person accused of violating subsection (a)(1) or subsection (a)(3) if the person establishes a guaranty or undertaking signed by and containing the name and address of the person residing in the United States from whom the accused person received in good faith the article to the effect that the article is not adulterated or misbranded within the meaning of this article or the Federal Act.

(d) In addition to the remedies provided in this article, the state health commissioner or the commissioner's legally authorized agent may apply to the circuit or superior court for a temporary or permanent injunction restraining any person from violating any provision of this section.

SECTION 245. IC 16-42-19-27, AS AMENDED BY P.L.2-2005, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 27. (a) A person who knowingly violates this chapter, except sections 24 and 25(b) of this chapter, commits a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~ **Level 5** felony if the person has a prior conviction under this subsection or IC 16-6-8-10(a) before its repeal.

(b) A person who violates section 24 of this chapter commits a Class B misdemeanor.

(c) A person who violates section 25(b) of this chapter commits dealing in an anabolic steroid, a ~~Class C~~ **Level 5** felony. However, the offense is a ~~Class B~~ **Level 4** felony if the person delivered the anabolic steroid to a person who is:

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(1) less than eighteen (18) years of age; and
(2) at least three (3) years younger than the delivering person.

SECTION 246. IC 20-26-5-11, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) This section applies to:

(1) a school corporation; and
(2) an entity:
(A) with which the school corporation contracts for services; and
(B) that has employees who are likely to have direct, ongoing contact with children within the scope of the employees' employment.

(b) A school corporation or entity may use information obtained under section 10 of this chapter concerning an individual's conviction for one (1) of the following offenses as grounds to not employ or contract with the individual:

(1) Murder (IC 35-42-1-1).
(2) Causing suicide (IC 35-42-1-2).
(3) Assisting suicide (IC 35-42-1-2.5).
(4) Voluntary manslaughter (IC 35-42-1-3).
(5) Reckless homicide (IC 35-42-1-5).
(6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
(7) Aggravated battery (IC 35-42-2-1.5).
(8) Kidnapping (IC 35-42-3-2).
(9) Criminal confinement (IC 35-42-3-3).
(10) A sex offense under IC 35-42-4.
(11) Carjacking (IC 35-42-5-2) **(repealed).**
(12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
(13) Incest (IC 35-46-1-3).
(14) Neglect of a dependent as a Class B **felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3** felony **(for a crime committed after June 30, 2014)** (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
(15) Child selling (IC 35-46-1-4(d)).
(16) Contributing to the delinquency of a minor (IC 35-46-1-8), unless ten (10) years have elapsed from the date the individual

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was discharged from probation, imprisonment, or parole, whichever is later.

(17) An offense involving a weapon under IC 35-47 or IC 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(18) An offense relating to controlled substances under IC 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(20) An offense relating to operating a motor vehicle while intoxicated under IC 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(21) An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.

(c) An individual employed by a school corporation or an entity described in subsection (a) shall notify the governing body of the school corporation, if during the course of the individual's employment, the individual is convicted in Indiana or another jurisdiction of an offense described in subsection (b).

SECTION 247. IC 20-28-5-8, AS AMENDED BY P.L.78-2012, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

(1) The state superintendent.

(2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.

(3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of

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the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c), or when the governing body or equivalent authority for a nonpublic school takes any final action in relation to an employee who engaged in any offense listed in subsection (c).

(c) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:

(1) Kidnapping (IC 35-42-3-2).
(2) Criminal confinement (IC 35-42-3-3).
(3) Rape (IC 35-42-4-1).
(4) Criminal deviate conduct (IC 35-42-4-2) **(repealed).**
(5) Child molesting (IC 35-42-4-3).
(6) Child exploitation (IC 35-42-4-4(b)).
(7) Vicarious sexual gratification (IC 35-42-4-5).
(8) Child solicitation (IC 35-42-4-6).
(9) Child seduction (IC 35-42-4-7).
(10) Sexual misconduct with a minor (IC 35-42-4-9).
(11) Incest (IC 35-46-1-3).
(12) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
(13) Dealing in methamphetamine (IC 35-48-4-1.1).
(14) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
(15) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
(16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
(17) Dealing in a counterfeit substance (IC 35-48-4-5).
(18) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic drug (IC 35-48-4-10(b)).
(19) Possession of child pornography (IC 35-42-4-4(c)).
(20) Homicide (IC 35-42-1).
(21) Voluntary manslaughter (IC 35-42-1-3).
(22) Reckless homicide (IC 35-42-1-5).
(23) Battery as any of the following:
(A) A Class A **felony (for a crime committed before July 1, 2014) or a Level 2** felony **(for a crime committed after June 30, 2014).** ~~(IC 35-42-2-1(a)(5)).~~
(B) A Class B **felony (for a crime committed before July 1, 2014) or a Level 3** felony **(for a crime committed after June**

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30, 2014). ~~(IC 35-42-2-1(a)(4)).~~

(C) A Class C **felony (for a crime committed before July 1, 2014) or a Level 5** felony **(for a crime committed after June 30, 2014).** ~~(IC 35-42-2-1(a)(3)).~~

(24) Aggravated battery (IC 35-42-2-1.5).

(25) Robbery (IC 35-42-5-1).

(26) Carjacking (IC 35-42-5-2) **(repealed).**

(27) Arson as a Class A felony or ~~a~~ Class B **felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4** felony **(for a crime committed after June 30, 2014)** (IC 35-43-1-1(a)).

(28) Burglary as a Class A felony or ~~a~~ Class B felony **(for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014)** (IC 35-43-2-1).

(29) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (28).

(30) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (28).

(d) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of a federal offense or an offense in another state that is comparable to a felony listed in subsection (c).

(e) A license may be suspended by the state superintendent as specified in IC 20-28-7.5.

(f) The department shall develop a data base of information on school corporation employees who have been reported to the department under this section.

SECTION 248. IC 21-14-1-6, AS AMENDED BY P.L.77-2012, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. "Public safety officer" means any of the following:

(1) A regular, paid law enforcement officer.

(2) A regular, paid firefighter.

(3) A volunteer firefighter (as defined in IC 36-8-12-2).

(4) A county police reserve officer.

(5) A city police reserve officer.

(6) A paramedic (as defined in IC 16-18-2-266).

(7) An emergency medical technician (as defined in IC 16-18-2-112).

(8) An advanced emergency medical technician (as defined in IC 16-18-2-6.5). ~~or~~

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(9) A hazardous duty employee of the department of correction who:

(A) works within a prison or juvenile facility; or

(B) performs parole or emergency response operations and functions.

(10) A community corrections officer.

SECTION 249. IC 21-18.5-6-25, AS ADDED BY P.L.107-2012, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. (a) Except as provided in subsection (b), a person who knowingly, intentionally, or recklessly violates this chapter commits a Class B misdemeanor.

(b) A person who, with intent to defraud, represents the person to be an agent of a postsecondary credit bearing proprietary educational institution commits a ~~Class C~~ **Level 5** felony.

SECTION 250. IC 22-4.1-21-38, AS ADDED BY P.L.107-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 38. (a) Except as provided in subsection (b), a person who knowingly, intentionally, or recklessly violates this chapter commits a Class B misdemeanor.

(b) A person who, with intent to defraud, represents the person to be an agent of a postsecondary proprietary educational institution commits a ~~Class C~~ **Level 5** felony.

SECTION 251. IC 22-5-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The employment contract of a person who:

(1) works with children; and

(2) is convicted of:

(A) rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age;

(B) criminal deviate conduct (IC 35-42-4-2) **(repealed),** if the victim is less than eighteen (18) years of age;

(C) child molesting (IC 35-42-4-3);

(D) child exploitation (IC 35-42-4-4(b));

(E) vicarious sexual gratification (IC 35-42-4-5);

(F) child solicitation (IC 35-42-4-6);

(G) child seduction (IC 35-42-4-7); or

(H) incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age;

may be canceled by the person's employer.

SECTION 252. IC 22-11-14-6, AS AMENDED BY P.L.187-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who recklessly, knowingly, or

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intentionally violates section 2(f), 4.5, 5(c), 5(d), 7, 8(a), 8(c), 8(d), 10, or 11(c) of this chapter commits a Class A misdemeanor.

(b) A person who ignites, discharges, or uses consumer fireworks at a site other than:

(1) a special discharge location;

(2) the property of the person; or

(3) the property of another who has given permission to use the consumer fireworks;

commits a Class C infraction. However, if a person recklessly, knowingly, or intentionally takes an action described in this subsection within five (5) years after the person previously took an action described in this subsection, whether or not there has been a judgment that the person committed an infraction in taking the previous action, the person commits a Class C misdemeanor.

(c) A person less than eighteen (18) years of age who possesses or uses a firework when an adult is not present and responsible at the location of the possession or use commits a Class C infraction. However, if a person possesses or uses a firework when an adult is not present and responsible at the location of the possession or use within five (5) years after a previous possession or use by the person as described in this subsection, whether or not there has been a judgment that the person committed an infraction in the previous possession or use, the person commits a delinquent act under IC 31-37.

(d) A person who ignites, discharges, or uses consumer fireworks:

(1) after 11 p.m. except on a holiday (as defined in IC 1-1-9-1(a)) or December 31, on which dates consumer fireworks may not be ignited, discharged, or used after midnight; or

(2) before 9 a.m.;

commits a Class C infraction. However, if a person recklessly, knowingly, or intentionally takes an action described in this subsection within five (5) years after the person previously took an action described in this subsection, whether or not there has been a judgment that the person committed an infraction in taking the previous action, the person commits a Class C misdemeanor.

(e) A person who recklessly, knowingly, or intentionally uses consumer fireworks and the violation causes harm to the property of a person commits a Class A misdemeanor.

(f) A person who recklessly, knowingly, or intentionally uses consumer fireworks and the violation results in serious bodily injury to a person commits a ~~Class D~~ **Level 6** felony.

(g) A person who recklessly, knowingly, or intentionally uses consumer fireworks and the violation results in the death of a person

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commits a ~~Class C~~ **Level 5** felony.

(h) A person who knowingly or intentionally fails to collect or remit to the state the public safety fees due under section 12 of this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 253. IC 22-11-14.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A person who causes serious bodily injury to a person as a result of a knowing or an intentional violation of a rule adopted under this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 254. IC 22-11-14.5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. A person who causes the death of a person as a result of a reckless violation of a rule adopted under this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 255. IC 22-11-14.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. A person who causes the death of a person as a result of a knowing or an intentional violation of a rule adopted under this chapter commits a ~~Class C~~ **Level 5** felony.

SECTION 256. IC 22-11-17-4, AS AMENDED BY P.L.114-2012, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. An owner of a public building commits a ~~Class D~~ **Level 6** felony if:

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

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

SECTION 257. IC 22-11-18-5, AS AMENDED BY P.L.17-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) An owner of a hotel or motel who violates this chapter commits a Class A infraction, except as provided by subsection (b).

(b) An owner of a hotel or motel commits a ~~Class D~~ **Level 6** felony if:

(1) the owner knowingly or intentionally violates section 3 of this chapter; and

(2) bodily injury or loss of life occurs as a result of a fire in the building.

(c) Except as provided in section 5.5 of this chapter, a person who violates section 3.5 of this chapter commits a Class D infraction.

SECTION 258. IC 22-15-5-16, AS AMENDED BY P.L.78-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2014]: Sec. 16. (a) A practitioner shall comply with the standards established under this licensing program. A practitioner is subject to the exercise of the disciplinary sanctions under subsection (b) if the department finds that a practitioner has:

(1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;

(2) engaged in fraud or material deception in the course of professional services or activities;

(3) advertised services or goods in a false or misleading manner;

(4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses provided under this chapter;

(5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;

(6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;

(7) continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

(10) had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;

(11) assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(12) allowed a license issued by the department to be:

(A) used by another person; or

(B) displayed to the public when the license has expired, is

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inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction.

(b) The department may impose one (1) or more of the following sanctions if the department finds that a practitioner is subject to disciplinary sanctions under subsection (a):

(1) Permanent revocation of a practitioner's license.

(2) Suspension of a practitioner's license.

(3) Censure of a practitioner.

(4) Issuance of a letter of reprimand.

(5) Assess a civil penalty against the practitioner in accordance with the following:

(A) The civil penalty may not be more than one thousand dollars ($1,000) for each violation listed in subsection (a), except for a finding of incompetency due to a physical or mental disability.

(B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(6) Place a practitioner on probation status and require the practitioner to:

(A) report regularly to the department upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department;

(C) continue or renew professional education approved by the department until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

The department may withdraw or modify this probation if the department finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to

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practice, including cheating on the licensing examination, the department may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the department.

(d) The department may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department may order a practitioner to submit to a reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department order to submit to a physical or mental examination makes a practitioner liable to temporary suspension under subsection (j).

(f) Except as provided under subsection (g) or (h), a license may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(g) The department may deny, suspend, or revoke a license issued under this chapter if the individual who holds the license is convicted of any of the following:

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

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

(3) Possession of a controlled substance under IC 35-48-4-7(a).

(4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b) **(for a crime committed before July 1, 2014) or IC 35-48-4-7(c) (for a crime committed after June 30, 2014).**

(5) Manufacture of paraphernalia as a Class D **felony (for a crime committed before July 1, 2014) or a Level 6** felony **(for a crime committed after June 30, 2014)** under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D **felony (for a crime committed before July 1, 2014) or a Level 6** felony **(for a crime committed after June 30, 2014)** under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D **felony (for a crime committed before July 1, 2014) or a Level 6** felony **(for a crime committed after June 30, 2014)** under IC 35-48-4-8.3(b).

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(8) Possession of marijuana, hash oil, hashish, salvia, or a synthetic drug as a Class D **felony (for a crime committed before July 1, 2014) or a Level 6** felony **(for a crime committed after June 30, 2014)** under IC 35-48-4-11.

(9) Maintaining a common nuisance under IC 35-48-4-13.

(10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).

(12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).

(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in subdivisions (1) through (12).

(h) The department shall deny, revoke, or suspend a license issued under this chapter if the individual who holds the license is convicted of any of the following:

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

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

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

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

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

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

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

(9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic drug under IC 35-48-4-10(b).

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).

(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in subdivisions (1)

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through (11).

(13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

(i) A decision of the department under subsections (b) through (h) may be appealed to the commission under IC 4-21.5-3-7.

(j) The department may temporarily suspend a practitioner's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice.

(k) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the department shall initiate an investigation against the person.

(l) Any complaint filed with the office of the attorney general alleging a violation of this licensing program shall be referred to the department for summary review and for its general information and any authorized action at the time of the filing.

(m) The department shall conduct a fact finding investigation as the department considers proper in relation to the complaint.

(n) The department may reinstate a license that has been suspended under this section if, after a hearing, the department is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the department may impose disciplinary or corrective measures authorized under this chapter.

(o) The department may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

(p) The department shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department's findings or orders.

(q) A practitioner may petition the department to accept the surrender of the practitioner's license instead of having a hearing before the commission. The practitioner may not surrender the practitioner's license without the written approval of the department, and the department may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(r) A practitioner who has been subjected to disciplinary sanctions may be required by the commission to pay the costs of the proceeding.

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The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. The costs are limited to costs for the following:

(1) Court reporters.
(2) Transcripts.
(3) Certification of documents.
(4) Photo duplication.
(5) Witness attendance and mileage fees.
(6) Postage.
(7) Expert witnesses.
(8) Depositions.
(9) Notarizations.

SECTION 259. IC 23-2-2.5-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 37. A person who knowingly violates this chapter commits a ~~Class C~~ **Level 5** felony.

SECTION 260. IC 23-2-5-16, AS AMENDED BY P.L.156-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) Except as provided in subsection (b), a person who knowingly violates this chapter commits a ~~Class C~~ **Level 5** felony.

(b) A person who knowingly violates this chapter commits a ~~Class B~~ **Level 4** felony if the person damaged by the violation is at least sixty (60) years of age.

(c) A person commits a ~~Class C~~ **Level 5** felony if the person knowingly makes or causes to be made:

(1) in any document filed with or sent to the commissioner or the securities division; or
(2) in any proceeding, investigation, or examination under this chapter;

any statement that is, at the time and in the light of the circumstances under which it is made, false or misleading in any material respect.

SECTION 261. IC 23-2-6-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 33. (a) A person who knowingly violates:

(1) this chapter; or
(2) any rule or order issued or adopted by the commissioner under this chapter;

commits a ~~Class C~~ **Level 5** felony.

(b) A person who violates a rule or an order issued or adopted under this chapter may be assessed a civil penalty of up to ten thousand dollars ($10,000).

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(c) The commissioner may refer any evidence concerning violations of this chapter or violations of any rule or order issued or adopted by the commissioner to any prosecuting attorney in Indiana.

SECTION 262. IC 23-14-31-52 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 52. (a) Except as provided in subsections (b), (c), and (d), a person that knowingly or intentionally violates this chapter commits a Class B misdemeanor.

(b) A person that knowingly or intentionally:

(1) performs a cremation without receipt of a cremation authorization form signed by an authorizing agent;

(2) signs a cremation authorization form that the individual knows contains false or incorrect information; or

(3) violates a cremation procedure under sections 36 through 42 of this chapter;

commits a ~~Class D~~ **Level 6** felony.

(c) A crematory authority that knowingly represents to an authorizing agent or the agent's designee that a temporary container or urn contains the cremated remains of a specific decedent when the container or urn does not commits a ~~Class D~~ **Level 6** felony.

(d) A person:

(1) who:

(A) professes to the public to be a crematory authority; or

(B) operates a building or structure in Indiana as a crematory;

without being registered under section 22 of this chapter; or

(2) who fails to file an annual report required under section 24 of this chapter;

commits a Class A misdemeanor.

SECTION 263. IC 23-14-48-9, AS AMENDED BY P.L.113-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) Except as provided in subsections (b) and (c), a person who knowingly violates this chapter commits a Class A misdemeanor.

(b) A person who makes a false or fraudulent representation as to the existence, amount, investment, control, or condition of a perpetual care fund of a cemetery for the purpose of inducing another to purchase any burial right commits a Class C infraction.

(c) A person who knowingly or intentionally uses funds in a perpetual care fund or an endowment care fund established under this chapter for purposes other than the perpetual care of the cemetery for which the perpetual care fund or endowment fund was established commits a ~~Class C~~ **Level 5** felony.

SECTION 264. IC 23-19-5-8, AS AMENDED BY P.L.156-2009,

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SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A person who knowingly violates this article, or a rule adopted under this article, except section 4 of this chapter or the notice filing requirements of IC 23-19-3-2 or IC 23-19-4-5, commits a ~~Class C~~ **Level 5** felony.

(b) A person who knowingly violates section 1 of this chapter commits a ~~Class B~~ **Level 4** felony if the person harmed, defrauded, misled, or deceived by the violation is at least sixty (60) years of age.

(c) A person who knowingly violates section 1 of this chapter:

(1) while using or taking advantage of; or

(2) in connection with;

a relationship that is based on religious affiliation or worship commits a ~~Class B~~ **Level 4** felony.

(d) It is the duty of a prosecuting attorney, as well as of the attorney general, to assist the commissioner upon the commissioner's request in the prosecution to final judgment of a violation of the penal provisions of this article. If the commissioner determines that an action based on the securities division's investigations is meritorious:

(1) the commissioner or a designee empowered by the commissioner shall refer the facts drawn from the investigation to the prosecuting attorney of the judicial circuit in which the crime may have been committed;

(2) the commissioner and the securities division shall assist the prosecuting attorney in prosecuting an action under this section, which may include a securities division attorney serving as a special deputy prosecutor appointed by the prosecuting attorney;

(3) a prosecuting attorney to whom facts concerning fraud are referred under subdivision (1) may refer the matter to the attorney general;

(4) if a matter has been referred to the attorney general under subdivision (3), the attorney general may:

(A) file an information in a court with jurisdiction over the matter in the county in which the offense is alleged to have been committed; and

(B) prosecute the alleged offense; and

(5) if a matter has been referred to the attorney general under subdivision (3), the commissioner and the securities division shall assist the attorney general in prosecuting an action under this section, which may include a securities division attorney serving as a special deputy attorney general appointed by the attorney general.

(e) This article does not limit the power of this state to punish a

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person for conduct that constitutes a crime under other laws of this state.

SECTION 265. IC 23-20-1-31, AS ADDED BY P.L.114-2010, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 31. A person commits a ~~Class C~~ **Level 5** felony if the person knowingly makes or causes to be made:

(1) in any document filed with or sent to the securities commissioner or the division; or

(2) in any proceeding, investigation, or examination;

under this chapter any statement that is, at the time and in the light of the circumstances under which it is made, false or misleading in any material respect.

SECTION 266. IC 24-1-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who knowingly violates this chapter commits a ~~Class C~~ **Level 5** felony.

SECTION 267. IC 24-1-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who knowingly violates this chapter commits a ~~Class C~~ **Level 5** felony.

SECTION 268. IC 24-3-4-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. A person who:

(1) knowingly sells, distributes, or transports more than twelve thousand (12,000) cigarettes in violation of section 8 or 9 of this chapter; and

(2) has previously been convicted of an offense under section 15 or 16 of this chapter;

commits a ~~Class D~~ **Level 6** felony.

SECTION 269. IC 24-4-12-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. A person who violates this chapter commits:

(1) a Class B misdemeanor on the first violation;

(2) a Class A misdemeanor on the second violation; and

(3) a ~~Class D~~ **Level 6** felony on the third and any subsequent violation.

SECTION 270. IC 24-4-18-6, AS ADDED BY P.L.69-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A criminal history provider may provide only criminal history information that relates to a conviction.

(b) A criminal history provider may not provide information relating to the following:

(1) An infraction, an arrest, or a charge that did not result in a conviction.

(2) A record that has been expunged.

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(3) A record that is restricted by a court or the rules of a court.

(4) A record indicating a conviction of a Class D **felony (for a crime committed before July 1, 2014) or a Level 6** felony **(for a crime committed after June 30, 2014)** if the Class D **felony or Level 6** felony conviction:

(A) has been entered as a Class A misdemeanor conviction; or

(B) has been converted to a Class A misdemeanor conviction.

(5) A record that the criminal history provider knows is inaccurate.

SECTION 271. IC 24-5-8-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. A person who fails to comply with section 4 of this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 272. IC 24-5-12-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. A seller who fails to comply with sections 10 through 16 of this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 273. IC 24-8-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who knowingly or intentionally violates this article commits a ~~Class D~~ **Level 6** felony.

SECTION 274. IC 25-1-1.1-2, AS AMENDED BY P.L.78-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Notwithstanding IC 25-1-7, a board, a commission, or a committee may suspend, deny, or revoke a license or certificate issued under this title by the board, the commission, or the committee without an investigation by the office of the attorney general if the individual who holds the license or certificate is convicted of any of the following and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:

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

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

(3) Possession of a controlled substance under IC 35-48-4-7(a).

(4) Fraudulently obtaining a controlled substance under ~~IC 35-48-4-7(b).~~ **IC 35-48-4-7(c).**

(5) Manufacture of paraphernalia as a Class D **felony (for a crime committed before July 1, 2014) or a Level 6** felony **(for a crime committed after June 30, 2014)** under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D **felony (for a crime committed before July 1, 2014) or a Level 6** felony **(for a crime**

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committed after June 30, 2014) under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D **felony (for a crime committed before July 1, 2014) or a Level 6** felony **(for a crime committed after June 30, 2014)** under IC 35-48-4-8.3(b).

(8) Possession of marijuana, hash oil, hashish, salvia, or a synthetic drug as a Class D **felony (for a crime committed before July 1, 2014) or a Level 6** felony **(for a crime committed after June 30, 2014)** under IC 35-48-4-11.

(9) Maintaining a common nuisance under IC 35-48-4-13.

(10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).

(12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).

(13) A sex crime under IC 35-42-4.

(14) A felony that reflects adversely on the individual's fitness to hold a professional license.

(15) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

SECTION 275. IC 25-1-9-3.5, AS AMENDED BY P.L.114-2012, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.5. As used in this chapter, "sexual contact" means:

(1) sexual intercourse (as defined in IC 35-31.5-2-302);

(2) ~~deviate~~ **other** sexual conduct (as defined in ~~IC 35-31.5-2-94);~~ **IC 35-31.5-2-221.5);** or

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

SECTION 276. IC 25-5.2-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) An agency contract must be in a record, signed or otherwise authenticated by the parties.

(b) An agency contract must contain the following:

(1) The amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the athlete agent under the contract and any other consideration the athlete agent has received or will receive from any other source for entering into the contract or for providing the services.

(2) The name of any person not listed in the application for

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registration or renewal of registration who will be compensated because the student athlete signed the agency contract.

(3) A description of any expenses that the student athlete agrees to reimburse.

(4) A description of the services to be provided to the student athlete.

(5) The duration of the contract.

(6) The date of execution.

(c) An agency contract must contain, in close proximity to the signature of the student athlete, a conspicuous notice in boldface type in capital letters stating:

WARNING TO STUDENT ATHLETE
IF YOU SIGN THIS CONTRACT:
(1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE IN YOUR SPORT;
(2) IF YOU HAVE AN ATHLETIC DIRECTOR, BOTH YOU AND YOUR ATHLETE AGENT MUST GIVE TO YOUR ATHLETIC DIRECTOR THE TEN (10) DAY NOTICE REQUIRED BY IC 25-5.2-2-9 ~~AND IC 35-46-4-4~~ BEFORE EXECUTING THIS CONTRACT; AND
(3) YOU MAY CANCEL THIS CONTRACT WITHIN FOURTEEN (14) DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.

(d) An agency contract that does not conform to this section is voidable by the student athlete. If a student athlete voids an agency contract, the student athlete is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student athlete to enter into the contract.

(e) The athlete agent shall give a record of the signed or otherwise authenticated agency contract to the student athlete at the time of execution.

SECTION 277. IC 25-5.2-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) At least ten (10) days before a student athlete enters into an agency contract, the athlete agent shall give in a record ~~the~~ notice ~~required by IC 35-46-4-4~~ of the existence of the contract to the athletic director of the educational institution at which the student athlete is enrolled or the athlete agent has reasonable grounds to believe the student athlete intends to enroll.

(b) At least ten (10) days before entering into an agency contract, the student athlete shall inform the athletic director of the educational institution at which the student athlete is enrolled or intends to enroll

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that the student athlete intends to enter into an agency contract.

SECTION 278. IC 25-5.2-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) An athlete agent who, with the intent to induce a student athlete to enter into an agency contract:

(1) gives any materially false or misleading information or makes a materially false promise or representation;

(2) furnishes anything of value to a student athlete before the student athlete enters into the agency contract; or

(3) furnishes anything of value to any individual other than the student athlete or another registered athlete agent;

commits a ~~Class D~~ **Level 6** felony.

(b) An athlete agent who intentionally:

(1) initiates contact with a student athlete unless registered under this article;

(2) refuses or fails to retain or permit inspection of the records required to be retained by section 11 of this chapter;

(3) fails to register when required by section 2 of this chapter;

(4) provides materially false or misleading information in an application for registration or renewal of registration;

(5) predates or postdates an agency contract; or

(6) fails to notify a student athlete before the student athlete signs or otherwise authenticates an agency contract for a particular sport that the signing or authentication may make the student athlete ineligible to participate as a student athlete in that sport;

commits a ~~Class D~~ **Level 6** felony.

SECTION 279. IC 25-14-1-25, AS AMENDED BY P.L.103-2011, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. (a) It is a ~~Class D~~ **Level 6** felony for a person to do any of the following:

(1) Practice dentistry not being at the time a dentist duly licensed to practice as such in this state under this chapter.

(2) Employ, hire, or procure one who is not duly licensed as a dentist to practice dentistry, but a person practiced upon by an unlicensed dentist does not violate this section.

(b) It is a Class B misdemeanor for a person to do any of the following:

(1) Sell or barter, or offer to sell or barter, or, not being lawfully authorized so to do, issue or confer, or offer to issue or confer, any dental degree, license, or any diploma or document conferring, or purporting to confer, any dental degree or license, or any certificate or transcript made, or purporting to be made, under this

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chapter.

(2) Purchase, or procure by barter, any diploma, license, certificate, or transcript, with intent that it be used as evidence of the qualifications to practice dentistry of any person other than the one upon, or to whom, it was lawfully conferred or issued, or in fraud of the laws regulating the practice.

(3) Use any diploma, certificate, or transcript which has been purchased, fraudulently issued, counterfeited, or materially altered, either as a license or color of license, to practice dentistry, or in order to procure registration as a dentist.

(4) Practice dentistry under a false name, under a name intended to mislead the public, under the license of another person of the same name, or hold the person out to the public under such a name as a practitioner of dentistry.

(5) Assume the title or degree of "Bachelor of Dental Surgery", append the letters "B.D.S.", "D.D.S.", "M.D.S.", or "D.M.D.", to the person's name, or make use of the same, or prefix to ~~his~~ **the person's** name the title of "Doctor", or any abbreviation thereof, not having had duly conferred upon the person by diploma from some college, school, or board of examiners legally empowered to confer the same, the right to assume such a title.

(6) Assume any title or append or prefix any words to the person's name, with intent to represent falsely that the person has received a dental degree or license.

(7) Not having been licensed to practice dentistry under the laws of this state, represent that the person is entitled so to practice (a dental licensee may use the prefix "Doctor" or "Dr." to ~~his~~ **the person's** name).

(8) Falsely personate another at any examination to ascertain the preliminary professional education of candidates for dental certificates, dental degrees, or dental licenses or knowingly avail the person of the benefit of false personation.

~~(8)~~ **(9)** Otherwise violate this chapter.

(c) Each date that a person violates this section constitutes a separate offense.

SECTION 280. IC 25-22.5-1-1.1, AS AMENDED BY P.L.90-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.1. As used in this article:

(a) "Practice of medicine or osteopathic medicine" means any one (1) or a combination of the following:

(1) Holding oneself out to the public as being engaged in:

(A) the diagnosis, treatment, correction, or prevention of any

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disease, ailment, defect, injury, infirmity, deformity, pain, or other condition of human beings;

(B) the suggestion, recommendation, or prescription or administration of any form of treatment, without limitation;

(C) the performing of any kind of surgical operation upon a human being, including tattooing (except for ~~tattooing~~ **providing a tattoo** as defined in ~~IC 35-42-2-7),~~ **IC 35-45-21-4(a)),** in which human tissue is cut, burned, or vaporized by the use of any mechanical means, laser, or ionizing radiation, or the penetration of the skin or body orifice by any means, for the intended palliation, relief, or cure; or

(D) the prevention of any physical, mental, or functional ailment or defect of any person.

(2) The maintenance of an office or a place of business for the reception, examination, or treatment of persons suffering from disease, ailment, defect, injury, infirmity, deformity, pain, or other conditions of body or mind.

(3) Attaching the designation "doctor of medicine", "M.D.", "doctor of osteopathy", "D.O.", "osteopathic medical physician", "physician", "surgeon", or "physician and surgeon", either alone or in connection with other words, or any other words or abbreviations to a name, indicating or inducing others to believe that the person is engaged in the practice of medicine or osteopathic medicine (as defined in this section).

(4) Providing diagnostic or treatment services to a person in Indiana when the diagnostic or treatment services:

(A) are transmitted through electronic communications; and

(B) are on a regular, routine, and nonepisodic basis or under an oral or written agreement to regularly provide medical services.

In addition to the exceptions described in section 2 of this chapter, a nonresident physician who is located outside Indiana does not practice medicine or osteopathy in Indiana by providing a second opinion to a licensee or diagnostic or treatment services to a patient in Indiana following medical care originally provided to the patient while outside Indiana.

(b) "Board" refers to the medical licensing board of Indiana.

(c) "Diagnose or diagnosis" means to examine a patient, parts of a patient's body, substances taken or removed from a patient's body, or materials produced by a patient's body to determine the source or nature of a disease or other physical or mental condition, or to hold oneself out or represent that a person is a physician and is so examining

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a patient. It is not necessary that the examination be made in the presence of the patient; it may be made on information supplied either directly or indirectly by the patient.

(d) "Drug or medicine" means any medicine, compound, or chemical or biological preparation intended for internal or external use of humans, and all substances intended to be used for the diagnosis, cure, mitigation, or prevention of diseases or abnormalities of humans, which are recognized in the latest editions published of the United States Pharmacopoeia or National Formulary, or otherwise established as a drug or medicine.

(e) "Licensee" means any individual holding a valid unlimited license issued by the board under this article.

(f) "Prescribe or prescription" means to direct, order, or designate the use of or manner of using a drug, medicine, or treatment, by spoken or written words or other means.

(g) "Physician" means any person who holds the degree of doctor of medicine or doctor of osteopathy or its equivalent and who holds a valid unlimited license to practice medicine or osteopathic medicine in Indiana.

(h) "Medical school" means a nationally accredited college of medicine or of osteopathic medicine approved by the board.

(i) "Physician assistant" means an individual who:

(1) is supervised by a physician;

(2) graduated from a physician assistant program accredited by an accrediting agency; ~~(as defined in IC 25-27.5-2-4.5);~~

(3) passed the examination administered by the National Commission on Certification of Physician Assistants (NCCPA) and maintains certification; and

(4) has been licensed by the physician assistant committee under IC 25-27.5.

(j) "Agency" refers to the Indiana professional licensing agency under IC 25-1-5.

SECTION 281. IC 25-22.5-8-2, AS AMENDED BY P.L.90-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who violates this article by unlawfully practicing medicine or osteopathic medicine commits a ~~Class C~~ **Level 5** felony.

(b) A person who practices midwifery without the license required under this article commits a ~~Class D~~ **Level 6** felony.

(c) A person who acts as a physician assistant without the license required under IC 25-27.5 commits a ~~Class D~~ **Level 6** felony.

SECTION 282. IC 25-26-13-29 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) It is unlawful:

(1) For any person to display or permit to be displayed, a pharmacy permit in any facility or place of business other than that for which it was issued.

(2) For any person to accept a prescription for filling or compounding at any place or facility for which there is not a valid pharmacy permit.

(3) For any person to operate a pharmacy or to take, assume, exhibit, display, or advertise by any medium, the title "drugs", "prescriptions", "medicine", "drug store", "pharmacy", or "apothecary shop", or any combination of such titles or any other title, symbol, term, or description of like import intended to cause the public to believe that it is a pharmacy unless ~~he~~ **the person** holds a valid pharmacy permit.

(4) For any person to engage or offer to engage in the practice of pharmacy or to hold himself **or herself** out as a pharmacist without a valid pharmacist's license that is classified as active by the board.

(b) A person who violates a provision of subsection (a) ~~of this section~~ commits a ~~Class D~~ **Level 6** felony.

(c) Nothing in this chapter shall apply to, nor in any manner interfere with the business of a general merchant in selling and distributing nonnarcotic, nonprescription medicines or drugs which are prepackaged, fully prepared by the manufacturer for use by the consumer, and labeled in accordance with the requirements of the state and federal food and drug acts.

SECTION 283. IC 25-26-14-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. A person that knowingly purchases or receives a legend drug from any source other than a person licensed under this chapter, including a wholesale distributor, manufacturer, pharmacy distributor, or pharmacy commits a Class A misdemeanor. A subsequent unrelated violation of this section is a ~~Class D~~ **Level 6** felony.

SECTION 284. IC 25-26-14-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. A wholesale drug distributor that fails to allow an authorized person to enter and inspect a facility as provided in section 19 of this chapter commits a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the person has a prior unrelated conviction for an offense under this section.

SECTION 285. IC 25-26-14-26, AS AMENDED BY P.L.212-2005, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2014]: Sec. 26. (a) A person who knowingly or intentionally engages in the wholesale distribution of a legend drug without a license issued under this chapter commits a ~~Class D~~ **Level 6** felony.

(b) A person who engages in the wholesale distribution of a legend drug and:

(1) who, with intent to defraud or deceive:

(A) fails to obtain or deliver to another person a complete and accurate required pedigree concerning a legend drug before:

(i) obtaining the legend drug from another person; or

(ii) transferring the legend drug to another person; or

(B) falsely swears or certifies that the person has authenticated any documents related to the wholesale distribution of legend drugs;

(2) who knowingly or intentionally:

(A) destroys, alters, conceals, or fails to maintain a complete and accurate required pedigree concerning a legend drug in the person's possession;

(B) purchases or receives legend drugs from a person not authorized to distribute legend drugs in wholesale distribution;

(C) sells, barters, brokers, or transfers a legend drug to a person not authorized to purchase the legend drug in the jurisdiction in which the person receives the legend drug in a wholesale distribution;

(D) forges, counterfeits, or falsely creates a pedigree;

(E) falsely represents a factual matter contained in a pedigree; or

(F) fails to record material information required to be recorded in a pedigree; or

(3) who:

(A) possesses a required pedigree concerning a legend drug;

(B) knowingly or intentionally fails to authenticate the matters contained in the pedigree as required; and

(C) distributes or attempts to further distribute the legend drug;

commits a ~~Class D~~ **Level 6** felony.

SECTION 286. IC 25-26-14-27, AS AMENDED BY P.L.98-2006, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 27. A wholesale drug distributor that fails to comply with the conditions and requirements described in section 17, 17.2, 17.8, 17.9, or 20 of this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 287. IC 25-26-19-9 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) An individual may not practice as a pharmacy technician unless the individual is certified under this chapter.

(b) An individual may not act as a pharmacy technician in training unless the individual has obtained a permit under this chapter or the individual is acting as a pharmacy technician in training during the period permitted under section 6(b) of this chapter.

(c) An individual who knowingly violates this section commits a ~~Class D~~ **Level 6** felony.

SECTION 288. IC 25-29-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person that knowingly engages or aids and abets another person, in the practice of podiatric medicine without a license issued under this article commits unauthorized practice of podiatric medicine, a ~~Class D~~ **Level 6** felony.

(b) A person who otherwise violates this article commits a Class C misdemeanor.

SECTION 289. IC 25-36.5-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A person who:

(1) engages in business as a timber buyer without securing a registration or in violation of this chapter; or

(2) refuses to permit inspection of the person's premises, books, accounts, or records as provided in this chapter;

commits a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the person has a prior unrelated conviction for an offense under this section.

SECTION 290. IC 26-3-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues a receipt, knowing that the goods for which the receipt is issued have not been actually received by the warehouseman, or are not under his actual control at the time of issuing the receipt, commits a ~~Class D~~ **Level 6** felony.

SECTION 291. IC 26-3-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues a duplicate or additional negotiable receipt for goods, knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the word "Duplicate," except in case of a lost, stolen, or destroyed receipt, commits a ~~Class D~~ **Level 6** felony.

SECTION 292. IC 26-3-7-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 34. (a) A person who

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knowingly or intentionally violates or fails to comply with this chapter commits a Class A misdemeanor. Each day a person violates this chapter constitutes a separate violation.

(b) A person who knowingly or intentionally issues a receipt or ticket, knowing that the grain for which the receipt or ticket is issued has not been actually received at the licensed warehouse, commits a Class A misdemeanor. A person who issues a duplicate, or additional negotiable receipt for grain, knowing that a former negotiable receipt for the same grain or any part of the grain is outstanding and uncancelled, except in the case of a lost, stolen, or destroyed receipt, as provided in section 24 of this chapter, commits a Class A misdemeanor. A person who fraudulently represents, alters, or counterfeits any license provided for in this chapter commits a ~~Class D~~ **Level 6** felony.

(c) Except in case of sale or other disposition of the grain in lawful enforcement of the lien on grain that attaches under this chapter or on a licensee's lawful termination of storage, shipping, or handling agreements, or except as permitted by the rules adopted by the director under IC 4-22-2 to effectuate the purposes of this chapter:

(1) a person who knowingly or intentionally delivers grain out of a licensed facility, knowing that a negotiable receipt, the negotiation of which would transfer the right of possession of the grain is outstanding and uncancelled, without obtaining the possession of the receipt at or before the time of delivery, commits a ~~Class D~~ **Level 6** felony; and

(2) a person who knowingly or intentionally delivers grain out of a licensed facility, knowing that a non-negotiable receipt or ticket is outstanding and uncancelled, without the prior written approval of the person lawfully entitled to delivery under the non-negotiable receipt or ticket and without delivery being shown on the appropriate records of the licensee, commits a ~~Class D~~ **Level 6** felony.

(d) A person who fraudulently issues a receipt, a ticket, or a weight or grade certificate, knowing that it contains a false statement, or who issues a receipt for grain owned solely or jointly by the person and does not state the fact of the person's ownership in the receipt, commits a Class A misdemeanor.

(e) A person who recklessly changes a receipt or ticket subsequent to issuance, except for notation by the licensee of partial delivery, commits a Class B misdemeanor.

(f) A person who knowingly or intentionally deposits grain to which the person does not have title or upon which there is a lien or mortgage

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and who accepts for the grain a receipt or ticket, without disclosing the lack of title or the existence of the lien or mortgage, commits a ~~Class D~~ **Level 6** felony.

(g) A person commits a Class A misdemeanor who knowingly or intentionally:

(1) engages in the business of being a grain buyer or operates a warehouse without a valid license issued by the director;

(2) engages in the business of being a grain buyer or operates a warehouse without a sufficient cash deposit, letter of credit, or surety bond on file with and in a form approved by the director; or

(3) engages in the business of being a grain buyer or operates a warehouse while in violation of the rules adopted by the director.

(h) A person commits a Class A misdemeanor who willfully makes or causes to be made a false entry or statement of fact in an application or report filed with the director.

(i) A person who is not in compliance with section 3(a)(11) of this chapter may be subject to a fine imposed by the agency of not more than twenty thousand dollars ($20,000), or the suspension of the grain buyer's license for not more than five (5) years, or both.

(j) The director may suspend or revoke the license of a licensee that uses an unlicensed facility to store or handle grain or commits another violation of this chapter.

SECTION 293. IC 27-1-3-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. (a) The commissioner may issue a certificate of authority to any company when it shall have complied with the requirements of the laws of this state so as to entitle it to do business herein. The certificate shall be issued under the seal of the department authorizing and empowering the company to make the kind or kinds of insurance specified in the certificate. No certificate of authority shall be issued until the commissioner has found that:

(1) the company has submitted a sound plan of operation; and

(2) the general character and experience of the incorporators, directors, and proposed officers is such as to assure reasonable promise of a successful operation, based on the fact that such persons are of known good character and that there is no good reason to believe that they are affiliated, directly or indirectly, through ownership, control, management, reinsurance transactions, or other insurance or business relations with any person or persons known to have been involved in the improper manipulation of assets, accounts, or reinsurance.

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No certificate of authority shall be denied, however, under subdivision (1) or (2) until notice, hearing, and right of appeal has been given as provided in IC 4-21.5.

(b) Every company possessing a certificate of authority shall notify the commissioner of the election or appointment of every new director or principal officer, within thirty (30) days thereafter. If in the commissioner's opinion such a new principal officer or director does not meet the standards set forth in this section, ~~he~~ **the commissioner** shall request that the company effect the removal of such persons from office. If such removal is not accomplished as promptly as under the circumstances and in the opinion of the commissioner is possible, then upon notice to both the company and such principal officer or director and after notice, hearing, and right of appeal pursuant to IC 4-21.5, and after a finding that such person is incompetent or untrustworthy or of known bad character, the commissioner may order the removal of such person from office and may, unless such removal is promptly accomplished, suspend the company's certificate of authority until there is compliance with such order.

(c) No company shall transact any business of insurance or hold itself out as a company in the business of insurance in Indiana until it shall have received a certificate of authority as prescribed in this section.

(d) No company shall make, issue, deliver, sell, or advertise any kind or kinds of insurance not specified in the company's certificate of authority.

(e) Notwithstanding IC 27-1-2-4, a director or officer of a company who knowingly, intentionally, or recklessly violates subsection (c) or (d) commits a ~~Class D~~ **Level 6** felony.

(f) The commissioner shall impose a civil penalty of not more than twenty-five thousand dollars ($25,000) on a director or officer of a company that violates subsection (c) or (d). The amount imposed must be proportionate to the costs incurred by the department of insurance, other governmental entities, and the courts in regulating the activity of the director, officer, or company who violates subsection (c) or (d). A civil penalty imposed under this subsection may be enforced in the same manner as a civil judgment.

SECTION 294. IC 27-5.1-2-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 39. A director, an officer, a member, an insurance producer, or an employee of a farm mutual insurance company who knowingly or intentionally, directly or indirectly, uses or employs, or allows another person to use or employ, money, funds, securities, or assets of the farm mutual insurance

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company for private profit or gain commits a ~~Class C~~ **Level 5** felony.

SECTION 295. IC 27-10-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A bail agent who knowingly or intentionally executes a bail bond without collecting in full a premium for the bail bond, at the premium rate as filed with and approved by the commissioner, commits a ~~Class D~~ **Level 6** felony.

SECTION 296. IC 27-10-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person may not give or receive anything of value in exchange for the apprehension or surrender of a defendant unless the payment is made:

(1) to a law enforcement agency for actual expenses incurred in the apprehension or surrender, or both, of the defendant, or other lawful fees; or

(2) to a bail agent or recovery agent properly licensed under this article.

(b) A bail agent or recovery agent who knowingly or intentionally gives or offers to give anything of value to any law enforcement officer, officer of the court, or other public servant, except as permitted by subsection (a), commits a ~~Class D~~ **Level 6** felony.

(c) A person who recklessly violates this section, except as provided in subsection (b), commits a Class B misdemeanor.

SECTION 297. IC 28-5-1-8, AS AMENDED BY P.L.217-2007, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Except as otherwise provided in subsections (c), (d), and (e), the total obligation of any person, firm, limited liability company, or corporation to any industrial loan and investment company shall at no time exceed fifteen percent (15%) of the amount of the capital and surplus of the company.

(b) The term "obligations" as used in this section means the direct liability of the maker or acceptor of paper discounted with or sold to any such company, and the liability of the indorser, drawer or guarantor who obtains a loan from, or discounts paper with or sells paper under the person's guaranty to any such company, and, in the case of obligations of a copartnership or association, includes only those obligations of the several members thereof directly related to the copartnership or association, and, in the case of obligations of a corporation, includes all obligations of all subsidiaries thereof in which such corporation owns or controls a majority interest.

(c) Subsection (a) does not apply to the following:

(1) Obligations arising out of the discount of commercial or business paper actually owned by the person, firm, limited liability company, or corporation negotiating such paper.

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(2) Obligations of the United States or any instrumentality thereof or of this state, or of any municipal corporation or taxing district thereof, or obligations fully insured by the federal housing administrator as to principal; however, the department may, under such rules and regulations as it may prescribe, limit the total amount that may be invested by any industrial loan and investment company in any one (1) obligation or in any class of obligations described in subdivisions (1) and (2).

(3) Obligations arising out of the agreement to repurchase, or the guaranty or endorsement of, retail installment sales contracts by a retail seller or subsequent assignee. However, this subdivision does not apply in any case where such company purchasing such paper does not become the absolute owner, or in any case where installment payments are collected by a prior owner of the paper, or by a retail seller of the goods represented thereby.

(4) Obligations arising out of the agreement to repurchase, or the guaranty or indorsement of, title-retaining real estate installment sales contracts by a seller, or subsequent assignees; however, this subdivision does not apply in any case where such company purchasing such contracts does not become the absolute owner, or in any case where installment payments are collected by a prior owner of the contracts or by a seller of such contracts.

(5) Obligations of the borrower arising out of loans in which the borrower has no personal liability but which are secured by bailment leases or the rentals due and to become due thereunder; and the rights of the lessor in said leases and the property being leased thereunder, and which loans are to be repaid out of said rentals due and to become due under said leases; or obligations arising out of the guaranty, endorsement, or assignment of bailment leases or the rentals due and to become due thereunder by the lessor. However, this subdivision does not apply in any such case where such company does not have the right or does not actually collect the rentals due or to become due thereunder.

(d) Obligations to an industrial loan and investment company of any subsidiary or subsidiaries of the company engaged in business for the purpose provided in section 6(a)(15) of this chapter shall at no time exceed in the case of one (1) subsidiary ten percent (10%) of the capital and surplus of the company or, in the case of more than one (1) subsidiary, in the aggregate twenty percent (20%) of the capital and surplus of the company unless in either case the department shall approve a larger percentage.

(e) Obligations to an industrial loan and investment company of any

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subsidiary or subsidiaries of the company engaged in business for the purpose provided in section 6(a)(14) of this chapter shall at no time exceed in the aggregate thirty percent (30%) of the amount of the capital and surplus of the company or such larger sum as the department may approve.

(f) Except as otherwise provided in this subsection and in section 9 of this chapter, no loan shall be made, directly or indirectly, by any industrial loan and investment company, to any active executive officer, agent, or employee thereof. The board of directors or executive committee of any industrial loan and investment company may, by resolution, duly entered in the records of the proceedings of the board or committee, authorize loans to or extend lines of credit to:

(1) any active executive officer, agent, or employee of such industrial loan and investment company in any amount not exceeding, at any one (1) time outstanding:

(A) ten thousand dollars ($10,000); plus

(B) ten thousand dollars ($10,000) which may be used for the sole purpose of educating the children of such active executive officer, agent, or employee as hereinafter provided; or

(2) directors not holding any office in such industrial loan and investment company, and not acting as an agent or employee thereof.

The board or committee may likewise authorize loans to or extend lines of credit to firms, limited liability companies, or corporations in which active executive officers, agents or employees or directors may be partners, members, or stockholders, but the total amount of the obligations of all such active executive officers, agents, or employees, and directors, or other firms, limited liability companies, or corporations in which such active executive officers, agents, employees, and directors are partners, members, or stockholders, shall not at any time exceed fifteen percent (15%) of the total resources of the industrial loan and investment company at the time any such loan or extension of credit is made. Loans and lines of credit permitted by this subsection shall be made only on authorization by a majority of all of the directors or members of the executive committee of such industrial loan and investment company, and by the affirmative vote of all directors or members of the executive committee present at the meeting, and such authorization may be general and need not be given for each loan or line of credit extended. However, such general authorization shall be voted upon at least annually. When a line of credit has been extended pursuant to this subsection to any such active executive officer, agent, or employee or to any such director, or to any

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firm, corporation, limited liability company, or partnership in which an active executive officer, agent, employee, or director may be a partner, member, or stockholder, any notes or other instruments evidencing an indebtedness to the industrial loan and investment company, and any renewals or extensions thereof, need not be authorized as otherwise required by this subsection if such loan, or any renewal or any extension thereof, is within the terms of the authorization of the line of credit theretofore extended by the directors or executive committee to such active executive officer, agent, or employee, or to such director, or to any firm, corporation, limited liability company, or partnership in which any active executive officer, agent, employee, or director may be a partner, member or stockholder. The department, under such general rules and regulations as it may prescribe, which shall apply to all industrial loan and investment companies alike, may require full collateral security for all loans of the types permitted by this subsection and, for the purpose of providing that such security may be adequate, may specify the types thereof that may be pledged. Subject to section 9 of this chapter, the limitations of this subsection shall not apply to a loan by an industrial loan and investment company to an active executive officer, agent, or employee thereof made upon the security of real estate whereupon such active executive officer, agent, or employee maintains the person's actual residence. The term "actual residence" includes a two-family dwelling unit if one (1) of such units is occupied by the active executive officer, agent, or employee of the industrial loan and investment company.

(g) An officer or director of any industrial loan and investment company who knowingly violates subsection (f) commits a ~~Class B~~ **Level 4** felony.

SECTION 298. IC 28-8-4-58 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 58. (a) A person who knowingly or intentionally violates a provision of this chapter for which a penalty is not specifically provided commits a Class A misdemeanor.

(b) A person who knowingly or intentionally makes a material, false statement in a document filed or required to be filed under this chapter, with the intent to deceive the recipient of the document, commits a ~~Class C~~ **Level 5** felony.

(c) A person who knowingly or intentionally fails to file a document required to be filed under this chapter commits a ~~Class C~~ **Level 5** felony.

SECTION 299. IC 28-11-4-11, AS AMENDED BY P.L.35-2010, SECTION 203, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. An individual who:

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(1) is suspended or prohibited from participating in the conduct of the affairs of a financial institution under section 6 or 7 of this chapter; and

(2) after the suspension or prohibition knowingly or intentionally participates, directly or indirectly, in the management of the financial institution;

commits a ~~Class D~~ **Level 6** felony.

SECTION 300. IC 29-3-7-7, AS ADDED BY P.L.131-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A court may not appoint a person to serve as the guardian or permit a person to continue to serve as a guardian if the person:

(1) is a sexually violent predator (as described in IC 35-38-1-7.5);

(2) was at least eighteen (18) years of age at the time of the offense and was convicted of child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age:

(A) by using or threatening the use of deadly force;

(B) while armed with a deadly weapon; or

(C) that resulted in serious bodily injury; or

(3) was less than eighteen (18) years of age at the time of the offense and was convicted as an adult of:

(A) an offense described in:

(i) IC 35-42-4-1;

(ii) IC 35-42-4-2 **(repealed);**

(iii) IC 35-42-4-3 as a Class A or Class B felony **(for crimes committed before July 1, 2014) or as a Level 2 or Level 4 felony (for crimes committed after June 30, 2014);**

(iv) IC 35-42-4-5(a)(1);

(v) IC 35-42-4-5(a)(2);

(vi) IC 35-42-4-5(a)(3);

(vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony **(for crimes committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for crimes committed after June 30, 2014);**

(viii) IC 35-42-4-5(b)(2); or

(ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony **(for crimes committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for crimes committed after June 30, 2014);**

(B) an attempt or conspiracy to commit a crime listed in clause (A); or

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(C) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) and (B).

SECTION 301. IC 30-2-9-7, AS AMENDED BY P.L.61-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) Except as provided in subsection (b) or (c), a person who violates this chapter or makes any false and fraudulent report required under this chapter commits a Class B misdemeanor.

(b) A person who knowingly or intentionally uses or disburses funds in a funeral trust established under this chapter for purposes other than the purposes required under this chapter commits a ~~Class C~~ **Level 5** felony.

(c) Except as authorized in an agreement described in section 4 of this chapter permitting the early withdrawal of funds, a trustee that disburses funds in a funeral trust established under this chapter without verifying:

(1) the death of the individual for whom services are to be provided under the contract; and

(2) that the beneficiary fully performed all funeral and burial services provided for in the contract;

through the use of documentation required under rules adopted by the state board of funeral and cemetery service established by IC 25-15-9-1 commits a Class A infraction.

SECTION 302. IC 30-2-10-9, AS AMENDED BY P.L.1-2009, SECTION 152, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) Except as provided in subsections (b) and (c), a person who knowingly violates this chapter commits a Class A misdemeanor.

(b) A person who knowingly or intentionally uses or disburses funds in a funeral trust established under this chapter for purposes other than the purposes required under this chapter commits a ~~Class C~~ **Level 5** felony.

(c) A trustee that disburses funds in a funeral trust established under this chapter without verifying:

(1) the death of the individual for whom services are to be provided under the contract; and

(2) that the beneficiary fully performed all funeral and burial services provided for in the contract;

through the use of documentation required under rules adopted by the state board of funeral and cemetery service established by IC 25-15-9-1 commits a Class A infraction.

SECTION 303. IC 30-2-13-38, AS AMENDED BY P.L.143-2009,

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SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 38. (a) A seller who violates a provision of this chapter commits an uncured deceptive act (as defined in IC 24-5-0.5-2).

(b) A person doing business as a sole proprietor, a firm, a limited liability company, a corporation, an association, or a partnership, but not acting as a seller that:

(1) sells or advertises prepaid services or merchandise or services or merchandise (as defined in section 8 of this chapter) and fails to obtain the certificate of authority required by section 33 of this chapter; or

(2) sells or advertises prepaid services or merchandise or services or merchandise (as defined in section 8 of this chapter) after the entity's certificate of authority has:

(A) expired; or

(B) been rescinded, revoked, or suspended by the board;

commits a Class A misdemeanor. Each act committed in violation of this subsection constitutes a separate offense.

(c) The following may maintain an action to enjoin an individual or entity from continuing to violate this section:

(1) The board.

(2) The attorney general.

(3) The prosecuting attorney of a county in which a violation occurs.

(d) A purchaser has a private right of action against a seller who commits an uncured deceptive act.

(e) A trustee or escrow agent, acting as a fiduciary, that disburses funds in a trust or escrow account established under this chapter without verifying that the seller has delivered the services or merchandise for which the funds were deposited through the use of documentation required under rules adopted by the state board of funeral and cemetery service established by IC 25-15-9-1 commits a Class A infraction.

(f) A person who knowingly or intentionally uses or disburses funds in a trust or escrow account established under this chapter for purposes other than the purposes required under this chapter commits a ~~Class C~~ **Level 5** felony.

SECTION 304. IC 31-11-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who knowingly furnishes false information to a clerk of the circuit court when the person applies for a marriage license under IC 31-11-4 commits a ~~Class D~~ **Level 6** felony.

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SECTION 305. IC 31-11-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who knowingly furnishes false information in a verified written consent under IC 31-11-2 commits a ~~Class D~~ **Level 6** felony.

SECTION 306. IC 31-11-11-3, AS AMENDED BY P.L.41-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. An applicant for a marriage license who knowingly furnishes false information concerning the applicant's physical condition to the clerk of a circuit court commits a ~~Class D~~ **Level 6** felony.

SECTION 307. IC 31-19-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A court shall determine that consent to adoption is not required from a parent if:

(1) the parent is convicted of and incarcerated at the time of the filing of a petition for adoption for:

(A) murder (IC 35-42-1-1);

(B) causing suicide (IC 35-42-1-2);

(C) voluntary manslaughter (IC 35-42-1-3);

(D) rape (IC 35-42-4-1);

(E) criminal deviate conduct (IC 35-42-4-2) **(repealed);**

(F) child molesting **(IC 35-42-4-3)** as a:

(i) Class A or Class B felony, ~~(IC 35-42-4-3);~~ **for a crime committed before July 1, 2014; or**

(ii) Level 1, Level 2, Level 3, or Level 4 felony, for a crime committed after June 30, 2014;

(G) incest **(IC 35-46-1-3)** as a:

(i) Class B felony, ~~(IC 35-46-1-3);~~ **for a crime committed before July 1, 2014; or**

(ii) Level 4 felony, for a crime committed after June 30, 2014);

(H) neglect of a dependent **(IC 35-46-1-4)** as a:

(i) Class B felony, ~~(IC 35-46-1-4);~~ **for a crime committed before July 1, 2014; or**

(ii) Level 1 or Level 3 felony, for a crime committed after June 30, 2014;

(I) battery **(IC 35-42-2-1)** of a child as a:

(i) Class C felony, ~~(IC 35-42-2-1(a)(3));~~ **for a crime committed before July 1, 2014; or**

(ii) Level 5 felony, for a crime committed after June 30, 2014);

(J) battery **(IC 35-42-2-1)** as a:

(i) Class A ~~felony (IC 35-42-2-1(a)(5))~~ or Class B felony,

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~~(IC 35-42-2-1(a)(4));~~ **for a crime committed before July 1, 2014; or**

(ii) Level 2 or Level 3 felony, for a crime committed after June 30, 2014); or

(K) an attempt under IC 35-41-5-1 to commit an offense described in clauses (A) through (J);

(2) the child or the child's sibling, half-blood sibling, or step-sibling of the parent's current marriage is the victim of the offense; and

(3) after notice to the parent and a hearing, the court determines that dispensing with the parent's consent to adoption is in the child's best interests.

SECTION 308. IC 31-19-11-1, AS AMENDED BY P.L.128-2012, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Whenever the court has heard the evidence and finds that:

(1) the adoption requested is in the best interest of the child;

(2) the petitioner or petitioners for adoption are of sufficient ability to rear the child and furnish suitable support and education;

(3) the report of the investigation and recommendation under IC 31-19-8-5 has been filed;

(4) the attorney or agency arranging an adoption has filed with the court an affidavit prepared by the state department of health under IC 31-19-5-16 indicating whether a man is entitled to notice of the adoption because the man has registered with the putative father registry in accordance with IC 31-19-5;

(5) proper notice arising under subdivision (4), if notice is necessary, of the adoption has been given;

(6) the attorney or agency has filed with the court an affidavit prepared by the state department of health under:

(A) IC 31-19-6 indicating whether a record of a paternity determination; or

(B) IC 16-37-2-2(g) indicating whether a paternity affidavit executed under IC 16-37-2-2.1;

has been filed in relation to the child;

(7) proper consent, if consent is necessary, to the adoption has been given;

(8) the petitioner for adoption is not prohibited from adopting the child as the result of an inappropriate criminal history described in subsection (c) or (d); and

(9) the person, licensed child placing agency, or local office that

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has placed the child for adoption has provided the documents and other information required under IC 31-19-17 to the prospective adoptive parents;

the court shall grant the petition for adoption and enter an adoption decree.

(b) A court may not grant an adoption unless the state department of health's affidavit under IC 31-19-5-16 is filed with the court as provided under subsection (a)(4).

(c) A juvenile adjudication for an act listed in subdivisions (1) through (21) that would be a felony if committed by an adult, a conviction of a misdemeanor related to the health and safety of a child, or a conviction of a felony not listed in subdivisions (1) through (21) by a petitioner for adoption is a permissible basis for the court to deny the petition for adoption. In addition, the court may not grant an adoption if a petitioner for adoption has been convicted of any of the felonies described as follows:

(1) Murder (IC 35-42-1-1).
(2) Causing suicide (IC 35-42-1-2).
(3) Assisting suicide (IC 35-42-1-2.5).
(4) Voluntary manslaughter (IC 35-42-1-3).
(5) Reckless homicide (IC 35-42-1-5).
(6) Battery as a felony (IC 35-42-2-1).
(7) Domestic battery (IC 35-42-2-1.3).
(8) Aggravated battery (IC 35-42-2-1.5).
(9) Kidnapping (IC 35-42-3-2).
(10) Criminal confinement (IC 35-42-3-3).
(11) A felony sex offense under IC 35-42-4.
(12) Carjacking (IC 35-42-5-2) **(repealed).**
(13) Arson (IC 35-43-1-1).
(14) Incest (IC 35-46-1-3).
(15) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).
(16) Child selling (IC 35-46-1-4(d)).
(17) A felony involving a weapon under IC 35-47 or IC 35-47.5.
(18) A felony relating to controlled substances under IC 35-48-4.
(19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.
(20) A felony under IC 9-30-5.
(21) A felony under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (20).

However, the court is not prohibited from granting an adoption based

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upon a felony conviction under subdivision (6), (10), (12), (13), (17), (18), or (20) or its equivalent under subdivision (21), if the date of the conviction did not occur within the immediately preceding five (5) year period.

(d) A court may not grant an adoption if the petitioner is a sex or violent offender (as defined in IC 11-8-8-5) or a sexually violent predator (as defined in IC 35-38-1-7.5).

SECTION 309. IC 31-19-29-5, AS AMENDED BY P.L.128-2012, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A child with special needs resident in this state who is the subject of an adoption assistance agreement with another state shall be entitled to receive a medical assistance identification from this state upon the filing in the local office for the county in which the child resides of a certified copy of the adoption assistance agreement obtained from the adoption assistance state. In accordance with rules of the department, the adoptive parents shall be required at least annually to show that the agreement is still in force or has been renewed.

(b) The department shall consider the holder of a medical assistance identification pursuant to this section as any other holder of a medical assistance identification under the laws of this state and shall process and make payment on claims on account of such holder in the same manner and pursuant to the same conditions and procedures as for other recipients of medical assistance.

(c) The department shall provide coverage and benefits for a child who is in another state and who is covered by an adoption assistance agreement made by the department for the coverage or benefits, if any, not provided by the residence state. To this end, the adoptive parents acting for the child may submit evidence of payment for services or benefit amounts not payable in the residence state and shall be reimbursed therefor. However, there shall be no reimbursement for services or benefit amounts covered under any insurance or other third party medical contract or arrangement held by the child or the adoptive parents. The department shall adopt rules implementing this subsection. The additional coverages and benefit amounts provided pursuant to this subsection shall be for services to the cost of which there is no federal contribution, or which, if federally aided, are not provided by the residence state. Among other things, such rules shall include procedures to be followed in obtaining prior approvals for services in those instances where required for the assistance.

(d) A person who submits any claim for payment or reimbursement for services or benefits pursuant to this section or makes any statement

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in connection therewith, which claim or statement the maker knows or should know to be false, misleading, or fraudulent commits a ~~Class D~~ **Level 6** felony.

(e) The provisions of this section shall apply only to medical assistance for children under adoption assistance agreements from states that have entered into a compact with this state under which the other state provides medical assistance to children with special needs under adoption assistance agreements made by this state. All other children entitled to medical assistance pursuant to adoption assistance agreements entered into by this state shall be eligible to receive it in accordance with the laws and procedures applicable thereto.

SECTION 310. IC 31-27-4-13, AS AMENDED BY P.L.128-2012, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) The department shall deny a license when an applicant fails to meet the requirements for a license. The department shall deny a license to an applicant who has been convicted of any of the following felonies:

(1) Murder (IC 35-42-1-1).
(2) Causing suicide (IC 35-42-1-2).
(3) Assisting suicide (IC 35-42-1-2.5).
(4) Voluntary manslaughter (IC 35-42-1-3).
(5) Reckless homicide (IC 35-42-1-5).
(6) Battery (IC 35-42-2-1) within the past five (5) years.
(7) Domestic battery (IC 35-42-2-1.3).
(8) Aggravated battery (IC 35-42-2-1.5).
(9) Kidnapping (IC 35-42-3-2).
(10) Criminal confinement (IC 35-42-3-3) within the past five (5) years.
(11) A felony sex offense under IC 35-42-4.
(12) Carjacking (IC 35-42-5-2) **(repealed)** within the past five (5) years.
(13) Arson (IC 35-43-1-1) within the past five (5) years.
(14) Incest (IC 35-46-1-3).
(15) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).
(16) Child selling (IC 35-46-1-4(d)).
(17) A felony involving a weapon under IC 35-47 or IC 35-47.5 within the past five (5) years.
(18) A felony relating to controlled substances under IC 35-48-4 within the past five (5) years.
(19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.

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(20) A felony under IC 9-30-5.

(21) A felony that is substantially equivalent to a felony listed in subdivisions (1) through ~~(20)~~ **(19)** for which the conviction was entered in another state.

(b) The department may deny a license to an applicant who:

(1) has been convicted of a felony that is not listed in subsection (a); or

(2) has had a juvenile adjudication for an act listed in subsection (a) that, if committed by an adult, would be a felony.

(c) The department shall send written notice by certified mail that the application has been denied and give the reasons for the denial.

(d) An administrative hearing concerning the denial of a license shall be provided upon written request by the applicant. The request must be made not more than thirty (30) days after receiving the written notice under subsection (c).

(e) An administrative hearing shall be held in accordance with IC 4-21.5-3.

SECTION 311. IC 31-30-1-2.5, AS AMENDED BY P.L.131-2009, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. A juvenile court may not appoint a person to serve as the guardian or custodian of a child or permit a person to continue to serve as a guardian or custodian of a child if the person:

(1) is a sexually violent predator (as described in IC 35-38-1-7.5);

(2) was at least eighteen (18) years of age at the time of the offense and committed child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age:

(A) by using or threatening the use of deadly force;

(B) while armed with a deadly weapon; or

(C) that resulted in serious bodily injury; or

(3) was less than eighteen (18) years of age at the time of the offense but was tried and convicted as an adult of:

(A) an offense described in:

(i) IC 35-42-4-1;

(ii) IC 35-42-4-2 **(repealed);**

(iii) IC 35-42-4-3 as a Class A or Class B felony **(for crimes committed before July 1, 2014) or as a Level 1, Level 2, or Level 3 felony (for crimes committed after June 30, 2014);**

(iv) IC 35-42-4-5(a)(1);

(v) IC 35-42-4-5(a)(2);

(vi) IC 35-42-4-5(a)(3);

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(vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony **(for crimes committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for crimes committed after June 30, 2014);**

(viii) IC 35-42-4-5(b)(2); or

(ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony **(for crimes committed before July 1, 2014) or as a Level 1, Level 2, or Level 3 felony (for crimes committed after June 30, 2014);**

(B) an attempt or conspiracy to commit a crime listed in clause (A); or

(C) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) and (B).

SECTION 312. IC 31-30-1-4, AS AMENDED BY P.L.67-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The juvenile court does not have jurisdiction over an individual for an alleged violation of:

(1) IC 35-41-5-1(a) (attempted murder);

(2) IC 35-42-1-1 (murder);

(3) IC 35-42-3-2 (kidnapping);

(4) IC 35-42-4-1 (rape);

(5) IC 35-42-4-2 (criminal deviate conduct) **(repealed);**

(6) IC 35-42-5-1 (robbery) if:

(A) the robbery was committed while armed with a deadly weapon; or

(B) the robbery results in bodily injury or serious bodily injury;

(7) IC 35-42-5-2 (carjacking) **(repealed);**

(8) IC 35-45-9-3 (criminal gang activity);

(9) IC 35-45-9-4 (criminal gang intimidation);

(10) IC 35-47-2-1 (carrying a handgun without a license), if charged as a felony;

(11) IC 35-47-10 (children and firearms), if charged as a felony;

(12) IC 35-47-5-4.1 (dealing in a sawed-off shotgun); or

(13) any offense that may be joined under IC 35-34-1-9(a)(2) with any crime listed in subdivisions (1) through ~~(12);~~ **(11);**

if the individual was at least sixteen (16) years of age at the time of the alleged violation.

(b) The juvenile court does not have jurisdiction for an alleged violation of manufacturing or dealing in cocaine or a narcotic drug (IC 35-48-4-1), dealing in methamphetamine (IC 35-48-4-1.1), dealing

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

(1) the individual has a prior unrelated conviction under IC 35-48-4-1, IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3; or

(2) the individual has a prior unrelated juvenile adjudication that, if committed by an adult, would be a crime under IC 35-48-4-1, IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3;

and the individual was at least sixteen (16) years of age at the time of the alleged violation.

(c) Once an individual described in subsection (a) or (b) has been charged with any crime listed in subsection (a) or (b), the court having adult criminal jurisdiction shall retain jurisdiction over the case even if the individual pleads guilty to or is convicted of a lesser included offense. A plea of guilty to or a conviction of a lesser included offense does not vest jurisdiction in the juvenile court.

SECTION 313. IC 31-30-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. Except for those cases in which the juvenile court has no jurisdiction in accordance with IC 31-30-1-4, the court shall, upon motion of the prosecuting attorney and after full investigation and hearing, waive jurisdiction if it finds that:

(1) the child is charged with an act that, if committed by an adult, would be:

(A) a ~~Class A or Class B~~ **Level 1 felony, Level 2 felony, Level 3 felony, or Level 4** felony, except a felony defined by IC 35-48-4;

(B) involuntary manslaughter as a ~~Class C~~ **Level 5** felony under IC 35-42-1-4; or

(C) reckless homicide as a ~~Class C~~ **Level 5** felony under IC 35-42-1-5;

(2) there is probable cause to believe that the child has committed the act; and

(3) the child was at least sixteen (16) years of age when the act charged was allegedly committed;

unless it would be in the best interests of the child and of the safety and welfare of the community for the child to remain within the juvenile justice system.

SECTION 314. IC 31-33-22-3, AS AMENDED BY P.L.131-2009, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who intentionally communicates to:

(1) a law enforcement agency; or

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(2) the department;

a report of child abuse or neglect knowing the report to be false commits a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the person has a previous unrelated conviction for making a report of child abuse or neglect knowing the report to be false.

(b) A person who intentionally communicates to:

(1) a law enforcement agency; or

(2) the department;

a report of child abuse or neglect knowing the report to be false is liable to the person accused of child abuse or neglect for actual damages. The finder of fact may award punitive damages and attorney's fees in an amount determined by the finder of fact against the person.

(c) The director or the director's designee shall, after review by the department's attorney, notify the prosecuting attorney whenever the director or the director's designee and the department's attorney have reason to believe that a person has violated this section.

(d) A person who:

(1) has reason to believe that the person is a victim of a false report of child abuse or neglect under this section; and

(2) is not named in a pending criminal charge or under assessment relating to the report;

may file a complaint with the prosecuting attorney. The prosecuting attorney shall review the relevant child abuse or neglect records of the department and any other relevant evidence.

SECTION 315. IC 31-34-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A child is a child in need of services if, before the child becomes eighteen (18) years of age:

(1) the child is the victim of a sex offense under:

(A) IC 35-42-4-1;

(B) IC 35-42-4-2 **(repealed);**

(C) IC 35-42-4-3;

(D) IC 35-42-4-4;

(E) IC 35-42-4-7;

(F) IC 35-42-4-9;

(G) IC 35-45-4-1;

(H) IC 35-45-4-2;

(I) IC 35-46-1-3; or

(J) the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (I); and

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(2) the child needs care, treatment, or rehabilitation that:
(A) the child is not receiving; and
(B) is unlikely to be provided or accepted without the coercive intervention of the court.

(b) A child is a child in need of services if, before the child becomes eighteen (18) years of age:
(1) the child lives in the same household as another child who is the victim of a sex offense under:
(A) IC 35-42-4-1;
(B) IC 35-42-4-2 **(repealed);**
(C) IC 35-42-4-3;
(D) IC 35-42-4-4;
(E) IC 35-42-4-7;
(F) IC 35-42-4-9;
(G) IC 35-45-4-1;
(H) IC 35-45-4-2;
(I) IC 35-46-1-3; or
(J) the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (I);
(2) the child lives in the same household as the adult who committed the sex offense under subdivision (1) and the sex offense resulted in a conviction or a judgment under IC 31-34-11-2;
(3) the child needs care, treatment, or rehabilitation that:
(A) the child is not receiving; and
(B) is unlikely to be provided or accepted without the coercive intervention of the court; and
(4) a caseworker assigned to provide services to the child:
(A) places the child in a program of informal adjustment or other family or rehabilitative services based upon the existence of the circumstances described in subdivisions (1) and (2) and the assigned caseworker subsequently determines further intervention is necessary; or
(B) determines that a program of informal adjustment or other family or rehabilitative services is inappropriate.

SECTION 316. IC 31-34-2.3-8, AS ADDED BY P.L.52-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. An alleged perpetrator of child abuse who knowingly or intentionally returns to a child's residence in violation of a child protective order issued under section 2 or 5 of this chapter commits a Class A misdemeanor. However, the offense is a ~~Class D~~

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Level 6 felony if the alleged perpetrator has a prior unrelated conviction under this section.

SECTION 317. IC 31-34-4-2, AS AMENDED BY P.L.128-2012, SECTION 159, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) If a child alleged to be a child in need of services is taken into custody under an order of the court under this chapter and the court orders out-of-home placement, the department is responsible for that placement and care and must consider placing the child with a:

(1) suitable and willing blood or an adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling;
(2) de facto custodian; or
(3) stepparent;

before considering any other out-of-home placement.

(b) Before the department places a child in need of services with a blood relative or an adoptive relative caretaker, a de facto custodian, or a stepparent, the department shall complete an evaluation based on a home visit of the relative's home.

(c) Except as provided in subsection (e), before placing a child in need of services in an out-of-home placement, including placement with a blood or an adoptive relative caretaker, a de facto custodian, or a stepparent, the department shall conduct a criminal history check of each person who is currently residing in the location designated as the out-of-home placement.

(d) Except as provided in subsection (f), the department may not make an out-of-home placement if a person described in subsection (c) has:

(1) committed an act resulting in a substantiated report of child abuse or neglect; or
(2) been convicted of a felony listed in IC 31-27-4-13 or had a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult.

(e) The department is not required to conduct a criminal history check under subsection (c) if the department makes an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

(f) A court may order or the department may approve an out-of-home placement if:

(1) a person described in subsection (c) has:
(A) committed an act resulting in a substantiated report of child abuse or neglect;
(B) been convicted of:

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(i) battery (IC 35-42-2-1) as a felony;
(ii) criminal confinement (IC 35-42-3-3) as a felony;
(iii) carjacking (IC 35-42-5-2) **(repealed)** as a felony;
(iv) arson (IC 35-43-1-1) as a felony;
(v) a felony involving a weapon under IC 35-47 or IC 35-47.5;
(vi) a felony relating to controlled substances under IC 35-48-4;
(vii) a felony under IC 9-30-5; or
(viii) a felony that is substantially equivalent to a felony listed in items (i) through ~~(vii)~~ **(vi)** for which the conviction was entered in another state;

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for an act listed in IC 31-27-4-13(a) that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and the placement is in the best interest of the child.

However, a court or the department may not make an out-of-home placement if the person has been convicted of a felony listed in IC 31-27-4-13 that is not specifically excluded under subdivision (1)(B).

(g) In considering the placement under subsection (f), the court or the department shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or abuse or neglect.
(2) The severity of the offense, delinquent act, or abuse or neglect.
(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 318. IC 31-34-20-1.5, AS AMENDED BY P.L.128-2012, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree approving or ordering placement of a child in another home under section 1(a)(3) of this chapter or awarding wardship to the department that will place the child in another home under section 1(a)(4) of this chapter if a person who is currently residing in the home in which the child would be placed under section 1(a)(3) or 1(a)(4) of this chapter has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony

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listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(b) The department or caseworker who prepared the predispositional report shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13. However, the department or caseworker is not required to conduct a criminal history check under this section if criminal history information under IC 31-34-4-2 or IC 31-34-18-6.1 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13(a) if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13(a).

(c) The department or caseworker is not required to conduct a criminal history check under this section if:

(1) the department or caseworker is considering only an out-of-home placement to an entity or a facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared.

(d) A juvenile court may enter a dispositional decree that approves placement of a child in another home or award wardship to the department that will place the child in a home with a person described in subsection (a) if:

(1) the person described in subsection (a) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect;

(B) been convicted of:

(i) battery (IC 35-42-2-1) as a felony;

(ii) criminal confinement (IC 35-42-3-3) as a felony;

(iii) carjacking (IC 35-42-5-2) **(repealed)** as a felony;

(iv) arson (IC 35-43-1-1) as a felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5;

(vi) a felony relating to controlled substances under IC 35-48-4;

(vii) a felony under IC 9-30-5; or

(viii) a felony that is substantially equivalent to a felony

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listed in items (i) through ~~(vii)~~ **(vi)** for which the conviction was entered in another state;

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for an act listed in IC 31-27-4-13(a) that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and placing a child in another home or awarding wardship to the department is in the best interest of the child.

However, a court may not enter a dispositional decree that approves placement of a child in another home or awards wardship to the department if the person has been convicted of a felony listed in IC 31-27-4-13(a) that is not specifically excluded under subdivision (1)(B).

(e) In considering the placement under subsection (d), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 319. IC 31-34-21-5.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5.6. (a) A court may make a finding described in this section at any phase of a child in need of services proceeding.

(b) Reasonable efforts to reunify a child with the child's parent, guardian, or custodian or preserve a child's family as described in section 5.5 of this chapter are not required if the court finds any of the following:

(1) A parent, guardian, or custodian of a child who is a child in need of services has been convicted of:

(A) an offense described in IC 31-35-3-4(1)(B) or IC 31-35-3-4(1)(D) through IC 31-35-3-4(1)(J) against a victim who is:

(i) a child described in IC 31-35-3-4(2); or

(ii) a parent of the child; or

(B) a comparable offense as described in clause (A) in any other state, territory, or country by a court of competent jurisdiction.

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(2) A parent, guardian, or custodian of a child who is a child in need of services:

(A) has been convicted of:

(i) the murder (IC 35-42-1-1) or voluntary manslaughter (IC 35-42-1-3) of a victim who is a child described in IC 31-35-3-4(2)(B) or a parent of the child; or

(ii) a comparable offense described in item (i) in any other state, territory, or country; or

(B) has been convicted of:

(i) aiding, inducing, or causing another person;

(ii) attempting; or

(iii) conspiring with another person;

to commit an offense described in clause (A).

(3) A parent, guardian, or custodian of a child who is a child in need of services has been convicted of:

(A) battery ~~(IC 35-42-2-1(a)(5))~~ as a Class A felony **(for a crime committed before July 1, 2014) or Level 2 felony (for a crime committed after June 30, 2014);**

(B) battery ~~(IC 35-42-2-1(a)(4))~~ as a Class B felony **(for a crime committed before July 1, 2014) or Level 3 or Level 4 felony (for a crime committed after June 30, 2014);**

(C) battery ~~(IC 35-42-2-1(a)(3))~~ as a Class C felony **(for a crime committed before July 1, 2014) or Level 5 felony (for a crime committed after June 30, 2014);**

(D) aggravated battery (IC 35-42-2-1.5);

(E) criminal recklessness (IC 35-42-2-2) as a Class C **felony (for a crime committed before July 1, 2014) or a Level 5** felony **(for a crime committed after June 30, 2014);**

(F) neglect of a dependent (IC 35-46-1-4) as a Class B **felony (for a crime committed before July 1, 2014) or a Level 1 or Level 3** felony **(for a crime committed after June 30, 2014);** or

(G) a comparable offense described in clauses (A) through (F) in another state, territory, or country;

against a child described in IC 31-35-3-4(2)(B).

(4) The parental rights of a parent with respect to a biological or adoptive sibling of a child who is a child in need of services have been involuntarily terminated by a court under:

(A) IC 31-35-2 (involuntary termination involving a delinquent child or a child in need of services);

(B) IC 31-35-3 (involuntary termination involving an individual convicted of a criminal offense); or

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(C) any comparable law described in clause (A) or (B) in any other state, territory, or country.

(5) The child is an abandoned infant, provided that the court:

(A) has appointed a guardian ad litem or court appointed special advocate for the child; and

(B) after receiving a written report and recommendation from the guardian ad litem or court appointed special advocate, and after a hearing, finds that reasonable efforts to locate the child's parents or reunify the child's family would not be in the best interests of the child.

SECTION 320. IC 31-34-21-7.5, AS AMENDED BY P.L.128-2012, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7.5. (a) Except as provided in subsection (d), the juvenile court may not approve a permanency plan under subsection (c)(1)(D), (c)(1)(E), or (c)(1)(F) if a person who is currently residing with a person described in subsection (c)(1)(D) or (c)(1)(E) or in a residence in which the child would be placed under subsection (c)(1)(F) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(b) Before requesting juvenile court approval of a permanency plan, the department shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13. However, the department is not required to conduct a criminal history check under this section if criminal history information under IC 31-34-4-2, IC 31-34-18-6.1, or IC 31-34-20-1.5 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(c) A permanency plan under this chapter includes the following:

(1) The intended permanent or long term arrangements for care and custody of the child that may include any of the following arrangements that the department or the court considers most appropriate and consistent with the best interests of the child:

(A) Return to or continuation of existing custodial care within the home of the child's parent, guardian, or custodian or

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placement of the child with the child's noncustodial parent.
(B) Initiation of a proceeding for termination of the parent-child relationship under IC 31-35.
(C) Placement of the child for adoption.
(D) Placement of the child with a responsible person, including:
(i) an adult sibling;
(ii) a grandparent;
(iii) an aunt;
(iv) an uncle; or
(v) another relative;
who is able and willing to act as the child's permanent custodian and carry out the responsibilities required by the permanency plan.
(E) Appointment of a legal guardian. The legal guardian appointed under this section is a caretaker in a judicially created relationship between the child and caretaker that is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child:
(i) Care, custody, and control of the child.
(ii) Decision making concerning the child's upbringing.
(F) Placement of the child in another planned, permanent living arrangement.
(2) A time schedule for implementing the applicable provisions of the permanency plan.
(3) Provisions for temporary or interim arrangements for care and custody of the child, pending completion of implementation of the permanency plan.
(4) Other items required to be included in a case plan under IC 31-34-15 or federal law, consistent with the permanent or long term arrangements described by the permanency plan.
(d) A juvenile court may approve a permanency plan if:
(1) a person described in subsection (a) has:
(A) committed an act resulting in a substantiated report of child abuse or neglect;
(B) been convicted of:
(i) battery (IC 35-42-2-1);
(ii) criminal confinement (IC 35-42-3-3) as a felony;
(iii) carjacking (IC 35-42-5-2) **(repealed);**
(iv) arson (IC 35-43-1-1) as a felony;
(v) a felony involving a weapon under IC 35-47 or a felony

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involving controlled explosives under IC 35-47.5;
(vi) a felony relating to controlled substances under IC 35-48-4;
(vii) a felony under IC 9-30-5; or
(viii) a felony that is substantially equivalent to a felony listed in items (i) through ~~(vii)~~ **(vi)** for which the conviction was entered in another state;
if the conviction did not occur within the past five (5) years; or
(C) had a juvenile adjudication for an act listed in IC 31-27-4-13(a) that, if committed by an adult, would be a felony; and
(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that approval of the permanency plan is in the best interest of the child.

However, a court may not approve a permanency plan if the person has been convicted of a felony listed in IC 31-27-4-13 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult that is not specifically excluded under subdivision (1)(B).

(e) In making its written finding under subsection (d), the court shall consider the following:
(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.
(2) The severity of the offense, delinquent act, or abuse or neglect.
(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 321. IC 31-35-3-4, AS AMENDED BY P.L.146-2008, SECTION 618, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. If:
(1) an individual is convicted of the offense of:
(A) murder (IC 35-42-1-1);
(B) causing suicide (IC 35-42-1-2);
(C) voluntary manslaughter (IC 35-42-1-3);
(D) involuntary manslaughter (IC 35-42-1-4);
(E) rape (IC 35-42-4-1);
(F) criminal deviate conduct (IC 35-42-4-2) **(repealed);**
(G) child molesting (IC 35-42-4-3);
(H) child exploitation (IC 35-42-4-4);
(I) sexual misconduct with a minor (IC 35-42-4-9); or

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(J) incest (IC 35-46-1-3); and

(2) the victim of the offense:

(A) was less than sixteen (16) years of age at the time of the offense; and

(B) is:

(i) the individual's biological or adoptive child; or

(ii) the child of a spouse of the individual who has committed the offense;

the attorney for the department, the child's guardian ad litem, or the court appointed special advocate may file a petition with the juvenile or probate court to terminate the parent-child relationship of the individual who has committed the offense with the victim of the offense, the victim's siblings, or any biological or adoptive child of that individual.

SECTION 322. IC 31-37-4-3, AS AMENDED BY P.L.126-2012, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:

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

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Battery (IC 35-42-2-1).

(8) Kidnapping (IC 35-42-3-2).

(9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.

(10) Sexual misconduct with a minor (IC 35-42-4-9).

(11) Incest (IC 35-46-1-3).

(12) Robbery as a ~~Class A~~ **Level 2** felony or a ~~Class B~~ **Level 3** felony (IC 35-42-5-1).

(13) Burglary as a ~~Class A~~ **Level 1 felony, Level 2 felony, Level 3** felony, or ~~a Class B~~ **Level 4** felony (IC 35-43-2-1).

~~(14) Carjacking (IC 35-42-5-2).~~

~~(15)~~ **(14)** Assisting a criminal as a ~~Class C~~ **Level 5** felony (IC 35-44.1-2-5).

~~(16)~~ **(15)** Escape (IC 35-44.1-3-4) as a ~~Class B~~ **Level 4** felony or ~~Class C~~ **Level 5** felony.

~~(17)~~ **(16)** Trafficking with an inmate as a ~~Class C~~ **Level 5** felony (IC 35-44.1-3-5).

~~(18)~~ **(17)** Causing death when operating a vehicle (IC 9-30-5-5).

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~~(19)~~ **(18)** Criminal confinement (IC 35-42-3-3) as a ~~Class B~~ **Level 2 or Level 3** felony.

~~(20)~~ **(19)** Arson (IC 35-43-1-1) as a ~~Class A or Class B~~ **Level 2 felony, Level 3 felony, or Level 4** felony.

~~(21)~~ **(20)** Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).

~~(22)~~ **(21)** Terroristic mischief (IC 35-47-12-3) as a ~~Class B~~ **Level 2 or Level 3** felony.

~~(23)~~ **(22)** Hijacking or disrupting an aircraft (IC 35-47-6-1.6).

~~(24)~~ **(23)** A violation of IC 35-47.5 (controlled explosives) as a ~~Class A or Class B~~ **Level 2 felony, Level 3 felony, or Level 4** felony.

~~(25)~~ **(24)** A controlled substances offense under IC 35-48.

~~(26)~~ **(25)** A criminal gang offense under IC 35-45-9.

(b) If a child is taken into custody under this chapter for a crime or act listed in subsection (a), the law enforcement agency that employs the law enforcement officer who takes the child into custody shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is enrolled in a public school, the superintendent of the school district in which the child is enrolled:

(1) that the child was taken into custody; and

(2) of the reason why the child was taken into custody.

(c) The notification under subsection (b) must occur within forty-eight (48) hours after the child is taken into custody.

(d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section.

SECTION 323. IC 31-37-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) If a child is not taken into custody under an order of the court, the law enforcement officer may release the child or may release the child to the child's parent, guardian, or custodian upon the person's written promise to bring the child before the juvenile court at a time specified. Subject to subsection (c), the law enforcement officer may place the child in detention if the law enforcement officer reasonably believes that:

(1) the child is unlikely to appear before the juvenile court for subsequent proceedings;

(2) the child has committed an act that would be murder or a ~~Class A or Class B~~ **Level 1 felony, Level 2 felony, Level 3 felony, or Level 4** felony if committed by an adult;

(3) detention is essential to protect the child or the community;

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(4) the parent, guardian, or custodian:
(A) cannot be located; or
(B) is unable or unwilling to take custody of the child; or
(5) the child has a reasonable basis for requesting that the child not be released.

(b) If a child is detained for a reason specified in subsection (a)(4) or (a)(5), the child shall be detained under IC 31-37-7-1.

(c) Unless a law enforcement officer determines that detention is essential to protect a child or the community, the law enforcement officer who detains a child for a violation of the curfew law under IC 31-37-3 shall make a good faith effort to release the child to the child's parent, guardian, or custodian within a reasonable time after the child is detained.

SECTION 324. IC 31-37-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) If the child was not taken into custody under an order of the court, an intake officer shall investigate the reasons for the child's detention. The intake officer shall release the child to the child's parent, guardian, or custodian upon the person's written promise to bring the child before the juvenile court at a time specified. However, the intake officer may place the child in detention if the intake officer reasonably believes that the child is a delinquent child and that:

(1) the child is unlikely to appear before the juvenile court for subsequent proceedings;
(2) the child has committed an act that would be murder or a ~~Class A or Class B~~ **Level 1 felony, Level 2 felony, Level 3 felony, or Level 4** felony if committed by an adult;
(3) detention is essential to protect the child or the community;
(4) the parent, guardian, or custodian:
(A) cannot be located; or
(B) is unable or unwilling to take custody of the child; or
(5) the child has a reasonable basis for requesting that the child not be released.

(b) If a child is detained for a reason specified in subsection (a)(4) or (a)(5), the child shall be detained under IC 31-37-7-1.

SECTION 325. IC 31-37-19-6.5, AS AMENDED BY P.L.162-2011, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree approving placement of a child in another home under section ~~1(3)~~ **1(a)(3)** or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility that results in a placement with a person under section ~~1(4)~~ **1(a)(4)** or

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6(b)(2)(E) of this chapter if a person who is currently residing in the home in which the child would be placed under section ~~1(3), 1(4),~~ **1(a)(3), 1(a)(4),** 6(b)(2)(D), or 6(b)(2)(E) of this chapter has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(b) The juvenile probation officer who prepared the predispositional report shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13. However, the probation officer is not required to conduct a criminal history check under this section if criminal history information obtained under IC 31-37-17-6.1 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(c) The juvenile probation officer is not required to conduct a criminal history check under this section if:

(1) the probation officer is considering only an out-of-home placement to an entity or a facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared.

(d) The juvenile court may enter a dispositional decree approving placement of a child in another home under section ~~1(3)~~ **1(a)(3)** or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility that results in a placement with a person under section ~~1(4)~~ **1(a)(4)** or 6(b)(2)(E) of this chapter if:

(1) a person described in subsection (a) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect;

(B) been convicted of:

(i) battery (IC 35-42-2-1) as a felony;

(ii) criminal confinement (IC 35-42-3-3) as a felony;

(iii) carjacking (IC 35-42-5-2) **(repealed)** as a felony;

(iv) arson (IC 35-43-1-1) as a felony;

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(v) a felony involving a weapon under IC 35-47 or IC 35-47.5;

(vi) a felony relating to controlled substances under IC 35-48-4; or

(vii) a felony that is substantially equivalent to a felony listed in items (i) through ~~(vi)~~ **(v)** for which the conviction was entered in another state;

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for an act listed in IC 31-27-4-13(a) that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and placing the child in another home is in the best interest of the child.

However, a court may not enter a dispositional decree placing a child in another home under section ~~1(3)~~ **1(a)(3)** or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility under this subsection if a person with whom the child is or will be placed has been convicted of a felony listed in IC 31-27-4-13 that is not specifically excluded under subdivision (1)(B).

(e) In considering the placement under subsection (d), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 326. IC 31-37-19-9, AS AMENDED BY P.L.173-2006, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) After a juvenile court makes a determination under IC 11-8-8-5, the juvenile court may, in addition to an order under section 6 of this chapter, and if the child:

(1) is at least thirteen (13) years of age and less than sixteen (16) years of age; and

(2) committed an act that, if committed by an adult, would be:

(A) murder (IC 35-42-1-1);

(B) kidnapping (IC 35-42-3-2);

(C) rape (IC 35-42-4-1);

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(D) criminal deviate conduct (IC 35-42-4-2) **(repealed);** or
(E) robbery (IC 35-42-5-1) if the robbery was committed while armed with a deadly weapon or if the robbery resulted in bodily injury or serious bodily injury;

order wardship of the child to the department of correction for a fixed period that is not longer than the date the child becomes eighteen (18) years of age, subject to IC 11-10-2-10.

(c) Notwithstanding IC 11-10-2-5, the department of correction may not reduce the period ordered under this section (or IC 31-6-4-15.9(b)(8) before its repeal).

SECTION 327. IC 31-37-19-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) This section applies to a child who:

(1) is adjudicated a delinquent child for an act that if committed by an adult would be:
(A) a felony against a person;
(B) a ~~Class A or Class B~~ **Level 1, Level 2, Level 3, or Level 4** felony that is a controlled substances offense under IC 35-48-4-1 through IC 35-48-4-5; or
(C) burglary as a ~~Class A or Class B~~ **Level 1, Level 2, Level 3, or Level 4** felony under IC 35-43-2-1;
(2) is at least fourteen (14) years of age at the time the child committed the act for which the child is being placed; and
(3) has two (2) unrelated prior adjudications of delinquency for acts that would be felonies if committed by an adult.

(b) A court may place the child in a facility authorized under this chapter for not more than two (2) years.

(c) Notwithstanding IC 11-10-2-5, the department of correction may not reduce the period ordered under this section (or IC 31-6-4-15.9(n) before its repeal).

SECTION 328. IC 32-28-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. A person who knowingly or intentionally:

(1) performs labor, supplies services, or furnishes material or machinery in the:
(A) construction;
(B) repair; or
(C) remodeling;
of a building, structure, or other work;
(2) accepts payment for the labor, services, material, or machinery furnished and supplied;
(3) at the time of receiving the payment, knows that the person is

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indebted to another for:
(A) labor, including the cost of renting or leasing construction and other equipment and tools, whether or not an operator is also provided by the lessor;
(B) services;
(C) material; or
(D) machinery;
used or employed in the construction, repair, or remodeling;
(4) fails:
(A) at the time of receiving the payment; and
(B) with intent to defraud;
to notify in writing the person from whom the payment was received of the existence of the outstanding indebtedness; and
(5) causes the person from whom the payment was received to suffer a loss by failing under subdivision (4) to notify the person of the existence of the outstanding indebtedness;
commits a ~~Class D~~ **Level 6** felony.

SECTION 329. IC 32-30-7-1, AS AMENDED BY P.L.114-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. As used in this chapter, "indecent nuisance" means a:
(1) place in or upon which prostitution (as described in IC 35-45-4);
(2) public place in or upon which ~~deviate~~ **other** sexual conduct (as defined in ~~IC 35-31.5-2-94)~~ **IC 35-31.5-2-221.5)** or sexual intercourse (as defined in IC 35-31.5-2-302); or
(3) public place in or upon which the fondling of the genitals of a person;
is conducted, permitted, continued, or exists, and the personal property and contents used in conducting and maintaining the place for such a purpose.

SECTION 330. IC 32-32-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Before a developer may offer to sell any time shares or camping club memberships in this state, the developer must register with the division under this section.

(b) A person who applies for registration under this section shall submit an application in the manner provided by the division and shall disclose the following information under oath:
(1) The names and addresses of all officers, project managers, marketing agencies, advertising agencies, and exchange companies who are actively involved in soliciting or selling time

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share units or camping club memberships.

(2) The name and address of each person who owns an interest of ten percent (10%) or more in the registrant, except for reporting companies under the Securities Exchange Act of 1934.

(3) A copy of the document in which the time share project or camping club project is created.

(4) A preliminary title report for the time share project or camping club project and copies of the documents listed as exceptions in the report showing any encumbrances.

(5) Copies of and instructions for escrow agreements, deeds, and sales contracts.

(6) Documents that show the current assessments for property taxes on the time share project or camping club project.

(7) A copy of bylaws or similar instrument that creates any community ownership relationship.

(8) Copies of all documents that will be given to a participant who is interested in participating in a program for the exchange of occupancy rights among time share participants or camping club members, and copies of the documents that show acceptance of the time share or camping club membership in the program.

(c) A developer who knowingly or intentionally offers to sell any time shares or camping club memberships in this state before registering with the division under this section commits a ~~Class D~~ **Level 6** felony.

SECTION 331. IC 32-34-9-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) If timber prepared for market is found on any of the streams of Indiana, the timber shall be held and disposed of as provided in this chapter. The finder of the timber shall receive as compensation for the finder's services only the fees provided for in section 2 of this chapter.

(b) A person who knowingly violates this section commits a ~~Class D~~ **Level 6** felony.

SECTION 332. IC 32-36-1-8, AS AMENDED BY P.L.149-2012, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A person may not use an aspect of a personality's right of publicity for a commercial purpose during the personality's lifetime or for one hundred (100) years after the date of the personality's death without having obtained previous written consent from a person specified in section 17 of this chapter. If a personality is deceased, the following apply to the rights described in this subsection:

(1) The rights apply to the personality whether the personality

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died before, on, or after July 1, 1994.

(2) If the personality died before July 1, 1994, the rights are considered to have existed on and after the date the personality died.

(3) Consistent with section 1(a) of this chapter, a claim for a violation of a personality's right of publicity may not be asserted under this chapter unless the alleged act or event of violation occurs within Indiana.

(4) A claim for a violation of a personality's right of publicity may not be asserted under this chapter unless the alleged act or event of violation occurs after June 30, 1994.

(b) A written consent solicited or negotiated by an athlete agent (as defined in IC 25-5.2-1-2) from a student athlete (as defined in IC 25-5.2-1-2) is void if the athlete agent obtained the consent as the result of an agency contract that:

(1) was void under IC 25-5.2-2-2 or under the law of the state where the agency contract was entered into; **or**

(2) was voided by the student athlete under IC 25-5.2-2-8 or a similar law in the state where the agency contract was entered into. ~~or~~

~~(3) was entered into without the notice required under IC 35-46-4-4 or a similar law in the state where the agency contract was entered into.~~

~~(c) A written consent for an endorsement contract (as defined in IC 35-46-4-1.5) is void if notice is not given as required by IC 35-46-4-4 or a similar law in the state where the endorsement contract is entered into.~~

SECTION 333. IC 33-28-3-8, AS AMENDED BY P.L.201-2011, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The minor offenses and violations docket has jurisdiction over the following:

(1) All ~~Class D~~ **Level 6** felony cases.

(2) All misdemeanor cases.

(3) All infraction cases.

(4) All ordinance violation cases.

(b) The court shall establish a traffic violations bureau in the manner prescribed by IC 34-28-5-7 through IC 34-28-5-9.

SECTION 334. IC 33-29-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The minor offenses and violations docket has jurisdiction over the following:

(1) All ~~Class D~~ **Level 6** felony cases.

(2) All misdemeanor cases.

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(3) All infraction cases.
(4) All ordinance violation cases.

(b) The court shall establish a traffic violations bureau in the manner prescribed by IC 34-28-5-7 through IC 34-28-5-13.

SECTION 335. IC 33-31-2-7, AS ADDED BY P.L.201-2011, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The minor offenses and violations docket has jurisdiction over the following:

(1) All ~~Class D~~ **Level 6** felony cases.
(2) All misdemeanor cases.
(3) All infraction cases.
(4) All ordinance violation cases.

(b) The court shall establish a traffic violations bureau in the manner prescribed by IC 34-28-5-7 through IC 34-28-5-9.

SECTION 336. IC 33-37-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. The court shall order a person to pay a child abuse prevention fee of one hundred dollars ($100) to the clerk in each criminal action in which:

(1) the person is found to have committed the offense of:
(A) murder (IC 35-42-1-1);
(B) causing suicide (IC 35-42-1-2);
(C) voluntary manslaughter (IC 35-42-1-3);
(D) reckless homicide (IC 35-42-1-5);
(E) battery (IC 35-42-2-1);
(F) rape (IC 35-42-4-1);
(G) criminal deviate conduct (IC 35-42-4-2) **(repealed);**
(H) child molesting (IC 35-42-4-3);
(I) child exploitation (IC 35-42-4-4);
(J) vicarious sexual gratification (IC 35-42-4-5);
(K) child solicitation (IC 35-42-4-6);
(L) incest (IC 35-46-1-3);
(M) neglect of a dependent (IC 35-46-1-4);
(N) child selling (IC 35-46-1-4); or
(O) child seduction (IC 35-42-4-7); and

(2) the victim of the offense is less than eighteen (18) years of age.

SECTION 337. IC 33-37-5-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) This section applies to criminal actions.

(b) The court shall assess a sexual assault victims assistance fee of at least two hundred fifty dollars ($250) and not more than one thousand dollars ($1,000) against an individual convicted in Indiana of

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any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) **(repealed).**

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual battery (IC 35-42-4-8).

(9) Sexual misconduct with a minor as a ~~Class A or Class B~~ **Level 1 felony or Level 4** felony (IC 35-42-4-9).

(10) Incest (IC 35-46-1-3).

SECTION 338. IC 33-39-1-8, AS AMENDED BY P.L.125-2012, SECTION 410, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) After June 30, 2005, this section does not apply to a person who:

(1) holds a commercial driver's license; and

(2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) This section does not apply to a person arrested for or charged with:

(1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or

(2) if a person was arrested or charged with an offense under IC 9-30-5-1 through IC 9-30-5-5, an offense involving:

(A) intoxication; or

(B) the operation of a vehicle;

if the offense involving intoxication or the operation of a vehicle was part of the same episode of criminal conduct as the offense under IC 9-30-5-1 through IC 9-30-5-5.

(c) This section does not apply to a person:

(1) who is arrested for or charged with an offense under:

(A) IC 7.1-5-7-7(a), if the alleged offense occurred while the person was operating a motor vehicle;

(B) IC 9-30-4-8(a), if the alleged offense occurred while the person was operating a motor vehicle;

(C) IC 35-42-2-2(c)(1);

(D) ~~IC 35-42-2-4(b)(1);~~ **IC 35-44.1-2-13(b)(1);** or

(E) IC 35-43-1-2(a), if the alleged offense occurred while the person was operating a motor vehicle; and

(2) who held a probationary license (as defined in

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IC 9-24-11-3.3(b)) and was less than eighteen (18) years of age at the time of the alleged offense.

(d) A prosecuting attorney may withhold prosecution against an accused person if:

(1) the person is charged with a misdemeanor;

(2) the person agrees to conditions of a pretrial diversion program offered by the prosecuting attorney;

(3) the terms of the agreement are recorded in an instrument signed by the person and the prosecuting attorney and filed in the court in which the charge is pending; and

(4) the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

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

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

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

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

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

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

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

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

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

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

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

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

(h) All money collected by the clerk as user's fees under this section

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shall be deposited in the appropriate user fee fund under IC 33-37-8.

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

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

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

SECTION 339. IC 33-39-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. A prosecuting attorney who charges a person with committing any of the following shall inform the person's employer of the charge, unless the prosecuting attorney determines that the person charged does not work with children:

(1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(2) Criminal deviate conduct (IC 35-42-4-2) **(repealed),** if the victim is less than eighteen (18) years of age.

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

SECTION 340. IC 33-42-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person authorized to administer oaths or take acknowledgments who, with intent to defraud:

(1) affixes the person's signature to a blank form of affidavit or certificate of acknowledgment; and

(2) delivers that form to another person, with intent that it be used as an affidavit or acknowledgment;

commits a ~~Class D~~ **Level 6** felony.

SECTION 341. IC 33-42-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who knowingly uses a form that was delivered to the person in violation of section 2 of this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 342. IC 33-43-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person, before proceeding to discharge the duties of an attorney, shall take an oath to:

(1) support the Constitution of the United States and the Constitution of the State of Indiana; and

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(2) faithfully and honestly discharge the duties of an attorney at law.

(b) The oath taken under subsection (a) must be entered in the order book of the court.

(c) A duly sworn attorney who is not otherwise disqualified to practice law is an officer of the court.

SECTION 343. IC 34-6-2-63 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 63. "Illegal drug market target community", for purposes of IC 34-24-4, means the following areas where a person participates in the illegal drug market:

(1) The county in which the person's place of participation is located if the person violates a statute concerning possession or dealing of an illegal drug that is punishable as a ~~Class D~~ **Level 6** felony.

(2) The county described in subdivision (1) plus all counties with a border contiguous to the county if the person violates a statute concerning possession or dealing of an illegal drug that is punishable as a ~~Class C~~ **Level 5** felony.

(3) The counties described in subdivision (2) plus all counties with a border contiguous to those counties if the person violates a statute concerning possession or dealing of an illegal drug that is punishable as a ~~Class B~~ **Level 3 or Level 4** felony.

(4) Indiana if the person violates a statute in Indiana concerning possession or dealing of an illegal drug that is punishable as a ~~Class A~~ **Level 1 or Level 2** felony.

SECTION 344. IC 34-12-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. A person who knowingly violates section 3, 4, 5, or 7 of this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 345. IC 34-24-1-1, AS AMENDED BY P.L.125-2012, SECTION 411, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The following may be seized:

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

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

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

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

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(iii) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
(iv) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
(v) Dealing in a schedule V controlled substance (IC 35-48-4-4).
(vi) Dealing in a counterfeit substance (IC 35-48-4-5).
(vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
(viii) Possession of methamphetamine (IC 35-48-4-6.1).
(ix) Dealing in paraphernalia (IC 35-48-4-8.5).
(x) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10).

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

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

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

(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):

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

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

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

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

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

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

(B) facilitate the commission of; or

(C) escape from the commission of;

murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting

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(IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.

(5) Real property owned by a person who uses it to commit any of the following as a ~~Class A felony, a Class B felony,~~ **Level 1, Level 2, Level 3, Level 4** or a ~~Class C~~ **Level 5** felony:

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

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

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

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

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

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

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

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

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

(10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.

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

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

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

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

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

(B) Property constituting, derived from, or traceable to the

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gross proceeds that the person obtained directly or indirectly as a result of the offense.

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

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

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

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

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

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

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

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

(16) The following real or personal property:

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

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

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

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the

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equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

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

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

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

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

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

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

(6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a ~~Class A felony, Class B~~ **Level 3, Level 4,** ~~felony,~~ or ~~Class C~~ **Level 5** felony.

(7) IC 35-48-4-6.1 (possession of methamphetamine) as a ~~Class A felony, Class B felony,~~ **Level 3, Level 4,** or ~~Class C~~ **Level 5** felony.

(8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid) as a ~~Class C~~ **Level 5** felony.

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

(1) an owner of the vehicle; or

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

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

SECTION 346. IC 34-30-2-150 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 150. ~~IC 35-42-2-2~~ **IC 35-42-2-2.5** (Concerning persons for reporting or participating in proceedings concerning hazing).

SECTION 347. IC 35-31.5-2-13 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 13. "Agent contract", for purposes of IC 35-46-4, has the meaning set forth in IC 35-46-4-1.~~

SECTION 348. IC 35-31.5-2-27.4 IS ADDED TO THE INDIANA

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CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 27.4. "Benefit, promote, or further the interests of a criminal gang", for purposes of IC 35-45-9-3, has the meaning set forth in IC 35-45-9-3(a).**

SECTION 349. IC 35-31.5-2-28.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 28.5. "Body fluid", for purposes of IC 35-45-16-2, has the meaning set forth in IC 35-45-16-2(a).**

SECTION 350. IC 35-31.5-2-30, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 30. "Body piercing", for purposes of ~~IC 35-42-2-7,~~ **IC 35-45-21-4,** has the meaning set forth in ~~IC 35-42-2-7(b).~~ **IC 35-45-21-4(b).**

SECTION 351. IC 35-31.5-2-39, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 39. "Child care provider", for purposes of ~~IC 35-42-1-4,~~ **IC 35-46-1-4.1,** has the meaning set forth in ~~IC 35-42-1-4(a).~~ **IC 35-46-1-4.1(a).**

SECTION 352. IC 35-31.5-2-43 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 43. "Class D felony conviction", for purposes of IC 35-50-2, has the meaning set forth in IC 35-50-2-1(a).~~

SECTION 353. IC 35-31.5-2-52, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 52. "Component", for purposes of ~~IC 35-42-1-7,~~ **IC 35-45-21-1,** has the meaning set forth in ~~IC 35-42-1-7(a).~~ **IC 35-45-21-1(a).**

SECTION 354. IC 35-31.5-2-52.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 52.7. (a) "Computer contaminant", for purposes of IC 35-43-1-8, means a set of computer instructions designed to modify, damage, destroy, record, or transmit information within a computer, computer system, or computer network without the intent or permission of the owner of the information.**

(b) The term includes a computer program (commonly referred to as a virus or worm) that is:

(1) self-replicating or self-propagating; and

(2) designed to:

(A) contaminate other computer programs or computer data;

(B) consume computer resources;

(C) modify, destroy, record, or transmit data; or

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(D) otherwise take control of the normal operation of a computer, computer system, or computer network.

SECTION 355. IC 35-31.5-2-53, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 53. (a) **Except as provided in subsection (b),** "computer network" ~~for purposes of IC 35-43-1-4, has the meaning set forth in IC 35-43-1-4(a).~~ **means a system that provides communications between one (1) or more computer systems and the system's input or output devices, including display terminals and printers that are connected by telecommunication facilities.**

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

SECTION 356. IC 35-31.5-2-54, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 54. "Computer program", for purposes of ~~IC 35-43-1-4, has the meaning set forth in IC 35-43-1-4(a).~~ **this chapter and IC 35-43-1-7, means a set of instructions or statements and related data that, when executed in actual or modified form, causes a computer, computer system, or computer network to perform specified functions.**

SECTION 357. IC 35-31.5-2-55, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 55. (a) **Except as provided in subsection (b),** "computer system" ~~for purposes of IC 35-43-1-4, has the meaning set forth in IC 35-43-1-4(a).~~ **means a device or collection of devices (including support devices):**

(1) one (1) or more of which contain a computer program, an electronic instruction, or input data and output data; and

(2) that performs functions, including arithmetic, data storage, retrieval, communication, or control functions.

The term does not include a calculator that is not programmable and that is not capable of being used in conjunction with external files.

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

SECTION 358. IC 35-31.5-2-55.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 55.2. "Computer system services" includes computer time, data processing or storage functions, or other uses of a computer, computer system, or computer network.**

SECTION 359. IC 35-31.5-2-72, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2014]: Sec. 72. "Credit restricted felon" means a person who has been convicted of at least one (1) of the following offenses:

(1) Child molesting involving sexual intercourse, ~~or~~ deviate sexual conduct (IC 35-42-4-3(a), **before its amendment on July 1, 2014) for a crime committed before July 1, 2014, or other sexual conduct (as defined in IC 35-31.5-2-221.5) for a crime committed after June 30, 2014,** if:

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

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

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

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

(A) the person killed the victim while committing or attempting to commit child molesting (IC 35-42-4-3);

(B) the victim was the victim of a sex crime under IC 35-42-4 for which the person was convicted; or

(C) the victim of the murder was listed by the state or known by the person to be a witness against the person in a prosecution for a sex crime under IC 35-42-4 and the person committed the murder with the intent to prevent the victim from testifying.

SECTION 360. IC 35-31.5-2-84, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 84. "Data", for purposes of ~~IC 35-43-1-4, has the meaning set forth in IC 35-43-1-4(a).~~ **this chapter and IC 35-43-1-7, means a representation of information, knowledge, facts, concepts, computer software, computer programs, or instructions that may be:**

(1) in any form;

(2) in storage media or stored in the memory of a computer; or

(3) in transit or presented on a display device.

SECTION 361. IC 35-31.5-2-91, AS ADDED BY P.L.126-2012, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 91. "Designated offense", for purposes of IC 35-33.5, means the following:

(1) A Class A, Class B, or Class C felony, **for a crime committed before July 1, 2014, or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony, for a crime committed after June 30, 2014,** that is a controlled substance offense (IC 35-48-4).

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

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(3) Kidnapping (IC 35-42-3-2).
(4) Criminal confinement (IC 35-42-3-3).
(5) Robbery (IC 35-42-5-1).
(6) Arson (IC 35-43-1-1).
(7) Child solicitation (IC 35-42-4-6).
(8) Human and sexual trafficking crimes under IC 35-42-3.5.
(9) Escape as a Class B felony or Class C felony, **for a crime committed before July 1, 2014, or a Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014** (IC 35-44.1-3-4).
(10) An offense that relates to a weapon of mass destruction (as defined in section 354 of this chapter).
(11) An attempt or conspiracy to commit an offense described in subdivisions (1) through (10).
(12) An offense under the law of the United States or in another state or country that is substantially similar to an offense described in subdivisions (1) through (11).

SECTION 362. IC 35-31.5-2-94 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 94. "Deviate sexual conduct" means an act involving:~~

~~(1) a sex organ of one (1) person and the mouth or anus of another person; or~~

~~(2) the penetration of the sex organ or anus of a person by an object.~~

SECTION 363. IC 35-31.5-2-104, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 104. ~~(a)~~ "Drug", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-16.

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

SECTION 364. IC 35-31.5-2-117 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 117. "Endorsement contract", for purposes of IC 35-46-4, has the meaning set forth in IC 35-46-4-1.5.~~

SECTION 365. IC 35-31.5-2-117.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 117.5. "Enhancing circumstance", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-16.5.**

SECTION 366. IC 35-31.5-2-132, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 132. "Fetus", for purposes of IC 35-42-1-4, has the meaning set forth in ~~IC 35-42-1-4(b).~~ **IC 35-42-1-4(a).**

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SECTION 367. IC 35-31.5-2-135, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 135. ~~(a) "Firefighter", for purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(b).~~

~~(b)~~ "Firefighter", for purposes of ~~IC 35-44-4,~~ **IC 35-44.1-4,** has the meaning set forth in ~~IC 35-44-4-3.~~ **IC 35-44.1-4-3.**

SECTION 368. IC 35-31.5-2-136 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 136. "First responder", for purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(c).~~

SECTION 369. IC 35-31.5-2-169.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 169.5. "Infectious hepatitis", for purposes of IC 35-45-16-2, has the meaning set forth in IC 35-45-16-2(b).**

SECTION 370. IC 35-31.5-2-186.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 186.5. "Level 6 felony conviction", for purposes of IC 35-50-2, has the meaning set forth in IC 35-50-2-1(a).**

SECTION 371. IC 35-31.5-2-187 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 187. "Licensed health professional", for purposes of IC 35-42-2-8, has the meaning set forth in IC 35-42-2-8(a)(2).~~

SECTION 372. IC 35-31.5-2-204.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 204.5. "Moderate bodily injury" means any impairment of physical condition that includes substantial pain.**

SECTION 373. IC 35-31.5-2-216, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 216. "Offense relating to a criminal sexual act" means the following:

(1) Rape (IC 35-42-4-1).
(2) Criminal deviate conduct (IC 35-42-4-2) **(repealed).**
(3) Child molesting (IC 35-42-4-3).
(4) Child seduction (IC 35-42-4-7).
(5) Prostitution (IC 35-45-4-2).
(6) Patronizing a prostitute (IC 35-45-4-3).
(7) Incest (IC 35-46-1-3).
(8) Sexual misconduct with a minor under IC 35-42-4-9(a).

SECTION 374. IC 35-31.5-2-221.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 221.5. "Other sexual conduct"**

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means an act involving:

(1) a sex organ of one (1) person and the mouth or anus of another person; or

(2) the penetration of the sex organ or anus of a person by an object.

SECTION 375. IC 35-31.5-2-242, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 242. ~~(a) "Practitioner", for purposes of IC 35-42-2-8, has the meaning set forth in IC 35-42-2-8(a)(3).~~

~~(b)~~ **(a)** Except as provided in subsection ~~(c),~~ **(b),** "practitioner", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-24.

~~(c)~~ **(b)** "Practitioner", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-5.8.

SECTION 376. IC 35-31.5-2-249 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 249. "Professional sports services contract", for purposes of IC 35-46-4, has the meaning set forth in IC 35-46-4-2.~~

SECTION 377. IC 35-31.5-2-253, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 253. (a) Except as provided in subsection (c), "property" means anything of value. The term includes:

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

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

(3) intangibles;

(4) commercial instruments;

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

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

(7) a signature to a written instrument;

(8) extension of credit;

(9) trade secrets;

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

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

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

(13) food and drink; ~~and~~

(14) human remains; **and**

(15) data.

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

(c) "Property", for purposes of IC 35-47.5, has the meaning set forth

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in IC 35-47.5-2-12.

SECTION 378. IC 35-31.5-2-264.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 264.5. "Purpose of increasing a person's own standing or position within a criminal gang", for purposes of IC 35-45-9-3, has the meaning set forth in IC 35-45-9-3(b).**

SECTION 379. IC 35-31.5-2-280.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 280.5. "Sale to a minor", for purposes of IC 35-48, means delivery or financing the delivery of a drug to a person less than eighteen (18) years of age and at least three (3) years junior to the person making the delivery or financing.**

SECTION 380. IC 35-31.5-2-315 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 315. "Student athlete", for purposes of IC 35-46-4, has the meaning set forth in IC 35-46-4-3.~~

SECTION 381. IC 35-31.5-2-317 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 317. "Substance offense", for purposes of IC 35-50-2-10, has the meaning set forth in IC 35-50-2-10(a)(2).~~

SECTION 382. IC 35-31.5-2-325, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 325. "Tattoo", for purposes of ~~IC 35-42-2-7,~~ **IC 35-45-21-4,** has the meaning set forth in ~~IC 35-42-2-7(a).~~ **IC 35-45-21-4(a).**

SECTION 383. IC 35-33-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person convicted of an offense who has appealed or desires to appeal the conviction may file a petition to be admitted to bail pending appeal. The person may be admitted to bail pending appeal at the discretion of the court in which the case was tried, but ~~he~~ **the person** may not be admitted to ~~it~~ **bail** if ~~he~~ **the person** has been convicted of a Class A **felony (for a crime committed before July 1, 2014) or a Level 1 or Level 2** felony **(for a crime committed after June 30, 2014).** ~~or a felony for which the court may not suspend the sentence under IC 35-50-2-2.~~

SECTION 384. IC 35-33.5-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) This section does not apply to a person who makes an interception authorized under federal law.

(b) A person who knowingly or intentionally intercepts a communication in violation of this article commits unlawful interception, a ~~Class C~~ **Level 5** felony.

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(c) A person who, by virtue of the person's employment or official capacity in the criminal justice system, knowingly or intentionally uses or discloses the contents of an interception in violation of this article commits unlawful use or disclosure of an interception, a ~~Class C~~ **Level 5** felony.

SECTION 385. IC 35-34-1-5, AS AMENDED BY SEA 31-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) An indictment or information which charges the commission of an offense may not be dismissed but may be amended on motion by the prosecuting attorney at any time because of any immaterial defect, including:

(1) any miswriting, misspelling, or grammatical error;
(2) any misjoinder of parties defendant or offenses charged;
(3) the presence of any unnecessary repugnant allegation;
(4) the failure to negate any exception, excuse, or provision contained in the statute defining the offense;
(5) the use of alternative or disjunctive allegations as to the acts, means, intents, or results charged;
(6) any mistake in the name of the court or county in the title of the action, or the statutory provision alleged to have been violated;
(7) the failure to state the time or place at which the offense was committed where the time or place is not of the essence of the offense;
(8) the failure to state an amount of value or price of any matter where that value or price is not of the essence of the offense; or
(9) any other defect which does not prejudice the substantial rights of the defendant.

(b) The indictment or information may be amended in matters of substance and the names of material witnesses may be added, by the prosecuting attorney, upon giving written notice to the defendant at any time:

(1) up to:
(A) thirty (30) days if the defendant is charged with a felony; or
(B) fifteen (15) days if the defendant is charged only with one (1) or more misdemeanors;
before the omnibus date; or
(2) before the commencement of trial;

if the amendment does not prejudice the substantial rights of the defendant. When the information or indictment is amended, it shall be signed by the prosecuting attorney or a deputy prosecuting attorney.

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(c) Upon motion of the prosecuting attorney, the court may, at any time before, during, or after the trial, permit an amendment to the indictment or information in respect to any defect, imperfection, or omission in form which does not prejudice the substantial rights of the defendant.

(d) Before amendment of any indictment or information other than amendment as provided in subsection (b), the court shall give all parties adequate notice of the intended amendment and an opportunity to be heard. Upon permitting such amendment, the court shall, upon motion by the defendant, order any continuance of the proceedings which may be necessary to accord the defendant adequate opportunity to prepare the defendant's defense.

(e) An amendment of an indictment or information to include a habitual offender charge under IC 35-50-2-8 ~~IC 35-50-2-8.5, or IC 35-50-2-10~~ must be made at least thirty (30) days before the commencement of trial. However, upon a showing of good cause, the court may permit the filing of a habitual offender charge at any time before the commencement of the trial if the amendment does not prejudice the substantial rights of the defendant. If the court permits the filing of a habitual offender charge less than thirty (30) days before the commencement of trial, the court shall grant a continuance at the request of the:

(1) state, for good cause shown; or

(2) defendant, for any reason.

SECTION 386. IC 35-36-6-11, AS AMENDED BY P.L.118-2007, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) In any criminal proceeding wherein the defendant is charged with murder, ~~or~~ a ~~Class A~~ **Level 1** felony, **or a Level 2 felony,** to be tried before a jury in which a motion for a change of venue from the county is filed, the court may recognize but decline to grant the motion, and order that the jury be drawn from the residents of a county other than the county in which the court is located.

(b) Pursuant to an order under this section, the court may convene in any county in the state for purposes of jury selection. The venire may be drawn by the jury administrator of a court in the jurors' home county, or may be drawn by the court itself by random selection.

(c) After a jury is selected, the trial shall be held in the county of the court's location. The verdict of the jury and the judgment based upon it have the same validity and effect as if the jury had been drawn from the county of the court's location.

SECTION 387. IC 35-37-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The jury venire

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called by a court may be used in civil or criminal cases.

(b) If a defendant is charged with:

(1) murder **or** a ~~Class A~~ **Level 1, Level 2, Level 3,** ~~felony,~~ ~~a Class B~~ **Level 4,** ~~felony,~~ or ~~a Class C~~ **Level 5** felony, the jury shall consist of twelve (12) qualified jurors unless the defendant and prosecuting attorney agree to a lesser number; or

(2) any other crime, the jury shall consist of six (6) qualified jurors.

SECTION 388. IC 35-37-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) In prosecutions for murder where the death penalty is sought, the defendant may challenge, peremptorily, twenty (20) jurors.

(b) In prosecutions for murder, where the death penalty is not sought, and ~~Class A, Class B,~~ **Level 1, Level 2, Level 3, Level 4,** or ~~Class C~~ **Level 5** felonies, the defendant may challenge, peremptorily, ten (10) jurors.

(c) In prosecutions for all other crimes, the defendant may challenge, peremptorily, five (5) jurors.

(d) When several defendants are tried together, they must join in their challenges.

SECTION 389. IC 35-38-1-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) A court may enter judgment of conviction as a ~~Class D~~ **Level 6** felony with the express provision that the conviction will be converted to a conviction as a Class A misdemeanor within three (3) years if the person fulfills certain conditions. A court may enter a judgment of conviction as a ~~Class D~~ **Level 6** felony with the express provision that the conviction will be converted to a conviction as a Class A misdemeanor only if the person pleads guilty to a ~~Class D~~ **Level 6** felony that qualifies for consideration as a Class A misdemeanor under IC 35-50-2-7, and the following conditions are met:

(1) The prosecuting attorney consents.

(2) The person agrees to the conditions set by the court.

(b) For a judgment of conviction to be entered under subsection (a), the court, the prosecuting attorney, and the person must all agree to the conditions set by the court under subsection (a).

(c) The court is not required to convert a judgment of conviction entered as a ~~Class D~~ **Level 6** felony to a Class A misdemeanor if, after a hearing, the court finds:

(1) the person has violated a condition set by the court under subsection (a); or

(2) the period that the conditions set by the court under subsection

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(a) are in effect expires before the person successfully completes each condition.

However, the court may not convert a judgment of conviction entered as a ~~Class D~~ **Level 6** felony to a Class A misdemeanor if the person commits a new offense before the conditions set by the court under subsection (a) expire.

(d) The court shall enter judgment of conviction as a Class A misdemeanor if the person fulfills the conditions set by the court under subsection (a).

(e) The entry of a judgment of conviction under this section does not affect the application of any statute requiring the suspension of a person's driving privileges.

(f) This section may not be construed to diminish or alter the rights of a victim (as defined in IC 35-40-4-8) in a sentencing proceeding under this chapter.

SECTION 390. IC 35-38-1-7.5, AS AMENDED BY P.L.216-2007, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7.5. (a) As used in this section, "sexually violent predator" means a person who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The term includes a person convicted in another jurisdiction who is identified as a sexually violent predator under IC 11-8-8-20. The term does not include a person no longer considered a sexually violent predator under subsection (g).

(b) A person who:

(1) being at least eighteen (18) years of age, commits an offense described in:

(A) IC 35-42-4-1;

(B) IC 35-42-4-2 **(repealed);**

(C) IC 35-42-4-3 as a Class A or Class B **felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, or Level 4** felony **(for a crime committed after June 30, 2014);**

(D) IC 35-42-4-5(a)(1);

(E) IC 35-42-4-5(a)(2);

(F) IC 35-42-4-5(a)(3);

(G) IC 35-42-4-5(b)(1) as a Class A or Class B **felony (for a crime committed before July 1, 2014) or Level 2, Level 3, or Level 4** felony **(for a crime committed after June 30, 2014);**

(H) IC 35-42-4-5(b)(2);

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(I) IC 35-42-4-5(b)(3) as a Class A or Class B **felony (for a crime committed before July 1, 2014) or a Level 2, Level 3, or Level 4** felony **(for a crime committed after June 30, 2014);**

(J) an attempt or conspiracy to commit a crime listed in clauses (A) through (I); or

(K) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (J);

(2) commits a sex offense (as defined in IC 11-8-8-5.2) while having a previous unrelated conviction for a sex offense for which the person is required to register as a sex or violent offender under IC 11-8-8;

(3) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if, after considering expert testimony, a court finds by clear and convincing evidence that the person is likely to commit an additional sex offense; or

(4) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if the person was required to register as a sex or violent offender under IC 11-8-8-5(b)(2);

is a sexually violent predator. Except as provided in subsection (g) or (h), a person is a sexually violent predator by operation of law if an offense committed by the person satisfies the conditions set forth in subdivision (1) or (2) and the person was released from incarceration, secure detention, or probation for the offense after June 30, 1994.

(c) This section applies whenever a court sentences a person or a juvenile court issues a dispositional decree for a sex offense (as defined in IC 11-8-8-5.2) for which the person is required to register with the local law enforcement authority under IC 11-8-8.

(d) At the sentencing hearing, the court shall indicate on the record whether the person has been convicted of an offense that makes the person a sexually violent predator under subsection (b).

(e) If a person is not a sexually violent predator under subsection (b), the prosecuting attorney may request the court to conduct a hearing to determine whether the person (including a child adjudicated to be a delinquent child) is a sexually violent predator under subsection (a). If the court grants the motion, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal

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behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person is a sexually violent predator under subsection (a). A hearing conducted under this subsection may be combined with the person's sentencing hearing.

(f) If a person is a sexually violent predator:

(1) the person is required to register with the local law enforcement authority as provided in IC 11-8-8; and

(2) the court shall send notice to the department of correction.

(g) This subsection does not apply to a person who has two (2) or more unrelated convictions for an offense described in IC 11-8-8-4.5 for which the person is required to register under IC 11-8-8. A person who is a sexually violent predator may petition the court to consider whether the person should no longer be considered a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after:

(1) the sentencing court or juvenile court makes its determination under subsection (e); or

(2) the person is released from incarceration or secure detention.

A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered a sexually violent predator. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person should no longer be considered a sexually violent predator under subsection (a). If a court finds that the person should no longer be considered a sexually violent predator, the court shall send notice to the department of correction that the person is no longer considered a sexually violent predator. Notwithstanding any other law, a condition imposed on a person due to the person's status as a sexually violent predator, including lifetime parole or GPS monitoring, does not apply to a person no longer considered a sexually violent predator.

(h) A person is not a sexually violent predator by operation of law under subsection (b)(1) if all of the following conditions are met:

(1) The victim was not less than twelve (12) years of age at the time the offense was committed.

(2) The person is not more than four (4) years older than the

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victim.

(3) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.

(4) The offense committed by the person was not any of the following:

(A) Rape (IC 35-42-4-1).

(B) Criminal deviate conduct (IC 35-42-4-2) **(repealed).**

(C) An offense committed by using or threatening the use of deadly force or while armed with a deadly weapon.

(D) An offense that results in serious bodily injury.

(E) An offense that is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(5) The person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person.

(6) The person did not have a position of authority or substantial influence over the victim.

(7) The court finds that the person should not be considered a sexually violent predator.

SECTION 391. IC 35-38-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Except as provided in subsection (c), a defendant convicted of a felony may not be sentenced before a written presentence report is prepared by a probation officer and considered by the sentencing court. Delay of sentence until a presentence report is prepared does not constitute an indefinite postponement or suspension of sentence.

(b) A victim present at sentencing in a felony or misdemeanor case shall be advised by the court of a victim's right to make a statement concerning the crime and the sentence.

(c) A court may sentence a person convicted of a ~~Class D~~ **Level 6** felony without considering a written presentence report prepared by a probation officer. However, if a defendant is committed to the department of correction or a community corrections program under IC 35-38-2.6, the probation officer shall prepare a report that meets the requirements of section 9 of this chapter to be sent with the offender to the department in lieu of the presentence investigation report required

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by section 14 of this chapter.

SECTION 392. IC 35-38-1-17, AS AMENDED BY P.L.114-2012, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) ~~Within three hundred sixty-five (365) days~~ **At any time** after:

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

(2) a hearing is held:

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

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

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

the court may reduce or suspend the sentence **and impose a sentence that the court was authorized to impose at the time of sentencing.** The court must incorporate its reasons in the record.

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

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

~~(d)~~ **(c)** The court may suspend a sentence for a felony under this section only if suspension is permitted under ~~IC 35-50-2-2.~~ **IC 35-50-2-2.2.**

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

~~(f)~~ **(e)** ~~Notwithstanding subsections (a) and (b),~~ The court is not required to conduct a hearing before reducing or suspending a sentence if:

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

(2) the convicted person has filed with the court a waiver of the right to be present when the order to reduce or suspend the

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sentence is considered.

SECTION 393. IC 35-38-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 24. (a) This section applies to a person if the most serious offense for which the person is committed is a Class C or Class D felony **(for a crime committed before July 1, 2014) or a Level 5 or Level 6 felony (for a crime committed after June 30, 2014).**

(b) Not later than forty-five (45) days after receiving a notice under IC 11-10-11.5-2, the sentencing court may order the department of correction to retain control over a person until the person completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to the term, if the court makes specific findings that support a determination:

(1) that placement of the person in a community transition program:

(A) places the person in danger of serious bodily injury or death; or

(B) represents a substantial threat to the safety of others; or

(2) of other good cause.

If the court issues an order under this section, the department of correction may not assign a person to a community transition program.

(c) The court may make a determination under this section without a hearing. The court shall consider any written statement presented to the court by a victim of the offender's crime or by an offender under IC 11-10-11.5-4.5. The court in its discretion may consider statements submitted by a victim after the time allowed for the submission of statements under IC 11-10-11.5-4.5.

(d) The court shall make written findings for a determination under this section, whether or not a hearing was held.

(e) Not later than five (5) days after making a determination under this section, the court shall send a copy of the order to the:

(1) prosecuting attorney where the person's case originated; and

(2) department of correction.

SECTION 394. IC 35-38-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. (a) This section applies to a person if the most serious offense for which the person is committed is murder, a Class A felony, or a Class B **felony (for a crime committed before July 1, 2014), or a Level 1, Level 2, Level 3, or Level 4** felony **(for a crime committed after June 30, 2014).**

(b) A sentencing court may sentence a person or modify the sentence of a person to assign the person to a community transition program for any period that begins after the person's community

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transition program commencement date (as defined in IC 11-8-1-5.6) and ends when the person completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to the term, if the court makes specific findings of fact that support a determination that it is in the best interests of justice to make the assignment. The order may include any other condition that the court could impose if the court had placed the person on probation under IC 35-38-2 or in a community corrections program under IC 35-38-2.6.

(c) The court may make a determination under this section without a hearing. The court shall consider any written statement presented to the court by a victim of the offender's crime or by an offender under IC 11-10-11.5-4.5. The court in its discretion may consider statements submitted by a victim after the time allowed for the submission of statements under IC 11-10-11.5-4.5.

(d) The court shall make written findings for a determination under this section, whether or not a hearing was held.

(e) Not later than five (5) days after making a determination under this section, the court shall send a copy of the order to the:

(1) prosecuting attorney where the person's case originated; and

(2) department of correction.

SECTION 395. IC 35-38-2-2.5, AS AMENDED BY P.L.216-2007, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) As used in this section, "offender" means an individual convicted of a sex offense.

(b) As used in this section, "sex offense" means any of the following:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) **(repealed).**

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual battery (IC 35-42-4-8).

(9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

(10) Incest (IC 35-46-1-3).

(c) A condition of remaining on probation or parole after conviction for a sex offense is that the offender not reside within one (1) mile of the residence of the victim of the offender's sex offense.

(d) An offender:

(1) who will be placed on probation shall provide the sentencing court and the probation department with the address where the

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offender intends to reside during the period of probation:

(A) at the time of sentencing if the offender will be placed on probation without first being incarcerated; or

(B) before the offender's release from incarceration if the offender will be placed on probation after completing a term of incarceration; or

(2) who will be placed on parole shall provide the parole board with the address where the offender intends to reside during the period of parole.

(e) An offender, while on probation or parole, may not establish a new residence within one (1) mile of the residence of the victim of the offender's sex offense unless the offender first obtains a waiver from the:

(1) court, if the offender is placed on probation; or

(2) parole board, if the offender is placed on parole;

for the change of address under subsection (f).

(f) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the offender is present and of which the prosecuting attorney has been notified, determines that:

(1) the offender has successfully completed a sex offender treatment program during the period of probation or parole;

(2) the offender is in compliance with all terms of the offender's probation or parole; and

(3) good cause exists to allow the offender to reside within one (1) mile of the residence of the victim of the offender's sex offense.

However, the court or parole board may not grant a waiver under this subsection if the offender is a sexually violent predator under IC 35-38-1-7.5 or if the offender is an offender against children under IC 35-42-4-11.

(g) If the court or parole board grants a waiver under subsection (f), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.

(h) The address of the victim of the offender's sex offense is confidential even if the court or parole board grants a waiver under subsection (f).

SECTION 396. IC 35-38-2.6-1, AS AMENDED BY P.L.151-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to the sentencing of a person convicted of:

(1) a felony whenever any part of the sentence may not be

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suspended under ~~IC 35-50-2-2~~ **IC 35-50-2-2.2** or IC 35-50-2-2.1;
(2) a misdemeanor whenever any part of the sentence may not be suspended; or
(3) an offense ~~described in~~ **under IC 9-30-5 (operating a vehicle while intoxicated) if the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5,** ~~IC 35-50-2-2(b)(4)(R) (operating a vehicle while intoxicated with at least two (2) prior unrelated convictions),~~ **and** if the person:
(A) is required to serve the nonsuspendible part of the sentence in a community corrections:
(i) work release program; or
(ii) program that uses electronic monitoring as a part of the person's supervision; and
(B) participates in a court approved substance abuse program.

(b) This chapter does not apply to persons convicted of any of the following:
(1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.
(2) Except as provided in subsection (a)(3), any of the **following** felonies:
(A) Murder (IC 35-42-1-1).
(B) Battery (IC 35-42-2-1) with a deadly weapon or battery causing death.
(C) Kidnapping (IC 35-42-3-2).
(D) Confinement (IC 35-42-3-3) with a deadly weapon.
(E) Robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon.
(F) Arson (IC 35-43-1-1) for hire resulting in serious bodily injury.
(G) Burglary (IC 35-43-2-1) resulting in serious bodily injury.
(H) Resisting law enforcement (IC 35-44.1-3-1) with a deadly weapon.
(I) Escape (IC 35-44.1-3-4) with a deadly weapon.
(J) Rioting (IC 35-45-1-2) with a deadly weapon.
(K) Dealing in cocaine or a narcotic drug (IC 35-48-4-1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within five hundred feet (500) of:

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(i) school property; or
(ii) a public park.
(L) Dealing in methamphetamine (IC 35-48-4-1.1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver the methamphetamine pure or adulterated to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within five hundred (500) feet of:
(i) school property; or
(ii) a public park.
(M) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within five hundred (500) feet of:
(i) school property; or
(ii) a public park.
(N) An offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5.
(O) An offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death).
(P) Aggravated battery (IC 35-42-2-1.5).
(Q) Disarming a law enforcement officer (IC 35-44.1-3-2).
~~listed in IC 35-50-2-2(b)(4).~~
(3) An offense under IC 9-30-5-4.
(4) An offense under IC 9-30-5-5.

SECTION 397. IC 35-38-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. As used in this chapter:

"Earliest possible release date" means the date, computed as of the date of sentencing, on which a person would be entitled to discharge or release on parole considering:

(1) the term of the sentence;
(2) the term of any other concurrent or consecutive sentence that the person must serve;
(3) credit time that the person has earned before sentencing; and
(4) the maximum amount of credit time that the person would

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earn if ~~he~~ **the person** remained in a Class I **or** credit time assignment during ~~his~~ **the person's** period of commitment.

"Rated capacity" means the number of inmates that can be housed at the facility as determined by the most recent jail inspection report.

"Receiving authority" means:

(1) the department of correction;

(2) a sheriff, if incarceration is authorized in a county jail; or

(3) a facility or place designated by the department of correction.

SECTION 398. IC 35-38-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The department, after diagnosis and classification, shall:

(1) determine the degree of security (maximum, medium, or minimum) to which a convicted person will be assigned;

~~(2) for each offender convicted of a Class D felony whose sentence for the Class D felony is nonsuspendible under IC 35-50-2-2(b)(3) due to a prior unrelated Class C or Class D felony, determine whether the offender is an appropriate candidate for home detention under IC 35-38-2.5;~~

~~(3)~~ **(2)** for each offender convicted of a Class D **felony (for a crime committed before July 1, 2014) or a Level 6** felony **(for a crime committed after June 30, 2014)** whose sentence for the Class D felony **or Level 6 felony** is nonsuspendible **at the time of the offense** under:

(A) IC 35-50-2-2.1(a)(1)(B);

(B) IC 35-50-2-2.1(a)(1)(C); or

(C) IC 35-50-2-2.1(a)(2);

determine whether the offender is an appropriate candidate for home detention under IC 35-38-2.5;

~~(4)~~ **(3)** for each offender:

(A) committed to the department because the offender has been convicted for the first time of a ~~Class C~~ **Level 5** or a ~~Class D~~ **Level 6** felony; and

(B) whose sentence may be suspended;

determine whether the offender is an appropriate candidate for home detention under IC 35-38-2.5;

~~(5)~~ **(4)** notify the trial court and prosecuting attorney if the degree of security assigned differs from the court's recommendations; and

~~(6)~~ **(5)** petition the sentencing court under IC 35-38-1-21 for review of the sentence of an offender who is not a habitual offender sentenced under IC 35-50-2-8 or IC 35-50-2-10 **(repealed),** and who the department has determined under

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subdivision (2) ~~or subdivision (3),~~ to be an appropriate candidate for home detention.

(b) The department may change the degree of security to which the person is assigned. However, if the person is changed to a lesser degree security during the first two (2) years of the commitment, the department shall notify the trial court and the prosecuting attorney not less than thirty (30) days before the effective date of the changed security assignment.

SECTION 399. IC 35-38-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter applies only to an offense that is any of the following:

(1) Murder.

(2) A Class A **felony (for a crime committed before July 1, 2014) or a Level 1** felony **(for a crime committed after June 30, 2014).**

(3) A Class B **felony (for a crime committed before July 1, 2014) or a Level 2** felony **(for a crime committed after June 30, 2014).**

(4) A Class C **felony (for a crime committed before July 1, 2014) or a Level 3** felony **(for a crime committed after June 30, 2014).**

(5) A Level 4 felony (for a crime committed after June 30, 2014).

(6) A Level 5 felony (for a crime committed after June 30, 2014).

SECTION 400. IC 35-38-8-2, AS ADDED BY P.L.194-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. This chapter applies only to a person:

(1) convicted of a misdemeanor or a Class D **felony (for a crime committed before July 1, 2014) or Level 6** felony **(for a crime committed after June 30, 2014)** that did not result in injury to a person; or

(2) adjudicated a delinquent child for committing an offense that, if committed by an adult, would be a misdemeanor or **a** Class D **or Level 6** felony that did not result in injury to a person.

SECTION 401. IC 35-38-8-4, AS ADDED BY P.L.194-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The court shall grant a petition under this chapter if the court finds:

(1) the person is:

(A) not a sex or violent offender; or

(B) a sex or violent offender, but the offender's status as a sex

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or violent offender is solely due to the offender's conviction for sexual misconduct with a minor (IC 35-42-4-9) and the offender proved that the defense described in IC 35-42-4-9(e) applies to the offender;

(2) the person was:

(A) convicted of a misdemeanor or a Class D **felony (for a crime committed before July 1, 2014) or Level 6** felony **(for a crime committed after June 30, 2014)** that did not result in injury to a person; or

(B) adjudicated a delinquent child for committing an offense that, if committed by an adult, would be a misdemeanor or **a** Class D **felony or Level 6** felony not resulting in injury to a person;

(3) eight (8) years have passed since the person completed the person's sentence and satisfied any other obligation imposed on the person as part of the sentence; and

(4) the person has not been convicted of a felony since the person completed the person's sentence and satisfied any other obligation imposed on the person as part of the sentence.

SECTION 402. IC 35-38-8-5, AS ADDED BY P.L.194-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. If the court grants the petition of a person under this chapter, the court shall do the following:

(1) Order:

(A) the department of correction; and

(B) each:

(i) law enforcement agency; and

(ii) other person;

who incarcerated, provided treatment for, or provided other services for the person under an order of the court;

to prohibit the release of the person's records or information relating to the misdemeanor, nonviolent Class D **felony, nonviolent Level 6** felony, or juvenile adjudication described in section 2 of this chapter, in the person's records to a noncriminal justice agency without a court order.

(2) Order any:

(A) state;

(B) regional; or

(C) local;

central repository for criminal history information to prohibit the release of the person's records or information relating to the misdemeanor, nonviolent Class D **felony, nonviolent Level 6**

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felony, or juvenile adjudication described in section 2 of this chapter, in the person's records to a noncriminal justice agency without a court order.

SECTION 403. IC 35-41-4-2, AS AMENDED BY P.L.143-2009, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as otherwise provided in this section, a prosecution for an offense is barred unless it is commenced:

(1) within five (5) years after the commission of the offense, in the case of a Class B, Class C, or Class D **felony (for a crime committed before July 1, 2014) or a Level 3, Level 4, Level 5, or Level 6** felony **(for a crime committed after June 30, 2014);** or

(2) within two (2) years after the commission of the offense, in the case of a misdemeanor.

(b) A prosecution for a Class B or Class C **felony (for a crime committed before July 1, 2014) or a Level 3, Level 4, or Level 5** felony **(for a crime committed after June 30, 2014)** that would otherwise be barred under this section may be commenced within one (1) year after the earlier of the date on which the state:

(1) first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis; or

(2) could have discovered evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis by the exercise of due diligence.

(c) A prosecution for a Class A **felony (for a crime committed before July 1, 2014) or a Level 1** felony **or Level 2 felony (for a crime committed after June 30, 2014)** may be commenced at any time.

(d) A prosecution for murder may be commenced:

(1) at any time; and

(2) regardless of the amount of time that passes between:

(A) the date a person allegedly commits the elements of murder; and

(B) the date the alleged victim of the murder dies.

(e) A prosecution for the following offenses is barred unless commenced before the date that the alleged victim of the offense reaches thirty-one (31) years of age:

(1) IC 35-42-4-3(a) (Child molesting).

(2) IC 35-42-4-5 (Vicarious sexual gratification).

(3) IC 35-42-4-6 (Child solicitation).

(4) IC 35-42-4-7 (Child seduction).

(5) IC 35-46-1-3 (Incest).

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(f) A prosecution for forgery of an instrument for payment of money, or for the uttering of a forged instrument, under IC 35-43-5-2, is barred unless it is commenced within five (5) years after the maturity of the instrument.

(g) If a complaint, indictment, or information is dismissed because of an error, defect, insufficiency, or irregularity, a new prosecution may be commenced within ninety (90) days after the dismissal even if the period of limitation has expired at the time of dismissal, or will expire within ninety (90) days after the dismissal.

(h) The period within which a prosecution must be commenced does not include any period in which:

(1) the accused person is not usually and publicly resident in Indiana or so conceals himself or herself that process cannot be served;

(2) the accused person conceals evidence of the offense, and evidence sufficient to charge the person with that offense is unknown to the prosecuting authority and could not have been discovered by that authority by exercise of due diligence; or

(3) the accused person is a person elected or appointed to office under statute or constitution, if the offense charged is theft or conversion of public funds or bribery while in public office.

(i) For purposes of tolling the period of limitation only, a prosecution is considered commenced on the earliest of these dates:

(1) The date of filing of an indictment, information, or complaint before a court having jurisdiction.

(2) The date of issuance of a valid arrest warrant.

(3) The date of arrest of the accused person by a law enforcement officer without a warrant, if the officer has authority to make the arrest.

(j) A prosecution is considered timely commenced for any offense to which the defendant enters a plea of guilty, notwithstanding that the period of limitation has expired.

(k) The following apply to the specified offenses:

(1) A prosecution for an offense under IC 30-2-9-7(b) (misuse of funeral trust funds) is barred unless commenced within five (5) years after the date of death of the settlor (as described in IC 30-2-9).

(2) A prosecution for an offense under IC 30-2-10-9(b) (misuse of funeral trust funds) is barred unless commenced within five (5) years after the date of death of the settlor (as described in IC 30-2-10).

(3) A prosecution for an offense under IC 30-2-13-38(f) (misuse

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of funeral trust or escrow account funds) is barred unless commenced within five (5) years after the date of death of the purchaser (as defined in IC 30-2-13-9).

(l) A prosecution for an offense under IC 23-14-48-9 is barred unless commenced within five (5) years after the earlier of the date on which the state:

(1) first discovers evidence sufficient to charge the offender with the offense; or

(2) could have discovered evidence sufficient to charge the offender with the offense by the exercise of due diligence.

SECTION 404. IC 35-41-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person attempts to commit a crime when, acting with the culpability required for commission of the crime, ~~he~~ **the person** engages in conduct that constitutes a substantial step toward commission of the crime. An attempt to commit a crime is a felony or misdemeanor of the same ~~class~~ **level** as the crime attempted. However, an attempt to commit murder is a ~~Class A~~ **Level 1** felony.

(b) It is no defense that, because of a misapprehension of the circumstances, it would have been impossible for the accused person to commit the crime attempted.

SECTION 405. IC 35-41-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person conspires to commit a felony when, with intent to commit the felony, ~~he~~ **the person** agrees with another person to commit the felony. A conspiracy to commit a felony is a felony of the same ~~class~~ **level** as the underlying felony. However, a conspiracy to commit murder is: ~~a Class A felony.~~

(1) a Level 2 felony if the conspiracy does not result in the death of a person; and

(2) a Level 1 felony if the conspiracy results in the death of another person.

(b) The state must allege and prove that either the person or the person with whom he **or she** agreed performed an overt act in furtherance of the agreement.

(c) It is no defense that the person with whom the accused person is alleged to have conspired:

(1) has not been prosecuted;

(2) has not been convicted;

(3) has been acquitted;

(4) has been convicted of a different crime;

(5) cannot be prosecuted for any reason; or

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(6) lacked the capacity to commit the crime.

SECTION 406. IC 35-42-1-1, AS AMENDED BY P.L.1-2007, SECTION 230, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who:

(1) knowingly or intentionally kills another human being;

(2) kills another human being while committing or attempting to commit arson, burglary, child molesting, consumer product tampering, criminal deviate conduct **(before its repeal),** kidnapping, rape, robbery, human trafficking, promotion of human trafficking, sexual trafficking of a minor, or carjacking **(before its repeal);**

(3) kills another human being while committing or attempting to commit:

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

(B) dealing in or manufacturing methamphetamine (IC 35-48-4-1.1);

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

(D) dealing in a schedule IV controlled substance (IC 35-48-4-3); or

(E) dealing in a schedule V controlled substance; or

(4) knowingly or intentionally kills a fetus that has attained viability (as defined in IC 16-18-2-365);

commits murder, a felony.

SECTION 407. IC 35-42-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who intentionally causes another human being, by force, duress, or deception, to commit suicide commits causing suicide, a ~~Class B~~ **Level 3** felony.

SECTION 408. IC 35-42-1-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) This section does not apply to the following:

(1) A licensed health care provider who administers, prescribes, or dispenses medications or procedures to relieve a person's pain or discomfort, even if the medication or procedure may hasten or increase the risk of death, unless such medications or procedures are intended to cause death.

(2) The withholding or withdrawing of medical treatment or life-prolonging procedures by a licensed health care provider, including pursuant to IC 16-36-4 (living wills and life-prolonging procedures), IC 16-36-1 (health care consent), or IC 30-5 (power

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of attorney).

(b) A person who has knowledge that another person intends to commit or attempt to commit suicide and who intentionally does either of the following commits assisting suicide, a ~~Class C~~ **Level 5** felony:

(1) Provides the physical means by which the other person attempts or commits suicide.

(2) Participates in a physical act by which the other person attempts or commits suicide.

SECTION 409. IC 35-42-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who knowingly or intentionally:

(1) kills another human being; or

(2) kills a fetus that has attained viability (as defined in IC 16-18-2-365);

while acting under sudden heat commits voluntary manslaughter, a ~~Class B~~ **Level 2** felony. ~~However, the offense is a Class A felony if it is committed by means of a deadly weapon.~~

(b) The existence of sudden heat is a mitigating factor that reduces what otherwise would be murder under section 1(1) of this chapter to voluntary manslaughter.

SECTION 410. IC 35-42-1-4, AS AMENDED BY P.L.7-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. ~~(a) As used in this section, "child care provider" means a person who provides child care in or on behalf of:~~

~~(1) a child care center (as defined in IC 12-7-2-28.4); or~~

~~(2) a child care home (as defined in IC 12-7-2-28.6);~~

~~regardless of whether the child care center or child care home is licensed.~~

~~(b)~~ **(a)** As used in this section, "fetus" means a fetus that has attained viability (as defined in IC 16-18-2-365).

~~(c)~~ **(b)** A person who kills another human being while committing or attempting to commit:

(1) a ~~Class C or Class D~~ **Level 5 or Level 6** felony that inherently poses a risk of serious bodily injury;

(2) a Class A misdemeanor that inherently poses a risk of serious bodily injury; or

(3) battery;

commits involuntary manslaughter, a ~~Class C~~ **Level 5** felony. ~~However, if the killing results from the operation of a vehicle, the offense is a Class D felony.~~

~~(d)~~ **(c)** A person who kills a fetus while committing or attempting to commit:

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(1) a ~~Class C or Class D~~ **Level 5 or Level 6** felony that inherently poses a risk of serious bodily injury;
(2) a Class A misdemeanor that inherently poses a risk of serious bodily injury;
(3) battery; or
(4) a violation of IC 9-30-5-1 through IC 9-30-5-5 (operating a vehicle while intoxicated);

commits involuntary manslaughter, a ~~Class C~~ **Level 5** felony. ~~However, if the killing results from the operation of a vehicle, the offense is a Class D felony.~~

~~(c) If:~~

~~(1) a child care provider recklessly supervises a child; and~~
~~(2) the child dies as a result of the child care provider's reckless supervision;~~

~~the child care provider commits involuntary manslaughter, a Class D felony.~~

SECTION 411. IC 35-42-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A person who recklessly kills another human being commits reckless homicide, a ~~Class C~~ **Level 5** felony.

SECTION 412. IC 35-42-1-6, AS AMENDED BY P.L.40-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. A person who knowingly or intentionally terminates a human pregnancy with an intention other than to produce a live birth or to remove a dead fetus commits feticide, a ~~Class B~~ **Level 3** felony. This section does not apply to an abortion performed in compliance with:

(1) IC 16-34; or
(2) IC 35-1-58.5 (before its repeal).

SECTION 413. IC 35-42-1-7 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 7. (a) As used in this section, "component" means plasma, platelets, or serum of a human being.~~

~~(b) A person who recklessly, knowingly, or intentionally donates, sells, or transfers blood, a blood component, or semen for artificial insemination (as defined in IC 16-41-14-2) that contains the human immunodeficiency virus (HIV) commits transferring contaminated body fluids, a Class C felony.~~

~~(c) However, the offense is a Class A felony if it results in the transmission of the human immunodeficiency virus (HIV) to any person other than the defendant.~~

~~(d) This section does not apply to:~~

~~(1) a person who, for reasons of privacy, donates, sells, or~~

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~~transfers blood or a blood component at a blood center (as defined in IC 16-41-12-3) after the person has notified the blood center that the blood or blood component must be disposed of and may not be used for any purpose;~~

~~(2) a person who transfers blood, a blood component, semen, or another body fluid that contains the human immunodeficiency virus (HIV) for research purposes; or~~

~~(3) a person who is an autologous blood donor for stem cell transplantation.~~

SECTION 414. IC 35-42-1-8 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 8. (a) The sale or distribution of:~~

~~(1) diagnostic testing equipment or apparatus; or~~

~~(2) a blood collection kit;~~

~~intended for home use to diagnose or confirm human immunodeficiency virus (HIV) infection or disease is prohibited unless the testing equipment, apparatus, or kit has been approved for such use by the federal Food and Drug Administration.~~

~~(b) A person who violates this section commits a Class A misdemeanor.~~

SECTION 415. IC 35-42-1-9 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 9. (a) Except as provided in this section, a person who recklessly violates or fails to comply with IC 16-41-7 commits a Class B misdemeanor.~~

~~(b) A person who knowingly or intentionally violates or fails to comply with IC 16-41-7-1 commits a Class D felony.~~

~~(c) Each day a violation described in this section continues constitutes a separate offense.~~

SECTION 416. IC 35-42-2-1, AS AMENDED BY P.L.114-2012, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a) As used in this section, "public safety official" means:**

(1) a law enforcement officer, including an alcoholic beverage enforcement officer;

(2) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71);

(3) an employee of the department of correction;

(4) a probation officer;

(5) a parole officer;

(6) a community corrections worker;

(7) a home detention officer;

(8) a department of child services employee;

(9) a firefighter; or

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(10) an emergency medical services provider.

~~(a)~~ **(b) Except as provided in subsections (c) through (j),** a person who knowingly or intentionally:

(1) touches another person in a rude, insolent, or angry manner; **or**

(2) in a rude, insolent, or angry manner places any bodily fluid or waste on another person;

commits battery, a Class B misdemeanor.

(c) The offense described in subsection (b)(1) or (b)(2) is a Class A misdemeanor if it results in bodily injury to any other person.

(d) The offense described in subsection (b)(1) or (b)(2) is a Level 6 felony if one (1) or more of the following apply:

(1) The offense results in moderate bodily injury to any other person.

(2) The offense is committed against a public safety official while the official is engaged in the official's official duty.

(3) The offense is committed against a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.

(4) The offense is committed against a person of any age who has a mental or physical disability and is committed by a person having the care of the person with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.

(5) The offense is committed against an endangered adult (as defined in IC 12-10-3-2).

(6) The offense is committed against a family or household member (as defined in IC 35-31.5-2-128) if the person who committed the offense:

(A) is at least eighteen (18) years of age; and

(B) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.

(e) The offense described in subsection (b)(2) is a Level 6 felony if the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus.

(f) The offense described in subsection (b)(1) or (b)(2) is a Level 5 felony if one (1) or more of the following apply:

(1) The offense results in serious bodily injury to another person.

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(2) The offense is committed with a deadly weapon.

(3) The offense results in bodily injury to a pregnant woman if the person knew of the pregnancy.

(4) The person has a previous conviction for battery against the same victim.

(5) The offense results in bodily injury to one (1) or more of the following:

(A) A public safety official while the official is engaged in the official's official duties.

(B) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(C) A person who has a mental or physical disability if the offense is committed by an individual having care of the person with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.

(D) An endangered adult (as defined in IC 12-10-3-2).

(g) The offense described in subsection (b)(2) is a Level 5 felony if:

(1) the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus; and

(2) the person placed the bodily fluid or waste on a public safety official.

(h) The offense described in subsection (b)(1) or (b)(2) is a Level 4 felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2).

(i) The offense described in subsection (b)(1) or (b)(2) is a Level 3 felony if it results in serious bodily injury to a person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(j) The offense described in subsection (b)(1) or (b)(2) is a Level 2 felony if it results in the death of one (1) or more of the following:

(1) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(2) An endangered adult (as defined in IC 12-10-3-2).

~~However, the offense is:~~

~~(1) a Class A misdemeanor if:~~

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

~~(B) it is committed against a law enforcement officer or against a person summoned and directed by the officer while~~

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~~the officer is engaged in the execution of the officer's official duty;~~

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

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

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

~~(i) while the volunteer is performing the duties described in IC 35-31.5-2-49; or~~

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

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

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

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

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

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

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

~~(E) an endangered adult (as defined in IC 12-10-3-2);~~

~~(F) an employee of the department of correction while the employee is engaged in the execution of the employee's official duty;~~

~~(G) an employee of a school corporation while the employee is engaged in the execution of the employee's official duty;~~

~~(H) a correctional professional while the correctional professional is engaged in the execution of the correctional professional's official duty;~~

~~(I) a person who is a health care provider (as defined in IC 16-18-2-163) while the health care provider is engaged in the execution of the health care provider's official duty;~~

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~~(J) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71) while the employee is engaged in the execution of the employee's official duty;~~

~~(K) a firefighter (as defined in IC 9-18-34-1) while the firefighter is engaged in the execution of the firefighter's official duty;~~

~~(L) a community policing volunteer:~~

~~(i) while the volunteer is performing the duties described in IC 35-31.5-2-49; or~~

~~(ii) because the person is a community policing volunteer;~~

~~(M) a family or household member (as defined in IC 35-31.5-2-128) if the person who committed the offense:~~

~~(i) is at least eighteen (18) years of age; and~~

~~(ii) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense; or~~

~~(N) a department of child services employee while the employee is engaged in the execution of the employee's official duty;~~

~~(3) a Class C felony if it results in serious bodily injury to any other person or if it is committed by means of a deadly weapon;~~

~~(4) a Class B felony if it results in serious bodily injury to a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;~~

~~(5) a Class A felony if it results in the death of a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;~~

~~(6) a Class C felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2);~~

~~(7) a Class B felony if it results in the death of an endangered adult (as defined in IC 12-10-3-2); and~~

~~(8) a Class C felony if it results in bodily injury to a pregnant woman and the person knew the woman was pregnant.~~

~~(b) For purposes of this section:~~

~~(1) "law enforcement officer" includes an alcoholic beverage enforcement officer; and~~

~~(2) "correctional professional" means a:~~

~~(A) probation officer;~~

~~(B) parole officer;~~

~~(C) community corrections worker; or~~

~~(D) home detention officer.~~

SECTION 417. IC 35-42-2-1.3, AS AMENDED BY P.L.6-2012,

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SECTION 225, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.3. (a) A person who knowingly or intentionally touches an individual who:

(1) is or was a spouse of the other person;

(2) is or was living as if a spouse of the other person as provided in subsection (c); or

(3) has a child in common with the other person;

in a rude, insolent, or angry manner that results in bodily injury to the person described in subdivision (1), (2), or (3) commits domestic battery, a Class A misdemeanor.

(b) However, the offense under subsection (a) is a ~~Class D~~ **Level 6** felony if the person who committed the offense:

(1) has a previous, unrelated conviction:

(A) under this section (or IC 35-42-2-1(a)(2)(E) before that provision was removed by P.L.188-1999, SECTION 5); or

(B) in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements described in this section; or

(2) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.

(c) In considering whether a person is or was living as a spouse of another individual for purposes of subsection (a)(2), the court shall review:

(1) the duration of the relationship;

(2) the frequency of contact;

(3) the financial interdependence;

(4) whether the two (2) individuals are raising children together;

(5) whether the two (2) individuals have engaged in tasks directed toward maintaining a common household; and

(6) other factors the court considers relevant.

SECTION 418. IC 35-42-2-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. A person who knowingly or intentionally inflicts injury on a person that creates a substantial risk of death or causes:

(1) serious permanent disfigurement;

(2) protracted loss or impairment of the function of a bodily member or organ; or

(3) the loss of a fetus;

commits aggravated battery, a ~~Class B~~ **Level 3** felony. **However, the offense is a Level 1 felony if it results in the death of a child less**

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than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.

SECTION 419. IC 35-42-2-2, AS AMENDED BY P.L.75-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. ~~(a) As used in this section, "hazing" means forcing or requiring another person:~~

~~(1) with or without the consent of the other person; and~~

~~(2) as a condition of association with a group or organization;~~

~~to perform an act that creates a substantial risk of bodily injury.~~

~~(b)~~ **(a)** A person who recklessly, knowingly, or intentionally performs

~~(1)~~ an act that creates a substantial risk of bodily injury to another person ~~or~~

~~(2) hazing;~~

commits criminal recklessness. Except as provided in subsection ~~(c),~~ **(b),** criminal recklessness is a Class B misdemeanor.

~~(c)~~ **(b)** The offense of criminal recklessness as defined in subsection ~~(b)~~ **(a)** is:

~~(1) a Class A misdemeanor if the conduct includes the use of a vehicle;~~

~~(2)~~ **(1)** a ~~Class D~~ **Level 6** felony if:

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

(B) the person committed aggressive driving (as defined in IC 9-21-8-55) that results in serious bodily injury to another person; or

~~(3)~~ **(2)** a ~~Class C~~ **Level 5** felony if:

(A) it is committed by shooting a firearm into an inhabited dwelling or other building or place where people are likely to gather; or

(B) the person committed aggressive driving (as defined in IC 9-21-8-55) that results in the death of another person.

~~(d) A person who recklessly, knowingly, or intentionally:~~

~~(1) inflicts serious bodily injury on another person; or~~

~~(2) performs hazing that results in serious bodily injury to a person;~~

~~commits criminal recklessness, a Class D felony. However, the offense is a Class C felony if committed by means of a deadly weapon.~~

~~(e) A person, other than a person who has committed an offense under this section or a delinquent act that would be an offense under this section if the violator was an adult, who:~~

~~(1) makes a report of hazing in good faith;~~

~~(2) participates in good faith in a judicial proceeding resulting~~

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~~from a report of hazing;~~

~~(3) employs a reporting or participating person described in subdivision (1) or (2); or~~

~~(4) supervises a reporting or participating person described in subdivision (1) or (2);~~

~~is not liable for civil damages or criminal penalties that might otherwise be imposed because of the report or participation.~~

~~(f) A person described in subsection (c)(1) or (c)(2) is presumed to act in good faith.~~

~~(g) A person described in subsection (c)(1) or (c)(2) may not be treated as acting in bad faith solely because the person did not have probable cause to believe that a person committed:~~

~~(1) an offense under this section; or~~

~~(2) a delinquent act that would be an offense under this section if the offender was an adult.~~

SECTION 420. IC 35-42-2-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.5. (a) As used in this section, "hazing" means forcing or requiring another person:**

(1) with or without the consent of the other person; and

(2) as a condition of association with a group or organization; to perform an act that creates a substantial risk of bodily injury.

(b) A person who knowingly or intentionally performs hazing commits a Class B misdemeanor. However, the offense is a Level 6 felony if it results in serious bodily injury to another person, and a Level 5 felony if it is committed by means of a deadly weapon.

(c) A person, other than a person who has committed an offense under this section or a delinquent act that would be an offense under this section if the violator were an adult, who:

(1) makes a report of hazing in good faith;

(2) participates in good faith in a judicial proceeding resulting from a report of hazing;

(3) employs a reporting or participating person described in subdivision (1) or (2); or

(4) supervises a reporting or participating person described in subdivision (1) or (2);

is not liable for civil damages or criminal penalties that might otherwise be imposed because of the report or participation.

(d) A person described in subsection (c)(1) or (c)(2) is presumed to act in good faith.

(e) A person described in subsection (c)(1) or (c)(2) may not be treated as acting in bad faith solely because the person did not have

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probable cause to believe that a person committed:

(1) an offense under this section; or

(2) a delinquent act that would be an offense under this section if the offender were an adult.

SECTION 421. IC 35-42-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who recklessly, knowingly, or intentionally engages in conduct that is likely to provoke a reasonable ~~man~~ **person** to commit battery commits provocation, a Class C infraction.

SECTION 422. IC 35-42-2-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 4. (a) A person who recklessly, knowingly, or intentionally obstructs vehicular or pedestrian traffic commits obstruction of traffic, a Class B misdemeanor.~~

~~(b) The offense described in subsection (a) is:~~

~~(1) a Class A misdemeanor if the offense includes the use of a motor vehicle; and~~

~~(2) a Class D felony if the offense results in serious bodily injury.~~

SECTION 423. IC 35-42-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As used in this section, "overpass" means a bridge or other structure designed to carry vehicular or pedestrian traffic over any roadway, railroad track, or waterway.

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

(1) drops, causes to drop, or throws an object from an overpass; or

(2) with intent that the object fall, places on an overpass an object that falls off the overpass;

causing bodily injury to another person commits overpass mischief, a ~~Class C~~ **Level 5** felony. However, the offense is a ~~Class B~~ **Level 4** felony if it results in serious bodily injury to another person.

SECTION 424. IC 35-42-2-5.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 5.5. A person who recklessly, knowingly, or intentionally:~~

~~(1) removes an appurtenance from a railroad signal system, resulting in damage or impairment of the operation of the railroad signal system, including a train control system, centralized dispatching system, or highway-railroad grade crossing warning signal on a railroad owned, leased, or operated by a railroad carrier without consent of the railroad carrier involved;~~

~~(2) tampers with or obstructs a switch, a frog, a rail, a roadbed, a crosstie, a viaduct, a bridge, a trestle, a culvert, an embankment, a structure, or an appliance pertaining to or connected with a~~

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railroad carrier without consent of the railroad carrier involved; or

(3) steals, removes, alters, or interferes with a journal bearing, a brass, a waste, a packing, a triple valve, a pressure cock, a brake, an air hose, or another part of the operating mechanism of a locomotive, an engine, a tender, a coach, a car, a caboose, or a motor car used or capable of being used by a railroad carrier in Indiana without consent of the railroad carrier;

commits railroad mischief, a Class D felony. However, the offense is a Class C felony if it results in serious bodily injury to another person and a Class B felony if it results in the death of another person.

SECTION 425. IC 35-42-2-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 6. (a) As used in this section, "corrections officer" includes a person employed by:

(1) the department of correction;

(2) a law enforcement agency;

(3) a probation department;

(4) a county jail; or

(5) a circuit, superior, county, probate, city, or town court.

(b) As used in this section, "firefighter" means a person who is a:

(1) full-time, salaried firefighter;

(2) part-time, paid firefighter; or

(3) volunteer firefighter (as defined in IC 36-8-12-2).

(c) As used in this section, "emergency medical responder" means a person who:

(1) is certified under IC 16-31 and who meets the Indiana emergency medical services commission's standards for emergency medical responder certification; and

(2) responds to an incident requiring emergency medical services.

(d) As used in this section, "human immunodeficiency virus (HIV)" includes acquired immune deficiency syndrome (AIDS) and AIDS related complex.

(e) A person who knowingly or intentionally in a rude, insolent, or angry manner places blood or another body fluid or waste on a law enforcement officer, firefighter, emergency medical responder, corrections officer, or department of child services employee, identified as such and while engaged in the performance of official duties, or coerces another person to place blood or another body fluid or waste on the law enforcement officer, firefighter, emergency medical responder, corrections officer, or department of child services employee, commits battery by body waste, a Class D felony. However, the offense is:

(1) a Class C felony if the person knew or recklessly failed to

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~~know that the blood, bodily fluid, or waste was infected with:~~

~~(A) hepatitis B or hepatitis C;~~

~~(B) HIV; or~~

~~(C) tuberculosis;~~

~~(2) a Class B felony if:~~

~~(A) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with hepatitis B or hepatitis C and the offense results in the transmission of hepatitis B or hepatitis C to the other person; or~~

~~(B) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with tuberculosis and the offense results in the transmission of tuberculosis to the other person; and~~

~~(3) a Class A felony if:~~

~~(A) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with HIV; and~~

~~(B) the offense results in the transmission of HIV to the other person.~~

~~(f) A person who knowingly or intentionally in a rude, an insolent, or an angry manner places human blood, semen, urine, or fecal waste on another person commits battery by body waste, a Class A misdemeanor. However, the offense is:~~

~~(1) a Class D felony if the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with:~~

~~(A) hepatitis B or hepatitis C;~~

~~(B) HIV; or~~

~~(C) tuberculosis;~~

~~(2) a Class C felony if:~~

~~(A) the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with hepatitis B or hepatitis C and the offense results in the transmission of hepatitis B or hepatitis C to the other person; or~~

~~(B) the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with tuberculosis and the offense results in the transmission of tuberculosis to the other person; and~~

~~(3) a Class B felony if:~~

~~(A) the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with HIV; and~~

~~(B) the offense results in the transmission of HIV to the other person.~~

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SECTION 426. IC 35-42-2-7 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 7. (a) As used in this section, "tattoo" means:~~

~~(1) any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or~~

~~(2) any design, letter, scroll, figure, or symbol done by scarring, upon or under the skin.~~

~~(b) As used in this section, "body piercing" means the perforation of any human body part other than an earlobe for the purpose of inserting jewelry or other decoration or for some other nonmedical purpose.~~

~~(c) Except as provided in subsection (e), a person who provides a tattoo to a person who is less than eighteen (18) years of age commits tattooing a minor, a Class A misdemeanor.~~

~~(d) This subsection does not apply to an act of a health care professional (as defined in IC 16-27-2-1) licensed under IC 25 when the act is performed in the course of the health care professional's practice. Except as provided in subsection (e), a person who performs body piercing upon a person who is less than eighteen (18) years of age commits body piercing a minor, a Class A misdemeanor.~~

~~(e) A person may provide a tattoo to a person who is less than eighteen (18) years of age or perform body piercing upon a person who is less than eighteen (18) years of age if a parent or legal guardian of the person receiving the tattoo or undergoing the body piercing:~~

~~(1) is present at the time the tattoo is provided or the body piercing is performed; and~~

~~(2) provides written permission for the person to receive the tattoo or undergo the body piercing.~~

~~(f) Notwithstanding IC 36-1-3-8(a), a unit (as defined in IC 36-1-2-23) may adopt an ordinance that is at least as restrictive or more restrictive than this section or a rule adopted under IC 16-19-3-4.1 or IC 16-19-3-4.2.~~

SECTION 427. IC 35-42-2-8 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 8. (a) The following definitions apply throughout this section:~~

~~(1) "Health care provider" refers to a health care provider (as defined in IC 16-18-2-163(a), IC 16-18-2-163(b), or IC 16-18-2-163(c)) or a qualified medication aide as described in IC 16-28-1-11.~~

~~(2) "Licensed health professional" has the meaning set forth in IC 25-23-1-27.1.~~

~~(3) "Practitioner" has the meaning set forth in IC 16-42-19-5. However, the term does not include a veterinarian.~~

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~~(4) "Prescription drug" has the meaning set forth in IC 35-48-1-25.~~

~~(b) A person who knowingly or intentionally physically interrupts, obstructs, or alters the delivery or administration of a prescription drug:~~

~~(1) prescribed or ordered by a practitioner for a person who is a patient of the practitioner; and~~

~~(2) without the prescription or order of a practitioner;~~

~~commits interference with medical services, a Class A misdemeanor. However, the offense is a Class D felony if the offense results in bodily injury to the patient.~~

~~(c) However, an offense described in subsection (b) is:~~

~~(1) a Class C felony if it is committed by a person who is a licensed health care provider or licensed health professional;~~

~~(2) a Class B felony if it results in serious bodily injury to the patient; and~~

~~(3) a Class A felony if it results in the death of the patient.~~

~~(d) A person is justified in engaging in conduct otherwise prohibited under this section if the conduct was performed by:~~

~~(1) a health care provider or licensed health professional who acted in good faith within the scope of the person's practice or employment; or~~

~~(2) a person who was rendering emergency care at the scene of an emergency or accident in a good faith attempt to avoid or minimize serious bodily injury to the patient.~~

SECTION 428. IC 35-42-2-9, AS ADDED BY P.L.129-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) This section does not apply to a medical procedure.

(b) A person who, in a rude, angry, or insolent manner, knowingly or intentionally:

(1) applies pressure to the throat or neck of another person; or

(2) obstructs the nose or mouth of the another person;

in a manner that impedes the normal breathing or the blood circulation of the other person commits strangulation, a ~~Class D~~ **Level 6** felony.

SECTION 429. IC 35-42-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. ~~(a) A person who knowingly or intentionally confines another person:~~

~~(1) with intent to obtain ransom;~~

~~(2) while hijacking a vehicle;~~

~~(3) with intent to obtain the release, or intent to aid in the escape, of any person from lawful detention; or~~

~~(4) with intent to use the person confined as a shield or hostage;~~

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~~commits kidnapping, a Class A felony.~~

~~(b)~~ **(a)** A person who knowingly or intentionally removes another person, by fraud, enticement, force, or threat of force, from one place to another **commits kidnapping. Except as provided in subsection (b), the offense of kidnapping is a Level 6 felony.**

(b) The offense described in subsection (a) is:

(1) a Level 5 felony if:

(A) the person removed is less than fourteen (14) years of age and is not the removing person's child;

(B) it is committed by using a vehicle; or

(C) it results in bodily injury to a person other than the removing person;

(2) a Level 3 felony if it:

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

(B) results in serious bodily injury to a person other than the removing person; or

(C) is committed on an aircraft; and

(3) a Level 2 felony if it is committed:

(A) with intent to obtain ransom;

(B) while hijacking a vehicle;

(C) with intent to obtain the release, or intent to aid in the escape, of any person from lawful incarceration; or

(D) with intent to use the person removed as a shield or hostage.

~~(1) with intent to obtain ransom;~~

~~(2) while hijacking a vehicle;~~

~~(3) with intent to obtain the release, or intent to aid in the escape, of any person from lawful detention; or~~

~~(4) with intent to use the person removed as a shield or hostage;~~

~~commits kidnapping, a Class A felony.~~

SECTION 430. IC 35-42-3-3, AS AMENDED BY P.L.70-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who knowingly or intentionally

~~(1)~~ confines another person without the other person's consent ~~or~~

~~(2) removes another person, by fraud, enticement, force, or threat of force, from one (1) place to another;~~

commits criminal confinement. Except as provided in subsection (b), the offense of criminal confinement is a ~~Class D~~ **Level 6** felony.

(b) The offense of criminal confinement defined in subsection (a) is:

(1) a ~~Class C~~ **Level 5** felony if:

(A) the person confined ~~or removed~~ is less than fourteen (14)

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years of age and is not the confining ~~or removing~~ person's child;

(B) it is committed by using a vehicle; or

(C) it results in bodily injury to a person other than the confining ~~or removing~~ person; ~~and~~

(2) a ~~Class B~~ **Level 3** felony if it:

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

(B) results in serious bodily injury to a person other than the confining ~~or removing~~ person; or

(C) is committed on an aircraft; **and**

(3) a Level 2 felony if it is committed:

(A) with intent to obtain ransom;

(B) while hijacking a vehicle;

(C) with intent to obtain the release, or intent to aid in the escape, of any person from lawful incarceration; or

(D) with intent to use the person confined as a shield or hostage.

SECTION 431. IC 35-42-3-4, AS AMENDED BY P.L.164-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who, with the intent to deprive another person of child custody rights, knowingly or intentionally:

(1) removes another person who is less than eighteen (18) years of age to a place outside Indiana when the removal violates a child custody order of a court; or

(2) violates a child custody order of a court by failing to return a person who is less than eighteen (18) years of age to Indiana;

commits interference with custody, a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~ **Level 5** felony if the other person is less than fourteen (14) years of age and is not the person's child, and a ~~Class B~~ **Level 4** felony if the offense is committed while armed with a deadly weapon or results in serious bodily injury to another person.

(b) A person who with the intent to deprive another person of custody or parenting time rights:

(1) knowingly or intentionally takes;

(2) knowingly or intentionally detains; or

(3) knowingly or intentionally conceals;

a person who is less than eighteen (18) years of age commits interference with custody, a Class C misdemeanor. However, the offense is a Class B misdemeanor if the taking, concealment, or detention is in violation of a court order.

(c) With respect to a violation of this section, a court may consider as a mitigating circumstance the accused person's return of the other

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person in accordance with the child custody order or parenting time order within seven (7) days after the removal.

(d) The offenses described in this section continue as long as the child is concealed or detained or both.

(e) If a person is convicted of an offense under this section, a court may impose against the defendant reasonable costs incurred by a parent or guardian of the child because of the taking, detention, or concealment of the child.

~~(g)~~ **(f)** It is a defense to a prosecution under this section that the accused person:

(1) was threatened; or

(2) reasonably believed the child was threatened;

which resulted in the child not being timely returned to the other parent resulting in a violation of a child custody order.

SECTION 432. IC 35-42-3.5-1, AS AMENDED BY P.L.72-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who, by force, threat of force, or fraud, knowingly or intentionally recruits, harbors, or transports another person:

(1) to engage the other person in:

(A) forced labor; or

(B) involuntary servitude; or

(2) to force the other person into:

(A) marriage;

(B) prostitution; or

(C) participating in sexual conduct (as defined by IC 35-42-4-4);

commits promotion of human trafficking, a ~~Class B~~ **Level 4** felony.

(b) A person who knowingly or intentionally recruits, harbors, or transports a child less than sixteen (16) years of age with the intent of:

(1) engaging the child in:

(A) forced labor; or

(B) involuntary servitude; or

(2) inducing or causing the child to:

(A) engage in prostitution; or

(B) participate in sexual conduct (as defined by IC 35-42-4-4);

commits promotion of human trafficking of a minor, a ~~Class B~~ **Level 3** felony. Except as provided in subsection (e), it is not a defense to a prosecution under this subsection that the child consented to engage in prostitution or to participate in sexual conduct.

(c) A person who is at least eighteen (18) years of age who knowingly or intentionally sells or transfers custody of a child less than

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sixteen (16) years of age for the purpose of prostitution or participating in sexual conduct (as defined by IC 35-42-4-4) commits sexual trafficking of a minor, a ~~Class A~~ **Level 2** felony.

(d) A person who knowingly or intentionally pays, offers to pay, or agrees to pay money or other property to another person for an individual who the person knows has been forced into:

(1) forced labor;

(2) involuntary servitude; or

(3) prostitution;

commits human trafficking, a ~~Class C~~ **Level 5** felony.

(e) It is a defense to a prosecution under subsection (b)(2)(B) if:

(1) the child is at least fourteen (14) years of age but less than sixteen (16) years of age and the person is less than eighteen (18) years of age; or

(2) all the following apply:

(A) The person is not more than four (4) years older than the victim.

(B) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.

(C) The crime:

(i) was not committed by a person who is at least twenty-one (21) years of age;

(ii) was not committed by using or threatening the use of deadly force;

(iii) was not committed while armed with a deadly weapon;

(iv) did not result in serious bodily injury;

(v) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and

(vi) was not committed by a person having a position of authority or substantial influence over the victim.

(D) The person has not committed another sex offense (as defined in IC 11-8-8-5.2), including a delinquent act that would be a sex offense if committed by an adult, against any other person.

SECTION 433. IC 35-42-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as

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provided in subsection (b), a person who knowingly or intentionally has sexual intercourse with ~~a member of the opposite sex~~ **another person or knowingly or intentionally causes another person to perform or submit to other sexual conduct (as defined in IC 35-31.5-2-221.5)** when:

(1) the other person is compelled by force or imminent threat of force;

(2) the other person is unaware that the sexual intercourse **or other sexual conduct (as defined in IC 35-31.5-2-221.5)** is occurring; or

(3) the other person is so mentally disabled or deficient that consent to sexual intercourse **or other sexual conduct (as defined in IC 35-31.5-2-221.5)** cannot be given;

commits rape, a ~~Class B~~ **Level 3** felony.

(b) An offense described in subsection (a) is a ~~Class A~~ **Level 1** felony if:

(1) it is committed by using or threatening the use of deadly force;

(2) it is committed while armed with a deadly weapon;

(3) it results in serious bodily injury to a person other than a defendant; or

(4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

SECTION 434. IC 35-42-4-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2. (a) A person who knowingly or intentionally causes another person to perform or submit to deviate sexual conduct when:~~

~~(1) the other person is compelled by force or imminent threat of force;~~

~~(2) the other person is unaware that the conduct is occurring; or~~

~~(3) the other person is so mentally disabled or deficient that consent to the conduct cannot be given;~~

~~commits criminal deviate conduct, a Class B felony.~~

~~(b) An offense described in subsection (a) is a Class A felony if:~~

~~(1) it is committed by using or threatening the use of deadly force;~~

~~(2) it is committed while armed with a deadly weapon;~~

~~(3) it results in serious bodily injury to any person other than a defendant; or~~

~~(4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in~~

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~~IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.~~

SECTION 435. IC 35-42-4-3, AS AMENDED BY P.L.216-2007, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who, with a child under fourteen (14) years of age, **knowingly or intentionally** performs or submits to sexual intercourse or ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5)** commits child molesting, a ~~Class B~~ **Level 3** felony. However, the offense is a ~~Class A~~ **Level 1** felony if:

(1) it is committed by a person at least twenty-one (21) years of age;

(2) it is committed by using or threatening the use of deadly force or while armed with a deadly weapon;

(3) it results in serious bodily injury; or

(4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(b) A person who, with a child under fourteen (14) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits child molesting, a ~~Class C~~ **Level 4** felony. However, the offense is a ~~Class A~~ **Level 2** felony if:

(1) it is committed by using or threatening the use of deadly force;

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

(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(c) It is a defense that the accused person reasonably believed that the child was sixteen (16) years of age or older at the time of the conduct, unless:

(1) the offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon;

(2) the offense results in serious bodily injury; or

(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

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SECTION 436. IC 35-42-4-4, AS AMENDED BY P.L.6-2012, SECTION 226, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The following definitions apply throughout this section:

(1) "Disseminate" means to transfer possession for free or for a consideration.

(2) "Matter" has the same meaning as in IC 35-49-1-3.

(3) "Performance" has the same meaning as in IC 35-49-1-7.

(4) "Sexual conduct" means sexual intercourse, ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5),** exhibition of the uncovered genitals intended to satisfy or arouse the sexual desires of any person, sadomasochistic abuse, sexual intercourse or ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5)** with an animal, or any fondling or touching of a child by another person or of another person by a child intended to arouse or satisfy the sexual desires of either the child or the other person.

(b) A person who knowingly or intentionally:

(1) manages, produces, sponsors, presents, exhibits, photographs, films, videotapes, or creates a digitized image of any performance or incident that includes sexual conduct by a child under eighteen (18) years of age;

(2) disseminates, exhibits to another person, offers to disseminate or exhibit to another person, or sends or brings into Indiana for dissemination or exhibition matter that depicts or describes sexual conduct by a child under eighteen (18) years of age; or

(3) makes available to another person a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts or describes sexual conduct by a child less than eighteen (18) years of age;

commits child exploitation, a ~~Class C~~ **Level 5** felony.

(c) A person who knowingly or intentionally possesses:

(1) a picture;

(2) a drawing;

(3) a photograph;

(4) a negative image;

(5) undeveloped film;

(6) a motion picture;

(7) a videotape;

(8) a digitized image; or

(9) any pictorial representation;

that depicts or describes sexual conduct by a child who the person

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knows is less than sixteen (16) years of age or who appears to be less than sixteen (16) years of age, and that lacks serious literary, artistic, political, or scientific value commits possession of child pornography, a ~~Class D~~ **Level 6** felony.

(d) Subsections (b) and (c) do not apply to a bona fide school, museum, or public library that qualifies for certain property tax exemptions under IC 6-1.1-10, or to an employee of such a school, museum, or public library acting within the scope of the employee's employment when the possession of the listed materials is for legitimate scientific or educational purposes.

(e) It is a defense to a prosecution under this section that:

(1) the person is a school employee; and

(2) the acts constituting the elements of the offense were performed solely within the scope of the person's employment as a school employee.

(f) Except as provided in subsection (g), it is a defense to a prosecution under subsection (b)(1), subsection (b)(2), or subsection (c) if all of the following apply:

(1) A cellular telephone, another wireless or cellular communications device, or a social networking web site was used to possess, produce, or disseminate the image.

(2) The defendant is not more than four (4) years older or younger than the person who is depicted in the image or who received the image.

(3) The relationship between the defendant and the person who received the image or who is depicted in the image was a dating relationship or an ongoing personal relationship. For purposes of this subdivision, the term "ongoing personal relationship" does not include a family relationship.

(4) The crime was committed by a person less than twenty-two (22) years of age.

(5) The person receiving the image or who is depicted in the image acquiesced in the defendant's conduct.

(g) The defense to a prosecution described in subsection (f) does not apply if:

(1) the person who receives the image disseminates it to a person other than the person:

(A) who sent the image; or

(B) who is depicted in the image;

(2) the image is of a person other than the person who sent the image or received the image; or

(3) the dissemination of the image violates:

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(A) a protective order to prevent domestic or family violence issued under IC 34-26-5 (or, if the order involved a family or household member, under IC 34-26-2 or IC 34-4-5.1-5 before their repeal);
(B) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency order issued under IC 34-26-2 or IC 34-4-5.1 before their repeal);
(C) a workplace violence restraining order issued under IC 34-26-6;
(D) a no contact order in a dispositional decree issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal) that orders the person to refrain from direct or indirect contact with a child in need of services or a delinquent child;
(E) a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion, and including a no contact order issued under IC 35-33-8-3.6;
(F) a no contact order issued as a condition of probation;
(G) a protective order to prevent domestic or family violence issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2 before their repeal);
(H) a protective order to prevent domestic or family violence issued under IC 31-14-16-1 in a paternity action;
(I) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding;
(J) an order issued in another state that is substantially similar to an order described in clauses (A) through (I);
(K) an order that is substantially similar to an order described in clauses (A) through (I) and is issued by an Indian:
(i) tribe;
(ii) band;
(iii) pueblo;
(iv) nation; or
(v) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);
that is recognized as eligible for the special programs and

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services provided by the United States to Indians because of their special status as Indians;

(L) an order issued under IC 35-33-8-3.2; or

(M) an order issued under IC 35-38-1-30.

SECTION 437. IC 35-42-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person eighteen (18) years of age or older who knowingly or intentionally directs, aids, induces, or causes a child under the age of sixteen (16) to touch or fondle himself **or herself** or another child under the age of sixteen (16) with intent to arouse or satisfy the sexual desires of a child or the older person commits vicarious sexual gratification, a ~~Class D~~ **Level 5** felony. However, the offense is:

(1) a ~~Class C~~ **Level 4** felony if a child involved in the offense is under the age of fourteen (14); **and**

(2) a ~~Class B~~ **Level 3** felony if:

(A) the offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon; ~~or~~

(B) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; ~~and~~ **or**

~~(3)~~ **(C)** ~~a Class A felony if it~~ **the commission of the offense** results in serious bodily injury.

(b) A person eighteen (18) years of age or older who knowingly or intentionally directs, aids, induces, or causes a child under the age of sixteen (16) to:

(1) engage in sexual intercourse with another child under sixteen (16) years of age;

(2) engage in sexual conduct with an animal other than a human being; or

(3) engage in ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5)** with another person;

with intent to arouse or satisfy the sexual desires of a child or the older person commits vicarious sexual gratification, a ~~Class C~~ **Level 4** felony. However, the offense is a ~~Class B~~ **Level 3** felony if any child involved in the offense is less than fourteen (14) years of age, and ~~it~~ **the offense** is a ~~Class A~~ **Level 2** felony if the offense is committed by using or threatening the use of deadly force, if ~~it~~ **the offense** is committed while armed with a deadly weapon, if ~~it~~ **the offense** results in serious bodily injury, or if the commission of the offense is facilitated by

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furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(c) A person eighteen (18) years of age or older who knowingly or intentionally:

(1) engages in sexual intercourse;

(2) engages in ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5);** or

(3) touches or fondles the person's own body;

in the presence of a child less than fourteen (14) years of age with the intent to arouse or satisfy the sexual desires of the child or the older person commits performing sexual conduct in the presence of a minor, a ~~Class D~~ **Level 6** felony.

SECTION 438. IC 35-42-4-6, AS AMENDED BY P.L.216-2007, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) As used in this section, "solicit" means to command, authorize, urge, incite, request, or advise an individual:

(1) in person;

(2) by telephone **or wireless device;**

(3) in writing;

(4) by using a computer network (as defined in IC 35-43-2-3(a));

(5) by advertisement of any kind; or

(6) by any other means;

to perform an act described in subsection (b) or (c).

(b) A person eighteen (18) years of age or older who knowingly or intentionally solicits a child under fourteen (14) years of age, or an individual the person believes to be a child under fourteen (14) years of age, to engage in:

(1) sexual intercourse;

(2) ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5);** or

(3) any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person;

commits child solicitation, a ~~Class D~~ **Level 5** felony. ~~However, the offense is a Class C felony if it is committed by using a computer network (as defined in IC 35-43-2-3(a)), and a Class B felony if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a)) and has a previous unrelated conviction for committing the offense by using a computer network (as defined in IC 35-43-2-3(a)).~~

(c) A person at least twenty-one (21) years of age who knowingly or

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intentionally solicits a child at least fourteen (14) years of age but less than sixteen (16) years of age, or an individual the person believes to be a child at least fourteen (14) years of age but less than sixteen (16) years of age, to engage in:

(1) sexual intercourse;

(2) ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5);** or

(3) any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person;

commits child solicitation, a ~~Class D~~ **Level 5** felony. ~~However, the offense is a Class C felony if it is committed by using a computer network (as defined in IC 35-43-2-3(a)), and a Class B felony if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a)) and has a previous unrelated conviction for committing the offense by using a computer network (as defined in IC 35-43-2-3(a)).~~

(d) In a prosecution under this section, including a prosecution for attempted solicitation, the state is not required to prove that the person solicited the child to engage in an act described in subsection (b) or (c) at some immediate time.

SECTION 439. IC 35-42-4-7, AS AMENDED BY P.L.114-2012, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) As used in this section, "adoptive parent" has the meaning set forth in IC 31-9-2-6.

(b) As used in this section, "adoptive grandparent" means the parent of an adoptive parent.

(c) As used in this section, "charter school" has the meaning set forth in IC 20-18-2-2.5.

(d) As used in this section, "child care worker" means a person who:

(1) provides care, supervision, or instruction to a child within the scope of the person's employment in a shelter care facility;

(2) is employed by a:

(A) school corporation;

(B) charter school;

(C) nonpublic school; or

(D) special education cooperative;

attended by a child who is the victim of a crime under this chapter; or

(3) is:

(A) affiliated with a:

(i) school corporation;

(ii) charter school;

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(iii) nonpublic school; or
(iv) special education cooperative;
attended by a child who is the victim of a crime under this chapter, regardless of how or whether the person is compensated;
(B) in a position of trust in relation to a child who attends the school or cooperative;
(C) engaged in the provision of care or supervision to a child who attends the school or cooperative; and
(D) at least four (4) years older than the child who is the victim of a crime under this chapter.

The term does not include a student who attends the school or cooperative.

(e) As used in this section, "custodian" means any person who resides with a child and is responsible for the child's welfare.

(f) As used in this section, "military recruiter" means a member of the armed forces of the United States (as defined in IC 20-33-10-2) or the Indiana National Guard whose primary job function, classification, or specialty is recruiting individuals to enlist with the armed forces of the United States or the Indiana National Guard.

(g) As used in this section, "nonpublic school" has the meaning set forth in IC 20-18-2-12.

(h) As used in this section, "school corporation" has the meaning set forth in IC 20-18-2-16.

(i) As used in this section, "special education cooperative" has the meaning set forth in IC 20-35-5-1.

(j) As used in this section, "stepparent" means an individual who is married to a child's custodial or noncustodial parent and is not the child's adoptive parent.

(k) If a person who:
(1) is at least eighteen (18) years of age; and
(2) is:
(A) the:
(i) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of; or
(ii) child care worker for; or
(B) a military recruiter who is attempting to enlist;
a child at least sixteen (16) years of age but less than eighteen (18) years of age;

~~engages with~~ **fondles or touches** the child ~~in sexual intercourse, deviate sexual conduct (as defined in IC 35-31.5-2-94), or any fondling or touching~~ with the intent to arouse or satisfy the sexual desires of

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either the child or the adult, the person commits child seduction, a ~~Class D~~ **Level 6** felony. **However, the offense is a Level 5 felony if the person engages in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with the child.**

SECTION 440. IC 35-42-4-8, AS AMENDED BY P.L.72-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A person who, with intent to arouse or satisfy the person's own sexual desires or the sexual desires of another person:

(1) touches another person when that person is:

(A) compelled to submit to the touching by force or the imminent threat of force; or

(B) so mentally disabled or deficient that consent to the touching cannot be given; or

(2) touches another person's genitals, pubic area, buttocks, or female breast when that person is unaware that the touching is occurring;

commits sexual battery, a ~~Class D~~ **Level 6** felony.

(b) An offense described in subsection (a) is a ~~Class C~~ **Level 4** felony if:

(1) it is committed by using or threatening the use of deadly force;

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

(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

SECTION 441. IC 35-42-4-9, AS AMENDED BY P.L.216-2007, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) A person at least eighteen (18) years of age who, with a child at least fourteen (14) years of age but less than sixteen (16) years of age, performs or submits to sexual intercourse or ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5)** commits sexual misconduct with a minor, a ~~Class C~~ **Level 5** felony. However, the offense is:

(1) a ~~Class B~~ **Level 4** felony if it is committed by a person at least twenty-one (21) years of age; and

(2) a ~~Class A~~ **Level 1** felony if it is committed by using or threatening the use of deadly force, if it is committed while armed with a deadly weapon, if it results in serious bodily injury, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in

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IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(b) A person at least eighteen (18) years of age who, with a child at least fourteen (14) years of age but less than sixteen (16) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits sexual misconduct with a minor, a ~~Class D~~ **Level 6** felony. However, the offense is:

(1) a ~~Class C~~ **Level 5** felony if it is committed by a person at least twenty-one (21) years of age; and

(2) a ~~Class B~~ **Level 2** felony if it is committed by using or threatening the use of deadly force, while armed with a deadly weapon, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(c) It is a defense that the accused person reasonably believed that the child was at least sixteen (16) years of age at the time of the conduct. However, this subsection does not apply to an offense described in subsection (a)(2) or (b)(2).

(d) It is a defense that the child is or has ever been married. However, this subsection does not apply to an offense described in subsection (a)(2) or (b)(2).

(e) It is a defense to a prosecution under this section if all the following apply:

(1) The person is not more than four (4) years older than the victim.

(2) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.

(3) The crime:

(A) was not committed by a person who is at least twenty-one (21) years of age;

(B) was not committed by using or threatening the use of deadly force;

(C) was not committed while armed with a deadly weapon;

(D) did not result in serious bodily injury;

(E) was not facilitated by furnishing the victim, without the

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victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and

(F) was not committed by a person having a position of authority or substantial influence over the victim.

(4) The person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person.

SECTION 442. IC 35-42-4-10, AS AMENDED BY P.L.216-2007, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) As used in this section, "offender against children" means a person who is an offender against children under IC 35-42-4-11.

(b) As used in this section, "sexually violent predator" means a person who is a sexually violent predator under IC 35-38-1-7.5.

(c) A sexually violent predator or an offender against children who knowingly or intentionally works for compensation or as a volunteer:

(1) on school property;

(2) at a youth program center; or

(3) at a public park;

commits unlawful employment near children by a sexual predator, a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~ **Level 5** felony if the person has a prior unrelated conviction based on the person's failure to comply with any requirement imposed on an offender under IC 11-8-8.

SECTION 443. IC 35-42-4-11, AS AMENDED BY P.L.216-2007, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) As used in this section, and except as provided in subsection (d), "offender against children" means a person required to register as a sex or violent offender under IC 11-8-8 who has been:

(1) found to be a sexually violent predator under IC 35-38-1-7.5; or

(2) convicted of one (1) or more of the following offenses:

(A) Child molesting (IC 35-42-4-3).

(B) Child exploitation (IC 35-42-4-4(b)).

(C) Child solicitation (IC 35-42-4-6).

(D) Child seduction (IC 35-42-4-7).

(E) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age and the person is not the child's

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parent or guardian.

(F) Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (E).

(G) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (F).

A person is an offender against children by operation of law if the person meets the conditions described in subdivision (1) or (2) at any time.

(b) As used in this section, "reside" means to spend more than three (3) nights in:

(1) a residence; or

(2) if the person does not reside in a residence, a particular location;

in any thirty (30) day period.

(c) An offender against children who knowingly or intentionally:

(1) resides within one thousand (1,000) feet of:

(A) school property, not including property of an institution providing post-secondary education;

(B) a youth program center; or

(C) a public park; or

(2) establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense;

commits a sex offender residency offense, a ~~Class D~~ **Level 6** felony.

(d) This subsection does not apply to an offender against children who has two (2) or more unrelated convictions for an offense described in subsection (a). A person who is an offender against children may petition the court to consider whether the person should no longer be considered an offender against children. The person may file a petition under this subsection not earlier than ten (10) years after the person is released from incarceration, probation, or parole, whichever occurs last. A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered an offender against children. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person should no longer be considered an offender against children. If a court finds that the person should no longer be considered an offender against children, the court shall send notice to the department of correction that the person is no

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longer considered an offender against children.

SECTION 444. IC 35-42-4-12, AS ADDED BY P.L.119-2008, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) This section does not apply to a person to whom all of the following apply:

(1) The person is not more than:

(A) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(B) five (5) years older than the victim if the offense was committed before July 1, 2007.

(2) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.

(3) The crime:

(A) was not committed by a person who is at least twenty-one (21) years of age;

(B) was not committed by using or threatening the use of deadly force;

(C) was not committed while armed with a deadly weapon;

(D) did not result in serious bodily injury;

(E) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and

(F) was not committed by a person having a position of authority or substantial influence over the victim.

(b) This section applies only to a person required to register as a sex or violent offender under IC 11-8-8 who has been:

(1) found to be a sexually violent predator under IC 35-38-1-7.5; or

(2) convicted of one (1) or more of the following offenses:

(A) Child molesting (IC 35-42-4-3).

(B) Child exploitation (IC 35-42-4-4(b)).

(C) Possession of child pornography (IC 35-42-4-4(c)).

(D) Vicarious sexual gratification (IC 35-42-4-5(a) or IC 35-42-4-5(b)).

(E) Sexual conduct in the presence of a minor (IC 35-42-4-5(c)).

(F) Child solicitation (IC 35-42-4-6).

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(G) Child seduction (IC 35-42-4-7).

(H) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age and the person is not the child's parent or guardian.

(I) Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (H).

(J) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (H).

(c) As used in this section, "instant messaging or chat room program" means a software program that requires a person to register or create an account, a username, or a password to become a member or registered user of the program and allows two (2) or more members or authorized users to communicate over the Internet in real time using typed text. The term does not include an electronic mail program or message board program.

(d) As used in this section, "social networking web site" means an Internet web site that:

(1) facilitates the social introduction between two (2) or more persons;

(2) requires a person to register or create an account, a username, or a password to become a member of the web site and to communicate with other members;

(3) allows a member to create a web page or a personal profile; and

(4) provides a member with the opportunity to communicate with another person.

The term does not include an electronic mail program or message board program.

(e) A person described in subsection (b) who knowingly or intentionally uses:

(1) a social networking web site; or

(2) an instant messaging or chat room program;

that the offender knows allows a person who is less than eighteen (18) years of age to access or use the web site or program commits a sex offender Internet offense, a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the person has a prior unrelated conviction under this section.

(f) It is a defense to a prosecution under this section that the person:

(1) did not know that the web site or program allowed a person who is less than eighteen (18) years of age to access or use the web site or program; and

(2) upon discovering that the web site or program allows a person

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who is less than eighteen (18) years of age to access or use the web site or program, immediately ceased further use or access of the web site or program.

SECTION 445. IC 35-42-4-13, AS ADDED BY P.L.119-2008, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) This section does not apply to the following:

(1) A parent, guardian, or custodian of a child.

(2) A person who acts with the permission of a child's parent, guardian, or custodian.

(3) A person to whom a child makes a report of abuse or neglect.

(4) A person to whom a child reports medical symptoms that relate to or may relate to sexual activity.

(b) As used in this section, "sexual activity" means sexual intercourse, ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5),** or the fondling or touching of the buttocks, genitals, or female breasts.

(c) A person at least twenty-one (21) years of age who knowingly or intentionally communicates with an individual whom the person believes to be a child less than fourteen (14) years of age concerning sexual activity with the intent to gratify the sexual desires of the person or the individual commits inappropriate communication with a child, a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a)).

SECTION 446. IC 35-42-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who knowingly or intentionally takes property from another person or from the presence of another person:

(1) by using or threatening the use of force on any person; or

(2) by putting any person in fear;

commits robbery, a ~~Class C~~ **Level 5** felony. However, the offense is a ~~Class B~~ **Level 3** felony if it is committed while armed with a deadly weapon or results in bodily injury to any person other than a defendant, and a ~~Class A~~ **Level 2** felony if it results in serious bodily injury to any person other than a defendant.

SECTION 447. IC 35-42-5-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2. A person who knowingly or intentionally takes a motor vehicle from another person or from the presence of another person:~~

~~(1) by using or threatening the use of force on any person; or~~

~~(2) by putting any person in fear;~~

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~~commits carjacking, a Class B felony.~~

SECTION 448. IC 35-43-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages:

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

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

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

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

commits arson, a ~~Class B~~ **Level 4** felony. However, the offense is a ~~Class A~~ **Level 3** felony if it results in ~~either~~ bodily injury ~~or~~ **to any person other than a defendant and a Level 2 felony if it results in** serious bodily injury to any person other than a defendant.

(b) A person who commits arson for hire commits a ~~Class B~~ **Level 4** felony. However, the offense is:

(1) a ~~Class A~~ **Level 3** felony if it results in bodily injury to any other person; **and**

(2) a Level 2 felony if it results in serious bodily injury to any other person.

(c) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages property of any person with intent to defraud commits arson, a ~~Class C~~ **Level 5** felony.

(d) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages property of another person without the other person's consent so that the resulting pecuniary loss is at least two hundred fifty dollars ($250) but less than five thousand dollars ($5,000) commits arson, a ~~Class D~~ **Level 6** felony.

(e) A person who commits an offense under subsection (a), (b), (c), or (d) commits a separate offense for each person who suffers a bodily injury or serious bodily injury that is caused by the violation of subsection (a), (b), (c), or (d).

SECTION 449. IC 35-43-1-2, AS AMENDED BY P.L.216-2007, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who

~~(1)~~ recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent ~~or (2) knowingly or intentionally causes another to suffer pecuniary loss by deception or by an expression of intention to injure~~

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~~another person or to damage the property or to impair the rights of another person;~~

commits criminal mischief, a Class B misdemeanor. However, the offense is:

~~(A)~~ **(1)** a Class A misdemeanor if

~~(i)~~ the pecuniary loss is at least two hundred fifty dollars ($250) but less than two thousand five hundred dollars ($2,500);

~~(ii) the property damaged was a moving motor vehicle;~~

~~(iii) the property damaged contained data relating to a person required to register as a sex or violent offender under IC11-8-8 and the person is not a sex or violent offender or was not required to register as a sex or violent offender;~~

~~(iv) the property damaged was a locomotive, a railroad car, a train, or equipment of a railroad company being operated on a railroad right-of-way;~~

~~(v) the property damaged was a part of any railroad signal system, train control system, centralized dispatching system, or highway railroad grade crossing warning signal on a railroad right-of-way owned, leased, or operated by a railroad company;~~

~~(vi) the property damaged was any rail, switch, roadbed, viaduct, bridge, trestle, culvert, or embankment on a right-of-way owned, leased, or operated by a railroad company; or~~

~~(vii) the property damage or defacement was caused by paint or other markings;~~ and

~~(B)~~ **(2)** a ~~Class D~~ **Level 6** felony if:

~~(i)~~ **(A)** the pecuniary loss is at least two thousand five hundred dollars ($2,500);

~~(ii)~~ **(B)** the damage causes a substantial interruption or impairment of utility service rendered to the public;

~~(iii)~~ **(C)** the damage is to a public record; **or**

~~(iv) the property damaged contained data relating to a person required to register as a sex or violent offender under IC 11-8-8 and the person is a sex or violent offender or was required to register as a sex or violent offender;~~

~~(v) the damage causes substantial interruption or impairment of work conducted in a scientific research facility;~~

~~(vi)~~ **(D)** the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5). ~~or~~

~~(vii) the damage causes substantial interruption or~~

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~~impairment of work conducted in a food processing facility.~~

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

(1) a structure used for religious worship;

(2) a school or community center;

(3) the grounds:

(A) adjacent to; and

(B) owned or rented in common with;

a structure or facility identified in subdivision (1) or (2); or

(4) personal property contained in a structure or located at a facility identified in subdivision (1) or (2);

without the consent of the owner, possessor, or occupant of the property that is damaged, commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the pecuniary loss is at least two hundred fifty dollars ($250) but less than two thousand five hundred dollars ($2,500), and a ~~Class C~~ **Level 5** felony if the pecuniary loss is at least two thousand five hundred dollars ($2,500).

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

(d) The court may rescind an order for suspension or invalidation under subsection (c) and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that

~~(1)~~ the person has removed or painted over the graffiti or has made other suitable restitution. ~~and~~

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

SECTION 450. IC 35-43-1-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.1. (a) This section does not apply to the following:

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

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

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

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

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

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

commits cemetery mischief, a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the pecuniary loss is at least two thousand five hundred dollars ($2,500).

SECTION 451. IC 35-43-1-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.3. A person who, without the consent of the owner of the property, recklessly, knowingly, or intentionally damages or defaces:**

(1) a locomotive, a railroad car, a train, or equipment of a railroad company being operated on a railroad right-of-way;

(2) a part of any railroad signal system, train control system, centralized dispatching system, or highway railroad grade crossing warning signal on a railroad right-of-way owned, leased, or operated by a railroad company; or

(3) any rail, switch, roadbed, viaduct, bridge, trestle, culvert, or embankment on a right-of-way owned, leased, or operated by a railroad company;

commits railroad mischief, a Level 6 felony. However, the offense is a Level 5 felony if the offense results in serious bodily injury to another person and a Level 2 felony if the offense results in the death of another person.

SECTION 452. IC 35-43-1-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 4. (a) As used in this section:~~

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

~~"Computer program" means an ordered set of instructions or statements that, when executed by a computer, causes the computer to process data.~~

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

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

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

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

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

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

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

SECTION 453. IC 35-43-1-5, AS ADDED BY P.L.231-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person who, with the intent to cause serious bodily injury, tampers with a:

(1) water supply;

(2) water treatment plant (as defined in IC 13-11-2-264); or

(3) water distribution system (as defined in IC 13-11-2-259);

commits tampering with a water supply, a ~~Class B~~ **Level 4** felony. However, the offense is a ~~Class A~~ **Level 2** felony if it results in the death of any person.

(b) A person who recklessly, knowingly, or intentionally poisons a public water supply with the intent to cause serious bodily injury commits poisoning, a ~~Class B~~ **Level 3** felony.

SECTION 454. IC 35-43-1-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 7. (a) A person who knowingly or intentionally and who without authorization:**

(1) modifies data, a computer program, or supporting documentation;

(2) destroys data, a computer program, or supporting documentation; or

(3) discloses or takes data, a computer program, or supporting documentation that is:

(A) a trade secret (as defined in IC 24-2-3-2); or

(B) otherwise confidential as provided by law;

and that resides or exists internally or externally on a computer, computer system, or computer network, commits an offense against intellectual property, a Level 6 felony.

(b) However, the offense is a Level 5 felony if the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property.

SECTION 455. IC 35-43-1-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2014]: **Sec. 8. (a) A person who knowingly or intentionally and who without authorization:**

(1) disrupts, denies, or causes the disruption or denial of computer system services to an authorized user of the computer system services that are:

(A) owned by;

(B) under contract to; or

(C) operated for, on behalf of, or in conjunction with;

another person in whole or part;

(2) destroys, takes, or damages equipment or supplies used or intended to be used in a computer, computer system, or computer network;

(3) destroys or damages a computer, computer system, or computer network; or

(4) introduces a computer contaminant into a computer, computer system, or computer network;

commits an offense against computer users, a Level 6 felony.

(b) However, the offense is:

(1) a Level 5 felony if:

(A) the pecuniary loss caused by the offense is at least five thousand dollars ($5,000);

(B) the offense was committed for the purpose of devising or executing any scheme or artifice to defraud or obtain property; or

(C) the offense interrupts or impairs:

(i) a governmental operation; or

(ii) the public communication, transportation, or supply of water, gas, or another public service; and

(2) a Level 4 felony if the offense endangers human life.

SECTION 456. IC 35-43-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who breaks and enters the building or structure of another person, with intent to commit a felony **or theft** in it, commits burglary, a ~~Class C~~ **Level 5** felony. However, the offense is:

(1) a ~~Class B~~ **Level 4** felony if

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

~~(B)~~ the building or structure is a

~~(i)~~ dwelling; ~~or~~

~~(ii) structure used for religious worship; and~~

(2) a ~~Class A~~ **Level 3** felony if it results in

~~(A)~~ bodily injury ~~or~~

~~(B) serious bodily injury;~~

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to any person other than a defendant;

(3) a Level 2 felony if it:

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

(B) results in serious bodily injury to any person other than a defendant; and

(4) a Level 1 felony if:

(A) the building or structure is a dwelling; and

(B) it results in serious bodily injury to any person other than a defendant.

SECTION 457. IC 35-43-2-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. A person who knowingly or intentionally breaks and enters the dwelling of another person commits residential entry, a ~~Class D~~ **Level 6** felony.

SECTION 458. IC 35-43-2-2, AS AMENDED BY P.L.88-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who:

(1) not having a contractual interest in the property, knowingly or intentionally enters the real property of another person after having been denied entry by the other person or that person's agent;

(2) not having a contractual interest in the property, knowingly or intentionally refuses to leave the real property of another person after having been asked to leave by the other person or that person's agent;

(3) accompanies another person in a vehicle, with knowledge that the other person knowingly or intentionally is exerting unauthorized control over the vehicle;

(4) knowingly or intentionally interferes with the possession or use of the property of another person without the person's consent;

(5) not having a contractual interest in the property, knowingly or intentionally enters the dwelling of another person without the person's consent;

(6) knowingly or intentionally:

(A) travels by train without lawful authority or the railroad carrier's consent; and

(B) rides on the outside of a train or inside a passenger car, locomotive, or freight car, including a boxcar, flatbed, or container without lawful authority or the railroad carrier's consent;

(7) not having a contractual interest in the property, knowingly or intentionally enters or refuses to leave the property of another person after having been prohibited from entering or asked to

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leave the property by a law enforcement officer when the property is:

(A) vacant or designated by a municipality or county enforcement authority to be abandoned property; and

(B) subject to abatement under IC 32-30-6, IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36; or

(8) knowingly or intentionally enters the property of another person after being denied entry by a court order that has been issued to the person or issued to the general public by conspicuous posting on or around the premises in areas where a person can observe the order when the property:

(A) has been designated by a municipality or county enforcement authority to be a vacant property or an abandoned property; and

(B) is subject to an abatement order under IC 32-30-6, IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36;

commits criminal trespass, a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if it is committed on a scientific research facility, on a key facility, on a facility belonging to a public utility (as defined in IC 32-24-1-5.9(a)), on school property, or on a school bus or the person has a prior unrelated conviction for an offense under this section concerning the same property.

(b) A person has been denied entry under ~~subdivision~~ **subsection** (a)(1) ~~of this section~~ when the person has been denied entry by means of:

(1) personal communication, oral or written;

(2) posting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the attention of the public; or

(3) a hearing authority or court order under IC 32-30-6, IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36.

(c) A law enforcement officer may not deny entry to property or ask a person to leave a property under subsection (a)(7) unless there is reasonable suspicion that criminal activity has occurred or is occurring.

(d) A person described in subsection (a)(7) violates subsection (a)(7) unless the person has the written permission of the owner, owner's agent, enforcement authority, or court to come onto the property for purposes of performing maintenance, repair, or demolition.

(e) A person described in subsection (a)(8) violates subsection (a)(8) unless the court that issued the order denying the person entry grants permission for the person to come onto the property.

(f) Subsections (a), (b), and (e) do not apply to the following:

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(1) A passenger on a train.
(2) An employee of a railroad carrier while engaged in the performance of official duties.
(3) A law enforcement officer, firefighter, or emergency response personnel while engaged in the performance of official duties.
(4) A person going on railroad property in an emergency to rescue a person or animal from harm's way or to remove an object that the person reasonably believes poses an imminent threat to life or limb.
(5) A person on the station grounds or in the depot of a railroad carrier:
(A) as a passenger; or
(B) for the purpose of transacting lawful business.
(6) A:
(A) person; or
(B) person's:
(i) family member;
(ii) invitee;
(iii) employee;
(iv) agent; or
(v) independent contractor;
going on a railroad's right-of-way for the purpose of crossing at a private crossing site approved by the railroad carrier to obtain access to land that the person owns, leases, or operates.
(7) A person having written permission from the railroad carrier to go on specified railroad property.
(8) A representative of the Indiana department of transportation while engaged in the performance of official duties.
(9) A representative of the federal Railroad Administration while engaged in the performance of official duties.
(10) A representative of the National Transportation Safety Board while engaged in the performance of official duties.

SECTION 459. IC 35-43-4-2, AS AMENDED BY P.L.158-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who knowingly or intentionally exerts unauthorized control over property of another person, with intent to deprive the other person of any part of its value or use, commits theft, a ~~Class D felony.~~ **Class A misdemeanor.** However, the offense is:

(1) a ~~Class C~~ **Level 6** felony if:
(A) the value of the property is at least seven hundred fifty dollars ($750) and less than fifty thousand dollars

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($50,000); or

(B) the person has a prior unrelated conviction for:

(i) theft under this section; or

(ii) criminal conversion under section 3 of this chapter; and

(2) a Level 5 felony if:

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

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

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

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

~~(C)~~ **(iii)** is taken from a ~~(i)~~ hospital or other health care facility, ~~(ii)~~ telecommunications provider, ~~(iii)~~ public utility (as defined in IC 32-24-1-5.9(a)), or ~~(iv)~~ key facility;

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

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

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

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

~~(A) relates to transportation safety;~~

~~(B) relates to public safety; or~~

~~(C) is taken from a:~~

~~(i) hospital or other health care facility;~~

~~(ii) telecommunications provider;~~

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

~~(iv) key facility;~~

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

(b) In determining the value of property under this section, acts of theft committed in a single episode of criminal conduct (as defined in IC 35-50-1-2(b)) may be charged in a single count.

(c) For purposes of this section, "the value of property" means:

(1) the fair market value of the property at the time and place the offense was committed; or

(2) if the fair market value of the property cannot be satisfactorily determined, the cost to replace the property

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within a reasonable time after the offense was committed. A price tag or price marking on property displayed or offered for sale constitutes prima facie evidence of the value of the property.

SECTION 460. IC 35-43-4-2.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.3. (a) As used in this section, "dealer" means a person who buys or sells, or offers to buy or sell, personal property. The term does not include the original retailer of personal property.

(b) A dealer who recklessly, knowingly, or intentionally buys or sells personal property in which the identification number or manufacturer's serial number has been removed, altered, obliterated, or defaced commits dealing in altered property, a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the dealer has a prior conviction of an offense under this chapter or if the fair market value of the property is at least one thousand dollars ($1,000).

SECTION 461. IC 35-43-4-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) As used in this section, "motor vehicle" has the meaning set forth in IC 9-13-2-105(a).

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

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

(2) a component part (as defined in IC 9-13-2-34) of the vehicle;

commits auto theft, a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~ **Level 5** felony if the person has a prior conviction of an offense under this subsection or subsection (c).

(c) A person who knowingly or intentionally receives, retains, or disposes of a motor vehicle or any part of a motor vehicle of another person that has been the subject of theft commits receiving stolen auto parts, a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~ **Level 5** felony if the person has a prior conviction of an offense under this subsection or subsection (b).

SECTION 462. IC 35-43-4-2.7, AS ADDED BY P.L.143-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.7. (a) This section does not apply to the following:

(1) A public safety officer (as defined in IC 35-47-4.5-3) or state police motor carrier inspector acting within the scope of the officer's or inspector's duties.

(2) A motor vehicle that must be moved because the motor vehicle is abandoned, inoperable, or improperly parked.

(3) An employee or agent of an entity that possesses a valid lien

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on a motor vehicle who is expressly authorized by the lienholder to repossess the motor vehicle based upon the failure of the owner or lessee of the motor vehicle to abide by the terms and conditions of the loan or lease agreement.

(b) As used in this section, "authorized operator" means a person who is authorized to operate a motor vehicle by an owner or a lessee of the motor vehicle.

(c) As used in this section, "motor vehicle" has the meaning set forth in IC 9-13-2-105(a).

(d) A person who:

(1) enters a motor vehicle knowing that the person does not have the permission of an owner, a lessee, or an authorized operator of the motor vehicle to enter the motor vehicle; and

(2) does not have a contractual interest in the motor vehicle;

commits unauthorized entry of a motor vehicle, a Class B misdemeanor.

(e) The offense under subsection (d) is:

(1) a Class A misdemeanor if the motor vehicle has visible steering column damage or ignition switch alteration as a result of an act described in subsection (d)(1); or

(2) a ~~Class D~~ **Level 6** felony if a person occupies the motor vehicle while the motor vehicle is used to further the commission of a crime, if the person knew or should have known that a person intended to use the motor vehicle in the commission of a crime.

(f) It is a defense to a prosecution under this section that the accused person reasonably believed that the person's entry into the vehicle was necessary to prevent bodily injury or property damage.

(g) There is a rebuttable presumption that the person did not have the permission of an owner, a lessee, or an authorized operator of the motor vehicle to enter the motor vehicle if the motor vehicle has visible steering column damage or ignition switch alteration.

SECTION 463. IC 35-43-4-3, AS AMENDED BY P.L.227-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who knowingly or intentionally exerts unauthorized control over property of another person commits criminal conversion, a Class A misdemeanor.

(b) The offense under subsection (a) is a ~~Class D~~ **Level 6** felony if committed by a person who exerts unauthorized control over the motor vehicle of another person with the intent to use the motor vehicle to assist the person in the commission of a crime.

(c) The offense under subsection (a) is a ~~Class C~~ **Level 5** felony if:

(1) committed by a person who exerts unauthorized control over

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the motor vehicle of another person; and

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

(d) The offense under subsection (a) is a ~~Class D~~ **Level 6** felony if:

(1) the person acquires the property by lease;

(2) the property is a motor vehicle;

(3) the person signs a written agreement to return the property to a specified location within a specified time; and

(4) the person fails to return the property:

(A) within thirty (30) days after the specified time; or

(B) within three (3) days after a written demand for return of the property is either:

(i) personally served on the person; or

(ii) sent by registered mail to the person's address that is provided by the person in the written agreement.

SECTION 464. IC 35-43-4-8, AS AMENDED BY P.L.125-2012, SECTION 414, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A conviction for an offense under section 2 ~~of this chapter~~ or ~~section~~ 3 of this chapter that involves exerting unauthorized control over gasoline or motor vehicle fuel:

(1) by operation of a motor vehicle to leave the premises of an establishment at which gasoline or motor vehicle fuel is offered for sale after the gasoline or motor vehicle fuel has been dispensed into the fuel tank of the motor vehicle; and

(2) without payment or authorization of payment by a credit card, debit card, charge card, or similar method of payment;

shall result in the suspension of the driving privileges of the person.

(b) The court imposing a sentence for a violation under subsection (a) shall issue an order to the bureau of motor vehicles:

(1) stating that the person has been convicted of an offense under section 2 ~~of this chapter~~ or ~~section~~ 3 of this chapter involving the unauthorized taking of gasoline or motor vehicle fuel; and

(2) ordering the suspension of the person's driving privileges under IC 9-30-13-8.

The suspension of a person's driving privileges under this section is in addition to other penalties prescribed by IC 35-50-3-2 for a Class A misdemeanor or by IC 35-50-2-7 for a ~~Class D~~ **Level 6** felony.

SECTION 465. IC 35-43-5-2, AS AMENDED BY P.L.106-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who knowingly or intentionally:

(1) makes or utters a written instrument in such a manner that it purports to have been made:

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(A) by another person;
(B) at another time;
(C) with different provisions; or
(D) by authority of one who did not give authority; or
(2) possesses more than one (1) written instrument knowing that the written instruments were made in a manner that they purport to have been made:
(A) by another person;
(B) at another time;
(C) with different provisions; or
(D) by authority of one who did not give authority;
commits counterfeiting, a ~~Class D~~ **Level 6** felony.

(b) A person who, with intent to defraud:
(1) makes or delivers to another person:
(A) a false sales receipt;
(B) a duplicate of a sales receipt; or
(C) a label or other item with a false universal product code (UPC) or other product identification code; or
(2) places a false universal product code (UPC) or another product identification code on property displayed or offered for sale;
commits making or delivering a false sales document, a Level 6 felony.

(c) A person who, with intent to defraud, possesses:
(1) a retail sales receipt;
(2) a label or other item with a universal product code (UPC); or
(3) a label or other item that contains a product identification code that applies to an item other than the item to which the label or other item applies;
commits possession of a fraudulent sales document, a Class A misdemeanor. However, the offense is a Level 6 felony if the person possesses at least fifteen (15) retail sales receipts, at least fifteen (15) labels containing a universal product code (UPC), at least fifteen (15) labels containing another product identification code, or at least fifteen (15) of any combination of the items described in subdivisions (1) through (3).

~~(b)~~ **(d)** A person who, with intent to defraud, makes, utters, or possesses a written instrument in such a manner that it purports to have been made:
(1) by another person;
(2) at another time;

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(3) with different provisions; or
(4) by authority of one who did not give authority;

commits forgery, a ~~Class C~~ **Level 6** felony.

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

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

commits application fraud, a ~~Class D~~ **Level 6** felony.

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

~~(1) knowingly or intentionally uses false information in an application for an identification card or for a renewal or duplicate of an identification card; or~~
~~(2) knowingly or intentionally makes a false statement or otherwise commits fraud in an application for an identification card;~~

~~commits application fraud, a Class D felony.~~

SECTION 466. IC 35-43-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who:

(1) being an officer, manager, or other person participating in the direction of a credit institution, knowingly or intentionally receives or permits the receipt of a deposit or other investment, knowing that the institution is insolvent;
(2) knowingly or intentionally makes a false or misleading written statement with intent to obtain property, employment, or an educational opportunity;
(3) misapplies entrusted property, property of a governmental entity, or property of a credit institution in a manner that the person knows is unlawful or that the person knows involves substantial risk of loss or detriment to either the owner of the property or to a person for whose benefit the property was entrusted;
(4) knowingly or intentionally, in the regular course of business, either:
(A) uses or possesses for use a false weight or measure or other device for falsely determining or recording the quality or

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quantity of any commodity; or

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

(5) with intent to defraud another person furnishing electricity, gas, water, telecommunication, or any other utility service, avoids a lawful charge for that service by scheme or device or by tampering with facilities or equipment of the person furnishing the service;

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

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

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

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

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

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

(12) knowingly or intentionally provides false information to a governmental entity to obtain a contract from the governmental entity;

commits deception, a Class A misdemeanor. **However, an offense under subdivision (12) is a Level 6 felony if the provision of false information results in financial loss to the governmental entity.**

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

(c) A person who knowingly or intentionally falsely represents:

(1) any entity as:

(A) a disadvantaged business enterprise (as defined in IC 5-16-6.5-1); or

(B) a women-owned business enterprise (as defined in IC 5-16-6.5-3);

in order to qualify for certification as such an enterprise

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under a program conducted by a public agency (as defined in IC 5-16-6.5-2) designed to assist disadvantaged business enterprises or women-owned business enterprises in obtaining contracts with public agencies for the provision of goods and services; or

(2) an entity with which the person will subcontract all or part of a contract with a public agency (as defined in IC 5-16-6.5-2) as:

(A) a disadvantaged business enterprise (as defined in IC 5-16-6.5-1); or

(B) a women-owned enterprise (as defined in IC 5-16-16.5-3);

in order to qualify for certification as an eligible bidder under a program that is conducted by a public agency designed to assist disadvantaged business enterprises or women-owned business enterprises in obtaining contracts with public agencies for the provision of goods and services;

commits a Level 6 felony.

SECTION 467. IC 35-43-5-3.5, AS AMENDED BY HEA 1225-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.5. (a) Except as provided in subsection (c), a person who knowingly or intentionally obtains, possesses, transfers, or uses the identifying information of another person, including the identifying information of a person who is deceased:

(1) without the other person's consent; and

(2) with intent to:

(A) harm or defraud another person;

(B) assume another person's identity; or

(C) profess to be another person;

commits identity deception, a ~~Class D~~ **Level 6** felony.

(b) However, the offense defined in subsection (a) is a ~~Class C~~ **Level 5** felony if:

(1) a person obtains, possesses, transfers, or uses the identifying information of more than one hundred (100) persons;

(2) the fair market value of the fraud or harm caused by the offense is at least fifty thousand dollars ($50,000); or

(3) a person obtains, possesses, transfers, or uses the identifying information of a person who is less than eighteen (18) years of age and is:

(A) the person's son or daughter;

(B) a dependent of the person;

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(C) a ward of the person; or
(D) an individual for whom the person is a guardian.

(c) The conduct prohibited in subsections (a) and (b) does not apply to:

(1) a person less than twenty-one (21) years of age who uses the identifying information of another person to acquire an alcoholic beverage (as defined in IC 7.1-1-3-5);

(2) a minor (as defined in IC 35-49-1-4) who uses the identifying information of another person to acquire:

(A) a cigarette, an electronic cigarette (as defined in IC 35-46-1-1.5), or a tobacco product (as defined in IC 6-7-2-5);

(B) a periodical, a videotape, or other communication medium that contains or depicts nudity (as defined in IC 35-49-1-5);

(C) admittance to a performance (live or film) that prohibits the attendance of the minor based on age; or

(D) an item that is prohibited by law for use or consumption by a minor; or

(3) any person who uses the identifying information for a lawful purpose.

(d) It is not a defense in a prosecution under subsection (a) or (b) that no person was harmed or defrauded.

SECTION 468. IC 35-43-5-3.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.6. A person who knowingly or intentionally obtains, possesses, transfers, or uses the identifying information of another person with intent to:

(1) commit terrorism; or

(2) obtain or transport a weapon of mass destruction;

commits terroristic deception, a ~~Class C~~ **Level 5** felony.

SECTION 469. IC 35-43-5-3.8, AS ADDED BY P.L.137-2009, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.8. (a) A person who knowingly or intentionally obtains, possesses, transfers, or uses the synthetic identifying information:

(1) with intent to harm or defraud another person;

(2) with intent to assume another person's identity; or

(3) with intent to profess to be another person;

commits synthetic identity deception, a ~~Class D~~ **Level 6** felony.

(b) The offense under subsection (a) is a ~~Class C~~ **Level 5** felony if:

(1) a person obtains, possesses, transfers, or uses the synthetic identifying information of more than one hundred (100) persons; or

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(2) the fair market value of the fraud or harm caused by the offense is at least fifty thousand dollars ($50,000).

(c) The conduct prohibited in subsections (a) and (b) does not apply to:

(1) a person less than twenty-one (21) years of age who uses the synthetic identifying information of another person to acquire an alcoholic beverage (as defined in IC 7.1-1-3-5); or

(2) a minor (as defined in IC 35-49-1-4) who uses the synthetic identifying information of another person to acquire:

(A) a cigarette or tobacco product (as defined in IC 6-7-2-5);

(B) a periodical, a videotape, or other communication medium that contains or depicts nudity (as defined in IC 35-49-1-5);

(C) admittance to a performance (live or on film) that prohibits the attendance of the minor based on age; or

(D) an item that is prohibited by law for use or consumption by a minor.

(d) It is not a defense in a prosecution under subsection (a) or (b) that no person was harmed or defrauded.

SECTION 470. IC 35-43-5-4, AS AMENDED BY P.L.181-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who:

(1) with intent to defraud, obtains property by:

(A) using a credit card, knowing that the credit card was unlawfully obtained or retained;

(B) using a credit card, knowing that the credit card is forged, revoked, or expired;

(C) using, without consent, a credit card that was issued to another person;

(D) representing, without the consent of the credit card holder, that the person is the authorized holder of the credit card; or

(E) representing that the person is the authorized holder of a credit card when the card has not in fact been issued;

(2) being authorized by an issuer to furnish property upon presentation of a credit card, fails to furnish the property and, with intent to defraud the issuer or the credit card holder, represents in writing to the issuer that the person has furnished the property;

(3) being authorized by an issuer to furnish property upon presentation of a credit card, furnishes, with intent to defraud the issuer or the credit card holder, property upon presentation of a credit card, knowing that the credit card was unlawfully obtained or retained or that the credit card is forged, revoked, or expired;

(4) not being the issuer, knowingly or intentionally sells a credit

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card;
(5) not being the issuer, receives a credit card, knowing that the credit card was unlawfully obtained or retained or that the credit card is forged, revoked, or expired;
(6) with intent to defraud, receives a credit card as security for debt;
(7) receives property, knowing that the property was obtained in violation of subdivision (1) of this section;
(8) with intent to defraud the person's creditor or purchaser, conceals, encumbers, or transfers property;
(9) with intent to defraud, damages property; or
(10) knowingly or intentionally:
(A) sells;
(B) rents;
(C) transports; or
(D) possesses;
a recording for commercial gain or personal financial gain that does not conspicuously display the true name and address of the manufacturer of the recording;
commits fraud, a ~~Class D~~ **Level 6** felony.

SECTION 471. IC 35-43-5-4.3, AS AMENDED BY P.L.137-2009, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.3. (a) As used in this section, "card skimming device" means a device that is designed to read information encoded on a credit card. The term includes a device designed to read, record, or transmit information encoded on a credit card:
(1) directly from a credit card; or
(2) from another device that reads information directly from a credit card.

(b) A person who possesses a card skimming device with intent to commit:
(1) identity deception (IC 35-43-5-3.5);
(2) synthetic identity deception (IC 35-43-5-3.8);
(3) fraud (IC 35-43-5-4); or
(4) terroristic deception (IC 35-43-5-3.6);
commits unlawful possession of a card skimming device. Unlawful possession of a card skimming device under subdivision (1), (2), or (3) is a ~~Class D~~ **Level 6** felony. Unlawful possession of a card skimming device under subdivision (4) is a ~~Class C~~ **Level 5** felony.

SECTION 472. IC 35-43-5-4.5, AS ADDED BY P.L.181-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) A person who, knowingly and with intent

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to defraud:

(1) makes, utters, presents, or causes to be presented to an insurer or an insurance claimant, a claim statement that contains false, incomplete, or misleading information concerning the claim;

(2) presents, causes to be presented, or prepares with knowledge or belief that it will be presented to or by an insurer, an oral, a written, or an electronic statement that the person knows to contain materially false information as part of, in support of, or concerning a fact that is material to:

(A) the rating of an insurance policy;

(B) a claim for payment or benefit under an insurance policy;

(C) premiums paid on an insurance policy;

(D) payments made in accordance with the terms of an insurance policy;

(E) an application for a certificate of authority;

(F) the financial condition of an insurer; or

(G) the acquisition of an insurer;

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

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

(4) removes:

(A) the assets;

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

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

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

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

(A) the transaction of insurance or reinsurance;

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

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

commits insurance fraud. Except as provided in subsection (b), insurance fraud is a ~~Class D~~ **Level 6** felony.

(b) An offense described in subsection (a) is a ~~Class C~~ **Level 5** felony if:

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

(2) the:

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

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

is at least two thousand five hundred dollars ($2,500).

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

SECTION 473. IC 35-43-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person who knowingly or intentionally issues or delivers a check, a draft, or an order on a credit institution for the payment of or to acquire money or other property, knowing that it will not be paid or honored by the credit institution upon presentment in the usual course of business, commits check deception, a Class A misdemeanor. However, the offense is:

(1) a ~~Class D~~ **Level 6** felony if the amount of the check, draft, or order is at least ~~two thousand five~~ **seven** hundred **fifty** dollars ~~($2,500)~~ **($750) and less than fifty thousand dollars ($50,000);** and ~~the property acquired by the person was a motor vehicle.~~

(2) a Level 5 felony if the amount of the check, draft, or order is at least fifty thousand dollars ($50,000).

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

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

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

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

(d) The following two (2) items constitute prima facie evidence of the identity of the maker of a check, draft, or order if at the time of its acceptance they are obtained and recorded, either on the check, draft,

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or order itself or on file, by the payee:

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

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

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

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

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

pays the payee or holder the amount due, together with protest fees and any service fee or charge, which may not exceed the greater of twenty-seven dollars and fifty cents ($27.50) or five percent (5%) (but not more than two hundred fifty dollars ($250)) of the amount due, that may be charged by the payee or holder, within ten (10) days after the date of mailing by the payee or holder of notice to the person that the check, draft, or order has not been paid by the credit institution. Notice sent in the manner set forth in IC 26-2-7-3 constitutes notice to the person that the check, draft, or order has not been paid by the credit institution. The payee or holder of a check, draft, or order that has been dishonored incurs no civil or criminal liability for sending notice under this subsection.

(f) A person does not commit a crime under subsection (a) when:

(1) the payee or holder knows that the person has insufficient funds to ensure payment or that the check, draft, or order is postdated; or

(2) insufficiency of funds or credit results from an adjustment to the person's account by the credit institution without notice to the person.

SECTION 474. IC 35-43-5-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6.5. (a) A person who manufactures, distributes, sells, leases, or offers for sale or lease:

(1) a device; or

(2) a kit of parts to construct a device;

designed in whole or in part to intercept, unscramble, or decode a transmission by a cable television system with the intent that the device or kit be used to obtain cable television system services without full payment to the cable television system commits a ~~Class D~~ **Level 6** felony.

(b) The sale or distribution by a person of:

(1) any device; or

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(2) a kit of parts to construct a device;

described in subsection (a) constitutes prima facie evidence of a violation of subsection (a) if, before or at the time of sale or distribution, the person advertised or indicated that the device or the assembled kit will enable a person to receive cable television system service without making full payment to the cable television system.

SECTION 475. IC 35-43-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A person who knowingly or intentionally:

(1) obtains public relief or assistance by means of impersonation, fictitious transfer, false or misleading oral or written statement, ~~fradulent~~ **fraudulent** conveyance, or other fraudulent means;

(2) acquires, possesses, uses, transfers, sells, trades, issues, or disposes of:

(A) an authorization document to obtain public relief or assistance; or

(B) public relief or assistance;

except as authorized by law;

(3) uses, transfers, acquires, issues, or possesses a blank or incomplete authorization document to participate in public relief or assistance programs, except as authorized by law;

(4) counterfeits or alters an authorization document to receive public relief or assistance, or knowingly uses, transfers, acquires, or possesses a counterfeit or altered authorization document to receive public relief or assistance; or

(5) conceals information for the purpose of receiving public relief or assistance to which he is not entitled;

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

(b) The offense is:

(1) a ~~Class D~~ **Level 6** felony if

~~(A)~~ the amount of public relief or assistance involved is more than ~~two~~ **seven** hundred fifty dollars ~~($250)~~ **($750)** but less than ~~two~~ **fifty** thousand ~~five hundred~~ dollars ~~($2,500); or~~

~~(B) the amount involved is not more than two hundred fifty dollars ($250) and the person has a prior conviction of welfare fraud under this section;~~ **($50,000);** and

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

(c) Whenever a person is convicted of welfare fraud under this

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section, the clerk of the sentencing court shall certify to the appropriate state agency and the appropriate agency of the county of the defendant's residence:

(1) ~~his~~ **the defendant's** conviction; and

(2) whether the defendant is placed on probation and restitution is ordered under IC 35-38-2.

SECTION 476. IC 35-43-5-7.1, AS AMENDED BY P.L.1-2006, SECTION 531, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7.1. (a) Except as provided in subsection (b), a person who knowingly or intentionally:

(1) files a Medicaid claim, including an electronic claim, in violation of IC 12-15;

(2) obtains payment from the Medicaid program under IC 12-15 by means of a false or misleading oral or written statement or other fraudulent means;

(3) acquires a provider number under the Medicaid program except as authorized by law;

(4) alters with the intent to defraud or falsifies documents or records of a provider (as defined in 42 CFR 1000.30) that are required to be kept under the Medicaid program; or

(5) conceals information for the purpose of applying for or receiving unauthorized payments from the Medicaid program;

commits Medicaid fraud, a ~~Class D felony.~~ **Class A misdemeanor.**

(b) The offense described in subsection (a) is:

(1) a Level 6 felony if the fair market value of the offense is at least seven hundred fifty dollars ($750) and less than fifty thousand dollars ($50,000); and

(2) a ~~Class C~~ **Level 5** felony if the fair market value of the offense is at least ~~one hundred~~ **fifty** thousand dollars ~~($100,000).~~ **($50,000).**

SECTION 477. IC 35-43-5-7.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7.2. (a) Except as provided in subsection (b), a person who knowingly or intentionally:

(1) files a children's health insurance program claim, including an electronic claim, in violation of IC 12-17.6;

(2) obtains payment from the children's health insurance program under IC 12-17.6 by means of a false or misleading oral or written statement or other fraudulent means;

(3) acquires a provider number under the children's health insurance program except as authorized by law;

(4) alters with intent to defraud or falsifies documents or records of a provider (as defined in 42 CFR 1002.301) that are required

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to be kept under the children's health insurance program; or

(5) conceals information for the purpose of applying for or receiving unauthorized payments from the children's health insurance program;

commits insurance fraud, a ~~Class D felony.~~ **Class A misdemeanor.**

(b) The offense described in subsection (a) is:

(1) a Level 6 felony if the fair market value of the offense is at least seven hundred fifty dollars ($750) and less than fifty thousand dollars ($50,000); and

(2) a ~~Class C~~ **Level 5** felony if the fair market value of the offense is at least ~~one hundred~~ **fifty** thousand dollars ~~($100,000).~~ **($50,000).**

SECTION 478. IC 35-43-5-8, AS AMENDED BY P.L.57-2006, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A person who knowingly executes, or attempts to execute, a scheme or artifice:

(1) to defraud a state or federally chartered or federally insured financial institution; or

(2) to obtain any of the money, funds, credits, assets, securities, or other property owned by or under the custody or control of a state or federally chartered or federally insured financial institution by means of false or fraudulent pretenses, representations, or promises;

commits a ~~Class C~~ **Level 5** felony.

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

(1) an institution with accounts insured by the Federal Deposit Insurance Corporation;

(2) a credit union with accounts insured by the National Credit Union Administration Board;

(3) a federal home loan bank or a member, as defined in Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422), as in effect on December 31, 1990, of the Federal Home Loan Bank System; or

(4) a bank, banking association, land bank, intermediate credit bank, bank for cooperatives, production credit association, land bank association, mortgage association, trust company, savings bank, or other banking or financial institution organized or operating under the laws of the United States or of the state.

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

SECTION 479. IC 35-43-5-9 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 9. (a) A person who knowingly or intentionally falsely~~

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~~represents any entity as a disadvantaged business enterprise (as defined in IC 5-16-6.5-1) or a women owned business enterprise (as defined in IC 5-16-6.5-3) in order to qualify for certification as such an enterprise under a program conducted by a public agency (as defined in IC 5-16-6.5-2) designed to assist disadvantaged business enterprises or women owned business enterprises in obtaining contracts with public agencies for the provision of goods and services commits a Class D felony.~~

~~(b) A person who knowingly or intentionally falsely represents an entity with which the person will subcontract all or part of a contract with a public agency (as defined in IC 5-16-6.5-2) as a disadvantaged business enterprise (as defined in IC 5-16-6.5-1) or a women owned enterprise (as defined in IC 5-16-16.5-3) in order to qualify for certification as an eligible bidder under a program conducted by a public agency designed to assist disadvantaged business enterprises or women owned enterprises in obtaining contracts with public agencies for the provision of goods and services commits a Class D felony.~~

SECTION 480. IC 35-43-5-11 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 11. A person who knowingly or intentionally provides false information to a governmental entity to obtain a contract from the governmental entity commits a Class A misdemeanor. However, the offense is a Class D felony if the provision of false information results in financial loss to the governmental entity.~~

SECTION 481. IC 35-43-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) As used in this section, "financial institution" refers to a state or federally chartered bank, savings bank, savings association, or credit union.

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

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

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

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

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

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

(2) by:

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

(B) either making no additional deposits or making insufficient

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additional deposits to insure debits to the account; or

(3) by opening accounts with more than one (1) financial institution in either a consecutive or concurrent time period;

commits check fraud, a ~~Class D felony.~~ **Class A misdemeanor.**

(c) However, ~~the~~ **an** offense **under subsection (b)** is:

(1) a ~~Class C~~ **Level 6** felony if ~~the person has a prior unrelated conviction under this section or~~ the aggregate amount of property obtained is at least ~~twenty-five thousand~~ **seven hundred fifty** dollars ~~($25,000).~~ **($750) and less than fifty thousand dollars ($50,000); and**

(2) a Level 5 felony if the aggregate amount of the property obtained is at least fifty thousand dollars ($50,000).

SECTION 482. IC 35-43-5-14 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 14. (a) A person who, with intent to defraud, possesses:~~

~~(1) a retail sales receipt;~~

~~(2) a label or other item with a universal product code (UPC); or~~

~~(3) a label or other item that contains a product identification code that applies to an item other than the items to which the label or other item applies;~~

~~commits possession of a fraudulent sales document, a Class A misdemeanor.~~

~~(b) The offense under subsection (a) is a Class D felony if the person possesses at least fifteen (15):~~

~~(1) retail sales receipts;~~

~~(2) labels containing a universal product code (UPC);~~

~~(3) labels containing another product identification code; or~~

~~(4) of any combination of the items described in subdivisions (1) through (3).~~

SECTION 483. IC 35-43-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. A person who, with intent to defraud:

(1) makes or puts a false universal product code (UPC) or another product identification code on property displayed or offered for sale; or

(2) makes a false sales receipt;

commits making a false sales document, a ~~Class D~~ **Level 6** felony.

SECTION 484. IC 35-43-5-17 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 17. A person who, with intent to defraud, delivers a:~~

~~(1) false sales receipt;~~

~~(2) duplicate of a sales receipt; or~~

~~(3) label or other item with a false universal product code (UPC) or other product identification code;~~

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~~to another person commits delivery of a false sales document, a Class D felony.~~

SECTION 485. IC 35-43-5-20, AS ADDED BY P.L.81-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. (a) As used in this section, "inmate" means a person who is confined in:

(1) the custody of:

(A) the department of correction; or

(B) a sheriff;

(2) a county jail; or

(3) a secure juvenile facility.

(b) An inmate who:

(1) is a pretrial detainee; and

(2) with the intent of obtaining money or other property from a person who is not an inmate, knowingly or intentionally:

~~(1)~~ **(A)** makes a misrepresentation to a person who is not an inmate and obtains or attempts to obtain money or other property from the person who is not an inmate; or

~~(2)~~ **(B)** obtains or attempts to obtain money or other property from the person who is not an inmate through a misrepresentation made by another person;

commits inmate fraud, a ~~Class C~~ **Level 6** felony.

(c) An inmate:

(1) who is incarcerated because the inmate has been:

(A) convicted of an offense; or

(B) adjudicated a delinquent; and

(2) who, with the intent of obtaining money or other property from a person who is not an inmate, knowingly or intentionally:

(A) makes a misrepresentation to a person who is not an inmate and obtains or attempts to obtain money or other property from the person who is not an inmate; or

(B) obtains or attempts to obtain money or other property from the person who is not an inmate through a misrepresentation made by another person;

commits inmate fraud, a Level 5 felony.

SECTION 486. IC 35-43-6-13, AS AMENDED BY P.L.1-2007, SECTION 232, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) The offense in section 12(a) of this chapter is a Class A misdemeanor:

(1) in the case of an offense under section 12(a)(1) through 12(a)(4) **of this chapter** or **section** 12(a)(6) through 12(a)(9) **of**

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this chapter, if the home improvement contract price is one thousand dollars ($1,000) or more;

(2) for the second or subsequent offense under this chapter or in another jurisdiction for an offense that is substantially similar to another offense described in this chapter;

(3) if two (2) or more home improvement contracts exceed an aggregate amount of one thousand dollars ($1,000) and are entered into with the same consumer by one (1) or more suppliers as part of or in furtherance of a common fraudulent scheme, design, or intention; or

(4) if, in a violation of section 12(a)(5) of this chapter, the home improvement contract price is at least seven thousand dollars ($7,000), but less than ten thousand dollars ($10,000).

(b) The offense in section 12 of this chapter is a ~~Class D~~ **Level 6** felony:

(1) if, in a violation of section 12(a)(5) of this chapter, the home improvement contract price is more than ten thousand dollars ($10,000);

(2) if, in a violation of:

(A) section 12(a)(1) through 12(a)(5); or

(B) section 12(a)(7) through 12(a)(9);

of this chapter, the consumer is at least sixty (60) years of age and the home improvement contract price is ten thousand dollars ($10,000) or less;

(3) if, in a violation of section 12(b) of this chapter, the consumer is at least sixty (60) years of age; or

(4) if the home improvement supplier violates more than one (1) subdivision of section 12(a) of this chapter.

(c) The offense in section 12(a) of this chapter is a ~~Class C~~ **Level 5** felony:

(1) if, in a violation of:

(A) section 12(a)(1) through 12(a)(5); or

(B) section 12(a)(7) through 12(a)(9);

of this chapter, the consumer is at least sixty (60) years of age and the home improvement contract price is more than ten thousand dollars ($10,000); or

(2) if, in a violation of:

(A) section 12(a)(1) through 12(a)(4); or

(B) section 12(a)(7) through 12(a)(9);

of this chapter, the consumer is at least sixty (60) years of age, and two (2) or more home improvement contracts exceed an aggregate amount of one thousand dollars ($1,000) and are

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entered into with the same consumer by one (1) or more suppliers as part of or in furtherance of a common fraudulent scheme, design, or intention.

SECTION 487. IC 35-43-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a)** A person who recklessly, knowingly, or intentionally, without claim or right or consent of the owner, drives, places, or fastens in timber a device of metal, ceramic, or other substance sufficiently hard to damage equipment used in the processing of timber into wood products, with the intent to hinder the felling, logging, or processing of timber, ~~is guilty of a crime and may be sentenced under this chapter.~~ **commits timber spiking, a Level 6 felony.**

(b) However, the offense under subsection (a) is a Level 5 felony if the offense causes bodily injury to another person.

(c) In addition to a penalty imposed under subsection (a) or (b), the court may order a person convicted of violating this section to pay attorney's fees and restitution to the owner of property damaged because of the action of the person.

SECTION 488. IC 35-43-8-3 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 3. (a) A person who violates section 2 of this chapter commits a Class C felony if the violation causes bodily injury to another person.~~

~~(b) A person who violates section 2 of this chapter commits a Class D felony if the violation does not cause bodily injury to another person.~~

~~(c) In addition to a penalty imposed under subsection (a) or (b), the court may order a person convicted of violating section 2 of this chapter to pay attorney's fees and restitution to the owner of property damaged because of the action of the person.~~

SECTION 489. IC 35-43-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) An officer, a director, or an employee of a title insurer, an individual associated with the title insurer as an independent contractor, or a title insurance agent who knowingly or intentionally:

(1) converts or misappropriates money received or held in a title insurance escrow account; or

(2) receives or conspires to receive money described in subdivision (1);

commits a ~~Class D~~ **Level 6** felony, except as provided in subsection (b).

(b) The offense is:

(1) a ~~Class C~~ **Level 5** felony if the amount of money:

(A) converted, misappropriated, or received; or

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(B) for which there is a conspiracy;
is more than ten thousand dollars ($10,000) but less than one hundred thousand dollars ($100,000); and
(2) a ~~Class B~~ **Level 4** felony if the amount of money:
(A) converted, misappropriated, or received; or
(B) for which there is a conspiracy;
is at least one hundred thousand dollars ($100,000).

SECTION 490. IC 35-43-10-3, AS ADDED BY P.L.212-2005, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who knowingly or intentionally:
(1) possesses a contraband legend drug;
(2) sells, delivers, or possesses with intent to sell or deliver a contraband legend drug;
(3) forges, counterfeits, or falsely creates a label for a legend drug or falsely represents a factual matter contained on a label of a legend drug; or
(4) manufactures, purchases, sells, delivers, brings into Indiana, or possesses a contraband legend drug;
commits legend drug deception, a ~~Class D~~ **Level 6** felony.

SECTION 491. IC 35-43-10-4, AS ADDED BY P.L.212-2005, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person:
(1) who knowingly or intentionally manufactures, purchases, sells, delivers, brings into Indiana, or possesses a contraband legend drug; and
(2) whose act under subdivision (1) results in the death of an individual;
commits legend drug deception resulting in death, a ~~Class A~~ **Level 2** felony.

SECTION 492. IC 35-44.1-1-1, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A public servant who knowingly or intentionally:
(1) commits an offense in the performance of the public servant's official duties;
(2) solicits, accepts, or agrees to accept from an appointee or employee any property other than what the public servant is authorized by law to accept as a condition of continued employment;
(3) acquires or divests himself or herself of a pecuniary interest in any property, transaction, or enterprise or aids another person to do so based on information obtained by virtue of the public

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servant's office that official action that has not been made public is contemplated; or

(4) fails to deliver public records and property in the public servant's custody to the public servant's successor in office when that successor qualifies;

commits official misconduct, a ~~Class D~~ **Level 6** felony.

SECTION 493. IC 35-44.1-1-2, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who:

(1) confers, offers, or agrees to confer on a public servant, either before or after the public servant becomes appointed, elected, or qualified, any property, except property the public servant is authorized by law to accept, with intent to control the performance of an act related to the employment or function of the public servant or because of any official act performed or to be performed by the public servant, former public servant, or person selected to be a public servant;

(2) being a public servant, solicits, accepts, or agrees to accept, either before or after the person becomes appointed, elected, or qualified, any property, except property the person is authorized by law to accept, with intent to control the performance of an act related to the person's employment or function as a public servant;

(3) confers, offers, or agrees to confer on a person any property, except property the person is authorized by law to accept, with intent to cause that person to control the performance of an act related to the employment or function of a public servant;

(4) solicits, accepts, or agrees to accept any property, except property the person is authorized by law to accept, with intent to control the performance of an act related to the employment or function of a public servant;

(5) confers, offers, or agrees to confer any property on a person participating or officiating in, or connected with, an athletic contest, sporting event, or exhibition, with intent that the person will fail to use the person's best efforts in connection with that contest, event, or exhibition;

(6) being a person participating in, officiating in, or connected with an athletic contest, sporting event, or exhibition, solicits, accepts, or agrees to accept any property with intent that the person will fail to use the person's best efforts in connection with that contest, event, or exhibition;

(7) being a witness or informant in an official proceeding or investigation, solicits, accepts, or agrees to accept any property,

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with intent to:

(A) withhold any testimony, information, document, or thing;

(B) avoid legal process summoning the person to testify or supply evidence; or

(C) absent the person from the proceeding or investigation to which the person has been legally summoned;

(8) confers, offers, or agrees to confer any property on a witness or informant in an official proceeding or investigation, with intent that the witness or informant:

(A) withhold any testimony, information, document, or thing;

(B) avoid legal process summoning the witness or informant to testify or supply evidence; or

(C) absent himself or herself from any proceeding or investigation to which the witness or informant has been legally summoned; or

(9) confers or offers or agrees to confer any property on an individual for:

(A) casting a ballot or refraining from casting a ballot; or

(B) voting for a political party, for a candidate, or for or against a public question;

in an election described in IC 3-5-1-2 or at a convention of a political party authorized under IC 3;

commits bribery, a ~~Class C~~ **Level 5** felony.

(b) It is not a defense that the person whom the accused person sought to control was not qualified to act in the desired way.

SECTION 494. IC 35-44.1-1-3, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A public servant who knowingly or intentionally:

(1) hires an employee for the governmental entity that the public servant serves; and

(2) fails to assign to the employee any duties, or assigns to the employee any duties not related to the operation of the governmental entity;

commits ghost employment, a ~~Class D~~ **Level 6** felony.

(b) A public servant who knowingly or intentionally assigns to an employee under the public servant's supervision any duties not related to the operation of the governmental entity that the public servant serves commits ghost employment, a ~~Class D~~ **Level 6** felony.

(c) A person employed by a governmental entity who, knowing that the person has not been assigned any duties to perform for the entity, accepts property from the entity commits ghost employment, a ~~Class D~~

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Level 6 felony.

(d) A person employed by a governmental entity who knowingly or intentionally accepts property from the entity for the performance of duties not related to the operation of the entity commits ghost employment, a ~~Class D~~ **Level 6** felony.

(e) Any person who accepts property from a governmental entity in violation of this section and any public servant who permits the payment of property in violation of this section are jointly and severally liable to the governmental entity for that property. The attorney general may bring a civil action to recover that property in the county where the governmental entity is located or the person or public servant resides.

(f) For the purposes of this section, an employee of a governmental entity who voluntarily performs services:

(1) that do not:

(A) promote religion;

(B) attempt to influence legislation or governmental policy; or

(C) attempt to influence elections to public office;

(2) for the benefit of:

(A) another governmental entity; or

(B) an organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;

(3) with the approval of the employee's supervisor; and

(4) in compliance with a policy or regulation that:

(A) is in writing;

(B) is issued by the executive officer of the governmental entity; and

(C) contains a limitation on the total time during any calendar year that the employee may spend performing the services during normal hours of employment;

is considered to be performing duties related to the operation of the governmental entity.

SECTION 495. IC 35-44.1-1-4, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The following definitions apply throughout this section:

(1) "Dependent" means any of the following:

(A) The spouse of a public servant.

(B) A child, stepchild, or adoptee (as defined in IC 31-9-2-2) of a public servant who is:

(i) unemancipated; and

(ii) less than eighteen (18) years of age.

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(C) An individual more than one-half (1/2) of whose support is provided during a year by the public servant.

(2) "Governmental entity served by the public servant" means the immediate governmental entity being served by a public servant.

(3) "Pecuniary interest" means an interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of:

(A) the public servant; or

(B) a dependent of the public servant who:

(i) is under the direct or indirect administrative control of the public servant; or

(ii) receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the public servant.

(b) A public servant who knowingly or intentionally:

(1) has a pecuniary interest in; or

(2) derives a profit from;

a contract or purchase connected with an action by the governmental entity served by the public servant commits conflict of interest, a ~~Class D~~ **Level 6** felony.

(c) It is not an offense under this section if any of the following apply:

(1) The public servant or the public servant's dependent receives compensation through salary or an employment contract for:

(A) services provided as a public servant; or

(B) expenses incurred by the public servant as provided by law.

(2) The public servant's interest in the contract or purchase and all other contracts and purchases made by the governmental entity during the twelve (12) months before the date of the contract or purchase was two hundred fifty dollars ($250) or less.

(3) The contract or purchase involves utility services from a utility whose rate structure is regulated by the state or federal government.

(4) The public servant:

(A) acts in only an advisory capacity for a state supported college or university; and

(B) does not have authority to act on behalf of the college or university in a matter involving a contract or purchase.

(5) A public servant under the jurisdiction of the state ethics commission (as provided in IC 4-2-6-2.5) obtains from the state ethics commission, following full and truthful disclosure, written

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approval that the public servant will not or does not have a conflict of interest in connection with the contract or purchase under IC 4-2-6 and this section. The approval required under this subdivision must be:

(A) granted to the public servant before action is taken in connection with the contract or purchase by the governmental entity served; or

(B) sought by the public servant as soon as possible after the contract is executed or the purchase is made and the public servant becomes aware of the facts that give rise to a question of conflict of interest.

(6) A public servant makes a disclosure that meets the requirements of subsection (d) or (e) and is:

(A) not a member or on the staff of the governing body empowered to contract or purchase on behalf of the governmental entity, and functions and performs duties for the governmental entity unrelated to the contract or purchase;

(B) appointed by an elected public servant;

(C) employed by the governing body of a school corporation and the contract or purchase involves the employment of a dependent or the payment of fees to a dependent;

(D) elected; or

(E) a member of, or a person appointed by, the board of trustees of a state supported college or university.

(7) The public servant is a member of the governing board of, or is a physician employed or contracted by, a hospital organized or operated under IC 16-22-1 through IC 16-22-5 or IC 16-23-1.

(d) A disclosure must:

(1) be in writing;

(2) describe the contract or purchase to be made by the governmental entity;

(3) describe the pecuniary interest that the public servant has in the contract or purchase;

(4) be affirmed under penalty of perjury;

(5) be submitted to the governmental entity and be accepted by the governmental entity in a public meeting of the governmental entity before final action on the contract or purchase;

(6) be filed within fifteen (15) days after final action on the contract or purchase with:

(A) the state board of accounts; and

(B) if the governmental entity is a governmental entity other than the state or a state supported college or university, the

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clerk of the circuit court in the county where the governmental entity takes final action on the contract or purchase; and

(7) contain, if the public servant is appointed, the written approval of the elected public servant (if any) or the board of trustees of a state supported college or university (if any) that appointed the public servant.

(e) This subsection applies only to a person who is a member of, or a person appointed by, the board of trustees of a state supported college or university. A person to whom this subsection applies complies with the disclosure requirements of this chapter with respect to the person's pecuniary interest in a particular type of contract or purchase which is made on a regular basis from a particular vendor if the individual files with the state board of accounts and the board of trustees a statement of pecuniary interest in that particular type of contract or purchase made with that particular vendor. The statement required by this subsection must be made on an annual basis.

SECTION 496. IC 35-44.1-1-5, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As used in this section, "pecuniary interest" has the meaning set forth in section 4(a)(3) of this chapter.

(b) A person who knowingly or intentionally:

(1) obtains a pecuniary interest in a contract or purchase with an agency within one (1) year after separation from employment or other service with the agency; and

(2) is not a public servant for the agency but who as a public servant approved, negotiated, or prepared on behalf of the agency the terms or specifications of:

(A) the contract; or

(B) the purchase;

commits profiteering from public service, a ~~Class D~~ **Level 6** felony.

(c) This section does not apply to negotiations or other activities related to an economic development grant, loan, or loan guarantee.

(d) This section does not apply if the person receives less than two hundred fifty dollars ($250) of the profits from the contract or purchase.

(e) It is a defense to a prosecution under this section that:

(1) the person was screened from any participation in the contract or purchase;

(2) the person has not received a part of the profits of the contract or purchase; and

(3) notice was promptly given to the agency of the person's interest in the contract or purchase.

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SECTION 497. IC 35-44.1-2-1, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who:

(1) makes a false, material statement under oath or affirmation, knowing the statement to be false or not believing it to be true; or

(2) has knowingly made two (2) or more material statements, in a proceeding before a court or grand jury, which are inconsistent to the degree that one (1) of them is necessarily false;

commits perjury, a ~~Class D~~ **Level 6** felony.

(b) In a prosecution under subsection (a)(2):

(1) the indictment or information need not specify which statement is actually false; and

(2) the falsity of a statement may be established sufficiently for conviction by proof that the defendant made irreconcilably contradictory statements which are material to the point in question.

SECTION 498. IC 35-44.1-2-2, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who:

(1) knowingly or intentionally induces, by threat, coercion, ~~or~~ false statement, **or offer of goods, services, or anything of value,** a witness or informant in an official proceeding or investigation to:

(A) withhold or unreasonably delay in producing any testimony, information, document, or thing;

(B) avoid legal process summoning the person to testify or supply evidence; or

(C) absent the person from a proceeding or investigation to which the person has been legally summoned;

(2) knowingly or intentionally in an official criminal proceeding or investigation:

(A) withholds or unreasonably delays in producing any testimony, information, document, or thing after a court orders the person to produce the testimony, information, document, or thing;

(B) avoids legal process summoning the person to testify or supply evidence; or

(C) absents the person from a proceeding or investigation to which the person has been legally summoned;

(3) alters, damages, or removes any record, document, or thing, with intent to prevent it from being produced or used as evidence in any official proceeding or investigation;

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(4) makes, presents, or uses a false record, document, or thing with intent that the record, document, or thing, material to the point in question, appear in evidence in an official proceeding or investigation to mislead a public servant; or

(5) communicates, directly or indirectly, with a juror otherwise than as authorized by law, with intent to influence the juror regarding any matter that is or may be brought before the juror;

commits obstruction of justice, a ~~Class D~~ **Level 6** felony.

(b) Subsection (a)(2)(A) does not apply to:

(1) a person who qualifies for a special privilege under IC 34-46-4 with respect to the testimony, information, document, or thing; or

(2) a person who, as:

(A) an attorney;

(B) a physician;

(C) a member of the clergy; or

(D) a husband or wife;

is not required to testify under IC 34-46-3-1.

SECTION 499. IC 35-44.1-2-3, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) As used in this section, "consumer product" has the meaning set forth in IC 35-45-8-1.

(b) As used in this section, "misconduct" means a violation of a departmental rule or procedure of a law enforcement agency.

(c) A person who reports, by telephone, telegraph, mail, or other written or oral communication, that:

(1) the person or another person has placed or intends to place an explosive, a destructive device, or other destructive substance in a building or transportation facility;

(2) there has been or there will be tampering with a consumer product introduced into commerce; or

(3) there has been or will be placed or introduced a weapon of mass destruction in a building or a place of assembly;

knowing the report to be false, commits false reporting, a ~~Class D~~ **Level 6** felony.

(d) A person who:

(1) gives a false report of the commission of a crime or gives false information in the official investigation of the commission of a crime, knowing the report or information to be false;

(2) gives a false alarm of fire to the fire department of a governmental entity, knowing the alarm to be false;

(3) makes a false request for ambulance service to an ambulance service provider, knowing the request to be false;

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(4) gives a false report concerning a missing child (as defined in IC 10-13-5-4) or missing endangered adult (as defined in IC 12-7-2-131.3) or gives false information in the official investigation of a missing child or missing endangered adult knowing the report or information to be false;

(5) makes a complaint against a law enforcement officer to the state or municipality (as defined in IC 8-1-13-3(b)) that employs the officer:

(A) alleging the officer engaged in misconduct while performing the officer's duties; and

(B) knowing the complaint to be false; or

(6) makes a false report of a missing person, knowing the report or information is false;

commits false informing, a Class B misdemeanor. However, the offense is a Class A misdemeanor if it substantially hinders any law enforcement process or if it results in harm to ~~an innocent~~ **another** person.

SECTION 500. IC 35-44.1-2-5, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person not standing in the relation of parent, child, or spouse to another person who has committed a crime or is a fugitive from justice who, with intent to hinder the apprehension or punishment of the other person, harbors, conceals, or otherwise assists the person commits assisting a criminal, a Class A misdemeanor. However, the offense is:

(1) a ~~Class D~~ **Level 6** felony, if the person assisted has committed a Class B, Class C, or Class D felony **before July 1, 2014, or a Level 3, Level 4, Level 5, or Level 6 felony after June 30, 2014;** and

(2) a ~~Class C~~ **Level 5** felony, if the person assisted has committed murder or **has committed** a Class A **felony before July 1, 2014, or a Level 1 or Level 2** felony **after June 30, 2014,** or if the assistance was providing a deadly weapon.

(b) It is not a defense to a prosecution under this section that the person assisted:

(1) has not been prosecuted for the offense;

(2) has not been convicted of the offense; or

(3) has been acquitted of the offense by reason of insanity.

However, the acquittal of the person assisted for other reasons may be a defense.

SECTION 501. IC 35-44.1-2-6, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2014]: Sec. 6. A person who falsely represents that the person is a public servant, with intent to mislead and induce another person to submit to false official authority or otherwise to act to the other person's detriment in reliance on the false representation, commits impersonation of a public servant, a Class A misdemeanor. However, a person who falsely represents that the person is:

(1) a law enforcement officer; or

(2) an agent or employee of the department of state revenue, and collects any property from another person;

commits a ~~Class D~~ **Level 6** felony.

SECTION 502. IC 35-44.1-2-8, AS AMENDED BY SEA 85-2013, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A person who knowingly or intentionally manufactures and sells or manufactures and offers for sale:

(1) an official badge or a replica of an official badge that is currently used by a law enforcement agency or fire department of the state or of a political subdivision of the state; or

(2) a document that purports to be an official employment identification that is used by a law enforcement agency or fire department of the state or of a political subdivision of the state;

without the written permission of the chief executive officer of the law enforcement agency commits unlawful manufacture or sale of a police or fire insignia, a Class A misdemeanor.

(b) However, the offense described in subsection (a) is:

(1) a ~~Class D~~ **Level 6** felony if the person commits the offense with the knowledge or intent that the badge or employment identification will be used to further the commission of an offense under section 6 of this chapter; and

(2) a ~~Class B~~ **Level 4** felony if the person commits the offense with the knowledge or intent that the badge or employment identification will be used to further the commission of an offense under IC 35-47-12.

(c) It is a defense to a prosecution under subsection (a)(1) if the area of the badge or replica that is manufactured and sold or manufactured and offered for sale as measured by multiplying the greatest length of the badge by the greatest width of the badge is:

(1) less than fifty percent (50%); or

(2) more than one hundred fifty percent (150%);

of the area of an official badge that is used by a law enforcement agency or fire department of the state or a political subdivision of the state as measured by multiplying the greatest length of the official

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badge by the greatest width of the official badge.

SECTION 503. IC 35-44.1-2-9, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) A person who, having been released from lawful detention on condition that the person appear at a specified time and place in connection with a charge of a crime, intentionally fails to appear at that time and place commits failure to appear, a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the charge was a felony charge.

(b) It is no defense that the accused person was not convicted of the crime with which the person was originally charged.

(c) This section does not apply to obligations to appear incident to release under suspended sentence or on probation or parole.

SECTION 504. IC 35-44.1-2-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 13. (a) Except as provided in subsection (b), a person who recklessly, knowingly, or intentionally obstructs vehicular or pedestrian traffic commits obstruction of traffic, a Class B misdemeanor.**

(b) The offense described in subsection (a) is:

(1) a Class A misdemeanor if the offense includes the use of a motor vehicle; and

(2) a Level 6 felony if the offense results in serious bodily injury.

SECTION 505. IC 35-44.1-3-1, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who knowingly or intentionally:

(1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;

(2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or

(3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

commits resisting law enforcement, a Class A misdemeanor, except as provided in subsection (b).

(b) The offense under subsection (a) is a:

(1) ~~Class D~~ **Level 6** felony if:

(A) the offense is described in subsection (a)(3) and the person

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uses a vehicle to commit the offense; or

(B) while committing any offense described in subsection (a), the person draws or uses a deadly weapon, inflicts bodily injury on or otherwise causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

(2) ~~Class C~~ **Level 5** felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes serious bodily injury to another person;

(3) ~~Class B~~ **Level 3** felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of another person; and

(4) ~~Class A~~ **Level 2** felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of a law enforcement officer while the law enforcement officer is engaged in the officer's official duties.

(c) For purposes of this section, a law enforcement officer includes an enforcement officer of the alcohol and tobacco commission and a conservation officer of the department of natural resources.

(d) If a person uses a vehicle to commit a felony offense under subsection (b)(1)(B), (b)(2), (b)(3), or (b)(4), as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;

(2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or

(3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

(e) Notwithstanding ~~IC 35-50-2-2~~ **IC 35-50-2-2.2** and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection (d) may not be suspended.

(f) If a person is convicted of an offense involving the use of a motor vehicle under:

(1) subsection (b)(1)(A), if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;

(2) subsection (b)(2); or

(3) subsection (b)(3);

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license and all certificates of registration and license plates issued or registered in the person's name in accordance

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with IC 9-30-4-6(b)(3) for the period described in IC 9-30-4-6(d)(4) or IC 9-30-4-6(d)(5). The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

SECTION 506. IC 35-44.1-3-2, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) As used in this section, "officer" includes the following:

(1) A person employed by:

(A) the department of correction;

(B) a law enforcement agency;

(C) a probation department;

(D) a county jail; or

(E) a circuit, superior, county, probate, city, or town court;

who is required to carry a firearm in performance of the person's official duties.

(2) A law enforcement officer.

(b) A person who:

(1) knows that another person is an officer; and

(2) knowingly or intentionally takes or attempts to take a firearm (as defined in IC 35-47-1-5) or weapon that the officer is authorized to carry from the officer or from the immediate proximity of the officer:

(A) without the consent of the officer; and

(B) while the officer is engaged in the performance of the officer's official duties;

commits disarming a law enforcement officer, a ~~Class C~~ **Level 5** felony. However, the offense is a ~~Class B~~ **Level 3** felony if it results in serious bodily injury to ~~the~~ **a law enforcement** officer, and the offense is a ~~Class A~~ **Level 1** felony if it results in death to ~~the~~ **a law enforcement** officer. ~~or if a firearm (as defined in IC 35-47-1-5) was taken and the offense results in serious bodily injury to the officer.~~

SECTION 507. IC 35-44.1-3-4, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person, except as provided in subsection (b), who intentionally flees from lawful detention commits escape, a ~~Class C~~ **Level 5** felony. However, the offense is a ~~Class B~~ **Level 4** felony if, while committing it, the person draws or uses a deadly weapon or inflicts bodily injury on another person.

(b) A person who knowingly or intentionally violates a home detention order or intentionally removes an electronic monitoring

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device or GPS tracking device commits escape, a ~~Class D~~ **Level 6** felony.

(c) A person who knowingly or intentionally fails to return to lawful detention following temporary leave granted for a specified purpose or limited period commits failure to return to lawful detention, a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~ **Level 5** felony if, while committing it, the person draws or uses a deadly weapon or inflicts bodily injury on another person.

SECTION 508. IC 35-44.1-3-5, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As used in this section, "juvenile facility" means the following:

(1) A secure facility (as defined in IC 31-9-2-114) in which a child is detained under IC 31 or used for a child awaiting adjudication or adjudicated under IC 31 as a child in need of services or a delinquent child.

(2) A shelter care facility (as defined in IC 31-9-2-117) in which a child is detained under IC 31 or used for a child awaiting adjudication or adjudicated under IC 31 as a child in need of services or a delinquent child.

(b) ~~Except as provided in subsection (d),~~ A person who, without the prior authorization of the person in charge of a penal facility or juvenile facility knowingly or intentionally:

(1) delivers, or carries into the penal facility or juvenile facility with intent to deliver, an article to an inmate or child of the facility;

(2) carries, or receives with intent to carry out of the penal facility or juvenile facility, an article from an inmate or child of the facility; **or**

(3) delivers, or carries to a worksite with the intent to deliver, alcoholic beverages to an inmate or child of a jail work crew or community work crew; ~~or~~

~~(4) possesses in or carries into a penal facility or a juvenile facility:~~

~~(A) a controlled substance; or~~

~~(B) a deadly weapon;~~

commits trafficking with an inmate, a Class A misdemeanor.

(c) If the person who committed the offense under subsection (b) is an employee of:

(1) the department of correction; or

(2) a penal facility;

and the article is a cigarette or tobacco product (as defined in

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IC 6-7-2-5), the court shall impose a mandatory five thousand dollar ($5,000) fine under IC 35-50-3-2, in addition to any term of imprisonment imposed under IC 35-50-3-2.

(d) ~~The offense under subsection (b) is a Class C felony if the article is:~~ **A person who, without the prior authorization of the person in charge of a penal facility or juvenile facility, knowingly or intentionally possesses in, or carries or causes to be brought into, a penal facility or juvenile facility:**

(1) a controlled substance;

(2) a deadly weapon; or

(3) a cellular telephone or other wireless or cellular communications device;

commits trafficking with an inmate, a Level 5 felony.

SECTION 509. IC 35-44.1-3-6, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) As used in this section, "contraband" means the following:

(1) Alcohol.

(2) A cigarette or tobacco product.

(3) A controlled substance.

(4) An item that may be used as a weapon.

(b) As used in this section, "inmate outside a facility" means a person who is incarcerated in a penal facility or detained in a juvenile facility on a full-time basis as the result of a conviction or a juvenile adjudication but who has been or is being transported to another location to participate in or prepare for a judicial proceeding. The term does not include the following:

(1) An adult or juvenile pretrial detainee.

(2) A person serving an intermittent term of imprisonment or detention.

(3) A person serving a term of imprisonment or detention as:

(A) a condition of probation;

(B) a condition of a community corrections program;

(C) part of a community transition program;

(D) part of a reentry court program;

(E) part of a work release program; or

(F) part of a community based program that is similar to a program described in clauses (A) through (E).

(4) A person who has escaped from incarceration or walked away from secure detention.

(5) A person on temporary leave (as described in IC 11-10-9) or temporary release (as described in IC 11-10-10).

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(c) A person who, with the intent of providing contraband to an inmate outside a facility:

(1) delivers contraband to an inmate outside a facility; or

(2) places contraband in a location where an inmate outside a facility could obtain the contraband;

commits trafficking with an inmate outside a facility, a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the contraband is an item described in subsection (a)(3), and a ~~Class C~~ **Level 5** felony if the contraband is an item described in subsection (a)(4).

SECTION 510. IC 35-44.1-3-7, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A person who knowingly or intentionally while incarcerated in a penal facility possesses a device, equipment, a chemical substance, or other material that:

(1) is used; or

(2) is intended to be used;

in a manner that is readily capable of causing bodily injury commits a ~~Class C~~ **Level 5** felony. However, the offense is a ~~Class B~~ **Level 4** felony if the device, equipment, chemical substance, or other material is a deadly weapon.

SECTION 511. IC 35-44.1-3-9, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) A person who is being supervised on lifetime parole (as described in IC 35-50-6-1) and who knowingly or intentionally violates a condition of lifetime parole that involves direct or indirect contact with a child less than sixteen (16) years of age or with the victim of a crime that was committed by the person commits a ~~Class D~~ **Level 6** felony if, at the time of the violation:

(1) the person's lifetime parole has been revoked two (2) or more times; or

(2) the person has completed the person's sentence, including any credit time the person may have earned.

(b) The offense described in subsection (a) is a ~~Class C~~ **Level 5** felony if the person has a prior unrelated conviction under this section.

SECTION 512. IC 35-44.1-3-10, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) As used in this section, "service provider" means a public servant or other person employed by a governmental entity or another person who provides goods or services to a person who is subject to lawful detention.

(b) A service provider who knowingly or intentionally engages in

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sexual intercourse or ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5)** with a person who is subject to lawful detention commits sexual misconduct, a ~~Class C~~ **Level 5** felony.

(c) A service provider at least eighteen (18) years of age who knowingly or intentionally engages in sexual intercourse or ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5)** with a person who is:

(1) less than eighteen (18) years of age; and

(2) subject to lawful detention;

commits sexual misconduct, a ~~Class B~~ **Level 4** felony.

(d) It is not a defense that an act described in subsection (b) or (c) was consensual.

(e) This section does not apply to sexual intercourse or ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5)** between spouses.

SECTION 513. IC 35-44.1-4-7, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A person other than a firefighter who, with intent to mislead a firefighter or law enforcement officer as to the person's status as a dispatched firefighter, knowingly or intentionally enters an emergency incident area while wearing, transporting, or otherwise possessing a uniform, fire protective clothing, or fire protective gear commits a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if, as a proximate result of the person entering the emergency incident area, a person or firefighter suffers bodily injury.

SECTION 514. IC 35-44.1-5-3, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who knowingly or intentionally:

(1) transports; or

(2) moves;

an alien, for the purpose of commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of the law commits transporting an illegal alien, a Class A misdemeanor.

(b) If a violation under this section involves more than nine (9) aliens, the violation is a ~~Class D~~ **Level 6** felony.

SECTION 515. IC 35-44.1-5-4, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who knowingly or intentionally:

(1) conceals;

(2) harbors; or

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(3) shields from detection;

an alien in any place, including a building or means of transportation, for the purpose of commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of law, commits harboring an illegal alien, a Class A misdemeanor.

(b) If a violation under this section involves more than nine (9) aliens, the violation is a ~~Class D~~ **Level 6** felony.

(c) A landlord that rents real property to a person who is an alien does not violate this section as a result of renting the property to the person.

SECTION 516. IC 35-44.2-2-1, AS ADDED BY P.L.126-2012, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A public servant who knowingly or intentionally fails to deposit public funds (as defined in IC 5-13-4-20) not later than one (1) business day following the receipt of the funds, in a depository in the name of the state or political subdivision by the public servant having control of the funds, commits a violation of the depository rule, a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the amount involved is at least seven hundred fifty dollars ($750), and a ~~Class C~~ **Level 5** felony if the amount involved is at least fifty thousand dollars ($50,000).

SECTION 517. IC 35-45-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who, being a member of an unlawful assembly, recklessly, knowingly, or intentionally engages in tumultuous conduct commits rioting, a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if it is committed while armed with a deadly weapon.

SECTION 518. IC 35-45-1-3, AS AMENDED BY P.L.3-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who recklessly, knowingly, or intentionally:

(1) engages in fighting or in tumultuous conduct;

(2) makes unreasonable noise and continues to do so after being asked to stop; or

(3) disrupts a lawful assembly of persons;

commits disorderly conduct, a Class B misdemeanor.

(b) The offense described in subsection (a) is a ~~Class D~~ **Level 6** felony if it:

(1) adversely affects airport security; and

(2) is committed in an airport (as defined in IC 8-21-1-1) or on the premises of an airport, including in a parking area, a maintenance

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bay, or an aircraft hangar.

(c) The offense described in subsection (a) is a ~~Class D~~ **Level 6** felony if it:

(1) is committed within five hundred (500) feet of:

(A) the location where a burial is being performed;

(B) a funeral procession, if the person described in subsection (a) knows that the funeral procession is taking place; or

(C) a building in which:

(i) a funeral or memorial service; or

(ii) the viewing of a deceased person;

is being conducted; and

(2) adversely affects the funeral, burial, viewing, funeral procession, or memorial service.

SECTION 519. IC 35-45-2-1, AS AMENDED BY P.L.3-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who communicates a threat to another person, with the intent:

(1) that the other person engage in conduct against the other person's will;

(2) that the other person be placed in fear of retaliation for a prior lawful act; or

(3) of causing:

(A) a dwelling, a building, or another structure; or

(B) a vehicle;

to be evacuated;

commits intimidation, a Class A misdemeanor.

(b) However, the offense is a:

(1) ~~Class D~~ **Level 6** felony if:

(A) the threat is to commit a forcible felony;

(B) the person to whom the threat is communicated:

(i) is a law enforcement officer;

(ii) is a judge or bailiff of any court;

(iii) is a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat;

(iv) is an employee of a school corporation;

(v) is a community policing volunteer;

(vi) is an employee of a court;

(vii) is an employee of a probation department; or

(viii) is an employee of a community corrections program;

(C) the person has a prior unrelated conviction for an offense under this section concerning the same victim; or

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(D) the threat is communicated using property, including electronic equipment or systems, of a school corporation or other governmental entity; and

(2) ~~Class C~~ **Level 5** felony if, while committing it, the person draws or uses a deadly weapon.

(c) "Threat" means an expression, by words or action, of an intention to:

(1) unlawfully injure the person threatened or another person, or damage property;

(2) unlawfully subject a person to physical confinement or restraint;

(3) commit a crime;

(4) unlawfully withhold official action, or cause such withholding;

(5) unlawfully withhold testimony or information with respect to another person's legal claim or defense, except for a reasonable claim for witness fees or expenses;

(6) expose the person threatened to hatred, contempt, disgrace, or ridicule;

(7) falsely harm the credit or business reputation of the person threatened; or

(8) cause the evacuation of a dwelling, a building, another structure, or a vehicle.

SECTION 520. IC 35-45-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who knowingly or intentionally, in a public place:

(1) engages in sexual intercourse;

(2) engages in ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5);**

(3) appears in a state of nudity with the intent to arouse the sexual desires of the person or another person; or

(4) fondles the person's genitals or the genitals of another person;

commits public indecency, a Class A misdemeanor.

(b) A person at least eighteen (18) years of age who knowingly or intentionally, in a public place, appears in a state of nudity with the intent to be seen by a child less than sixteen (16) years of age commits public indecency, a Class A misdemeanor.

(c) However, the offense under subsection (a) or ~~subsection~~ (b) is a ~~Class D~~ **Level 6** felony if the person who commits the offense has a prior unrelated conviction:

(1) under subsection (a) or (b); or

(2) in another jurisdiction, including a military court, that is substantially equivalent to an offense described in subsection (a)

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or (b).

(d) As used in this section, "nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernibly turgid state.

(e) A person who, in a place other than a public place, with the intent to be seen by persons other than invitees and occupants of that place:

(1) engages in sexual intercourse;

(2) engages in ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5);**

(3) fondles the person's genitals or the genitals of another person; or

(4) appears in a state of nudity;

where the person can be seen by persons other than invitees and occupants of that place commits indecent exposure, a Class C misdemeanor.

SECTION 521. IC 35-45-4-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) As used in this section, "nudity" has the meaning set forth in section 1(d) of this chapter.

(b) A person who knowingly or intentionally appears in a public place in a state of nudity commits public nudity, a Class C misdemeanor.

(c) A person who knowingly or intentionally appears in a public place in a state of nudity with the intent to be seen by another person commits a Class B misdemeanor. ~~However, the offense is a Class D felony if the person has a prior unrelated conviction under this subsection or under subsection (d).~~

(d) A person who knowingly or intentionally appears in a state of nudity:

(1) in or on school grounds;

(2) in a public park; or

(3) with the intent to arouse the sexual desires of the person or another person, in a department of natural resources owned or managed property;

commits a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the person has a prior unrelated conviction under this subsection or under subsection (c).

SECTION 522. IC 35-45-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who

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knowingly or intentionally:

(1) performs, or offers or agrees to perform, sexual intercourse or ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5);** or

(2) fondles, or offers or agrees to fondle, the genitals of another person;

for money or other property commits prostitution, a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the person has two (2) prior convictions under this section.

SECTION 523. IC 35-45-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who knowingly or intentionally pays, or offers or agrees to pay, money or other property to another person:

(1) for having engaged in, or on the understanding that the other person will engage in, sexual intercourse or ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5)** with the person or with any other person; or

(2) for having fondled, or on the understanding that the other person will fondle, the genitals of the person or any other person;

commits patronizing a prostitute, a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the person has two (2) prior convictions under this section.

SECTION 524. IC 35-45-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who:

(1) knowingly or intentionally entices or compels another person to become a prostitute;

(2) knowingly or intentionally procures, or offers or agrees to procure, a person for another person for the purpose of prostitution;

(3) having control over the use of a place, knowingly or intentionally permits another person to use the place for prostitution;

(4) receives money or other property from a prostitute, without lawful consideration, knowing it was earned in whole or in part from prostitution; or

(5) knowingly or intentionally conducts or directs another person to a place for the purpose of prostitution;

commits promoting prostitution, a ~~Class C~~ **Level 5** felony. However, the offense is a ~~Class B~~ **Level 4** felony under subdivision (1) if the person enticed or compelled is under eighteen (18) years of age.

SECTION 525. IC 35-45-4-5, AS AMENDED BY P.L.75-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2014]: Sec. 5. (a) The following definitions apply throughout this section:

(1) "Camera" means a camera, a video camera, a device that captures a digital image, or any other type of video recording device.

(2) "Peep" means any looking of a clandestine, surreptitious, prying, or secretive nature.

(3) "Private area" means the naked or undergarment clad genitals, pubic area, or buttocks of an individual.

(b) A person:

(1) who knowingly or intentionally:

(A) peeps; or

(B) goes upon the land of another with the intent to peep;

into an occupied dwelling of another person; or

(2) who knowingly or intentionally peeps into an area where an occupant of the area reasonably can be expected to disrobe, including:

(A) restrooms;

(B) baths;

(C) showers; and

(D) dressing rooms;

without the consent of the other person, commits voyeurism, a Class B misdemeanor.

(c) However, the offense under subsection (b) is a ~~Class D~~ **Level 6** felony if:

(1) it is knowingly or intentionally committed by means of a camera; or

(2) the person who commits the offense has a prior unrelated conviction:

(A) under this section; or

(B) in another jurisdiction, including a military court, for an offense that is substantially similar to an offense described in this section.

(d) A person who:

(1) without the consent of the individual; and

(2) with intent to peep at the private area of an individual;

peeps at the private area of an individual and records an image by means of a camera commits public voyeurism, a Class A misdemeanor.

(e) The offense under subsection (d) is a ~~Class D~~ **Level 6** felony if the person has a prior unrelated conviction under this section or in another jurisdiction, including a military court, for an offense that is substantially similar to an offense described in this section, or if the

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person:
(1) publishes the image;
(2) makes the image available on the Internet; or
(3) transmits or disseminates the image to another person.

(f) It is a defense to a prosecution under subsection (d) that the individual deliberately exposed the individual's private area.

SECTION 526. IC 35-45-5-2, AS AMENDED BY P.L.70-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who knowingly or intentionally engages in gambling commits unlawful gambling.

(b) Except as provided in subsection (c), unlawful gambling is a Class B misdemeanor.

(c) An operator who knowingly or intentionally uses the Internet to engage in unlawful gambling:
(1) in Indiana; or
(2) with a person located in Indiana;
commits a ~~Class D~~ **Level 6** felony.

SECTION 527. IC 35-45-5-3, AS AMENDED BY P.L.227-2007, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who knowingly or intentionally:
(1) engages in pool-selling;
(2) engages in bookmaking;
(3) maintains, in a place accessible to the public, slot machines, one-ball machines or variants thereof, pinball machines that award anything other than an immediate and unrecorded right of replay, roulette wheels, dice tables, or money or merchandise pushcards, punchboards, jars, or spindles;
(4) conducts lotteries or policy or numbers games or sells chances therein;
(5) conducts any banking or percentage games played with cards, dice, or counters, or accepts any fixed share of the stakes therein; or
(6) accepts, or offers to accept, for profit, money, or other property risked in gambling;
commits professional gambling, a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~ **Level 5** felony if the person has a prior unrelated conviction under this subsection.

(b) An operator who knowingly or intentionally uses the Internet to:
(1) engage in pool-selling:
(A) in Indiana; or
(B) in a transaction directly involving a person located in Indiana;

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(2) engage in bookmaking:
(A) in Indiana; or
(B) in a transaction directly involving a person located in Indiana;
(3) maintain, on an Internet site accessible to residents of Indiana, the equivalent of:
(A) slot machines;
(B) one-ball machines or variants of one-ball machines;
(C) pinball machines that award anything other than an immediate and unrecorded right of replay;
(D) roulette wheels;
(E) dice tables; or
(F) money or merchandise pushcards, punchboards, jars, or spindles;
(4) conduct lotteries or policy or numbers games or sell chances in lotteries or policy or numbers games:
(A) in Indiana; or
(B) in a transaction directly involving a person located in Indiana;
(5) conduct any banking or percentage games played with the computer equivalent of cards, dice, or counters, or accept any fixed share of the stakes in those games:
(A) in Indiana; or
(B) in a transaction directly involving a person located in Indiana; or
(6) accept, or offer to accept, for profit, money or other property risked in gambling:
(A) in Indiana; or
(B) in a transaction directly involving a person located in Indiana;

commits professional gambling over the Internet, a ~~Class D~~ **Level 6** felony.

SECTION 528. IC 35-45-5-3.5, AS ADDED BY P.L.227-2007, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.5. (a) Except as provided in subsection (c), a person who possesses an electronic gaming device commits a Class A infraction.

(b) A person who knowingly or intentionally accepts or offers to accept for profit, money, or other property risked in gambling on an electronic gaming device possessed by the person commits maintaining a professional gambling site, a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~ **Level 5** felony if the person has a prior unrelated

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conviction under this subsection.

(c) Subsection (a) does not apply to a person who:

(1) possesses an antique slot machine;

(2) restricts display and use of the antique slot machine to the person's private residence; and

(3) does not use the antique slot machine for profit.

(d) As used in this section, "antique slot machine" refers to a slot machine that is:

(1) at least forty (40) years old; and

(2) possessed and used for decorative, historic, or nostalgic purposes.

SECTION 529. IC 35-45-5-4, AS AMENDED BY P.L.227-2007, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Except as provided in subsections (b) and (d), a person who:

(1) knowingly or intentionally owns, manufactures, possesses, buys, sells, rents, leases, repairs, or transports a gambling device, or offers or solicits an interest in a gambling device;

(2) before a race, game, contest, or event on which gambling may be conducted, knowingly or intentionally transmits or receives gambling information by any means, or knowingly or intentionally installs or maintains equipment for the transmission or receipt of gambling information; or

(3) having control over the use of a place, knowingly or intentionally permits another person to use the place for professional gambling;

commits promoting professional gambling, a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~ **Level 5** felony if the person has a prior unrelated conviction under this section.

(b) Subsection (a)(1) does not apply to a boat manufacturer who:

(1) transports or possesses a gambling device solely for the purpose of installing that device in a boat that is to be sold and transported to a buyer; and

(2) does not display the gambling device to the general public or make the device available for use in Indiana.

(c) When a public utility is notified by a law enforcement agency acting within its jurisdiction that any service, facility, or equipment furnished by it is being used or will be used to violate this section, it shall discontinue or refuse to furnish that service, facility, or equipment, and no damages, penalty, or forfeiture, civil or criminal, may be found against a public utility for an act done in compliance with such a notice. This subsection does not prejudice the right of a

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person affected by it to secure an appropriate determination, as otherwise provided by law, that the service, facility, or equipment should not be discontinued or refused, or should be restored.

(d) Subsection (a)(1) does not apply to a person who:

(1) possesses an antique slot machine;

(2) restricts display and use of the antique slot machine to the person's private residence; and

(3) does not use the antique slot machine for profit.

(e) As used in this section, "antique slot machine" refers to a slot machine that is:

(1) at least forty (40) years old; and

(2) possessed and used for decorative, historic, or nostalgic purposes.

SECTION 530. IC 35-45-6-1, AS AMENDED BY P.L.126-2012, SECTION 56, AND AS AMENDED BY P.L.149-2012, SECTION 19, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Documentary material" means any document, drawing, photograph, recording, or other tangible item containing compiled data from which information can be either obtained or translated into a usable form.

(c) "Enterprise" means:

(1) a sole proprietorship, corporation, limited liability company, partnership, business trust, or governmental entity; or

(2) a union, an association, or a group, whether a legal entity or merely associated in fact.

(d) "Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one (1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

(e) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

(1) A provision of IC 23-19, or of a rule or order issued under IC 23-19.

(2) A violation of IC 35-45-9.

(3) A violation of IC 35-47.

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(4) A violation of IC 35-49-3.
(5) Murder (IC 35-42-1-1).
(6) Battery as a Class C **felony before July 1, 2014, or a Level 5** felony **after June 30, 2014** (IC 35-42-2-1).
(7) Kidnapping (IC 35-42-3-2).
(8) Human and sexual trafficking crimes (IC 35-42-3.5).
(9) Child exploitation (IC 35-42-4-4).
(10) Robbery (IC 35-42-5-1).
(11) Carjacking (IC 35-42-5-2) **(repealed).**
(12) Arson (IC 35-43-1-1).
(13) Burglary (IC 35-43-2-1).
(14) Theft (IC 35-43-4-2).
(15) Receiving stolen property (IC 35-43-4-2).
(16) Forgery (IC 35-43-5-2).
(17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
(18) Bribery ~~*(IC 35-44-1-1).*~~ *(IC 35-44.1-1-2).*
(19) Official misconduct ~~*(IC 35-44-1-2).*~~ *(IC 35-44.1-1-1).*
(20) Conflict of interest ~~*(IC 35-44-1-3).*~~ *(IC 35-44.1-1-4).*
(21) Perjury ~~*(IC 35-44-2-1).*~~ *(IC 35-44.1-2-1).*
(22) Obstruction of justice ~~*(IC 35-44-3-4).*~~ *(IC 35-44.1-2-2).*
(23) Intimidation (IC 35-45-2-1).
(24) Promoting prostitution (IC 35-45-4-4).
(25) Professional gambling (IC 35-45-5-3).
(26) Maintaining a professional gambling site (IC 35-45-5-3.5(b)).
(27) Promoting professional gambling (IC 35-45-5-4).
(28) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
(29) Dealing in or manufacturing methamphetamine (IC 35-48-4-1.1).
(30) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
(31) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
(32) Dealing in a schedule V controlled substance (IC 35-48-4-4).
(33) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10).
(34) Money laundering (IC 35-45-15-5).
(35) A violation of IC 35-47.5-5.
(36) A violation of any of the following:
(A) IC 23-14-48-9.
(B) IC 30-2-9-7(b).

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(C) IC 30-2-10-9(b).
(D) IC 30-2-13-38(f).

(37) Practice of law by a person who is not an attorney (IC 33-43-2-1).

SECTION 531. IC 35-45-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person:

(1) who has knowingly or intentionally received any proceeds directly or indirectly derived from a pattern of racketeering activity, and who uses or invests those proceeds or the proceeds derived from them to acquire an interest in property or to establish or to operate an enterprise;

(2) who through a pattern of racketeering activity, knowingly or intentionally acquires or maintains, either directly or indirectly, an interest in or control of property or an enterprise; or

(3) who is employed by or associated with an enterprise, and who knowingly or intentionally conducts or otherwise participates in the activities of that enterprise through a pattern of racketeering activity;

commits corrupt business influence, a ~~Class C~~ **Level 5** felony.

SECTION 532. IC 35-45-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who, in exchange for the loan of any property, knowingly or intentionally receives or contracts to receive from another person any consideration, at a rate greater than two (2) times the rate specified in IC 24-4.5-3-508(2)(a)(i), commits loansharking, a ~~Class D~~ **Level 6** felony. However, loansharking is a ~~Class C~~ **Level 5** felony if force or the threat of force is used to collect or to attempt to collect any of the property loaned or any of the consideration for the loan.

SECTION 533. IC 35-45-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who:

(1) recklessly, knowingly, or intentionally introduces a poison, a harmful substance, or a harmful foreign object into a consumer product; or

(2) with intent to mislead a consumer of a consumer product, tampers with the labeling of a consumer product;

that has been introduced into commerce commits consumer product tampering, a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~ **Level 5** felony if it results in harm to a person, and it is a ~~Class B~~ **Level 4** felony if it results in serious bodily injury to another person.

SECTION 534. IC 35-45-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. **(a) As used in this section, "benefit, promote, or further the interests of a criminal**

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gang" means to commit a felony or misdemeanor that would cause a reasonable person to believe results in:

(1) a benefit to a criminal gang;

(2) the promotion of a criminal gang; or

(3) furthering the interests of a criminal gang.

(b) As used in this section, "purpose of increasing a person's own standing or position within a criminal gang" means committing a felony or misdemeanor that would cause a reasonable person to believe results in increasing the person's standing or position within a criminal gang.

(c) A person who knowingly or intentionally ~~actively participates in a~~ **commits an act:**

(1) with the intent to benefit, promote, or further the interests of a criminal gang; **or**

(2) for the purpose of increasing the person's own standing or position within a criminal gang;

commits criminal gang activity, a ~~Class D~~ **Level 6** felony.

(d) In determining whether a person committed an offense under this section, the trier of fact may consider a person's association with a criminal gang, including, but not limited to:

(1) an admission of criminal gang membership by the person;

(2) a statement by:

(A) a member of the person's family;

(B) the person's guardian; or

(C) a reliable member of the criminal gang;

stating the person is a member of a criminal gang;

(3) the person having tattoos identifying the person as a member of a criminal gang;

(4) the person having a style of dress that is particular to members of a criminal gang;

(5) the person associating with one (1) or more members of a criminal gang;

(6) physical evidence indicating the person is a member of a criminal gang;

(7) an observation of the person in the company of a known criminal gang member on multiple occasions; and

(8) communications authored by the person indicating criminal gang membership.

SECTION 535. IC 35-45-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who threatens another person because the other person:

(1) refuses to join a criminal gang; ~~or~~

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(2) has withdrawn from a criminal gang; **or**

(3) wishes to withdraw from a criminal gang;

commits criminal gang intimidation, a ~~Class C~~ **Level 5** felony.

SECTION 536. IC 35-45-9-5, AS ADDED BY P.L.192-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as provided in subsection (b), an individual who knowingly or intentionally solicits, recruits, entices, or intimidates another individual to join a criminal gang **or remain in a criminal gang** commits criminal gang recruitment, a ~~Class D~~ **Level 6** felony.

(b) The offense under subsection (a) is a ~~Class C~~ **Level 5** felony if:

(1) the solicitation, recruitment, enticement, or intimidation occurs within one thousand (1,000) feet of school property; or

(2) the individual who is solicited, recruited, enticed, or intimidated is less than eighteen (18) years of age.

SECTION 537. IC 35-45-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person who stalks another person commits stalking, a ~~Class D~~ **Level 6** felony.

(b) The offense is a ~~Class C~~ **Level 5** felony if at least one (1) of the following applies:

(1) A person:

(A) stalks a victim; and

(B) makes an explicit or an implicit threat with the intent to place the victim in reasonable fear of:

(i) sexual battery (as defined in IC 35-42-4-8);

(ii) serious bodily injury; or

(iii) death.

(2) A protective order to prevent domestic or family violence, a no contact order, or other judicial order under any of the following statutes has been issued by the court to protect the same victim or victims from the person and the person has been given actual notice of the order:

(A) IC 31-15 and IC 34-26-5 or IC 31-1-11.5 before its repeal (dissolution of marriage and legal separation).

(B) IC 31-34, IC 31-37, or IC 31-6-4 before its repeal (delinquent children and children in need of services).

(C) IC 31-32 or IC 31-6-7 before its repeal (procedure in juvenile court).

(D) IC 34-26-5 or IC 34-26-2 and IC 34-4-5.1 before their repeal (protective order to prevent abuse).

(E) IC 34-26-6 (workplace violence restraining orders).

(3) The person's stalking of another person violates an order

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issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion if the person has been given actual notice of the order.

(4) The person's stalking of another person violates a no contact order issued as a condition of probation if the person has been given actual notice of the order.

(5) The person's stalking of another person violates a protective order issued under IC 31-14-16-1 and IC 34-26-5 in a paternity action if the person has been given actual notice of the order.

(6) The person's stalking of another person violates an order issued in another state that is substantially similar to an order described in subdivisions (2) through (5) if the person has been given actual notice of the order.

(7) The person's stalking of another person violates an order that is substantially similar to an order described in subdivisions (2) through (5) and is issued by an Indian:

(A) tribe;

(B) band;

(C) pueblo;

(D) nation; or

(E) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians if the person has been given actual notice of the order.

(8) A criminal complaint of stalking that concerns an act by the person against the same victim or victims is pending in a court and the person has been given actual notice of the complaint.

(c) The offense is a ~~Class B~~ **Level 4** felony if:

(1) the act or acts were committed while the person was armed with a deadly weapon; or

(2) the person has an unrelated conviction for an offense under this section against the same victim or victims.

~~(d) Notwithstanding subsection (a), the court may enter judgment of conviction of a Class A misdemeanor and sentence accordingly if the court finds mitigating circumstances. The court may consider the mitigating circumstances in IC 35-38-1-7.1(c) in making a determination under this subsection. However, the criteria listed in IC 35-38-1-7.1(c) do not limit the matters the court may consider in~~

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~~making its determination.~~

~~(c) Notwithstanding subsection (b), the court may enter judgment of conviction of a Class D felony and sentence accordingly if the court finds mitigating circumstances. The court may consider the mitigating circumstances in IC 35-38-1-7.1(c) in making a determination under this subsection. However, the criteria listed in IC 35-38-1-7.1(c) do not limit the matters the court may consider in making its determination.~~

SECTION 538. IC 35-45-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who knowingly or intentionally:

(1) mutilates a corpse;

(2) has sexual intercourse or ~~sexual deviate conduct~~ **other sexual conduct (as defined in IC 35-31.5-2-221.5)** with the corpse; or

(3) opens a casket with the intent to commit an act described in subdivision (1) or (2);

commits abuse of a corpse, a ~~Class D~~ **Level 6** felony.

SECTION 539. IC 35-45-13-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A person who knowingly or intentionally:

(1) makes, distributes, possesses, uses, or assembles an unlawful telecommunications device that is designed, adapted, or used to:

(A) commit a theft of telecommunications service;

(B) acquire or facilitate the acquisition of telecommunications service without the consent of the telecommunications service provider; or

(C) conceal, or assist another in concealing, from a ~~telecommunication~~ **telecommunications** services provider or authority, or from another person with enforcement authority, the existence or place of origin or destination of telecommunications;

(2) sells, possesses, distributes, gives, transports, or otherwise transfers to another or offers or advertises for sale:

(A) an unlawful telecommunications device, with the intent to use the unlawful telecommunications device or allow the device to be used for a purpose described in subdivision (1), or while knowing or having reason to believe that the device is intended to be so used;

(B) plans or instructions for making or assembling an unlawful telecommunications device, knowing or having reason to believe that the plans or instructions are intended to be used for making or assembling an unlawful telecommunications device; or

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(C) material, including hardware, cables, tools, data, computer software, or other information or equipment, knowing that the purchaser or a third person intends to use the material in the manufacture of an unlawful telecommunications device; or

(3) publishes:

(A) the number or code of an existing, a canceled, a revoked, or a nonexistent telephone number, credit number, or other credit device; or

(B) the method of numbering or coding that is employed in the issuance of telephone numbers, credit numbers, or other credit devices;

with knowledge or reason to believe that the information may be used to avoid the payment of a lawful telephone or telegraph toll charge;

commits unauthorized use of ~~telecommunication~~ **telecommunications** services, a Class A misdemeanor. However, if the commission of the offense involves at least five (5) unlawful telecommunications devices, the offense is a ~~Class D~~ **Level 6** felony.

SECTION 540. IC 35-45-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person that knowingly or intentionally:

(1) acquires or maintains an interest in, receives, conceals, possesses, transfers, or transports the proceeds of criminal activity;

(2) conducts, supervises, or facilitates a transaction involving the proceeds of criminal activity; or

(3) invests, expends, receives, or offers to invest, expend, or receive, the proceeds of criminal activity or funds that are the proceeds of criminal activity, and the person knows that the proceeds or funds are the result of criminal activity;

commits money laundering, a ~~Class D~~ **Level 6** felony. However, the offense is:

(A) a ~~Class C~~ **Level 5** felony if the value of the proceeds or funds is at least fifty thousand dollars ($50,000);

(B) a ~~Class C~~ **Level 5** felony if a person commits the crime with the intent to:

(i) commit or promote an act of terrorism; or

(ii) obtain or transport a weapon of mass destruction; and

(C) a ~~Class B~~ **Level 4** felony if the value of the proceeds or funds is at least fifty thousand dollars ($50,000) and a person commits the crime with the intent to:

(i) commit or promote an act of terrorism; or

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(ii) obtain or transport a weapon of mass destruction.

(b) It is a defense to prosecution under this section that the person acted with intent to facilitate the lawful seizure, forfeiture, or disposition of funds or other legitimate law enforcement purpose under Indiana or United States law.

(c) It is a defense to prosecution under this section that:

(1) the transaction was necessary to preserve a person's right to representation as guaranteed by the Sixth Amendment of the United States Constitution or Article 1, Section 13, of the Constitution of the State of Indiana; or

(2) the funds were received as bona fide legal fees by a licensed attorney and, at the time of the receipt of the funds, the attorney did not have actual knowledge that the funds were derived from criminal activity.

SECTION 541. IC 35-45-16-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a) As used in this section, "body fluid" means:**

(1) blood;

(2) saliva;

(3) sputum;

(4) semen;

(5) vaginal secretions;

(6) human milk;

(7) urine;

(8) sweat;

(9) tears;

(10) any other liquid produced by the body; or

(11) any aerosol generated form of liquids listed in this subsection.

(b) As used in this section, "infectious hepatitis" means:

(1) hepatitis A;

(2) hepatitis B;

(3) hepatitis C;

(4) hepatitis D;

(5) hepatitis E; or

(6) hepatitis G.

~~(a)~~ **(c)** A person who recklessly, knowingly, or intentionally places human:

(1) ~~blood;~~ **body fluid; or**

~~(2) semen;~~

~~(3) urine; or~~

~~(4)~~ **(2)** fecal waste;

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in a location with the intent that another person will involuntarily touch the ~~blood, semen, urine,~~ **body fluid** or fecal waste commits malicious mischief, a Class B misdemeanor.

~~(b)~~ **(d)** An offense described in subsection ~~(a)~~ **(c)** is a:

(1) ~~Class D~~ **Level 6** felony if the person knew or recklessly failed to know that the ~~blood, urine,~~ **body fluid** or **fecal** waste was infected with:

(A) **infectious** hepatitis; ~~B;~~

(B) HIV; or

(C) tuberculosis;

(2) ~~Class C~~ **Level 5** felony if:

(A) the person knew or recklessly failed to know that the ~~blood, urine,~~ **body fluid** or **fecal** waste was infected with **infectious** hepatitis ~~B~~ and the offense results in the transmission of **infectious** hepatitis ~~B~~ to the other person; or

(B) the person knew or recklessly failed to know that the **body fluid or fecal** waste was infected with tuberculosis and the offense results in the transmission of tuberculosis to the other person; and

(3) ~~Class B~~ **Level 4** felony if:

(A) the person knew or recklessly failed to know that the **body fluid or fecal** waste was infected with HIV; and

(B) the offense results in the transmission of HIV to the other person.

~~(c)~~ **(e)** A person who recklessly, knowingly, or intentionally places human:

~~(1) blood;~~

~~(2)~~ **(1)** body fluid; or

~~(3)~~ **(2)** fecal waste;

in a location with the intent that another person will ingest the ~~blood,~~ body fluid or fecal waste commits malicious mischief with food, a Class A misdemeanor.

~~(d)~~ **(f)** An offense described in subsection ~~(c)~~ **(e)** is:

(1) a ~~Class D~~ **Level 6** felony if the person knew or recklessly failed to know that the ~~blood,~~ body fluid or fecal waste was infected with:

(A) **infectious** hepatitis; ~~B;~~

(B) HIV; or

(C) tuberculosis;

(2) a ~~Class C~~ **Level 5** felony if:

(A) the person knew or recklessly failed to know that the ~~blood,~~ body fluid or fecal waste was infected with **infectious**

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hepatitis ~~B~~ and the offense results in the transmission of **infectious** hepatitis ~~B~~ to the other person; or

(B) the person knew or recklessly failed to know that the ~~blood,~~ body fluid or fecal waste was infected with tuberculosis and the offense results in the transmission of tuberculosis to the other person; and

(3) a ~~Class B~~ **Level 4** felony if:

(A) the person knew or recklessly failed to know that the ~~blood,~~ body fluid or fecal waste was infected with HIV; and

(B) the offense results in the transmission of HIV to the other person.

SECTION 542. IC 35-45-18-3, AS ADDED BY P.L.112-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who knowingly or intentionally promotes or organizes combative fighting commits unlawful promotion or organization of combative fighting, a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if, within the five (5) years preceding the commission of the offense, the person had a prior unrelated conviction under this section.

SECTION 543. IC 35-45-21 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 21. Offenses Against Public Health

Sec. 1. (a) As used in this section, "component" means plasma, platelets, or serum of a human being.

(b) A person who recklessly, knowingly, or intentionally donates, sells, or transfers blood, a blood component, or semen for artificial insemination (as defined in IC 16-41-14-2) that contains the human immunodeficiency virus (HIV) commits transferring contaminated body fluids, a Level 5 felony.

(c) However, the offense under subsection (b) is a Level 3 felony if it results in the transmission of the human immunodeficiency virus (HIV) to any person other than the defendant.

(d) This section does not apply to:

(1) a person who, for reasons of privacy, donates, sells, or transfers blood or a blood component at a blood center (as defined in IC 16-41-12-3) after the person has notified the blood center that the blood or blood component must be disposed of and may not be used for any purpose;

(2) a person who transfers blood, a blood component, semen, or another body fluid that contains the human immunodeficiency virus (HIV) for research purposes; or

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(3) a person who is an autologous blood donor for stem cell transplantation.

Sec. 2. (a) The sale or distribution of:

(1) diagnostic testing equipment or apparatus; or

(2) a blood collection kit;

intended for home use to diagnose or confirm human immunodeficiency virus (HIV) infection or disease is prohibited unless the testing equipment, apparatus, or kit has been approved for such use by the federal Food and Drug Administration.

(b) A person who recklessly, knowingly, or intentionally violates this section commits a Class A misdemeanor.

Sec. 3. (a) A person who recklessly violates or fails to comply with IC 16-41-7 commits a Class B misdemeanor.

(b) A person who knowingly or intentionally violates or fails to comply with IC 16-41-7-1 commits a Level 6 felony.

(c) Each day a violation described in this section continues constitutes a separate offense.

Sec. 4. (a) As used in this section, "tattoo" means:

(1) any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or

(2) any design, letter, scroll, figure, or symbol done by scarring;

upon or under the skin.

(b) As used in this section, "body piercing" means the perforation of any human body part other than an earlobe for the purpose of inserting jewelry or other decoration or for some other nonmedical purpose.

(c) Except as provided in subsection (e), a person who recklessly, knowingly, or intentionally provides a tattoo to a person who is less than eighteen (18) years of age commits tattooing a minor, a Class A misdemeanor.

(d) This subsection does not apply to an act of a health care professional (as defined in IC 16-27-2-1) licensed under IC 25 when the act is performed in the course of the health care professional's practice. Except as provided in subsection (e), a person who recklessly, knowingly, or intentionally performs body piercing upon a person who is less than eighteen (18) years of age commits body piercing a minor, a Class A misdemeanor.

(e) A person may provide a tattoo to a person who is less than eighteen (18) years of age or perform body piercing upon a person who is less than eighteen (18) years of age if a parent or legal guardian of the person receiving the tattoo or undergoing the body

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piercing:

(1) is present at the time the tattoo is provided or the body piercing is performed; and

(2) provides written permission for the person to receive the tattoo or undergo the body piercing.

(f) Notwithstanding IC 36-1-3-8(a), a unit (as defined in IC 36-1-2-23) may adopt an ordinance that is at least as restrictive or more restrictive than this section or a rule adopted under IC 16-19-3-4.1 or IC 16-19-3-4.2.

Sec. 5. (a) The following definitions apply throughout this section:

(1) "Health care provider" refers to a health care provider (as defined in IC 16-18-2-163(a), IC 16-18-2-163(b), or IC 16-18-2-163(c)) or a qualified medication aide as described in IC 16-28-1-11.

(2) "Licensed health professional" has the meaning set forth in IC 25-23-1-27.1.

(3) "Practitioner" has the meaning set forth in IC 16-42-19-5. However, the term does not include a veterinarian.

(4) "Prescription drug" has the meaning set forth in IC 35-48-1-25.

(b) A person who knowingly or intentionally physically interrupts, obstructs, or alters the delivery or administration of a prescription drug:

(1) prescribed or ordered by a practitioner for a person who is a patient of the practitioner; and

(2) without the prescription or order of a practitioner;

commits interference with medical services, a Class A misdemeanor, except as provided in subsection (c).

(c) An offense described in subsection (b) is:

(1) a Level 6 felony if the offense results in bodily injury;

(2) a Level 5 felony if it is committed by a person who is a licensed health care provider or licensed health professional;

(3) a Level 4 felony if it results in serious bodily injury to the patient; and

(4) a Level 2 felony if it results in the death of the patient.

(d) A person is justified in engaging in conduct otherwise prohibited under this section if the conduct is performed by:

(1) a health care provider or licensed health professional who acts in good faith within the scope of the person's practice or employment; or

(2) a person who is rendering emergency care at the scene of

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an emergency or accident in a good faith attempt to avoid or minimize serious bodily injury to the patient.

SECTION 544. IC 35-46-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who, being married and knowing that ~~his~~ **the person's** spouse is alive, marries again commits bigamy, a ~~Class D~~ **Level 6** felony.

(b) It is a defense that the accused person reasonably believed that ~~he~~ **the person** was eligible to remarry.

SECTION 545. IC 35-46-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person eighteen (18) years of age or older who engages in sexual intercourse or ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5)** with another person, when the person knows that the other person is related to the person biologically as a parent, child, grandparent, grandchild, sibling, aunt, uncle, niece, or nephew, commits incest, a ~~Class C~~ **Level 5** felony. However, the offense is a ~~Class B~~ **Level 4** felony if the other person is less than sixteen (16) years of age.

(b) It is a defense that the accused person's otherwise incestuous relation with the other person was based on their marriage, if ~~it~~ **the marriage** was valid where **it was** entered into.

SECTION 546. IC 35-46-1-4, AS AMENDED BY P.L.6-2012, SECTION 227, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person having the care of a dependent, whether assumed voluntarily or because of a legal obligation, who knowingly or intentionally:

(1) places the dependent in a situation that endangers the dependent's life or health;

(2) abandons or cruelly confines the dependent;

(3) deprives the dependent of necessary support; or

(4) deprives the dependent of education as required by law;

commits neglect of a dependent, a ~~Class D~~ **Level 6** felony.

(b) However, the offense is:

(1) a ~~Class C~~ **Level 5** felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and:

(A) results in bodily injury; or

(B) is:

(i) committed in a location where a person is violating IC 35-48-4-1 ~~(delivery, financing, or manufacture of~~ **(dealing in** cocaine ~~methamphetamine,~~ or a narcotic drug) **or IC 35-48-4-1.1 (dealing in methamphetamine);** or

(ii) the result of a violation of IC 35-48-4-1 ~~(delivery, financing, or manufacture of~~ **(dealing in** cocaine

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~~methamphetamine,~~ or a narcotic drug) **or IC 35-48-4-1.1 (dealing in methamphetamine);**

(2) a ~~Class B~~ **Level 3** felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and results in serious bodily injury;

(3) a ~~Class A~~ **Level 1** felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) by a person at least eighteen (18) years of age and results in the death of a dependent who is less than fourteen (14) years of age; and

(4) a ~~Class C~~ **Level 5** felony if it is committed under subsection (a)(2) and consists of cruel confinement or abandonment that:

(A) deprives a dependent of necessary food, water, or sanitary facilities;

(B) consists of confinement in an area not intended for human habitation; or

(C) involves the unlawful use of handcuffs, a rope, a cord, tape, or a similar device to physically restrain a dependent.

(c) It is a defense to a prosecution based on an alleged act under this section that:

(1) the accused person left a dependent child who was, at the time the alleged act occurred, not more than thirty (30) days of age with an emergency medical provider who took custody of the child under IC 31-34-2.5 when:

(A) the prosecution is based solely on the alleged act of leaving the child with the emergency medical services provider; and

(B) the alleged act did not result in bodily injury or serious bodily injury to the child; or

(2) the accused person, in the legitimate practice of the accused person's religious belief, provided treatment by spiritual means through prayer, in lieu of medical care, to the accused person's dependent.

(d) Except for property transferred or received:

(1) under a court order made in connection with a proceeding under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5 or IC 31-6-5 before their repeal); or

(2) under section 9(b) of this chapter;

a person who transfers or receives any property in consideration for the termination of the care, custody, or control of a person's dependent child commits child selling, a ~~Class D~~ **Level 6** felony.

SECTION 547. IC 35-46-1-4.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 4.1. (a) As used in this section,**

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"child care provider" means a person who provides child care in or on behalf of:

(1) a child care center (as defined in IC 12-7-2-28.4); or

(2) a child care home (as defined in IC 12-7-2-28.6);

regardless of whether the child care center or child care home is licensed.

(b) A child care provider who recklessly supervises a child commits reckless supervision, a Class B misdemeanor. However, the offense is a Class A misdemeanor if the offense results in serious bodily injury to a child, and a Level 6 felony if the offense results in the death of a child.

SECTION 548. IC 35-46-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person who knowingly or intentionally fails to provide support to the person's dependent child commits nonsupport of a child, a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~ **Level 5** felony if the total amount of unpaid support that is due and owing for one (1) or more children is at least fifteen thousand dollars ($15,000).

(b) It is a defense that the child had abandoned the home of ~~his~~ **the child's** family without the consent of ~~his~~ **the child's** parent or on the order of a court, but it is not a defense that the child had abandoned the home of ~~his~~ **the child's** family if the cause of the child's leaving was the fault of ~~his~~ **the child's** parent.

(c) It is a defense that the accused person, in the legitimate practice of ~~his~~ **the person's** religious belief, provided treatment by spiritual means through prayer, in lieu of medical care, to ~~his~~ **the person's** dependent child.

(d) It is a defense that the accused person was unable to provide support.

SECTION 549. IC 35-46-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who knowingly or intentionally fails to provide support to ~~his~~ **the person's** spouse, when the spouse needs support, commits nonsupport of a spouse, a ~~Class D~~ **Level 6** felony.

(b) It is a defense that the accused person was unable to provide support.

SECTION 550. IC 35-46-1-8, AS AMENDED BY P.L.151-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A person at least eighteen (18) years of age who knowingly or intentionally encourages, aids, induces, or causes a person less than eighteen (18) years of age to commit an act of delinquency (as defined by IC 31-37-1 or IC 31-37-2) commits

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contributing to delinquency, a Class A misdemeanor.

(b) However, the offense described in subsection (a) is: ~~a Class C felony:~~

(1) **a Level 5 felony** if:

(A) the person committing the offense is at least twenty-one (21) years of age and knowingly or intentionally furnishes:

(i) an alcoholic beverage to a person less than eighteen (18) years of age in violation of IC 7.1-5-7-8 when the person committing the offense knew or reasonably should have known that the person furnished the alcoholic beverage was less than eighteen (18) years of age; or

(ii) a controlled substance (as defined in IC 35-48-1-9) or a drug (as defined in IC 9-13-2-49.1) in violation of Indiana law; and

(B) the consumption, ingestion, or use of the alcoholic beverage, controlled substance, or drug is the proximate cause of the death of any person; ~~or~~ **and**

(2) **a Level 6 felony** if the person committing the offense knowingly or intentionally encourages, aids, induces, or causes a person less than eighteen (18) years of age to commit an act that would be a felony if committed by an adult under any of the following:

(A) IC 35-48-4-1.

(B) IC 35-48-4-1.1.

(C) IC 35-48-4-2.

(D) IC 35-48-4-3.

(E) IC 35-48-4-4.

(F) IC 35-48-4-4.5.

(G) IC 35-48-4-4.6.

(H) IC 35-48-4-5.

SECTION 551. IC 35-46-1-9, AS AMENDED BY P.L.146-2008, SECTION 683, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) Except as provided in subsection (b), a person who, with respect to an adoption, transfers or receives any property in connection with the waiver of parental rights, the termination of parental rights, the consent to adoption, or the petition for adoption commits profiting from an adoption, a ~~Class D~~ **Level 6** felony.

(b) This section does not apply to the transfer or receipt of:

(1) reasonable attorney's fees;

(2) hospital and medical expenses concerning childbirth and pregnancy incurred by the adopted person's birth mother;

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(3) reasonable charges and fees levied by a child placing agency licensed under IC 31-27 or the department of child services;
(4) reasonable expenses for psychological counseling relating to adoption incurred by the adopted person's birth parents;
(5) reasonable costs of housing, utilities, and phone service for the adopted person's birth mother during the second or third trimester of pregnancy and not more than six (6) weeks after childbirth;
(6) reasonable costs of maternity clothing for the adopted person's birth mother;
(7) reasonable travel expenses incurred by the adopted person's birth mother that relate to the pregnancy or adoption;
(8) any additional itemized necessary living expenses for the adopted person's birth mother during the second or third trimester of pregnancy and not more than six (6) weeks after childbirth, not listed in subdivisions (5) through (7) in an amount not to exceed one thousand dollars ($1,000); or
(9) other charges and fees approved by the court supervising the adoption, including reimbursement of not more than actual wages lost as a result of the inability of the adopted person's birth mother to work at her regular, existing employment due to a medical condition, excluding a psychological condition, if:
(A) the attending physician of the adopted person's birth mother has ordered or recommended that the adopted person's birth mother discontinue her employment; and
(B) the medical condition and its direct relationship to the pregnancy of the adopted person's birth mother are documented by her attending physician.

In determining the amount of reimbursable lost wages, if any, that are reasonably payable to the adopted person's birth mother under subdivision (9), the court shall offset against the reimbursable lost wages any amounts paid to the adopted person's birth mother under subdivisions (5) and (8) and any unemployment compensation received by or owed to the adopted person's birth mother.

(c) Except as provided in this subsection, payments made under subsection (b)(5) through (b)(9) may not exceed three thousand dollars ($3,000) and must be disclosed to the court supervising the adoption. The amounts paid under subsection (b)(5) through (b)(9) may exceed three thousand dollars ($3,000) to the extent that a court in Indiana with jurisdiction over the child who is the subject of the adoption approves the expenses after determining that:
(1) the expenses are not being offered as an inducement to proceed with an adoption; and

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(2) failure to make the payments may seriously jeopardize the health of either the child or the mother of the child and the direct relationship is documented by a licensed social worker or the attending physician.

(d) The payment limitation under subsection (c) applies to the total amount paid under subsection (b)(5) through (b)(9) in connection with an adoption from all prospective adoptive parents, attorneys, and licensed child placing agencies.

(e) An attorney or licensed child placing agency shall inform a birth mother of the penalties for committing adoption deception under section 9.5 of this chapter before the attorney or agency transfers a payment for adoption related expenses under subsection (b) in relation to the birth mother.

(f) The limitations in this section apply regardless of the state or country in which the adoption is finalized.

SECTION 552. IC 35-46-1-12, AS AMENDED BY P.L.146-2008, SECTION 684, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) Except as provided in subsection (b), a person who recklessly, knowingly, or intentionally exerts unauthorized use of the personal services or the property of:

(1) an endangered adult; or

(2) a dependent eighteen (18) years of age or older;

for the person's own profit or advantage or for the profit or advantage of another person commits exploitation of a dependent or an endangered adult, a Class A misdemeanor.

(b) The offense described in subsection (a) is a ~~Class D~~ **Level 6** felony if:

(1) the fair market value of the personal services or property is more than ten thousand dollars ($10,000); or

(2) the endangered adult or dependent is at least sixty (60) years of age.

(c) Except as provided in subsection (d), a person who recklessly, knowingly, or intentionally deprives an endangered adult or a dependent of the proceeds of the endangered adult's or the dependent's benefits under the Social Security Act or other retirement program that the division of family resources has budgeted for the endangered adult's or dependent's health care commits financial exploitation of an endangered adult or a dependent, a Class A misdemeanor.

(d) The offense described in subsection (c) is a ~~Class D~~ **Level 6** felony if:

(1) the amount of the proceeds is more than ten thousand dollars ($10,000); or

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(2) the endangered adult or dependent is at least sixty (60) years of age.

(e) It is not a defense to an offense committed under subsection (b)(2) or (d)(2) that the accused person reasonably believed that the endangered adult or dependent was less than sixty (60) years of age at the time of the offense.

(f) It is a defense to an offense committed under subsection (a), (b), or (c) if the accused person:

(1) has been granted a durable power of attorney or has been appointed a legal guardian to manage the affairs of an endangered adult or a dependent; and

(2) was acting within the scope of the accused person's fiduciary responsibility.

SECTION 553. IC 35-46-1-15.1, AS AMENDED BY P.L.94-2010, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15.1. A person who knowingly or intentionally violates:

(1) a protective order to prevent domestic or family violence issued under IC 34-26-5 (or, if the order involved a family or household member, under IC 34-26-2 or IC 34-4-5.1-5 before their repeal);

(2) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency order issued under IC 34-26-2 or IC 34-4-5.1 before their repeal);

(3) a workplace violence restraining order issued under IC 34-26-6;

(4) a no contact order in a dispositional decree issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal) that orders the person to refrain from direct or indirect contact with a child in need of services or a delinquent child;

(5) a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion, and including a no contact order issued under IC 35-33-8-3.6;

(6) a no contact order issued as a condition of probation;

(7) a protective order to prevent domestic or family violence issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2 before their repeal);

(8) a protective order to prevent domestic or family violence issued under IC 31-14-16-1 in a paternity action;

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(9) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding;
(10) an order issued in another state that is substantially similar to an order described in subdivisions (1) through (9);
(11) an order that is substantially similar to an order described in subdivisions (1) through (9) and is issued by an Indian:
(A) tribe;
(B) band;
(C) pueblo;
(D) nation; or
(E) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);
that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians;
(12) an order issued under IC 35-33-8-3.2; or
(13) an order issued under IC 35-38-1-30;
commits invasion of privacy, a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the person has a prior unrelated conviction for an offense under this section.

SECTION 554. IC 35-46-3-7, AS AMENDED BY P.L.111-2009, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A person who:
(1) has a vertebrate animal in the person's custody; and
(2) recklessly, knowingly, or intentionally abandons or neglects the animal;
commits cruelty to an animal, a Class A misdemeanor. However, except for a conviction under section 1 of this chapter, the offense is a ~~Class D~~ **Level 6** felony if the person has a prior unrelated conviction under this chapter.

(b) It is a defense to a prosecution for abandoning a vertebrate animal under this section that the person who had the animal in the person's custody reasonably believed that the vertebrate animal was capable of surviving on its own.

(c) For purposes of this section, an animal that is feral is not in a person's custody.

SECTION 555. IC 35-46-3-8, AS AMENDED BY P.L.171-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. A person who knowingly or intentionally

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purchases or possesses an animal for the purpose of using the animal in an animal fighting contest commits a ~~Class D~~ **Level 6** felony.

SECTION 556. IC 35-46-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. A person who knowingly or intentionally:

(1) promotes or stages an animal fighting contest;

(2) uses an animal in a fighting contest; or

(3) attends an animal fighting contest having an animal in the person's possession;

commits a ~~Class D~~ **Level 6** felony.

SECTION 557. IC 35-46-3-9.5, AS AMENDED BY P.L.6-2012, SECTION 229, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9.5. A person who knowingly or intentionally:

(1) possesses animal fighting paraphernalia with the intent to commit a violation of section 9 of this chapter; and

(2) possesses, harbors, or trains a dog, cock, fowl, or bird bearing:

(A) a scar;

(B) a wound; or

(C) an injury;

consistent with participation in or training for an animal fighting contest;

commits promoting an animal fighting contest, a ~~Class D~~ **Level 6** felony.

SECTION 558. IC 35-46-3-10, AS AMENDED BY P.L.111-2009, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A person who knowingly or intentionally attends a fighting contest involving animals commits cruelty to an animal, a Class A misdemeanor. However, except for a conviction under section 1 of this chapter, the offense is a ~~Class D~~ **Level 6** felony if the person has a prior unrelated conviction under this chapter.

SECTION 559. IC 35-46-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person who knowingly or intentionally:

(1) strikes, torments, injures, or otherwise mistreats a law enforcement animal; or

(2) interferes with the actions of a law enforcement animal while the animal is engaged in assisting a law enforcement officer in the performance of the officer's duties;

commits a Class A misdemeanor.

(b) An offense under subsection (a)(1) is a ~~Class D~~ **Level 6** felony if the act results in:

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(1) serious permanent disfigurement;
(2) unconsciousness;
(3) permanent or protracted loss or impairment of the function of a bodily member or organ; or
(4) death;

of the law enforcement animal.

(c) It is a defense that the accused person:
(1) engaged in a reasonable act of training, handling, or discipline; and
(2) acted as an employee or agent of a law enforcement agency.

(d) In addition to any sentence or fine imposed for a conviction of an offense under this section, the court may order the person convicted to make restitution to the person or law enforcement agency owning the animal for reimbursement of:
(1) veterinary bills; and
(2) replacement costs of the animal if the animal is disabled or killed.

SECTION 560. IC 35-46-3-11.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11.3. (a) As used in this section, "search and rescue dog" means a dog that receives special training to locate or attempt to locate by air scent or ground or water tracking a person who is an offender or is lost, trapped, injured, or incapacitated.

(b) A person who knowingly or intentionally:
(1) interferes with the actions of a search and rescue dog while the dog is performing or is attempting to perform a search and rescue task; or
(2) strikes, torments, injures, or otherwise mistreats a search and rescue dog;

commits a Class A misdemeanor.

(c) An offense under subsection (b)(2) is a ~~Class D~~ **Level 6** felony if the act results in:
(1) serious permanent disfigurement;
(2) unconsciousness;
(3) permanent or protracted loss or impairment of the function of a bodily member or organ; or
(4) death;

of the search and rescue dog.

(d) It is a defense that the accused person:
(1) engaged in a reasonable act of training, handling, or disciplining the search and rescue dog; or
(2) reasonably believed the conduct was necessary to prevent

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injury to the accused person or another person.

(e) In addition to any sentence or fine imposed for a conviction of an offense under this section, the court may order the person to make restitution to the person who owns the search and rescue dog for reimbursement of:

(1) veterinary bills; and

(2) replacement costs of the dog if the dog is disabled or killed.

SECTION 561. IC 35-46-3-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11.5. (a) As used in this section, "service animal" means an animal that a person who is impaired by:

(1) blindness or any other visual impairment;

(2) deafness or any other aural impairment;

(3) a physical disability; or

(4) a medical condition;

relies on for navigation, assistance in performing daily activities, or alert signals regarding the onset of the person's medical condition.

(b) A person who knowingly or intentionally:

(1) interferes with the actions of a service animal; or

(2) strikes, torments, injures, or otherwise mistreats a service animal;

while the service animal is engaged in assisting an impaired person described in subsection (a) commits a Class A misdemeanor.

(c) An offense under subsection (b)(2) is a ~~Class D~~ **Level 6** felony if the act results in the:

(1) serious permanent disfigurement;

(2) unconsciousness;

(3) permanent or protracted loss or impairment of the function of a bodily member or organ; or

(4) death;

of the service animal.

(d) It is a defense that the accused person:

(1) engaged in a reasonable act of training, handling, or disciplining the service animal; or

(2) reasonably believed the conduct was necessary to prevent injury to the accused person or another person.

SECTION 562. IC 35-46-3-12, AS AMENDED BY P.L.111-2009, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) This section does not apply to a person who euthanizes an injured, a sick, a homeless, or an unwanted domestic animal if:

(1) the person is employed by a humane society, an animal control

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agency, or a governmental entity operating an animal shelter or other animal impounding facility; and

(2) the person euthanizes the domestic animal in accordance with guidelines adopted by the humane society, animal control agency, or governmental entity operating the animal shelter or other animal impounding facility.

(b) A person who knowingly or intentionally beats a vertebrate animal commits cruelty to an animal, a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if:

(1) the person has a previous, unrelated conviction under this section; or

(2) the person committed the offense with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member.

(c) A person who knowingly or intentionally tortures or mutilates a vertebrate animal commits torturing or mutilating a vertebrate animal, a ~~Class D~~ **Level 6** felony.

(d) As used in this subsection, "domestic animal" means an animal that is not wild. The term is limited to:

(1) cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry, ostriches, rhea, and emus; and

(2) an animal of the bovine, equine, ovine, caprine, porcine, canine, feline, camelid, cervidae, or bison species.

A person who knowingly or intentionally kills a domestic animal without the consent of the owner of the domestic animal commits killing a domestic animal, a ~~Class D~~ **Level 6** felony.

(e) It is a defense to a prosecution under this section that the accused person:

(1) reasonably believes the conduct was necessary to:

(A) prevent injury to the accused person or another person;

(B) protect the property of the accused person from destruction or substantial damage; or

(C) prevent a seriously injured vertebrate animal from prolonged suffering; or

(2) engaged in a reasonable and recognized act of training, handling, or disciplining the vertebrate animal.

(f) When a court imposes a sentence or enters a dispositional decree under this section, the court:

(1) shall consider requiring:

(A) a person convicted of an offense under this section; or

(B) a child adjudicated a delinquent child for committing an act that would be a crime under this section if committed by an

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adult;

to receive psychological, behavioral, or other counseling as a part of the sentence or dispositional decree; and

(2) may order an individual described in subdivision (1) to receive psychological, behavioral, or other counseling as a part of the sentence or dispositional decree.

SECTION 563. IC 35-46-3-12.5, AS ADDED BY P.L.171-2007, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12.5. A person who knowingly or intentionally kills a vertebrate animal with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member commits domestic violence animal cruelty, a ~~Class D~~ **Level 6** felony.

SECTION 564. IC 35-46-3-14, AS ADDED BY P.L.171-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. A person who knowingly or intentionally performs an act involving:

(1) a sex organ of a person and the mouth or anus of an animal;

(2) a sex organ of an animal and the mouth or anus of a person;

(3) any penetration of the human female sex organ by an animal's sex organ; or

(4) any penetration of an animal's sex organ by the human male sex organ;

commits bestiality, a ~~Class D~~ **Level 6** felony.

SECTION 565. IC 35-46-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Failure of a Student Athlete to Disclose Recruitment).

SECTION 566. IC 35-46-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) As used in this section, "fetal tissue" means tissue from an infant or a fetus who is stillborn or aborted.

(b) As used in this section, "human organ" means the kidney, liver, heart, lung, cornea, eye, bone marrow, bone, pancreas, or skin of a human body.

(c) As used in this section, "item of value" means money, real estate, funeral related services, and personal property. "Item of value" does not include:

(1) the reasonable payments associated with the removal, transportation, implantation, processing, preservation, quality control, and storage of a human organ; or

(2) the reimbursement of travel, housing, lost wages, and other expenses incurred by the donor of a human organ related to the donation of the human organ.

(d) A person who intentionally acquires, receives, sells, or transfers

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in exchange for an item of value:
(1) a human organ for use in human organ transplantation; or
(2) fetal tissue;
commits unlawful transfer of human tissue, a ~~Class C~~ **Level 5** felony.

SECTION 567. IC 35-46-5-2, AS ADDED BY P.L.126-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) This section does not apply to in vitro fertilization.

(b) As used in this section, "cloning" has the meaning set forth in IC 16-18-2-56.5.

(c) A person who knowingly or intentionally:
(1) participates in cloning;
(2) implants or attempts to implant a cloned human embryo into a uterine environment to initiate a pregnancy; or
(3) ships or receives a cloned human embryo;
commits unlawful participation in human cloning, a ~~Class D~~ **Level 6** felony.

SECTION 568. IC 35-46-5-3, AS AMENDED BY P.L.91-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) As used in this section, "qualified third party" means a fertility clinic or similar medical facility that:
(1) is accredited by an entity approved by the medical licensing board;
(2) is registered under 21 CFR 1271 with the United States Food and Drug Administration; and
(3) employs a physician licensed under IC 25-22.5 who:
(A) is board certified in obstetrics and gynecology; and
(B) performs oocyte cryopreservation at the facility.

(b) A person who knowingly or intentionally purchases or sells a human ovum, zygote, embryo, or fetus commits unlawful transfer of a human organism, a ~~Class C~~ **Level 5** felony.

(c) This section does not apply to the following:
(1) The transfer to or receipt by either a woman donor of an ovum or a qualified third party of an amount for:
(A) earnings lost due to absence from employment;
(B) travel expenses;
(C) hospital expenses;
(D) medical expenses; and
(E) recovery time in an amount not to exceed four thousand dollars ($4,000);
concerning a treatment or procedure to enhance human reproductive capability through in vitro fertilization, gamete

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intrafallopian transfer, or zygote intrafallopian transfer.

(2) The following types of stem cell research:

(A) Adult stem cell.

(B) Fetal stem cell (as defined in IC 16-18-2-128.5), as long as the biological parent has given written consent for the use of the fetal stem cells.

(d) Any person who recklessly, knowingly, or intentionally uses a human embryo created with an ovum provided to a qualified third party under this section for purposes of embryonic stem cell research commits unlawful use of an embryo, a ~~Class C~~ **Level 5** felony.

SECTION 569. IC 35-47-2-1, AS AMENDED BY P.L.6-2012, SECTION 231, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in subsections (b) and (c) and section 2 of this chapter, a person shall not carry a handgun in any vehicle or on or about the person's body without being licensed under this chapter to carry a handgun.

(b) Except as provided in subsection (c), a person may carry a handgun without being licensed under this chapter to carry a handgun if:

(1) the person carries the handgun on or about the person's body in or on property that is owned, leased, rented, or otherwise legally controlled by the person;

(2) the person carries the handgun on or about the person's body while lawfully present in or on property that is owned, leased, rented, or otherwise legally controlled by another person, if the person:

(A) has the consent of the owner, renter, lessor, or person who legally controls the property to have the handgun on the premises;

(B) is attending a firearms related event on the property, including a gun show, firearms expo, gun owner's club or convention, hunting club, shooting club, or training course; or

(C) is on the property to receive firearms related services, including the repair, maintenance, or modification of a firearm;

(3) the person carries the handgun in a vehicle that is owned, leased, rented, or otherwise legally controlled by the person, if the handgun is:

(A) unloaded;

(B) not readily accessible; and

(C) secured in a case;

(4) the person carries the handgun while lawfully present in a

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vehicle that is owned, leased, rented, or otherwise legally controlled by another person, if the handgun is:

(A) unloaded;

(B) not readily accessible; and

(C) secured in a case; or

(5) the person carries the handgun:

(A) at a shooting range (as defined in IC 14-22-31.5-3);

(B) while attending a firearms instructional course; or

(C) while engaged in a legal hunting activity.

(c) Unless the person's right to possess a firearm has been restored under IC 35-47-4-7, a person who has been convicted of domestic battery under IC 35-42-2-1.3 may not possess or carry a handgun.

(d) This section may be not construed:

(1) to prohibit a person who owns, leases, rents, or otherwise legally controls private property from regulating or prohibiting the possession of firearms on the private property;

(2) to allow a person to adopt or enforce an ordinance, resolution, policy, or rule that:

(A) prohibits; or

(B) has the effect of prohibiting;

an employee of the person from possessing a firearm or ammunition that is locked in the trunk of the employee's vehicle, kept in the glove compartment of the employee's locked vehicle, or stored out of plain sight in the employee's locked vehicle, unless the person's adoption or enforcement of the ordinance, resolution, policy, or rule is allowed under IC 34-28-7-2(b); or

(3) to allow a person to adopt or enforce a law, statute, ordinance, resolution, policy, or rule that allows a person to possess or transport a firearm or ammunition if the person is prohibited from possessing or transporting the firearm or ammunition by state or federal law.

(e) A person who knowingly or intentionally violates this section commits a Class A misdemeanor. However, the offense is a Level 5 felony:

(1) if the offense is committed:

(A) on or in school property;

(B) within five hundred (500) feet of school property; or

(C) on a school bus; or

(2) if the person:

(A) has a prior conviction of any offense under:

(i) this section; or

(ii) section 22 of this chapter; or

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(B) has been convicted of a felony within fifteen (15) years before the date of the offense.

SECTION 570. IC 35-47-2-3, AS AMENDED BY P.L.34-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person desiring a license to carry a handgun shall apply:

(1) to the chief of police or corresponding law enforcement officer of the municipality in which the applicant resides;

(2) if that municipality has no such officer, or if the applicant does not reside in a municipality, to the sheriff of the county in which the applicant resides after the applicant has obtained an application form prescribed by the superintendent; or

(3) if the applicant is a resident of another state and has a regular place of business or employment in Indiana, to the sheriff of the county in which the applicant has a regular place of business or employment.

The superintendent and local law enforcement agencies shall allow an applicant desiring to obtain or renew a license to carry a handgun to submit an application electronically under this chapter if funds are available to establish and maintain an electronic application system.

(b) The law enforcement agency which accepts an application for a handgun license shall collect the following application fees:

(1) From a person applying for a four (4) year handgun license, a ten dollar ($10) application fee, five dollars ($5) of which shall be refunded if the license is not issued.

(2) From a person applying for a lifetime handgun license who does not currently possess a valid Indiana handgun license, a fifty dollar ($50) application fee, thirty dollars ($30) of which shall be refunded if the license is not issued.

(3) From a person applying for a lifetime handgun license who currently possesses a valid Indiana handgun license, a forty dollar ($40) application fee, thirty dollars ($30) of which shall be refunded if the license is not issued.

Except as provided in subsection (h), the fee shall be deposited into the law enforcement agency's firearms training fund or other appropriate training activities fund and used by the agency to train law enforcement officers in the proper use of firearms or in other law enforcement duties, or to purchase firearms, firearm related equipment, or body armor (as defined in IC 35-47-5-13(a)) for the law enforcement officers employed by the law enforcement agency. The state board of accounts shall establish rules for the proper accounting and expenditure of funds collected under this subsection.

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(c) The officer to whom the application is made shall ascertain the applicant's name, full address, length of residence in the community, whether the applicant's residence is located within the limits of any city or town, the applicant's occupation, place of business or employment, criminal record, if any, and convictions (minor traffic offenses excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun and, if so, the serial number of the license and year issued, whether the applicant's license has ever been suspended or revoked, and if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with the officer's recommendation for approval or disapproval and one (1) set of legible and classifiable fingerprints of the applicant to the superintendent.

(d) The superintendent may make whatever further investigation the superintendent deems necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with the officer's complete and specific reasons, in writing, for the recommendation of disapproval.

(e) If it appears to the superintendent that the applicant:

(1) has a proper reason for carrying a handgun;

(2) is of good character and reputation;

(3) is a proper person to be licensed; and

(4) is:

(A) a citizen of the United States; or

(B) not a citizen of the United States but is allowed to carry a firearm in the United States under federal law;

the superintendent shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least four (4) years in the case of a four (4) year license. The superintendent may adopt guidelines to establish a records retention policy for a lifetime license. A four (4) year license shall be valid for a period of four (4) years from the date of issue. A lifetime license is

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valid for the life of the individual receiving the license. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service shall be valid for the life of these individuals. However, a lifetime license is automatically revoked if the license holder does not remain a proper person.

(f) At the time a license is issued and delivered to a licensee under subsection (e), the superintendent shall include with the license information concerning handgun safety rules that:

(1) neither opposes nor supports an individual's right to bear arms; and

(2) is:

(A) recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms;

(B) prepared by the state police department; and

(C) approved by the superintendent.

The superintendent may not deny a license under this section because the information required under this subsection is unavailable at the time the superintendent would otherwise issue a license. The state police department may accept private donations or grants to defray the cost of printing and mailing the information required under this subsection.

(g) A license to carry a handgun shall not be issued to any person who:

(1) has been convicted of a felony;

(2) has had a license to carry a handgun suspended, unless the person's license has been reinstated;

(3) is under eighteen (18) years of age;

(4) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or

(5) has been arrested for a Class A or Class B **felony for an offense committed before July 1, 2014, for a Level 1, Level 2, Level 3, or Level 4** felony **for an offense committed after June 30, 2014,** or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (5), a license to carry a handgun may be issued to a person who has been acquitted of the

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specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

(h) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

(i) If a person who holds a valid license to carry a handgun issued under this chapter:

(1) changes the person's name;

(2) changes the person's address; or

(3) experiences a change, including an arrest or a conviction, that may affect the person's status as a proper person (as defined in IC 35-47-1-7) or otherwise disqualify the person from holding a license;

the person shall, not later than thirty (30) days after the date of a change described under subdivision (3), and not later than sixty (60) days after the date of the change described under subdivision (1) or (2), notify the superintendent, in writing, of the event described under subdivision (3) or, in the case of a change under subdivision (1) or (2), the person's new name or new address.

(j) The state police shall indicate on the form for a license to carry a handgun the notification requirements of subsection (i).

(k) The state police department shall adopt rules under IC 4-22-2 to implement an electronic application system under subsection (a). Rules adopted under this section must require the superintendent to keep on file one (1) set of classifiable and legible fingerprints from every person who has received a license to carry a handgun so that a person who applies to renew a license will not be required to submit an additional set of fingerprints.

(l) Except as provided in subsection (m), for purposes of IC 5-14-3-4(a)(1), the following information is confidential, may not be published, and is not open to public inspection:

(1) Information submitted by a person under this section to:

(A) obtain; or

(B) renew;

a license to carry a handgun.

(2) Information obtained by a federal, state, or local government entity in the course of an investigation concerning a person who applies to:

(A) obtain; or

(B) renew;

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a license to carry a handgun issued under this chapter.

(3) The name, address, and any other information that may be used to identify a person who holds a license to carry a handgun issued under this chapter.

(m) Notwithstanding subsection (l):

(1) any information concerning an applicant for or a person who holds a license to carry a handgun issued under this chapter may be released to a federal, state, or local government entity:

(A) for law enforcement purposes; or

(B) to determine the validity of a license to carry a handgun; and

(2) general information concerning the issuance of licenses to carry handguns in Indiana may be released to a person conducting journalistic or academic research, but only if all personal information that could disclose the identity of any person who holds a license to carry a handgun issued under this chapter has been removed from the general information.

(n) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 571. IC 35-47-2-4, AS AMENDED BY P.L.155-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Licenses to carry handguns shall be either qualified or unlimited, and are valid for:

(1) four (4) years from the date of issue in the case of a four (4) year license; or

(2) the life of the individual receiving the license in the case of a lifetime license.

A qualified license shall be issued for hunting and target practice. The superintendent may adopt rules imposing limitations on the use and carrying of handguns under a license when handguns are carried by a licensee as a condition of employment. Unlimited licenses shall be issued for the purpose of the protection of life and property.

(b) In addition to the application fee, the fee for:

(1) a qualified license shall be:

(A) five dollars ($5) for a four (4) year qualified license;

(B) twenty-five dollars ($25) for a lifetime qualified license from a person who does not currently possess a valid Indiana handgun license; or

(C) twenty dollars ($20) for a lifetime qualified license from a person who currently possesses a valid Indiana handgun license; and

(2) an unlimited license shall be:

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(A) thirty dollars ($30) for a four (4) year unlimited license;
(B) seventy-five dollars ($75) for a lifetime unlimited license from a person who does not currently possess a valid Indiana handgun license; or
(C) sixty dollars ($60) for a lifetime unlimited license from a person who currently possesses a valid Indiana handgun license.

The superintendent shall charge a twenty dollar ($20) fee for the issuance of a duplicate license to replace a lost or damaged license. These fees shall be deposited in accordance with subsection (e).

(c) Licensed dealers are exempt from the payment of fees specified in subsection (b) for a qualified license or an unlimited license.

(d) The following officers of this state or the United States who have been honorably retired by a lawfully created pension board or its equivalent after at least twenty (20) years of service or because of a disability are exempt from the payment of fees specified in subsection (b):

(1) Police officers.
(2) Sheriffs or their deputies.
(3) Law enforcement officers.
(4) Correctional officers.

(e) Fees collected under this section shall be deposited in the state general fund.

(f) The superintendent may not issue a lifetime qualified license or a lifetime unlimited license to a person who is a resident of another state. The superintendent may issue a four (4) year qualified license or a four (4) year unlimited license to a person who is a resident of another state and who has a regular place of business or employment in Indiana as described in section 3(a)(3) of this chapter.

(g) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 572. IC 35-47-2-5, AS AMENDED BY P.L.1-2006, SECTION 535, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The superintendent may suspend or revoke any license issued under this chapter if ~~he~~ **the superintendent** has reasonable grounds to believe that the person's license should be suspended or revoked.

(b) Documented evidence that a person is not a "proper person" to be licensed as defined by IC 35-47-1-7, or is prohibited under section 3(g)(5) of this chapter from being issued a license, shall be grounds for immediate suspension or revocation of a license previously issued under this chapter. However, if a license is suspended or revoked based

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solely on an arrest under section 3(g)(5) of this chapter, the license shall be reinstated upon the acquittal of the defendant in that case or upon the dismissal of the charges for the specific offense.

(c) A person who **knowingly or intentionally** fails to promptly return ~~his~~ **the person's** license after written notice of suspension or revocation commits a Class A misdemeanor. The observation of a handgun license in the possession of a person whose license has been suspended or revoked constitutes a sufficient basis for the arrest of that person for violation of this subsection.

(d) The superintendent shall establish rules under IC 4-22-2 concerning the procedure for suspending or revoking a person's license.

SECTION 573. IC 35-47-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) Except an individual acting within a parent-minor child or guardian-minor protected person relationship or any other individual who is also acting in compliance with IC 35-47-10, a person may not sell, give, or in any other manner transfer the ownership or possession of a handgun or assault weapon ~~(as defined in IC 35-50-2-11)~~ to any person under eighteen (18) years of age.

(b) It is unlawful for a person to sell, give, or in any manner transfer the ownership or possession of a handgun to another person who the person has reasonable cause to believe:

(1) has been:

(A) convicted of a felony; or

(B) adjudicated a delinquent child for an act that would be a felony if committed by an adult, if the person seeking to obtain ownership or possession of the handgun is less than twenty-three (23) years of age;

(2) is a drug abuser;

(3) is an alcohol abuser; or

(4) is mentally incompetent.

(c) A person who knowingly or intentionally violates this section commits a Level 5 felony.

SECTION 574. IC 35-47-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. A retail dealer who **knowingly or intentionally:**

(1) sells;

(2) trades;

(3) transfers;

(4) exposes for sale, trade, or transfer; or

(5) possesses with intent to sell, trade, or transfer;

any handgun without being licensed under sections 15 and 16 of this

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chapter and without displaying ~~his~~ **the retail dealer's** license at all times commits a Class B misdemeanor.

SECTION 575. IC 35-47-2-15, AS AMENDED BY P.L.44-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A person desiring a retail handgun dealer's license shall apply to the sheriff of the county in which the person resides, or if the person is a resident of another state and has a regular place of business in Indiana, then to the sheriff of the county in which the person has a regular place of business. The applicant shall state the applicant's name, full address, occupation, sex, race, age, place of birth, date of birth, nationality, height, weight, build, color of eyes, color of hair, complexion, scars and marks, and any criminal record (minor traffic offenses excepted). The officer to whom the application is made shall verify the application and search the officer's records concerning the applicant's character and reputation.

(b) The officer to whom the application is made shall send to the superintendent:

(1) the verified application;

(2) the results of the officer's investigation; and

(3) the officer's recommendation for approval or disapproval of the application;

in as many copies as the superintendent shall designate, and one (1) set of legible and classifiable fingerprints of the applicant. The superintendent may make whatever further investigation the superintendent deems necessary. Whenever disapproval is recommended by the officer to whom the application was made, the officer shall provide the superintendent and the applicant with the officer's complete reasons for the disapproval in writing. If the officer to whom the application is made recommends approval, the officer shall instruct the applicant in the proper method of taking legible and classifiable fingerprints.

(c) If an applicant applies for a license under this section before July 1, 2011, and it appears to the superintendent that the applicant is of good character and reputation and a proper person to be licensed, the superintendent shall issue to the applicant a retail handgun dealer's license which shall be valid for a period of two (2) years from the date of issue. The fee for the license shall be twenty dollars ($20), which shall be deposited with the officer to whom the application is made, who shall in turn forward it to the superintendent for deposit with the treasurer of state when the application is approved by the superintendent.

(d) If an applicant applies for a license under this section after June

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30, 2011:

(1) the applicant shall deposit with the officer to whom the application is made a fee for the license of sixty dollars ($60);

(2) if it appears to the superintendent that the applicant is:

(A) of good character and reputation; and

(B) a proper person to be licensed;

the superintendent shall issue to the applicant a retail handgun dealer's license, which is valid for six (6) years after the date the license is issued; and

(3) the officer to whom the application was made shall forward the fee for the license to the superintendent for deposit with the treasurer of state when the application is approved by the superintendent.

(e) In the event that an application is disapproved by the superintendent, the fee deposited by the applicant under subsection (c) or (d) shall be returned to the applicant along with the complete reasons, in writing, for the disapproval.

(f) No retail dealer's license shall be issued to any person who has been:

(1) convicted of a felony; or

(2) adjudicated a delinquent child for an act that would be a felony if committed by an adult, if the person applying for the retail dealer's license is less than twenty-three (23) years of age;

in Indiana or any other state or country.

(g) A retail dealer's license shall permit the licensee to sell handguns at retail within this state subject to the conditions specified in this chapter. The license may be suspended or revoked in accordance with applicable law, and the licensee may be subject to punishment as provided in this chapter.

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

SECTION 576. IC 35-47-2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A retail dealer's business shall be carried on only in the site designated in the license. A separate license shall be required for each separate retail outlet. Whenever a licensed dealer moves ~~his~~ **the dealer's** place of business, ~~he~~ **the dealer** shall promptly notify the superintendent, who shall at once issue an amended license certificate valid for the balance of the license period. This subsection does not apply to sales at wholesale.

(b) The license, certified by the issuing authority, shall be displayed on the business premises in a prominent place where it can be seen easily by prospective customers.

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(c) No handgun shall be sold:

(1) in violation of any provision of this chapter; or

(2) under any circumstances unless the purchaser is personally known to the seller or presents clear evidence of ~~his~~ **the purchaser's** identity.

(d) Notwithstanding subsection (a), a retail dealer may display, sell, or transfer handguns at a gun show in accordance with this chapter and federal law.

(e) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 577. IC 35-47-2-17, AS AMENDED BY P.L.60-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. **(a)** No person, in purchasing or otherwise securing delivery of a firearm or in applying for a license to carry a handgun, shall knowingly or intentionally:

(1) give false information on a form required to:

(A) purchase or secure delivery of a firearm; or

(B) apply for a license to carry a handgun; or

(2) offer false evidence of identity.

In addition to any penalty provided by this chapter, any firearm obtained through false information shall be subject to confiscation and disposition as provided in this chapter. Upon notice of a violation of this section by the superintendent, it shall be the duty of the sheriff or chief of police or corresponding officer of the jurisdiction in which the purchaser resides to confiscate the firearm and retain it as evidence pending trial for the offense.

(b) A person who knowingly or intentionally violates this section commits a Level 5 felony.

SECTION 578. IC 35-47-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. **(a)** No person shall:

(1) change, alter, remove, or obliterate the name of the maker, model, manufacturer's serial number, or other mark of identification on any handgun; or

(2) possess any handgun on which the name of the maker, model, manufacturer's serial number, or other mark of identification has been changed, altered, removed, or obliterated;

except as provided by applicable United States statute.

(b) A person who knowingly or intentionally violates this section commits a Level 5 felony.

SECTION 579. IC 35-47-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. **(a)** It is unlawful for any person to use, or to attempt to use, a false, counterfeit, spurious,

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or altered handgun-carrying license to obtain a handgun contrary to the provisions of this chapter.

(b) A person who knowingly or intentionally violates this section commits a Level 6 felony.

SECTION 580. IC 35-47-2-23 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 23. (a) A person who violates section 3, 4, 5, 14, 15, or 16 of this chapter commits a Class B misdemeanor.~~

~~(b) A person who violates section 7, 17, or 18 of this chapter commits a Class C felony.~~

~~(c) A person who violates section 1 of this chapter commits a Class A misdemeanor. However, the offense is a Class C felony:~~

~~(1) if the offense is committed:~~

~~(A) on or in school property;~~

~~(B) within one thousand (1,000) feet of school property; or~~

~~(C) on a school bus; or~~

~~(2) if the person:~~

~~(A) has a prior conviction of any offense under:~~

~~(i) this subsection; or~~

~~(ii) subsection (d); or~~

~~(B) has been convicted of a felony within fifteen (15) years before the date of the offense.~~

~~(d) A person who violates section 22 of this chapter commits a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior conviction of any offense under this subsection or subsection (c), or if the person has been convicted of a felony within fifteen (15) years before the date of the offense.~~

SECTION 581. IC 35-47-2.5-12, AS AMENDED BY P.L.155-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. A person who knowingly or intentionally makes a materially false statement on Form 4473 completed under section 3 of this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 582. IC 35-47-2.5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) This section does not apply to a person who provides a handgun to the following:

(1) A child who is attending a hunters safety course or a firearms safety course or an adult who is supervising the child during the course.

(2) A child engaging in practice in using a firearm for target shooting at an established range or in an area where the discharge of a firearm is not prohibited or is supervised by:

(A) a qualified firearms instructor; or

(B) an adult who is supervising the child while the child is at

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the range.

(3) A child engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group under Section 501(c)(3) of the Internal Revenue Code that uses firearms as a part of a performance or an adult who is involved in the competition or performance.

(4) A child who is hunting or trapping under a valid license issued to the child under IC 14-22.

(5) A child who is traveling with an unloaded firearm to or from an activity described in this section.

(6) A child who:

(A) is on real property that is under the control of the child's parent, an adult family member of the child, or the child's legal guardian; and

(B) has permission from the child's parent or legal guardian to possess a firearm.

(b) A person who purchases a handgun with the intent to:

(1) resell or otherwise provide the handgun to another person who the person knows or has reason to believe is ineligible for any reason to purchase or otherwise receive from a dealer a handgun; or

(2) transport the handgun out of the state to be resold or otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive a firearm;

commits a ~~Class D~~ **Level 6** felony.

(c) If the violation of this section involves a transfer of more than one (1) handgun, the offense is a ~~Class C~~ **Level 5** felony.

SECTION 583. IC 35-47-2.5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A person who is ineligible to purchase or otherwise receive or possess a handgun in Indiana who knowingly or intentionally solicits, employs, or assists any person in violating section 14 of this chapter commits a ~~Class D~~ **Level 6** felony.

(b) If the violation involves a transfer of more than one (1) handgun, the offense is a ~~Class C~~ **Level 5** felony.

SECTION 584. IC 35-47-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who knowingly or intentionally:

(1) delivers a confiscated firearm to a person convicted of a felony:

(A) involving use of a firearm; and

(B) which is the basis of the confiscation;

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(2) delivers a confiscated firearm to another with knowledge that there is a rightful owner to whom the firearm must be returned; or

(3) fails to deliver a confiscated firearm to the sheriff's department, a city or town police force, the state police department laboratory or a forensic laboratory under this chapter, the state under IC 14-22-39-6, or for disposition after a determination that the rightful owner of the firearm cannot be ascertained or is no longer entitled to possess the confiscated firearm;

commits a ~~Class D~~ **Level 6** felony.

SECTION 585. IC 35-47-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) This section does not apply to a law enforcement officer who is acting within the scope of the law enforcement officer's official duties or to a person who is justified in using reasonable force against another person under:

(1) IC 35-41-3-2; or

(2) IC 35-41-3-3.

(b) A person who knowingly or intentionally points a firearm at another person commits a ~~Class D~~ **Level 6** felony. However, the offense is a Class A misdemeanor if the firearm was not loaded.

SECTION 586. IC 35-47-4-5, AS AMENDED BY P.L.126-2012, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:

(1) committing a serious violent felony in:

(A) Indiana; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or

(2) attempting to commit or conspiring to commit a serious violent felony in:

(A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.

(b) As used in this section, "serious violent felony" means:

(1) murder (IC 35-42-1-1);

(2) voluntary manslaughter (IC 35-42-1-3);

(3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);

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(4) battery **(IC 35-42-2-1)** as a:
(A) Class A felony, ~~(IC 35-42-2-1(a)(5));~~ **Class B felony, or Class C felony, for a crime committed before July 1, 2014; or**
(B) ~~Class B felony (IC 35-42-2-1(a)(4)); or~~ **Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony, for a crime committed afer June 30, 2014;**
~~(C) Class C felony (IC 35-42-2-1(a)(3));~~
(5) aggravated battery (IC 35-42-2-1.5);
(6) kidnapping (IC 35-42-3-2);
(7) criminal confinement (IC 35-42-3-3);
(8) rape (IC 35-42-4-1);
(9) criminal deviate conduct (IC 35-42-4-2) **(repealed);**
(10) child molesting (IC 35-42-4-3);
(11) sexual battery **(IC 35-42-4-8)** as a:
(A) Class C felony, ~~(IC 35-42-4-8);~~ **for a crime committed before July 1, 2014; or**
(B) Level 5 felony, for a crime committed after June 30, 2014;
(12) robbery (IC 35-42-5-1);
(13) carjacking (IC 5-42-5-2) **(repealed);**
(14) arson **(IC 35-43-1-1(a))** as a:
(A) Class A felony or Class B felony, ~~(IC 35-43-1-1(a));~~ **for a crime committed before July 1, 2014; or**
(B) Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
(15) burglary **(IC 35-43-2-1)** as a:
(A) Class A felony or Class B felony, ~~(IC 35-43-2-1);~~ **for a crime committed before July 1, 2014; or**
(B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
(16) assisting a criminal **(IC 35-44.1-2-5)** as a:
(A) Class C felony, ~~(IC 35-44.1-2-5);~~ **for a crime committed before July 1, 2014; or**
(B) Level 5 felony, for a crime committed after June 30, 2014;
(17) resisting law enforcement **(IC 35-44.1-3-1)** as a:
(A) Class B felony or Class C felony, ~~(IC 35-44.1-3-1);~~ **for a crime committed before July 1, 2014; or**
(B) Level 2 felony, Level 3 felony, or Level 5 felony, for a crime committed after June 30, 2014;
(18) escape **(IC 35-44.1-3-4)** as a:

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(A) Class B felony or Class C felony, ~~(IC 35-44.1-3-4);~~ **for a crime committed before July 1, 2014; or**

(B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;

(19) trafficking with an inmate **(IC 35-44.1-3-5)** as a:

(A) Class C felony, ~~(IC 35-44.1-3-5);~~ **for a crime committed before July 1, 2014; or**

(B) Level 5 felony, for a crime committed after June 30, 2014;

(20) criminal gang intimidation (IC 35-45-9-4);

(21) stalking **(IC 35-45-10-5)** as a:

(A) Class B felony or Class C felony, ~~(IC 35-45-10-5);~~ **for a crime committed before July 1, 2014; or**

(B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;

(22) incest (IC 35-46-1-3);

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

(24) dealing in methamphetamine (IC 35-48-4-1.1);

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

(26) dealing in a schedule IV controlled substance (IC 35-48-4-3); or

(27) dealing in a schedule V controlled substance (IC 35-48-4-4).

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a ~~Class B~~ **Level 4** felony.

SECTION 587. IC 35-47-4.5-3, AS AMENDED BY P.L.3-2008, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. As used in this chapter, "public safety officer" means:

(1) a state police officer;

(2) a county sheriff;

(3) a county police officer;

(4) a correctional officer;

(5) an excise police officer;

(6) a county police reserve officer;

(7) a city police officer;

(8) a city police reserve officer;

(9) a conservation enforcement officer;

(10) a gaming agent;

(11) a town marshal;

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(12) a deputy town marshal;
(13) a state educational institution police officer appointed under IC 21-39-4;
(14) a probation officer;
(15) a firefighter (as defined in IC 9-18-34-1);
(16) an emergency medical technician;
(17) a paramedic;
(18) a member of a consolidated law enforcement department established under IC 36-3-1-5.1; ~~or~~
(19) a gaming control officer; **or**
(20) a community corrections officer.

SECTION 588. IC 35-47-5-2.5, AS AMENDED BY P.L.114-2012, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) As used in this section, "knife" means an instrument that:
(1) consists of a sharp edged or sharp pointed blade capable of inflicting cutting, stabbing, or tearing wounds; and
(2) is intended to be used as a weapon.

(b) The term includes a dagger, dirk, poniard, stiletto, switchblade knife, or gravity knife.

(c) A person who recklessly, knowingly, or intentionally possesses a knife on:
(1) school property (as defined in IC 35-31.5-2-285);
(2) a school bus (as defined in IC 20-27-2-8); or
(3) a special purpose bus (as defined in IC 20-27-2-10);
commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous unrelated conviction under this section and a ~~Class D~~ **Level 6** felony if the offense results in bodily injury ~~or serious bodily injury~~ to another person.

(d) This section does not apply to a person who possesses a knife:
(1) if:
(A) the knife is provided to the person by the school corporation or possession of the knife is authorized by the school corporation; and
(B) the person uses the knife for a purpose authorized by the school corporation; or
(2) if the knife is secured in a motor vehicle.

SECTION 589. IC 35-47-5-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.1. (a) A person who:
(1) manufactures;
(2) causes to be manufactured;
(3) imports into Indiana;

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(4) keeps for sale;
(5) offers or exposes for sale; or
(6) gives, lends, or possesses;

any sawed-off shotgun commits dealing in a sawed-off shotgun, a ~~Class D~~ **Level 6** felony.

(b) The presence of a weapon referred to in subsection (a) in a motor vehicle (as defined under IC 9-13-2-105(a)) except for school buses and a vehicle operated in the transportation of passengers by a common carrier (as defined in IC 8-2.1-17-4) creates an inference that the weapon is in the possession of the persons occupying the motor vehicle. However, the inference does not apply to all the persons occupying the motor vehicle if the weapon is found upon, or under the control of, one (1) of the occupants. In addition, the inference does not apply to a duly licensed driver of a motor vehicle for hire who finds the weapon in the licensed driver's motor vehicle in the proper pursuit of the licensed driver's trade.

(c) This section does not apply to a law enforcement officer who is acting in the course of the officer's official duties or to a person who manufactures or imports for sale or sells a sawed-off shotgun to a law enforcement agency.

SECTION 590. IC 35-47-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. A person who **knowingly or intentionally** owns or possesses a machine gun commits a ~~Class C~~ **Level 5** felony.

SECTION 591. IC 35-47-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. A person who **knowingly or intentionally** operates a loaded machine gun commits a ~~Class B~~ **Level 4** felony.

SECTION 592. IC 35-47-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) As used in this section, "armor-piercing handgun ammunition" means a cartridge that:

(1) can be fired in a handgun; and
(2) will, upon firing, expel a projectile that has a metal core and an outer coating of plastic.

(b) A person who knowingly or intentionally:

(1) manufactures;
(2) possesses;
(3) transfers possession of; or
(4) offers to transfer possession of;

armor-piercing handgun ammunition commits a ~~Class C~~ **Level 5** felony.

(c) This section does not apply to nylon coated ammunition, plastic

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shot capsules, or ammunition designed to be used in rifles or shotguns.

(d) This section does not apply to a law enforcement officer who is acting in the course of the officer's official duties or to a person who manufactures or imports for sale or sells armor-piercing handgun ammunition to a law enforcement agency.

SECTION 593. IC 35-47-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) As used in this section, "body armor" means bullet resistant metal or other material worn by a person to provide protection from weapons or bodily injury.

(b) A person who knowingly or intentionally uses body armor while committing a felony commits unlawful use of body armor, a ~~Class D~~ **Level 6** felony.

SECTION 594. IC 35-47-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** A person who **knowingly or intentionally** boards a commercial or charter aircraft having in ~~his~~ **the person's** possession:

(1) a firearm;

(2) an explosive; or

(3) any other deadly weapon;

commits a ~~Class C~~ **Level 5** felony.

(b) However, the offense is a Level 4 felony if the person committed the offense with the intent to:

(1) disrupt the operation of the aircraft; or

(2) cause harm to another person.

SECTION 595. IC 35-47-6-1.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.6. (a) A person who knowingly or intentionally uses force or violence or the threat of force or violence to disrupt the operation of an aircraft commits a ~~Class B~~ **Level 4** felony.

(b) A person who knowingly or intentionally uses force or violence or the threat of force or violence to hijack an aircraft in flight commits a ~~Class A~~ **Level 2** felony.

(c) For purposes of this section, an aircraft is considered to be in flight while the aircraft is:

(1) on the ground in Indiana:

(A) after the doors of the aircraft are closed for takeoff; and

(B) until the aircraft takes off;

(2) in the airspace above Indiana; or

(3) on the ground in Indiana:

(A) after the aircraft lands; and

(B) before the doors of the aircraft are opened after landing.

SECTION 596. IC 35-47-8-5 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person eighteen (18) years of age or over may purchase or possess a stun gun.

(b) A person who **knowingly or intentionally** sells or furnishes a stun gun to a person who is less than eighteen (18) years of age commits a Class B misdemeanor.

(c) A person who **knowingly or intentionally** uses a stun gun in the commission of a crime commits a Class A misdemeanor.

(d) A person who **knowingly or intentionally** uses a stun gun on a law enforcement officer while the officer is performing the officer's duties commits a ~~Class D~~ **Level 6** felony.

SECTION 597. IC 35-47-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who **knowingly or intentionally** possesses a firearm:

(1) in or on school property;

(2) in or on property that is being used by a school for a school function; or

(3) on a school bus;

commits a ~~Class D~~ **Level 6** felony.

SECTION 598. IC 35-47-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A child who knowingly, intentionally, or recklessly:

(1) possesses a firearm for any purpose other than a purpose described in section 1 of this chapter; or

(2) provides a firearm to another child with or without remuneration for any purpose other than a purpose described in section 1 of this chapter;

commits dangerous possession of a firearm, a Class A misdemeanor. However, the offense is a ~~Class C~~ **Level 5** felony if the child has a prior conviction under this section **or has been adjudicated a delinquent for an act that would be an offense under this section if committed by an adult.**

SECTION 599. IC 35-47-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. An adult who knowingly, intentionally, or recklessly provides a firearm to a child for any purpose other than those described in section 1 of this chapter, with or without remuneration, commits dangerous control of a firearm, a ~~Class C~~ **Level 5** felony. However, the offense is a ~~Class B~~ **Level 4** felony if the adult has a prior conviction under this section.

SECTION 600. IC 35-47-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A child's parent or legal guardian who knowingly, intentionally, or recklessly permits the child to possess a firearm:

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(1) while:
(A) aware of a substantial risk that the child will use the firearm to commit a felony; and
(B) failing to make reasonable efforts to prevent the use of a firearm by the child to commit a felony; or
(2) when the child has been convicted of a crime of violence or has been adjudicated as a juvenile for an offense that would constitute a crime of violence if the child were an adult;

commits dangerous control of a child, a ~~Class C~~ **Level 5** felony. However, the offense is a ~~Class B~~ **Level 4** felony if the child's parent or legal guardian has a prior conviction under this section.

SECTION 601. IC 35-47-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who knowingly or intentionally:
(1) possesses;
(2) manufactures;
(3) places;
(4) disseminates; or
(5) detonates;

a weapon of mass destruction with the intent to carry out terrorism commits a ~~Class B~~ **Level 3** felony. However, the offense is a ~~Class A~~ **Level 2** felony if the conduct results in serious bodily injury or death of any person.

SECTION 602. IC 35-47-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who knowingly or intentionally:
(1) possesses;
(2) manufactures;
(3) places;
(4) disseminates; or
(5) detonates;

a weapon of mass destruction with the intent to damage, destroy, sicken, or kill crops or livestock of another person without the consent of the other person commits agricultural terrorism, a ~~Class C~~ **Level 5** felony.

SECTION 603. IC 35-47-12-3, AS AMENDED BY P.L.114-2012, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who knowingly or intentionally places or disseminates a device or substance with the intent to cause a reasonable person to believe that the device or substance is a weapon of mass destruction (as defined in IC 35-31.5-2-354) commits terroristic mischief, a ~~Class C~~ **Level 5**

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felony. However, the offense is a ~~Class B~~ **Level 4** felony if, as a result of the terroristic mischief:

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

(2) a person suffers serious bodily injury.

SECTION 604. IC 35-47.5-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who knowingly or intentionally:

(1) possesses;

(2) manufactures;

(3) transports;

(4) distributes;

(5) possesses with the intent to distribute; or

(6) offers to distribute;

a destructive device, unless authorized by law, commits a ~~Class C~~ **Level 5** felony.

SECTION 605. IC 35-47.5-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who has been convicted of a felony by an Indiana court or a court of any other state, the United States, or another country and knowingly or intentionally:

(1) possesses;

(2) manufactures;

(3) transports;

(4) distributes;

(5) possesses with the intent to distribute; or

(6) offers to distribute;

a regulated explosive commits a ~~Class C~~ **Level 5** felony. However, the offense is a ~~Class B~~ **Level 4** felony if the person has a prior unrelated conviction for an offense under this section.

SECTION 606. IC 35-47.5-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who knowingly or intentionally distributes a regulated explosive to a person who has been convicted of a felony by an Indiana court or a court of another state, the United States, or another country commits a ~~Class C~~ **Level 5** felony.

SECTION 607. IC 35-47.5-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A person who knowingly or intentionally distributes or offers to distribute:

(1) a destructive device;

(2) an explosive; or

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(3) a detonator;

to a person who is less than eighteen (18) years of age commits a ~~Class B~~ **Level 4** felony.

SECTION 608. IC 35-47.5-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. A person who:

(1) manufactures;
(2) possesses;
(3) transports;
(4) distributes; or
(5) uses;

a hoax device or replica with the intent to cause another to believe that the hoax device or replica is a destructive device or detonator commits a ~~Class D~~ **Level 6** felony.

SECTION 609. IC 35-47.5-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A person who knowingly or intentionally hinders or obstructs:

(1) a law enforcement officer;
(2) a fire official;
(3) an emergency management official;
(4) an animal trained to detect destructive devices; or
(5) a robot or mechanical device designed or used by a law enforcement officer, fire official, or emergency management official;

of Indiana or of the United States in the detection, disarming, or destruction of a destructive device commits a ~~Class B~~ **Level 4** felony.

SECTION 610. IC 35-47.5-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. A person who:

(1) possesses;
(2) transports;
(3) receives;
(4) places; or
(5) detonates;

a destructive device or explosive with the knowledge or intent that it will be used to kill, injure, or intimidate an individual or to destroy property commits a ~~Class A~~ **Level 2** felony.

SECTION 611. IC 35-47.5-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. A person who knowingly or intentionally uses an overpressure device commits a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the person has a prior unrelated conviction for an offense under this section.

SECTION 612. IC 35-47.5-5-10 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A person who knowingly or intentionally deploys a booby trap commits a ~~Class D~~ **Level 6** felony.

SECTION 613. IC 35-47.5-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. A person who recklessly violates a rule regarding the use of a regulated explosive adopted by the commission under IC 35-47.5-4-4.5 commits a Class A misdemeanor. However, the offense is:

(1) a ~~Class D~~ **Level 6** felony if the violation of the rule proximately causes bodily injury; ~~or~~ **and**

(2) a Level 5 felony if the violation of the rule proximately causes death.

SECTION 614. IC 35-48-1-16.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 16.4. "Drug offense" means a felony or misdemeanor involving the production, delivery, sale, or possession of a controlled substance.**

SECTION 615. IC 35-48-1-16.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 16.5. "Enhancing circumstance" means one (1) or more of the following:**

(1) The person has a prior conviction for dealing in a controlled substance that is not marijuana, hashish, hash oil, salvia divinorum, or a synthetic drug.

(2) The person committed the offense while in possession of a firearm.

(3) The person committed the offense:

(A) on a school bus; or

(B) in, on, or within five hundred (500) feet of:

(i) school property while a person under eighteen (18) years of age was reasonably expected to be present; or

(ii) a public park while a person under eighteen (18) years of age was reasonably expected to be present.

(4) The person delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the person.

(5) The person manufactured or financed the manufacture of the drug.

SECTION 616. IC 35-48-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. "Manufacture" means **the following:**

(1) For offenses not involving marijuana, hashish, or hash oil:

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~~(1)~~ **(A)** the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. It does not include the preparation, compounding, packaging, or labeling of a controlled substance:

~~(A)~~ **(i)** by a practitioner as an incident to ~~his~~ administering or dispensing of a controlled substance in the course of ~~his~~ **a** professional practice; or

~~(B)~~ **(ii)** by a practitioner, or by ~~his~~ **the practitioner's** authorized agent under ~~his~~ **the practitioner's** supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale; or

~~(2)~~ **(B)** the organizing or supervising of an activity described in ~~subdivision (1)~~ **clause (A).**

(2) For offenses involving marijuana, hashish, or hash oil:

(A) the preparation, compounding, conversion, or processing of marijuana, hashish, or hash oil, either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the marijuana, hashish, or hash oil, or labeling or relabeling of its container. It does not include planting, growing, cultivating, or harvesting a plant, or the preparation, compounding, packaging, or labeling of marijuana, hashish, or hash oil:

(i) by a practitioner as an incident to lawfully administering or dispensing of marijuana, hashish, or hash oil in the course of a professional practice; or

(ii) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale; or

(B) the organizing or supervising of an activity described in clause (A).

SECTION 617. IC 35-48-1-26.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 26.5. "Sale to a minor" means**

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delivery or financing the delivery of a drug to a person less than eighteen (18) years of age and at least three (3) years junior to the person making the delivery or financing.

SECTION 618. IC 35-48-4-1, AS AMENDED BY P.L.151-2006, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II;

commits dealing in cocaine or a narcotic drug, a ~~Class B~~ **Level 5** felony, except as provided in ~~subsection~~ **subsections** (b) **through (d).**

~~(b) The offense is a Class A felony if:~~

~~(1) the amount of the drug involved weighs three (3) grams or more;~~

~~(2) the person:~~

~~(A) delivered; or~~

~~(B) financed the delivery of;~~

~~the drug to a person under eighteen (18) years of age at least three (3) years junior to the person; or~~

~~(3) the person manufactured, delivered, or financed the delivery of the drug:~~

~~(A) on a school bus; or~~

~~(B) in, on, or within one thousand (1,000) feet of:~~

~~(i) school property;~~

~~(ii) a public park;~~

~~(iii) a family housing complex; or~~

~~(iv) a youth program center.~~

(b) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least three (3) but less than ten (10) grams; or

(2) the amount of the drug involved is less than three (3)

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grams and an enhancing circumstance applies.

(c) The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least three (3) but less than ten (10) grams and an enhancing circumstance applies.

(d) The offense is a Level 2 felony if:

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 619. IC 35-48-4-1.1, AS ADDED BY P.L.151-2006, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.1. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

methamphetamine, pure or adulterated; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

methamphetamine, pure or adulterated;

commits dealing in methamphetamine, a ~~Class B~~ **Level 5** felony, except as provided in ~~subsection~~ **subsections** (b) **through (d).**

~~(b) The offense is a Class A felony if:~~

~~(1) the amount of the drug involved weighs three (3) grams or more;~~

~~(2) the person:~~

~~(A) delivered; or~~

~~(B) financed the delivery of;~~

~~the drug to a person under eighteen (18) years of age at least three (3) years junior to the person; or~~

~~(3) the person manufactured, delivered, or financed the delivery of the drug:~~

~~(A) on a school bus; or~~

~~(B) in, on, or within one thousand (1,000) feet of:~~

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~~(i) school property;~~
~~(ii) a public park;~~
~~(iii) a family housing complex; or~~
~~(iv) a youth program center.~~

(b) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least three (3) but less than ten (10) grams; or

(2) the amount of the drug involved is less than three (3) grams and an enhancing circumstance applies.

(c) The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least three (3) but less than ten (10) grams and an enhancing circumstance applies.

(d) The offense is a Level 2 felony if:

(1) the amount of the drug involved is at least twenty-eight (28) grams;

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies; or

(3) the person is manufacturing the drug and the manufacture results in an explosion causing serious bodily injury to a person other than the manufacturer.

SECTION 620. IC 35-48-4-2, AS AMENDED BY P.L.182-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

a controlled substance, pure or adulterated, classified in schedule I, II, or III, except marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

a controlled substance, pure or adulterated, classified in schedule I, II, or III, except marijuana, hash oil, hashish, salvia, or a

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synthetic cannabinoid;

commits dealing in a schedule I, II, or III controlled substance, a ~~Class B~~ **Level 5** felony, except as provided in ~~subsection~~ **subsections** (b) **through (d).**

~~(b) The offense is a Class A felony if:~~

~~(1) the person:~~

~~(A) delivered; or~~

~~(B) financed the delivery of;~~

~~the substance to a person under eighteen (18) years of age at least three (3) years junior to the person; or~~

~~(2) the person delivered or financed the delivery of the substance:~~

~~(A) on a school bus; or~~

~~(B) in, on, or within one thousand (1,000) feet of:~~

~~(i) school property;~~

~~(ii) a public park;~~

~~(iii) a family housing complex; or~~

~~(iv) a youth program center.~~

(b) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least three (3) but less than ten (10) grams; or

(2) the amount of the drug involved is less than three (3) grams and an enhancing circumstance applies.

(c) The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least three (3) but less than ten (10) grams and an enhancing circumstance applies.

(d) The offense is a Level 2 felony if:

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 621. IC 35-48-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

a controlled substance, pure or adulterated, classified in schedule

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IV; or

(2) possesses, with intent to manufacture or deliver, a controlled substance, pure or adulterated, classified in schedule IV;

commits dealing in a schedule IV controlled substance, a ~~Class C~~ **Level 6** felony, except as provided in ~~subsection~~ **subsections** (b) **through (d).**

~~(b) The offense is a Class B felony if:~~

~~(1) the person:~~

~~(A) delivered; or~~

~~(B) financed the delivery of;~~

~~the substance to a person under eighteen (18) years of age at least three (3) years junior to the person; or~~

~~(2) the person delivered or financed the delivery of the substance:~~

~~(A) on a school bus; or~~

~~(B) in, on, or within one thousand (1,000) feet of:~~

~~(i) school property;~~

~~(ii) a public park;~~

~~(iii) a family housing complex; or~~

~~(iv) a youth program center.~~

(b) The offense is a Level 5 felony if:

(1) the amount of the drug involved is at least three (3) but less than ten (10) grams; or

(2) the amount of the drug involved is less than three (3) grams and an enhancing circumstance applies.

(c) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least three (3) but less than ten (10) grams and an enhancing circumstance applies.

(d) The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 622. IC 35-48-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

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a controlled substance, pure or adulterated, classified in schedule V; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

a controlled substance, pure or adulterated, classified in schedule V;

commits dealing in a schedule V controlled substance, a ~~Class D felony~~ **Class A misdemeanor,** except as provided in ~~subsection~~ **subsections** (b) **through (d).**

~~(b) The offense is a Class B felony if:~~

~~(1) the person:~~

~~(A) delivered; or~~

~~(B) financed the delivery of;~~

~~the substance to a person under eighteen (18) years of age at least three (3) years junior to the person; or~~

~~(2) the person delivered or financed the delivery of the substance:~~

~~(A) on a school bus; or~~

~~(B) in, on, or within one thousand (1,000) feet of:~~

~~(i) school property;~~

~~(ii) a public park;~~

~~(iii) a family housing complex; or~~

~~(iv) a youth program center.~~

(b) The offense is a Level 6 felony if:

(1) the amount of the drug involved is at least three (3) but less than ten (10) grams; or

(2) the amount of the drug involved is less than three (3) grams and an enhancing circumstance applies.

(c) The offense is a Level 5 felony if:

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least three (3) but less than ten (10) grams and an enhancing circumstance applies.

(d) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

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SECTION 623. IC 35-48-4-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.1. (a) A person who dumps, discharges, discards, transports, or otherwise disposes of:

(1) chemicals, knowing the chemicals were used in the illegal manufacture of a controlled substance or an immediate precursor; or

(2) waste, knowing that the waste was produced from the illegal manufacture of a controlled substance or an immediate precursor;

commits dumping controlled substance waste, a ~~Class D~~ **Level 6** felony.

(b) It is not a defense in a prosecution under subsection (a) that the person did not manufacture the controlled substance or immediate precursor.

SECTION 624. IC 35-48-4-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) A person who knowingly or intentionally delivers or finances the delivery of any substance, other than a controlled substance or a drug for which a prescription is required under federal or state law, that:

(1) is expressly or impliedly represented to be a controlled substance;

(2) is distributed under circumstances that would lead a reasonable person to believe that the substance is a controlled substance; or

(3) by overall dosage unit appearance, including shape, color, size, markings, or lack of markings, taste, consistency, or any other identifying physical characteristic of the substance, would lead a reasonable person to believe the substance is a controlled substance;

commits dealing in a substance represented to be a controlled substance, a ~~Class D~~ **Level 6** felony.

(b) In determining whether representations have been made, subject to subsection (a)(1), or whether circumstances of distribution exist, subject to subsection (a)(2), the trier of fact may consider, in addition to other relevant factors, the following:

(1) Statements made by the owner or other person in control of the substance, concerning the substance's nature, use, or effect.

(2) Statements made by any person, to the buyer or recipient of the substance, that the substance may be resold for profit.

(3) Whether the substance is packaged in a manner uniquely used for the illegal distribution of controlled substances.

(4) Whether:

(A) the distribution included an exchange of, or demand for,

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money or other property as consideration; and

(B) the amount of the consideration was substantially greater than the reasonable retail market value of the substance.

SECTION 625. IC 35-48-4-4.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.6. (a) A person who knowingly or intentionally:

(1) manufactures;

(2) finances the manufacture of;

(3) advertises;

(4) distributes; or

(5) possesses with intent to manufacture, finance the manufacture of, advertise, or distribute;

a substance described in section 4.5 of this chapter commits a ~~Class C~~ **Level 5** felony.

(b) A person who knowingly or intentionally possesses a substance described in section 4.5 of this chapter commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous conviction under this section.

(c) In any prosecution brought under this section it is not a defense that the person believed the substance actually was a controlled substance.

(d) This section does not apply to the following:

(1) The manufacture, financing the manufacture of, processing, packaging, distribution, or sale of noncontrolled substances to licensed medical practitioners for use as placebos in professional practice or research.

(2) Persons acting in the course and legitimate scope of their employment as law enforcement officers.

(3) The retention of production samples of noncontrolled substances produced before September 1, 1986, where such samples are required by federal law.

SECTION 626. IC 35-48-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A person who:

(1) knowingly or intentionally:

(A) creates;

(B) delivers; or

(C) finances the delivery of;

a counterfeit substance; or

(2) possesses, with intent to:

(A) deliver; or

(B) finance the delivery of;

a counterfeit substance;

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commits dealing in a counterfeit substance, a ~~Class D~~ **Level 6** felony.

SECTION 627. IC 35-48-4-6, AS AMENDED BY P.L.151-2006, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses cocaine (pure or adulterated) or a narcotic drug (pure or adulterated) classified in schedule I or II, commits possession of cocaine or a narcotic drug, a ~~Class D~~ **Level 6** felony, except as provided in ~~subsection~~ **subsections** (b) **through (d).**

~~(b) The offense is:~~

~~(1) a Class C felony if:~~

~~(A) the amount of the drug involved (pure or adulterated) weighs three (3) grams or more; or~~

~~(B) the person was also in possession of a firearm (as defined in IC 35-47-1-5);~~

~~(2) a Class B felony if the person in possession of the cocaine or narcotic drug possesses less than three (3) grams of pure or adulterated cocaine or a narcotic drug:~~

~~(A) on a school bus; or~~

~~(B) in, on, or within one thousand (1,000) feet of:~~

~~(i) school property;~~

~~(ii) a public park;~~

~~(iii) a family housing complex; or~~

~~(iv) a youth program center; and~~

~~(3) a Class A felony if the person possesses the cocaine or narcotic drug in an amount (pure or adulterated) weighing at least three (3) grams:~~

~~(A) on a school bus; or~~

~~(B) in, on, or within one thousand (1,000) feet of:~~

~~(i) school property;~~

~~(ii) a public park;~~

~~(iii) a family housing complex; or~~

~~(iv) a youth program center.~~

(b) The offense is a Level 5 felony if:

(1) the amount of the drug involved is at least three (3) but less than ten (10) grams; or

(2) the amount of the drug involved is less than three (3) grams and an enhancing circumstance applies.

(c) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

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(2) the amount of the drug involved is at least three (3) but less than ten (10) grams and an enhancing circumstance applies.

(d) The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 628. IC 35-48-4-6.1, AS ADDED BY P.L.151-2006, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6.1. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses methamphetamine (pure or adulterated) commits possession of methamphetamine, a ~~Class D~~ **Level 6** felony, except as provided in ~~subsection~~ **subsections** (b) **through (d).**

~~(b) The offense is:~~

~~(1) a Class C felony if:~~

~~(A) the amount of the drug involved (pure or adulterated) weighs three (3) grams or more; or~~

~~(B) the person was also in possession of a firearm (as defined in IC 35-47-1-5);~~

~~(2) a Class B felony if the person in possession of the methamphetamine possesses less than three (3) grams of pure or adulterated methamphetamine:~~

~~(A) on a school bus; or~~

~~(B) in, on, or within one thousand (1,000) feet of:~~

~~(i) school property;~~

~~(ii) a public park;~~

~~(iii) a family housing complex; or~~

~~(iv) a youth program center; and~~

~~(3) a Class A felony if the person possesses the methamphetamine in an amount (pure or adulterated) weighing at least three (3) grams:~~

~~(A) on a school bus; or~~

~~(B) in, on, or within one thousand (1,000) feet of:~~

~~(i) school property;~~

~~(ii) a public park;~~

~~(iii) a family housing complex; or~~

~~(iv) a youth program center.~~

(b) The offense is a Level 5 felony if:

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(1) the amount of the drug involved is at least three (3) but less than ten (10) grams; or

(2) the amount of the drug involved is less than three (3) grams and an enhancing circumstance applies.

(c) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least three (3) but less than ten (10) grams and an enhancing circumstance applies.

(d) The offense is a Level 3 felony if:

(1) the amount of the drug involved is more than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 629. IC 35-48-4-7, AS AMENDED BY P.L.182-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses a controlled substance (pure or adulterated) classified in schedule I, II, III, or IV, except marijuana, hashish, salvia, or a synthetic cannabinoid, commits possession of a controlled substance, a ~~Class D felony~~ **Class A misdemeanor, except as provided in subsection (b).** ~~However, the offense is a Class C felony if the person in possession of the controlled substance possesses the controlled substance:~~

~~(1) on a school bus; or~~

~~(2) in, on, or within one thousand (1,000) feet of:~~

~~(A) school property;~~

~~(B) a public park;~~

~~(C) a family housing complex; or~~

~~(D) a youth program center.~~

(b) The offense is a Level 6 felony if the person commits the offense and an enhancing circumstance applies.

~~(b)~~ **(c)** A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally obtains:

(1) more than four (4) ounces of schedule V controlled substances containing codeine in any given forty-eight (48) hour period unless pursuant to a prescription;

(2) a schedule V controlled substance pursuant to written or

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verbal misrepresentation; or

(3) possession of a schedule V controlled substance other than by means of a prescription or by means of signing an exempt narcotic register maintained by a pharmacy licensed by the Indiana state board of pharmacy;

commits a ~~Class D felony.~~ **Class A misdemeanor.**

SECTION 630. IC 35-48-4-8.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8.1. (a) A person who manufactures, finances the manufacture of, or designs an instrument, a device, or other object that is intended to be used primarily for:

(1) introducing into the human body a controlled substance;

(2) testing the strength, effectiveness, or purity of a controlled substance; or

(3) enhancing the effect of a controlled substance;

in violation of this chapter commits a Class A infraction for manufacturing paraphernalia.

(b) A person who:

(1) knowingly or intentionally violates this section; and

(2) has a previous judgment for violation of this section;

commits manufacture of paraphernalia, a ~~Class D~~ **Level 6** felony.

SECTION 631. IC 35-48-4-8.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8.3. (a) A person who possesses a raw material, an instrument, a device, or other object that the person intends to use for:

(1) introducing into the person's body a controlled substance;

(2) testing the strength, effectiveness, or purity of a controlled substance; or

(3) enhancing the effect of a controlled substance;

in violation of this chapter commits a Class A infraction for possessing paraphernalia.

(b) A person who knowingly or intentionally violates subsection (a) commits a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the person has a prior unrelated judgment or conviction under this section.

~~(c) A person who recklessly possesses a raw material, an instrument, a device, or other object that is to be used primarily for:~~

~~(1) introducing into the person's body a controlled substance;~~

~~(2) testing the strength, effectiveness, or purity of a controlled substance; or~~

~~(3) enhancing the effect of a controlled substance;~~

~~in violation of this chapter commits reckless possession of paraphernalia, a Class B misdemeanor. However, the offense is a Class~~

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~~D felony if the person has a previous judgment or conviction under this section.~~

SECTION 632. IC 35-48-4-8.5, AS AMENDED BY P.L.78-2012, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8.5. (a) A person who keeps for sale, offers for sale, delivers, or finances the delivery of a raw material, an instrument, a device, or other object that is intended to be or that is designed or marketed to be used primarily for:

(1) ingesting, inhaling, or otherwise introducing into the human body marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance;

(2) testing the strength, effectiveness, or purity of marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance;

(3) enhancing the effect of a controlled substance;

(4) manufacturing, compounding, converting, producing, processing, or preparing marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance;

(5) diluting or adulterating marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance by individuals; or

(6) any purpose announced or described by the seller that is in violation of this chapter;

commits a Class A infraction for dealing in paraphernalia.

(b) A person who knowingly or intentionally violates subsection (a) commits a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the person has a prior unrelated judgment or conviction under this section.

~~(c) A person who recklessly keeps for sale, offers for sale, or delivers an instrument, a device, or other object that is to be used primarily for:~~

~~(1) ingesting, inhaling, or otherwise introducing into the human body marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance;~~

~~(2) testing the strength, effectiveness, or purity of marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance;~~

~~(3) enhancing the effect of a controlled substance;~~

~~(4) manufacturing, compounding, converting, producing, processing, or preparing marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance;~~

~~(5) diluting or adulterating marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance by individuals; or~~

~~(6) any purpose announced or described by the seller that is in violation of this chapter;~~

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~~commits reckless dealing in paraphernalia, a Class B misdemeanor. However, the offense is a Class D felony if the person has a previous judgment or conviction under this section.~~

~~(d)~~ **(c)** This section does not apply to the following:

(1) Items marketed for use in the preparation, compounding, packaging, labeling, or other use of marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale.

(2) Items marketed for or historically and customarily used in connection with the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance.

SECTION 633. IC 35-48-4-10, AS AMENDED BY P.L.78-2012, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

marijuana, hash oil, hashish, salvia, or a synthetic drug, pure or adulterated; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

marijuana, hash oil, hashish, salvia, or a synthetic drug, pure or adulterated;

commits dealing in marijuana, hash oil, hashish, salvia, or a synthetic drug, a Class A misdemeanor, except as provided in ~~subsection~~ **subsections** (b) **through (c).**

~~(b) The offense is:~~

~~(1) a Class D felony if:~~

~~(A) the recipient or intended recipient is under eighteen (18) years of age;~~

~~(B) the amount involved is:~~

~~(i) more than thirty (30) grams but less than ten (10) pounds of marijuana or more than two (2) grams but less than three hundred (300) grams of hash oil, hashish, or salvia; or~~

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~~(ii) more than two (2) grams of a synthetic drug; or~~

~~(C) the person has a prior conviction of an offense involving marijuana, hash oil, hashish, salvia, or a synthetic drug; and~~

~~(2) a Class C felony if:~~

~~(A) the amount involved is ten (10) pounds or more of marijuana or three hundred (300) or more grams of hash oil, hashish, or salvia, or the person delivered or financed the delivery of marijuana, hash oil, hashish, or salvia:~~

~~(i) on a school bus; or~~

~~(ii) in, on, or within one thousand (1,000) feet of, school property, a public park, a family housing complex, or a youth program center; or~~

~~(B) the amount involved is more than two (2) grams of a synthetic drug and the person delivered or financed the delivery of the synthetic drug:~~

~~(i) on a school bus; or~~

~~(ii) in, on, or within one thousand (1,000) feet of school property, a public park, a family housing complex, or a youth program center.~~

(b) The offense is a Level 6 felony if:

(1) the person has a prior conviction for a drug offense and the amount of the drug involved is:

(A) less than thirty (30) grams of marijuana; or

(B) less than two (2) grams of hash oil, hashish, salvia, or a synthetic drug; or

(2) the amount of the drug involved is:

(A) at least thirty (30) grams but less than ten (10) pounds of marijuana; or

(B) at least two (2) grams but less than three hundred (300) grams of hash oil, hashish, salvia, or a synthetic drug.

(c) The offense is a Level 5 felony if:

(1) the person has a prior conviction for a drug dealing offense and the amount of the drug involved is:

(A) at least thirty (30) grams but less than ten (10) pounds of marijuana; or

(B) at least two (2) grams but less than three hundred (300) grams of hash oil, hashish, salvia, or a synthetic drug; or

(2) the:

(A) amount of the drug involved is:

(i) at least ten (10) pounds of marijuana; or

(ii) at least three hundred (300) grams of hash oil, hashish, salvia, or a synthetic drug; or

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(B) offense involved a sale to a minor.

SECTION 634. IC 35-48-4-11, AS AMENDED BY P.L.78-2012, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. **(a)** A person who:

(1) knowingly or intentionally possesses (pure or adulterated) marijuana, hash oil, hashish, salvia, or a synthetic drug;

(2) knowingly or intentionally grows or cultivates marijuana; or

(3) knowing that marijuana is growing on the person's premises, fails to destroy the marijuana plants;

commits possession of marijuana, hash oil, hashish, salvia, or a synthetic drug, a ~~Class A~~ **Class B** misdemeanor, **except as provided in subsections (b) through (c).** ~~However, the offense is a Class D felony if the amount involved is more than thirty (30) grams of marijuana or two (2) grams of hash oil, hashish, salvia, or a synthetic drug, or if the person has a prior conviction of an offense involving marijuana, hash oil, or hashish, salvia, or a synthetic drug.~~

(b) The offense described in subsection (a) is a Class A misdemeanor if the person has a prior conviction for a drug offense.

(c) The offense described in subsection (a) is a Level 6 felony if:

(1) the person has a prior conviction for a drug offense; and

(2) the person possesses:

(A) at least thirty (30) grams of marijuana; or

(B) at least two (2) grams of hash oil, hashish, salvia, or a synthetic drug.

SECTION 635. IC 35-48-4-12, AS AMENDED BY P.L.78-2012, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. If a person who has no prior conviction of an offense under this article or under a law of another jurisdiction relating to controlled substances pleads guilty to possession of marijuana, hashish, salvia, or a synthetic drug as a ~~Class A~~ misdemeanor, the court, without entering a judgment of conviction and with the consent of the person, may defer further proceedings and place the person in the custody of the court under ~~such~~ conditions ~~as~~ **determined by** the court. ~~determines.~~ Upon violation of a condition of the custody, the court may enter a judgment of conviction. However, if the person fulfills the conditions of the custody, the court shall dismiss the charges against the person. There may be only one (1) dismissal under this section with respect to a person.

SECTION 636. IC 35-48-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) A person who knowingly or intentionally visits a building, structure, vehicle, or other

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place that is used by any person to unlawfully use a controlled substance commits visiting a common nuisance, a Class B misdemeanor.

(b) A person who knowingly or intentionally maintains a building, structure, vehicle, or other place that is used one (1) or more times:

(1) by persons to unlawfully use controlled substances; or

(2) for unlawfully:

(A) manufacturing;

(B) keeping;

(C) offering for sale;

(D) selling;

(E) delivering; or

(F) financing the delivery of;

controlled substances, or items of drug paraphernalia as described in IC 35-48-4-8.5;

commits maintaining a common nuisance, a ~~Class D~~ **Level 6** felony.

SECTION 637. IC 35-48-4-13.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13.3. A person who recklessly, knowingly, or intentionally takes a person less than eighteen (18) years of age or an endangered adult (as defined in IC 12-10-3-2) into a building, structure, vehicle, or other place that is being used by any person to:

(1) unlawfully possess drugs or controlled substances; or

(2) unlawfully:

(A) manufacture;

(B) keep;

(C) offer for sale;

(D) sell;

(E) deliver; or

(F) finance the delivery of;

drugs or controlled substances;

commits a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the person has a prior unrelated conviction under this section.

SECTION 638. IC 35-48-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) A person who:

(1) is subject to IC 35-48-3 and who recklessly, knowingly, or intentionally distributes or dispenses a controlled substance in violation of IC 35-48-3;

(2) is a registrant and who recklessly, knowingly, or intentionally:

(A) manufactures; or

(B) finances the manufacture of;

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a controlled substance not authorized by ~~his~~ **the person's** registration or distributes or dispenses a controlled substance not authorized by ~~his~~ **the person's** registration to another registrant or other authorized person;

(3) recklessly, knowingly, or intentionally fails to make, keep, or furnish a record, a notification, an order form, a statement, an invoice, or information required under this article; or

(4) recklessly, knowingly, or intentionally refuses entry into any premises for an inspection authorized by this article;

commits a ~~Class D~~ **Level 6** felony.

(b) A person who knowingly or intentionally:

(1) distributes as a registrant a controlled substance classified in schedule I or II, except under an order form as required by IC 35-48-3;

(2) uses in the course of the:

(A) manufacture of;

(B) the financing of the manufacture of; or

(C) distribution of;

a controlled substance a federal or state registration number that is fictitious, revoked, suspended, or issued to another person;

(3) furnishes false or fraudulent material information in, or omits any material information from, an application, report, or other document required to be kept or filed under this article; or

(4) makes, distributes, or possesses a punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or a likeness of any of the foregoing on a drug or container or labeling thereof so as to render the drug a counterfeit substance;

commits a ~~Class D~~ **Level 6** felony.

(c) A person who knowingly or intentionally acquires possession of a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, alteration of a prescription order, concealment of a material fact, or use of a false name or false address commits a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~ **Level 5** felony if the person has a prior conviction of an offense under this subsection.

(d) A person who knowingly or intentionally affixes any false or forged label to a package or receptacle containing a controlled substance commits a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~ **Level 5** felony if the person has a prior conviction of an offense under this subsection. This subsection does not apply to law enforcement agencies or their representatives while engaged in

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enforcing IC 16-42-19 or this chapter (or IC 16-6-8 before its repeal).

(e) A person who duplicates, reproduces, or prints any prescription pads or forms without the prior written consent of a practitioner commits a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~ **Level 5** felony if the person has a prior conviction of an offense under this subsection. This subsection does not apply to the printing of prescription pads or forms upon a written, signed order placed by a practitioner or pharmacist, by legitimate printing companies.

SECTION 639. IC 35-48-4-14.5, AS AMENDED BY P.L.151-2006, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14.5. (a) As used in this section, "chemical reagents or precursors" refers to one (1) or more of the following:

(1) Ephedrine.
(2) Pseudoephedrine.
(3) Phenylpropanolamine.
(4) The salts, isomers, and salts of isomers of a substance identified in subdivisions (1) through (3).
(5) Anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1).
(6) Organic solvents.
(7) Hydrochloric acid.
(8) Lithium metal.
(9) Sodium metal.
(10) Ether.
(11) Sulfuric acid.
(12) Red phosphorous.
(13) Iodine.
(14) Sodium hydroxide (lye).
(15) Potassium dichromate.
(16) Sodium dichromate.
(17) Potassium permanganate.
(18) Chromium trioxide.
(19) Benzyl cyanide.
(20) Phenylacetic acid and its esters or salts.
(21) Piperidine and its salts.
(22) Methylamine and its salts.
(23) Isosafrole.
(24) Safrole.
(25) Piperonal.
(26) Hydriodic acid.
(27) Benzaldehyde.
(28) Nitroethane.

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(29) Gamma-butyrolactone.
(30) White phosphorus.
(31) Hypophosphorous acid and its salts.
(32) Acetic anhydride.
(33) Benzyl chloride.
(34) Ammonium nitrate.
(35) Ammonium sulfate.
(36) Hydrogen peroxide.
(37) Thionyl chloride.
(38) Ethyl acetate.
(39) Pseudoephedrine hydrochloride.

(b) A person who possesses more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~ **Level 5** felony if the person possessed:

(1) a firearm while possessing more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated; or

(2) more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, in, on, or within ~~one thousand (1,000)~~ **five hundred (500)** feet of:

(A) school property **while a person under eighteen (18) years of age was reasonably expected to be present; or**

(B) a public park **while a person under eighteen (18) years of age was reasonably expected to be present.**

~~(C) a family housing complex; or~~

~~(D) a youth program center.~~

(c) A person who possesses anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with the intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6, commits a ~~Class D~~ **Level 6** felony. However, the offense is a ~~Class C~~ **Level 5** felony if the person possessed:

(1) a firearm while possessing anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6; or

(2) anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6, in, on, or within ~~one thousand (1,000)~~ **five hundred (500)** feet of:

(A) school property **while a person under eighteen (18)**

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years of age was reasonably expected to be present; or

(B) a public park **while a person under eighteen (18) years of age was reasonably expected to be present.**

~~(C) a family housing complex; or~~

~~(D) a youth program center.~~

(d) Subsection (b) does not apply to a:

(1) licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier or an agent of any of these persons if the possession is in the regular course of lawful business activities; or

(2) person who possesses more than ten (10) grams of a substance described in subsection (b) if the substance is possessed under circumstances consistent with typical medicinal or household use, including:

(A) the location in which the substance is stored;

(B) the possession of the substance in a variety of:

(i) strengths;

(ii) brands; or

(iii) types; or

(C) the possession of the substance:

(i) with different expiration dates; or

(ii) in forms used for different purposes.

(e) A person who possesses two (2) or more chemical reagents or precursors with the intent to manufacture a controlled substance commits a ~~Class D~~ **Level 6** felony.

(f) An offense under subsection (e) is a ~~Class C~~ **Level 5** felony if the person possessed:

(1) a firearm while possessing two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance; or

(2) two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance in, on, or within ~~one thousand (1,000)~~ **five hundred (500)** feet of:

(A) school property **while a person under eighteen (18) years of age was reasonably expected to be present; or**

(B) a public park **while a person under eighteen (18) years of age was reasonably expected to be present.**

~~(C) a family housing complex; or~~

~~(D) a youth program center.~~

(g) A person who sells, transfers, distributes, or furnishes a chemical reagent or precursor to another person with knowledge or the intent that the recipient will use the chemical reagent or precursors to manufacture

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a controlled substance commits unlawful sale of a precursor, a ~~Class D~~ **Level 6** felony.

SECTION 640. IC 35-48-4-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) For an offense under this chapter that requires proof of:

(1) delivery of cocaine, a narcotic drug, methamphetamine, or a controlled substance;

(2) financing the delivery of cocaine, a narcotic drug, methamphetamine, or a controlled substance; or

(3) possession of cocaine, **a** narcotic drug, methamphetamine, or **a** controlled substance;

within ~~one thousand (1,000)~~ **five hundred (500)** feet of school property **or** a public park ~~a family housing complex, or a youth program center,~~ **while a person less than eighteen (18) years of age was reasonably expected to be present,** the person charged may assert the defense in subsection (b) or (c).

(b) It is a defense for a person charged under this chapter with an offense that contains an element listed in subsection (a) that:

(1) a person was briefly in, on, or within ~~one thousand (1,000)~~ **five hundred (500)** feet of school property **or** a public park ~~a family housing complex, or a youth program center;~~ **while a person less than eighteen (18) years of age was reasonably expected to be present;** and

(2) no person under eighteen (18) years of age at least three (3) years junior to the person was in, on, or within ~~one thousand (1,000)~~ **five hundred (500)** feet of the school property **or** public park ~~family housing complex, or youth program center~~ at the time of the offense.

(c) It is a defense for a person charged under this chapter with an offense that contains an element listed in subsection (a) that a person was in, on, or within ~~one thousand (1,000)~~ **five hundred (500)** feet of school property **or** a public park: ~~a family housing complex, or a youth program center~~

(1) at the request or suggestion of a law enforcement officer or an agent of a law enforcement officer; **and**

(2) while a person less than eighteen (18) years of age was reasonably expected to be present.

(d) The defense under this section applies only to the element of the offense that requires proof that the delivery, financing of the delivery, or possession of cocaine, a narcotic drug, methamphetamine, or a controlled substance occurred in, on, or within ~~one thousand (1,000)~~ **five hundred (500)** feet of school property **or** a public park ~~a family~~

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~~housing complex, or a youth program center.~~ **while a person less than eighteen (18) years of age was reasonably expected to be present.**

SECTION 641. IC 35-49-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. "Sexual conduct" means:

(1) sexual intercourse or ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5);**

(2) exhibition of the uncovered genitals in the context of masturbation or other sexual activity;

(3) exhibition of the uncovered genitals of a person under sixteen (16) years of age;

(4) sado-masochistic abuse; or

(5) sexual intercourse or ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5)** with an animal.

SECTION 642. IC 35-49-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who knowingly or intentionally:

(1) sends or brings into Indiana obscene matter for sale or distribution; or

(2) offers to distribute, distributes, or exhibits to another person obscene matter;

commits a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the obscene matter depicts or describes sexual conduct involving any person who is or appears to be under sixteen (16) years of age.

SECTION 643. IC 35-49-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who knowingly or intentionally engages in, participates in, manages, produces, sponsors, presents, exhibits, photographs, films, or videotapes any obscene performance commits a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the obscene performance depicts or describes sexual conduct involving any person who is or appears to be under sixteen (16) years of age.

SECTION 644. IC 35-49-3-3, AS AMENDED BY P.L.140-2006, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) Except as provided in subsection (b), a person who knowingly or intentionally:

(1) disseminates matter to minors that is harmful to minors;

(2) displays matter that is harmful to minors in an area to which minors have visual, auditory, or physical access, unless each minor is accompanied by the minor's parent or guardian;

(3) sells, rents, or displays for sale or rent to any person matter

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that is harmful to minors within five hundred (500) feet of the nearest property line of a school or church;

(4) engages in or conducts a performance before minors that is harmful to minors;

(5) engages in or conducts a performance that is harmful to minors in an area to which minors have visual, auditory, or physical access, unless each minor is accompanied by the minor's parent or guardian;

(6) misrepresents the minor's age for the purpose of obtaining admission to an area from which minors are restricted because of the display of matter or a performance that is harmful to minors; or

(7) misrepresents that the person is a parent or guardian of a minor for the purpose of obtaining admission of the minor to an area where minors are being restricted because of display of matter or performance that is harmful to minors;

commits a ~~Class D~~ **Level 6** felony.

(b) This section does not apply if a person disseminates, displays, or makes available the matter described in subsection (a) through the Internet, computer electronic transfer, or a computer network unless:

(1) the matter is obscene under IC 35-49-2-1;

(2) the matter is child pornography under IC 35-42-4-4; or

(3) the person distributes the matter to a child less than eighteen (18) years of age believing or intending that the recipient is a child less than eighteen (18) years of age.

SECTION 645. IC 35-49-3-4, AS AMENDED BY P.L.180-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) It is a defense to a prosecution under section 3 of this chapter for the defendant to show:

(1) that the matter was disseminated or that the performance was performed for legitimate scientific or educational purposes;

(2) that the matter was disseminated or displayed to or that the performance was performed before the recipient by a bona fide school, museum, or public library that qualifies for certain property tax exemptions under IC 6-1.1-10, or by an employee of such a school, museum, or public library acting within the scope of the employee's employment;

(3) that the defendant had reasonable cause to believe that the minor involved was eighteen (18) years ~~old~~ **of age** or older and that the minor exhibited to the defendant a draft card, driver's license, birth certificate, or other official or apparently official document purporting to establish that the minor was eighteen (18)

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years ~~old~~ **of age** or older; or

(4) that the defendant was a salesclerk, motion picture projectionist, usher, or ticket taker, acting within the scope of the defendant's employment and that the defendant had no financial interest in the place where the defendant was so employed.

(b) Except as provided in subsection (c), it is a defense to a prosecution under section 3 of this chapter if all the following apply:

(1) A cellular telephone, another wireless or cellular communications device, or a social networking web site was used to disseminate matter to a minor that is harmful to minors.

(2) The defendant is not more than four (4) years older or younger than the person who received the matter that is harmful to minors.

(3) The relationship between the defendant and the person who received the matter that is harmful to minors was a dating relationship or an ongoing personal relationship. For purposes of this subdivision, the term "ongoing personal relationship" does not include a family relationship.

(4) The crime was committed by a person less than twenty-two (22) years of age.

(5) The person receiving the matter expressly or implicitly acquiesced in the defendant's conduct.

(c) The defense to a prosecution described in subsection (b) does not apply if:

(1) the image is disseminated to a person other than the person:

(A) who sent the image; or

(B) who is depicted in the image; or

(2) the dissemination of the image violates:

(A) a protective order to prevent domestic or family violence issued under IC 34-26-5 (or, if the order involved a family or household member, under IC 34-26-2 or IC 34-4-5.1-5 before their repeal);

(B) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency order issued under IC 34-26-2 or IC 34-4-5.1 before their repeal);

(C) a workplace violence restraining order issued under IC 34-26-6;

(D) a no contact order in a dispositional decree issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal) that orders the person to refrain from direct or indirect

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contact with a child in need of services or a delinquent child;
(E) a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion, and including a no contact order issued under IC 35-33-8-3.6;
(F) a no contact order issued as a condition of probation;
(G) a protective order to prevent domestic or family violence issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2 before their repeal);
(H) a protective order to prevent domestic or family violence issued under IC 31-14-16-1 in a paternity action;
(I) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding;
(J) an order issued in another state that is substantially similar to an order described in clauses (A) through (I);
(K) an order that is substantially similar to an order described in clauses (A) through (I) and is issued by an Indian:
(i) tribe;
(ii) band;
(iii) pueblo;
(iv) nation; or
(v) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);
that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians;
(L) an order issued under IC 35-33-8-3.2; or
(M) an order issued under IC 35-38-1-30.

SECTION 646. IC 35-50-1-2, AS AMENDED BY SEA 85-2013, SECTION 144, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) As used in this section, "crime of violence" means the following:

(1) Murder (IC 35-42-1-1).
(2) Attempted murder (IC 35-41-5-1).
(3) Voluntary manslaughter (IC 35-42-1-3).
(4) Involuntary manslaughter (IC 35-42-1-4).
(5) Reckless homicide (IC 35-42-1-5).
(6) Aggravated battery (IC 35-42-2-1.5).
(7) Kidnapping (IC 35-42-3-2).

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(8) Rape (IC 35-42-4-1).
(9) Criminal deviate conduct (IC 35-42-4-2) **(repealed).**
(10) Child molesting (IC 35-42-4-3).
(11) Sexual misconduct with a minor as a ~~Class A~~ **Level 1** felony under IC 35-42-4-9(a)(2) or a ~~Class B~~ **Level 2** felony under IC 35-42-4-9(b)(2).
(12) Robbery as a ~~Class A~~ **Level 2** felony or a ~~Class B~~ **Level 3** felony (IC 35-42-5-1).
(13) Burglary as a ~~Class A felony or a Class B~~ **Level 2 felony, Level 3 felony, or Level 4** felony (IC 35-43-2-1).
(14) Operating a vehicle while intoxicated causing death (IC 9-30-5-5).
(15) Operating a vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).
(16) Resisting law enforcement as a felony (IC 35-44.1-3-1).

(b) As used in this section, "episode of criminal conduct" means offenses or a connected series of offenses that are closely related in time, place, and circumstance.

(c) Except as provided in subsection (d) or (e), the court shall determine whether terms of imprisonment shall be served concurrently or consecutively. The court may consider the:
(1) aggravating circumstances in IC 35-38-1-7.1(a); and
(2) mitigating circumstances in IC 35-38-1-7.1(b);
in making a determination under this subsection. The court may order terms of imprisonment to be served consecutively even if the sentences are not imposed at the same time. However, except for crimes of violence, the total of the consecutive terms of imprisonment, exclusive of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10 **(repealed),** to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct shall not exceed the advisory sentence for a felony which is one (1) ~~class~~ **level** of felony higher than the most serious of the felonies for which the person has been convicted.

(d) If, after being arrested for one (1) crime, a person commits another crime:
(1) before the date the person is discharged from probation, parole, or a term of imprisonment imposed for the first crime; or
(2) while the person is released:
(A) upon the person's own recognizance; or
(B) on bond;
the terms of imprisonment for the crimes shall be served consecutively, regardless of the order in which the crimes are tried and sentences are

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imposed.

(e) If the factfinder determines under IC 35-50-2-11 that a person used a firearm in the commission of the offense for which the person was convicted, the term of imprisonment for the underlying offense and the additional term of imprisonment imposed under IC 35-50-2-11 must be served consecutively.

SECTION 647. IC 35-50-2-0.1, AS AMENDED BY P.L.63-2012, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 0.1. The following amendments to this chapter apply as follows:

(1) The amendments described in section 0.2 of this chapter apply as described in section 0.2 of this chapter.

(2) The amendments made to sections 3 and 9 of this chapter by P.L.332-1987 do not apply to a case in which a death sentence has been imposed before September 1, 1987.

(3) The amendments made to sections 3 and 9 of this chapter by P.L.250-1993 apply only to murders committed after June 30, 1993.

(4) The amendments made to section 2 of this chapter by P.L.11-1994 apply only to an offender (as defined in IC 5-2-12-4, as added by P.L.11-1994 and before its repeal) convicted after June 30, 1994.

(5) The amendments made to section 8 of this chapter by P.L.166-2001 apply only if the offense for which the state seeks to have the person sentenced as a habitual offender was committed after June 30, 2001.

(6) The amendments made to section 1 of this chapter by P.L.243-2001 apply to crimes committed on and after May 11, 2001. It is the intent of the general assembly that section 1 of this chapter, as it applies to crimes committed before May 11, 2001, be construed without drawing any inference from the passage of P.L.243-2001.

(7) The amendments made to section 8(b)(3) of this chapter by P.L.291-2001) **(before its deletion on July 1, 2014)** apply only if the last offense for which the state seeks to have the person sentenced as a habitual offender was committed after June 30, 2001.

(8) The amendments made to section 10 of this chapter by P.L.291-2001 apply only if the last offense for which the state seeks to have the person sentenced as a habitual substance offender was committed after June 30, 2001. However, a prior unrelated conviction committed before, on, or after July 1, 2001,

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may be used to qualify an offender as a habitual offender under section 8 of this chapter or as a habitual substance offender under section 10 of this chapter.

(9) The amendments made to section 1 of this chapter by P.L.291-2001 apply to crimes committed on and after May 11, 2001. It is the intent of the general assembly that section 1 of this chapter, as it applies to crimes committed before May 11, 2001, be construed without drawing any inference from the passage of P.L.291-2001.

(10) The amendments made to section 9 of this chapter by P.L.80-2002 apply only to a conviction for murder that occurs after March 20, 2002, including a conviction entered as a result of a retrial of a person, regardless of when the offense occurred.

SECTION 648. IC 35-50-2-1, AS AMENDED BY P.L.69-2012, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) As used in this chapter, ~~"Class D~~ **"Level 6** felony conviction" means:

(1) a conviction ~~of a Class D felony~~ in Indiana **for:**

(A) a Class D felony, for a crime committed before July 1, 2014; or

(B) a Level 6 felony, for a crime committed after June 30, 2014; and

(2) a conviction, in any other jurisdiction at any time, with respect to which the convicted person might have been imprisoned for more than one (1) year.

However, ~~it~~ **the term** does not include a conviction with respect to which the person has been pardoned, or a conviction of a Class A misdemeanor entered under IC 35-38-1-1.5 or section ~~7(b) or~~ 7(c) **or 7(d)** of this chapter.

(b) As used in this chapter, "felony conviction" means a conviction, in any jurisdiction at any time, with respect to which the convicted person might have been imprisoned for more than one (1) year. However, it does not include a conviction with respect to which the person has been pardoned, or a conviction of a Class A misdemeanor under section ~~7(b)~~ **7(c)** of this chapter.

(c) As used in this chapter, "minimum sentence" means:

(1) for murder, forty-five (45) years;

(2) for a Class A felony, **for a crime committed before July 1, 2014,** twenty (20) years;

(3) for a Class B felony, **for a crime committed before July 1, 2014,** six (6) years;

(4) for a Class C felony, **for a crime committed before July 1,**

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2014, two (2) years; ~~and~~

(5) for a Class D felony, **for a crime committed before July 1, 2014,** one-half (1/2) year;

(6) for a Level 1 felony, for a crime committed after June 30, 2014, thirty (30) years;

(7) for a Level 2 felony, for a crime committed after June 30, 2014, twenty (20) years;

(8) for a Level 3 felony, for a crime committed after June 30, 2014, twelve (12) years;

(9) for a Level 4 felony, for a crime committed after June 30, 2014, six (6) years;

(10) for a Level 5 felony, for a crime committed after June 30, 2014, two (2) years; and

(11) for a Level 6 felony, for a crime committed after June 30, 2014, one-half (1/2) year.

SECTION 649. IC 35-50-2-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2. (a) The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.~~

~~(b) Except as provided in subsection (i), with respect to the following crimes listed in this subsection, the court may suspend only that part of the sentence that is in excess of the minimum sentence, unless the court has approved placement of the offender in a forensic diversion program under IC 11-12-3.7:~~

~~(1) The crime committed was a Class A felony or Class B felony and the person has a prior unrelated felony conviction.~~

~~(2) The crime committed was a Class C felony and less than seven (7) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class C felony for which the person is being sentenced.~~

~~(3) The crime committed was a Class D felony and less than three (3) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class D felony for which the person is being sentenced. However, the court may suspend the minimum sentence for the crime only if the court orders home detention under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum sentence specified for the crime under this chapter.~~

~~(4) The felony committed was:~~

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~~(A) murder (IC 35-42-1-1);~~
~~(B) battery (IC 35-42-2-1) with a deadly weapon or battery causing death;~~
~~(C) sexual battery (IC 35-42-4-8) with a deadly weapon;~~
~~(D) kidnapping (IC 35-42-3-2);~~
~~(E) confinement (IC 35-42-3-3) with a deadly weapon;~~
~~(F) rape (IC 35-42-4-1) as a Class A felony;~~
~~(G) criminal deviate conduct (IC 35-42-4-2) as a Class A felony;~~
~~(H) except as provided in subsection (i), child molesting (IC 35-42-4-3) as a Class A or Class B felony, unless:~~
~~(i) the felony committed was child molesting as a Class B felony;~~
~~(ii) the victim was not less than twelve (12) years old at the time the offense was committed;~~
~~(iii) the person is not more than four (4) years older than the victim, or more than five (5) years older than the victim if the relationship between the person and the victim was a dating relationship or an ongoing personal relationship (not including a family relationship);~~
~~(iv) the person did not have a position of authority or substantial influence over the victim; and~~
~~(v) the person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person;~~
~~(I) robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon;~~
~~(J) arson (IC 35-43-1-1) for hire or resulting in serious bodily injury;~~
~~(K) burglary (IC 35-43-2-1) resulting in serious bodily injury or with a deadly weapon;~~
~~(L) resisting law enforcement (IC 35-44.1-3-1) with a deadly weapon;~~
~~(M) escape (IC 35-44.1-3-4) with a deadly weapon;~~
~~(N) rioting (IC 35-45-1-2) with a deadly weapon;~~
~~(O) dealing in cocaine or a narcotic drug (IC 35-48-4-1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet~~

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~~of:~~
~~(i) school property;~~
~~(ii) a public park;~~
~~(iii) a family housing complex; or~~
~~(iv) a youth program center;~~
~~(P) dealing in methamphetamine (IC 35-48-4-1.1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver the methamphetamine pure or adulterated to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:~~
~~(i) school property;~~
~~(ii) a public park;~~
~~(iii) a family housing complex; or~~
~~(iv) a youth program center;~~
~~(Q) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:~~
~~(i) school property;~~
~~(ii) a public park;~~
~~(iii) a family housing complex; or~~
~~(iv) a youth program center;~~
~~(R) an offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5;~~
~~(S) an offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death);~~
~~(T) aggravated battery (IC 35-42-2-1.5); or~~
~~(U) disarming a law enforcement officer (IC 35-44.1-3-2).~~

~~(c) Except as provided in subsection (e), whenever the court suspends a sentence for a felony, it shall place the person on probation under IC 35-38-2 for a fixed period to end not later than the date that the maximum sentence that may be imposed for the felony will expire.~~

~~(d) The minimum sentence for a person convicted of voluntary manslaughter may not be suspended unless the court finds at the sentencing hearing that the crime was not committed by means of a~~

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~~deadly weapon.~~

~~(e) Whenever the court suspends that part of the sentence of a sex or violent offender (as defined in IC 11-8-8-5) that is suspendible under subsection (b), the court shall place the sex or violent offender on probation under IC 35-38-2 for not more than ten (10) years.~~

~~(f) An additional term of imprisonment imposed under IC 35-50-2-11 may not be suspended.~~

~~(g) A term of imprisonment imposed under IC 35-47-10-6 or IC 35-47-10-7 may not be suspended if the commission of the offense was knowing or intentional.~~

~~(h) A term of imprisonment imposed for an offense under IC 35-48-4-6(b)(1)(B) or IC 35-48-4-6.1(b)(1)(B) may not be suspended.~~

~~(i) If a person is:~~

~~(1) convicted of child molesting (IC 35-42-4-3) as a Class A felony against a victim less than twelve (12) years of age; and~~

~~(2) at least twenty-one (21) years of age;~~

~~the court may suspend only that part of the sentence that is in excess of thirty (30) years.~~

SECTION 650. IC 35-50-2-2.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.2. (a) Except as provided in subsections (b) or (c), the court may suspend any part of a sentence for a felony.**

(b) If a person is convicted of a Level 1 felony or a Level 2 felony and has any prior unrelated felony conviction, the court may suspend only that part of a sentence that is in excess of the minimum sentence for the:

(1) Level 1 felony; or

(2) Level 2 felony.

(c) The court may suspend only that part of a sentence for murder that is in excess of the minimum sentence for murder.

SECTION 651. IC 35-50-2-4, AS AMENDED BY P.L.71-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who commits a Class A **felony (for a crime committed before July 1, 2014) or a Level 1** felony **(for a crime committed after June 30, 2014)** shall be imprisoned for a fixed term of between twenty (20) and fifty (50) years, with the advisory sentence being thirty (30) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

SECTION 652. IC 35-50-2-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2014]: **Sec. 4.5. A person who commits a Level 2 felony shall be imprisoned for a fixed term of between ten (10) and thirty (30) years, with the advisory sentence being seventeen and one-half (17 1/2) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).**

SECTION 653. IC 35-50-2-5, AS AMENDED BY P.L.71-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. **(a)** A person who commits a Class B felony **(for a crime committed before July 1, 2014)** shall be imprisoned for a fixed term of between six (6) and twenty (20) years, with the advisory sentence being ten (10) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

(b) A person who commits a Level 3 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between three (3) and twenty (20) years, with the advisory sentence being six (6) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

SECTION 654. IC 35-50-2-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 5.5. A person who commits a Level 4 felony shall be imprisoned for a fixed term of between two (2) and twelve (12) years, with the advisory sentence being four (4) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).**

SECTION 655. IC 35-50-2-6, AS AMENDED BY P.L.71-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who commits a Class C felony **(for a crime committed before July 1, 2014)** shall be imprisoned for a fixed term of between two (2) and eight (8) years, with the advisory sentence being four (4) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

(b) Notwithstanding subsection (a), if a person has committed nonsupport of a child as a Class C felony under IC 35-46-1-5 **(for a crime committed before July 1, 2014),** upon motion of the prosecuting attorney, the court may enter judgment of conviction of a Class D felony under IC 35-46-1-5 and sentence the person accordingly. The court shall enter in the record detailed reasons for the court's action when the court enters a judgment of conviction of a Class D felony under this subsection.

(c) A person who commits a Level 5 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between one (1) and six (6) years, with the advisory

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sentence being two (2) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

(d) Notwithstanding subsection (c), if a person has committed nonsupport of a child as a Level 5 felony under IC 35-46-1-5 (for a crime committed after June 30, 2014), upon motion of the prosecuting attorney, the court may enter judgment of conviction of a Level 6 felony under IC 35-46-1-5 and sentence the person accordingly. The court shall enter in the record detailed reasons for the court's action when the court enters a judgment of conviction of a Level 6 felony under this subsection.

SECTION 656. IC 35-50-2-7, AS AMENDED BY SEA 85-2013, SECTION 145, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A person who commits a Class D felony **(for a crime committed before July 1, 2014)** shall be imprisoned for a fixed term of between six (6) months and three (3) years, with the advisory sentence being one and one-half (1 1/2) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

(b) A person who commits a Level 6 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between six (6) months and two and one-half (2 1/2) years, with the advisory sentence being one (1) year. In addition, the person may be fined not more than ten thousand dollars ($10,000).

~~(b)~~ **(c)** Notwithstanding ~~subsection~~ **subsections** (a) **and (b),** if a person has committed a Class D felony **(for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014),** the court may enter judgment of conviction of a Class A misdemeanor and sentence accordingly. However, the court shall enter a judgment of conviction of a Class D felony **(for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014)** if:

(1) the court finds that:

(A) the person has committed a prior, unrelated felony for which judgment was entered as a conviction of a Class A misdemeanor; and

(B) the prior felony was committed less than three (3) years before the second felony was committed;

(2) the offense is domestic battery as a Class D felony **(for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014)** under IC 35-42-2-1.3; or

(3) the offense is possession of child pornography

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

The court shall enter in the record, in detail, the reason for its action whenever it exercises the power to enter judgment of conviction of a Class A misdemeanor granted in this subsection.

~~(c)~~ **(d)** Notwithstanding ~~subsection~~ **subsections** (a) **and (b),** the sentencing court may convert a Class D felony conviction **(for a crime committed before July 1, 2014) or a Level 6 felony conviction (for a crime committed after June 30, 2014)** to a Class A misdemeanor conviction if, after receiving a verified petition as described in subsection ~~(d)~~ **(e)** and after conducting a hearing of which the prosecuting attorney has been notified, the court makes the following findings:

(1) The person is not a sex or violent offender (as defined in IC 11-8-8-5).

(2) The person was not convicted of a Class D felony **(for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014)** that resulted in bodily injury to another person.

(3) The person has not been convicted of perjury under IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal) or official misconduct under IC 35-44.1-1-1 (or IC 35-44-1-2 before its repeal).

(4) At least three (3) years have passed since the person:

(A) completed the person's sentence; and

(B) satisfied any other obligation imposed on the person as part of the sentence;

for the Class D **or Level 6** felony.

(5) The person has not been convicted of a felony since the person:

(A) completed the person's sentence; and

(B) satisfied any other obligation imposed on the person as part of the sentence;

for the Class D **or Level 6** felony.

(6) No criminal charges are pending against the person.

~~(d)~~ **(e)** A petition filed under subsection ~~(c)~~ **(d)** must be verified and set forth:

(1) the crime the person has been convicted of;

(2) the date of the conviction;

(3) the date the person completed the person's sentence;

(4) any obligations imposed on the person as part of the sentence;

(5) the date the obligations were satisfied; and

(6) a verified statement that there are no criminal charges pending

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against the person.

~~(c)~~ **(f)** If a person whose Class D **or Level 6** felony conviction has been converted to a Class A misdemeanor conviction under subsection ~~(c)~~ **(d)** is convicted of a felony within five (5) years after the conversion under subsection ~~(c),~~ **(d),** a prosecuting attorney may petition a court to convert the person's Class A misdemeanor conviction back to a Class D felony conviction **(for a crime committed before July 1, 2014) or a Level 6 felony conviction (for a crime committed after June 30, 2014).**

SECTION 657. IC 35-50-2-8, AS AMENDED BY P.L.71-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) ~~Except as otherwise provided in this section,~~ The state may seek to have a person sentenced as a habitual offender for ~~any~~ **a** felony by alleging, on ~~a page~~ **one (1) or more pages** separate from the rest of the charging instrument, that the person has accumulated ~~two (2)~~ **the required number of** prior unrelated felony convictions **in accordance with this section.**

(b) A person convicted of murder or of a Level 1 through Level 4 felony is a habitual offender if the state proves beyond a reasonable doubt that:

(1) the person has been convicted of two (2) prior unrelated felonies; and

(2) at least one (1) of the prior unrelated felonies is not a Level 6 felony or a Class D felony.

(c) A person convicted of a Level 5 felony is a habitual offender if the state proves beyond a reasonable doubt that:

(1) the person has been convicted of two (2) prior unrelated felonies;

(2) at least one (1) of the prior unrelated felonies is not a Level 6 felony or a Class D felony; and

(3) if the person is alleged to have committed a prior unrelated:

(A) Level 5 felony;

(B) Level 6 felony;

(C) Class C felony; or

(D) Class D felony;

not more than ten (10) years have elapsed between the time the person was released from imprisonment, probation, or parole (whichever is latest) and the time the person committed the current offense.

(d) A person convicted of a Level 6 felony is a habitual offender if the state proves beyond a reasonable doubt that:

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(1) the person has been convicted of three (3) prior unrelated felonies; and

(2) if the person is alleged to have committed a prior unrelated:

(A) Level 5 felony;

(B) Level 6 felony;

(C) Class C felony; or

(D) Class D felony;

not more than ten (10) years have elapsed between the time the person was released from imprisonment, probation, or parole (whichever is latest) and the time the person committed the current offense.

~~(b)~~ **(e)** The state may not seek to have a person sentenced as a habitual offender for a felony offense under this section if

~~(1)~~ the **current** offense is a misdemeanor that is enhanced to a felony in the same proceeding as the habitual offender proceeding solely because the person had a prior unrelated conviction. **However, a prior unrelated felony conviction may be used to support a habitual offender determination even if the sentence for the prior unrelated offense was enhanced for any reason, including an enhancement because the person had been convicted of another offense.**

~~(2) the offense is an offense under IC 9-30-10-16 or IC 9-30-10-17; or~~

~~(3) all of the following apply:~~

~~(A) The offense is an offense under IC 16-42-19 or IC 35-48-4.~~

~~(B) The offense is not listed in section 2(b)(4) of this chapter.~~

~~(C) The total number of unrelated convictions that the person has for:~~

~~(i) dealing in or selling a legend drug under IC 16-42-19-27;~~

~~(ii) dealing in cocaine or a narcotic drug (IC 35-48-4-1);~~

~~(iii) dealing in a schedule I, II, III controlled substance (IC 35-48-4-2);~~

~~(iv) dealing in a schedule IV controlled substance (IC 35-48-4-3); and~~

~~(v) dealing in a schedule V controlled substance (IC 35-48-4-4);~~

~~does not exceed one (1).~~

~~(c)~~ **(f)** A person has accumulated two (2) **or three (3)** prior unrelated felony convictions for purposes of this section only if:

(1) the second prior unrelated felony conviction was committed

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after **commission of and** sentencing for the first prior unrelated felony conviction; ~~and~~

(2) the offense for which the state seeks to have the person sentenced as a habitual offender was committed after **commission of and** sentencing for the second prior unrelated felony conviction; **and**

(3) for a conviction requiring proof of three (3) prior unrelated felonies, the third prior unrelated felony conviction was committed after commission of and sentencing for the second prior unrelated felony conviction.

~~(d)~~ **(g)** A conviction does not count for purposes of this section as a prior unrelated felony conviction if:

(1) the conviction has been set aside; **or**

(2) the conviction is one for which the person has been pardoned.

~~or~~

~~(3) all of the following apply:~~

~~(A) The offense is an offense under IC 16-42-19 or IC 35-48-4.~~

~~(B) The offense is not listed in section 2(b)(4) of this chapter.~~

~~(C) The total number of unrelated convictions that the person has for:~~

~~(i) dealing in or selling a legend drug under IC 16-42-19-27;~~

~~(ii) dealing in cocaine or a narcotic drug (IC 35-48-4-1);~~

~~(iii) dealing in a schedule I, II, III controlled substance (IC 35-48-4-2);~~

~~(iv) dealing in a schedule IV controlled substance (IC 35-48-4-3); and~~

~~(v) dealing in a schedule V controlled substance (IC 35-48-4-4);~~

~~does not exceed one (1).~~

~~(e) The requirements in subsection (b) do not apply to a prior unrelated felony conviction that is used to support a sentence as a habitual offender. A prior unrelated felony conviction may be used under this section to support a sentence as a habitual offender even if the sentence for the prior unrelated offense was enhanced for any reason, including an enhancement because the person had been convicted of another offense. However, a prior unrelated felony conviction under IC 9-30-10-16, IC 9-30-10-17, IC 9-12-3-1 (repealed), or IC 9-12-3-2 (repealed) may not be used to support a sentence as a habitual offender.~~

~~(f)~~ **(h)** If the person was convicted of the felony in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the

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court or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing under IC 35-38-1-3. **The role of the jury is to determine whether the defendant has been convicted of the unrelated felonies. The state or defendant may not conduct any additional interrogation or questioning of the jury during the habitual offender part of the trial.**

~~(g) A person is a habitual offender if the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person had accumulated two (2) prior unrelated felony convictions.~~

~~(h)~~ **(i)** The court shall sentence a person found to be a habitual offender to an additional fixed term that is **between:**

(1) zero (0) and twenty (20) years, for a person convicted of murder or a Level 1 through Level 4 felony; or

(2) zero (0) and six (6) years, for a person convicted of a Level 5 or Level 6 felony.

An additional term imposed under this subsection is nonsuspendible.

~~not less than the advisory sentence for the underlying offense nor more than three (3) times the advisory sentence for the underlying offense. However, the additional sentence may not exceed thirty (30) years.~~

(j) Habitual offender is a status that results in an enhanced sentence. It is not a separate crime and does not result in a consecutive sentence. The court shall attach the habitual offender enhancement to the felony conviction with the highest sentence imposed and specify which felony count is being enhanced. If the felony enhanced by the habitual offender determination is set aside or vacated, the court shall resentence the person and apply the habitual offender enhancement to the felony conviction with the next highest sentence in the underlying cause, if any.

(k) A prior unrelated felony conviction may not be collaterally attacked during a habitual offender proceeding unless the conviction is constitutionally invalid.

(l) The procedural safeguards that apply to other criminal charges, including:

(1) the requirement that the charge be filed by information or indictment; and

(2) the right to an initial hearing;

also apply to a habitual offender allegation.

SECTION 658. IC 35-50-2-8.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 8.5. (a) The state may seek to have a person sentenced to life imprisonment without parole for any felony described in section~~

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~~2(b)(4) of this chapter by alleging, on a page separate from the rest of the charging instrument, that the person has accumulated two (2) prior unrelated felony convictions described in section 2(b)(4) of this chapter.~~

~~(b) The state may seek to have a person sentenced to life imprisonment without parole for a Class A felony under IC 35-42-4 that is a sex offense against a child by alleging, on a page separate from the rest of the charging instrument, that the person has a prior unrelated Class A felony conviction under IC 35-42-4 that is a sex offense against a child.~~

~~(c) If the person was convicted of the felony in a jury trial, the jury shall reconvene to hear evidence on the life imprisonment without parole allegation. If the person was convicted of the felony by trial to the court without a jury or if the judgment was entered to guilty plea, the court alone shall hear evidence on the life imprisonment without parole allegation.~~

~~(d) A person is subject to life imprisonment without parole if the jury (in a case tried by a jury) or the court (in a case tried by the court or on a judgment entered on a guilty plea) finds that the state has proved beyond a reasonable doubt that the person:~~

~~(1) has accumulated two (2) prior unrelated convictions for offenses described in section 2(b)(4) of this chapter; or~~

~~(2) has a prior unrelated Class A felony conviction under IC 35-42-4 that is a sex offense against a child.~~

~~(e) The court may sentence a person found to be subject to life imprisonment without parole under this section to life imprisonment without parole.~~

SECTION 659. IC 35-50-2-9, AS AMENDED BY P.L.99-2007, SECTION 213, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) The state may seek either a death sentence or a sentence of life imprisonment without parole for murder by alleging, on a page separate from the rest of the charging instrument, the existence of at least one (1) of the aggravating circumstances listed in subsection (b). In the sentencing hearing after a person is convicted of murder, the state must prove beyond a reasonable doubt the existence of at least one (1) of the aggravating circumstances alleged. However, the state may not proceed against a defendant under this section if a court determines at a pretrial hearing under IC 35-36-9 that the defendant is an individual with mental retardation.

(b) The aggravating circumstances are as follows:

(1) The defendant committed the murder by intentionally killing

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the victim while committing or attempting to commit any of the following:

(A) Arson (IC 35-43-1-1).

(B) Burglary (IC 35-43-2-1).

(C) Child molesting (IC 35-42-4-3).

(D) Criminal deviate conduct (IC 35-42-4-2) **(repealed).**

(E) Kidnapping (IC 35-42-3-2).

(F) Rape (IC 35-42-4-1).

(G) Robbery (IC 35-42-5-1).

(H) Carjacking (IC 35-42-5-2) **(repealed).**

(I) Criminal gang activity (IC 35-45-9-3).

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

(K) Criminal confinement (IC 35-42-3-3).

(2) The defendant committed the murder by the unlawful detonation of an explosive with intent to injure **a** person or damage property.

(3) The defendant committed the murder by lying in wait.

(4) The defendant who committed the murder was hired to kill.

(5) The defendant committed the murder by hiring another person to kill.

(6) The victim of the murder was a corrections employee, probation officer, parole officer, community corrections worker, home detention officer, fireman, judge, or law enforcement officer, and either:

(A) the victim was acting in the course of duty; or

(B) the murder was motivated by an act the victim performed while acting in the course of duty.

(7) The defendant has been convicted of another murder.

(8) The defendant has committed another murder, at any time, regardless of whether the defendant has been convicted of that other murder.

(9) The defendant was:

(A) under the custody of the department of correction;

(B) under the custody of a county sheriff;

(C) on probation after receiving a sentence for the commission of a felony; or

(D) on parole;

at the time the murder was committed.

(10) The defendant dismembered the victim.

(11) The defendant burned, mutilated, or tortured the victim while the victim was alive.

(12) The victim of the murder was less than twelve (12) years of

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age.

(13) The victim was a victim of any of the following offenses for which the defendant was convicted:

(A) **Before July 1, 2014,** battery as a Class D felony or as a Class C felony under IC 35-42-2-1 **or after June 30, 2014, battery as a Level 6 felony, a Level 5 felony, a Level 4 felony, or a Level 3 felony.**

(B) Kidnapping (IC 35-42-3-2).

(C) Criminal confinement (IC 35-42-3-3).

(D) A sex crime under IC 35-42-4.

(14) The victim of the murder was listed by the state or known by the defendant to be a witness against the defendant and the defendant committed the murder with the intent to prevent the person from testifying.

(15) The defendant committed the murder by intentionally discharging a firearm (as defined in IC 35-47-1-5):

(A) into an inhabited dwelling; or

(B) from a vehicle.

(16) The victim of the murder was pregnant and the murder resulted in the intentional killing of a fetus that has attained viability (as defined in IC 16-18-2-365).

(c) The mitigating circumstances that may be considered under this section are as follows:

(1) The defendant has no significant history of prior criminal conduct.

(2) The defendant was under the influence of extreme mental or emotional disturbance when the murder was committed.

(3) The victim was a participant in or consented to the defendant's conduct.

(4) The defendant was an accomplice in a murder committed by another person, and the defendant's participation was relatively minor.

(5) The defendant acted under the substantial domination of another person.

(6) The defendant's capacity to appreciate the criminality of the defendant's conduct or to conform that conduct to the requirements of law was substantially impaired as a result of mental disease or defect or of intoxication.

(7) The defendant was less than eighteen (18) years of age at the time the murder was committed.

(8) Any other circumstances appropriate for consideration.

(d) If the defendant was convicted of murder in a jury trial, the jury

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shall reconvene for the sentencing hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing. The jury or the court may consider all the evidence introduced at the trial stage of the proceedings, together with new evidence presented at the sentencing hearing. The court shall instruct the jury concerning the statutory penalties for murder and any other offenses for which the defendant was convicted, the potential for consecutive or concurrent sentencing, and the availability of good time credit and clemency. The court shall instruct the jury that, in order for the jury to recommend to the court that the death penalty or life imprisonment without parole should be imposed, the jury must find at least one (1) aggravating circumstance beyond a reasonable doubt as described in subsection (l) and shall provide a special verdict form for each aggravating circumstance alleged. The defendant may present any additional evidence relevant to:

(1) the aggravating circumstances alleged; or

(2) any of the mitigating circumstances listed in subsection (c).

(e) For a defendant sentenced after June 30, 2002, except as provided by IC 35-36-9, if the hearing is by jury, the jury shall recommend to the court whether the death penalty or life imprisonment without parole, or neither, should be imposed. The jury may recommend:

(1) the death penalty; or

(2) life imprisonment without parole;

only if it makes the findings described in subsection (l). If the jury reaches a sentencing recommendation, the court shall sentence the defendant accordingly. After a court pronounces sentence, a representative of the victim's family and friends may present a statement regarding the impact of the crime on family and friends. The impact statement may be submitted in writing or given orally by the representative. The statement shall be given in the presence of the defendant.

(f) If a jury is unable to agree on a sentence recommendation after reasonable deliberations, the court shall discharge the jury and proceed as if the hearing had been to the court alone.

(g) If the hearing is to the court alone, except as provided by IC 35-36-9, the court shall:

(1) sentence the defendant to death; or

(2) impose a term of life imprisonment without parole;

only if it makes the findings described in subsection (l).

(h) If a court sentences a defendant to death, the court shall order the defendant's execution to be carried out not later than one (1) year

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and one (1) day after the date the defendant was convicted. The supreme court has exclusive jurisdiction to stay the execution of a death sentence. If the supreme court stays the execution of a death sentence, the supreme court shall order a new date for the defendant's execution.

(i) If a person sentenced to death by a court files a petition for post-conviction relief, the court, not later than ninety (90) days after the date the petition is filed, shall set a date to hold a hearing to consider the petition. If a court does not, within the ninety (90) day period, set the date to hold the hearing to consider the petition, the court's failure to set the hearing date is not a basis for additional post-conviction relief. The attorney general shall answer the petition for post-conviction relief on behalf of the state. At the request of the attorney general, a prosecuting attorney shall assist the attorney general. The court shall enter written findings of fact and conclusions of law concerning the petition not later than ninety (90) days after the date the hearing concludes. However, if the court determines that the petition is without merit, the court may dismiss the petition within ninety (90) days without conducting a hearing under this subsection.

(j) A death sentence is subject to automatic review by the supreme court. The review, which shall be heard under rules adopted by the supreme court, shall be given priority over all other cases. The supreme court's review must take into consideration all claims that the:

(1) conviction or sentence was in violation of the:
(A) Constitution of the State of Indiana; or
(B) Constitution of the United States;

(2) sentencing court was without jurisdiction to impose a sentence; and

(3) sentence:
(A) exceeds the maximum sentence authorized by law; or
(B) is otherwise erroneous.

If the supreme court cannot complete its review by the date set by the sentencing court for the defendant's execution under subsection (h), the supreme court shall stay the execution of the death sentence and set a new date to carry out the defendant's execution.

(k) A person who has been sentenced to death and who has completed state post-conviction review proceedings may file a written petition with the supreme court seeking to present new evidence challenging the person's guilt or the appropriateness of the death sentence if the person serves notice on the attorney general. The supreme court shall determine, with or without a hearing, whether the person has presented previously undiscovered evidence that

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undermines confidence in the conviction or the death sentence. If necessary, the supreme court may remand the case to the trial court for an evidentiary hearing to consider the new evidence and its effect on the person's conviction and death sentence. The supreme court may not make a determination in the person's favor nor make a decision to remand the case to the trial court for an evidentiary hearing without first providing the attorney general with an opportunity to be heard on the matter.

(l) Before a sentence may be imposed under this section, the jury, in a proceeding under subsection (e), or the court, in a proceeding under subsection (g), must find that:

(1) the state has proved beyond a reasonable doubt that at least one (1) of the aggravating circumstances listed in subsection (b) exists; and

(2) any mitigating circumstances that exist are outweighed by the aggravating circumstance or circumstances.

SECTION 660. IC 35-50-2-10 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 10. (a) As used in this section:~~

~~(1) "Drug" means a drug or controlled substance (as defined in IC 35-48-1).~~

~~(2) "Substance offense" means a Class A misdemeanor or a felony in which the possession, use, abuse, delivery, transportation, or manufacture of alcohol or drugs is a material element of the crime. The term includes an offense under IC 9-30-5 and an offense under IC 9-11-2 (before its repeal).~~

~~(b) The state may seek to have a person sentenced as a habitual substance offender for any substance offense by alleging, on a page separate from the rest of the charging instrument, that the person has accumulated two (2) prior unrelated substance offense convictions.~~

~~(c) After a person has been convicted and sentenced for a substance offense committed after sentencing for a prior unrelated substance offense conviction, the person has accumulated two (2) prior unrelated substance offense convictions. However, a conviction does not count for purposes of this subsection if:~~

~~(1) it has been set aside; or~~

~~(2) it is a conviction for which the person has been~~ pardoned.

~~(d) If the person was convicted of the substance offense in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing, under IC 35-38-1-3.~~

~~(e) A person is a habitual substance offender if the jury (if the hearing is by jury) or the court (if the hearing is to the court alone)~~

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~~finds that the state has proved beyond a reasonable doubt that the person had accumulated two (2) prior unrelated substance offense convictions.~~

~~(f) The court shall sentence a person found to be a habitual substance offender to an additional fixed term of at least three (3) years but not more than eight (8) years imprisonment, to be added to the term of imprisonment imposed under IC 35-50-2 or IC 35-50-3. If the court finds that:~~

~~(1) three (3) years or more have elapsed since the date the person was discharged from probation, imprisonment, or parole (whichever is later) for the last prior unrelated substance offense conviction and the date the person committed the substance offense for which the person is being sentenced as a habitual substance offender; or~~

~~(2) all of the substance offenses for which the person has been convicted are substance offenses under IC 16-42-19 or IC 35-48-4, the person has not been convicted of a substance offense listed in section 2(b)(4) of this chapter, and the total number of convictions that the person has for:~~

~~(A) dealing in or selling a legend drug under IC 16-42-19-27;~~

~~(B) dealing in cocaine or a narcotic drug (IC 35-48-4-1);~~

~~(C) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);~~

~~(D) dealing in a schedule IV controlled substance (IC 35-48-4-3); and~~

~~(E) dealing in a schedule V controlled substance (IC 35-48-4-4);~~

~~does not exceed one (1);~~

~~then the court may reduce the additional fixed term. However, the court may not reduce the additional fixed term to less than one (1) year.~~

~~(g) If a reduction of the additional year fixed term is authorized under subsection (f), the court may also consider the aggravating or circumstances in IC 35-38-1-7.1(a) and the mitigating circumstances in IC 35-38-1-7.1(b) to:~~

~~(1) decide the issue of granting a reduction; or~~

~~(2) determine the number of years, if any, to be subtracted under subsection (f).~~

SECTION 661. IC 35-50-2-11, AS AMENDED BY P.L.71-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.

(b) As used in this section, "offense" means:

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(1) a felony under IC 35-42 that resulted in death or serious bodily injury;

(2) kidnapping; or

(3) criminal confinement as a ~~Class B~~ **Level 2 or Level 3** felony.

(c) The state may seek, on a page separate from the rest of a charging instrument, to have a person who allegedly committed an offense sentenced to an additional fixed term of imprisonment if the state can show beyond a reasonable doubt that the person knowingly or intentionally used a firearm in the commission of the offense.

(d) If the person was convicted of the offense in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

(e) If the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person knowingly or intentionally used a firearm in the commission of the offense, the court may sentence the person to an additional fixed term of imprisonment of five (5) years.

SECTION 662. IC 35-50-2-15, AS ADDED BY P.L.109-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) This section does not apply to an individual who is convicted of a felony offense under IC 35-45-9-3.

(b) The state may seek, on a page separate from the rest of a charging instrument, to have a person who allegedly committed a felony offense sentenced to an additional fixed term of imprisonment if the state can show beyond a reasonable doubt that the person: ~~knowingly or intentionally:~~

(1) **knowingly or intentionally** was a member of a criminal gang while committing the offense; and

(2) committed the felony offense:

(A) at the direction of or in affiliation with a criminal gang; **or**

(B) with the intent to benefit, promote, or further the interests of a criminal gang, or for the purposes of increasing the person's own standing or position with a criminal gang.

(c) If the person is convicted of the felony offense in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

(d) If the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person knowingly or intentionally was a

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member of a criminal gang while committing the felony offense and committed the felony offense at the direction of or in affiliation with a criminal gang as described in subsection (b), the court shall:

(1) sentence the person to an additional fixed term of imprisonment equal to the sentence imposed for the underlying felony, if the person is sentenced for only one (1) felony; or

(2) sentence the person to an additional fixed term of imprisonment equal to the longest sentence imposed for the underlying felonies, if the person is being sentenced for more than one (1) felony.

(e) A sentence imposed under this section shall run consecutively to the underlying sentence.

(f) A term of imprisonment imposed under this section may not be suspended.

(g) For purposes of subsection (c), evidence that a person was a member of a criminal gang or committed a felony at the direction of or in affiliation with a criminal gang may include: ~~expert testimony pursuant to the Indiana Rules of Evidence that may be admitted to prove that particular conduct, status, and customs are indicative of criminal gang activity. The expert testimony may include the following:~~

~~(1) Characteristics of persons who are members of criminal gangs.~~

~~(2) Descriptions of rivalries between criminal gangs.~~

~~(3) Common practices and operations of criminal gangs.~~

~~(4) Behavior of criminal gangs.~~

~~(5) Terminology used by members of criminal gangs.~~

~~(6) Codes of conduct, including criminal conduct, of particular criminal gangs.~~

~~(7) Types of crimes that are likely to be committed by a particular criminal gang.~~

(1) An admission of criminal gang membership by the person.

(2) A statement by:

(A) a member of the person's family;

(B) the person's guardian; or

(C) a reliable member of the criminal gang;

stating the person is a member of a criminal gang.

(3) The person having tattoos identifying the person as a member of a criminal gang.

(4) The person having a style of dress that is particular to members of a criminal gang.

(5) The person associating with one (1) or more members of a criminal gang.

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(6) Physical evidence indicating the person is a member of a criminal gang.

(7) An observation of the person in the company of a known criminal gang member on multiple occasions.

(8) Communications authored by the person indicating criminal gang membership.

SECTION 663. IC 35-50-6-3, AS AMENDED BY P.L.80-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) **This section applies to a person convicted before July 1, 2014.**

(b) A person assigned to Class I earns one (1) day of credit time for each day the person is imprisoned for a crime or confined awaiting trial or sentencing.

~~(b)~~ **(c)** A person assigned to Class II earns one (1) day of credit time for every two (2) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

~~(c)~~ **(d)** A person assigned to Class III earns no credit time.

~~(d)~~ **(e)** A person assigned to Class IV earns one (1) day of credit time for every six (6) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

SECTION 664. IC 35-50-6-3.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 3.1. (a) This section applies to a person convicted after June 30, 2014.**

(b) A person assigned to Class A earns one (1) day of credit time for every three (3) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

(c) A person assigned to Class B earns one (1) day of credit time for every six (6) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

(d) A person assigned to Class C earns no credit time.

SECTION 665. IC 35-50-6-3.3, AS AMENDED BY P.L.147-2012, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.3. (a) In addition to any credit time a person earns under subsection (b) or section 3 of this chapter, a person earns credit time if the person:

(1) is in credit Class I **or Class A;**

(2) has demonstrated a pattern consistent with rehabilitation; and

(3) successfully completes requirements to obtain one (1) of the following:

(A) A general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person

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has not previously obtained a high school diploma.

(B) Except as provided in subsection (n), a high school diploma, if the person has not previously obtained a general educational development (GED) diploma.

(C) An ~~associate's~~ **associate** degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) **earned during the person's incarceration.**

(D) A ~~bachelor's~~ **bachelor** degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) **earned during the person's incarceration.**

(b) In addition to any credit time that a person earns under subsection (a) or section 3 of this chapter, a person may earn credit time if, while confined by the department of correction, the person:

(1) is in credit Class I **or Class A;**

(2) demonstrates a pattern consistent with rehabilitation; and

(3) successfully completes requirements to obtain at least one (1) of the following:

(A) A certificate of completion of a career and technical **or vocational** education program approved by the department of correction.

(B) A certificate of completion of a substance abuse program approved by the department of correction.

(C) A certificate of completion of a literacy and basic life skills program approved by the department of correction.

(D) A certificate of completion of a reformative program approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning credit time under subsection (b). A person may not earn credit time under both subsections (a) and (b) for the same program of study. **The department of correction, in consultation with the department of workforce development, shall approve a program only if the program is likely to lead to an employable occupation.**

(d) The amount of credit time a person may earn under this section is the following:

(1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18.

(2) One (1) year for graduation from high school.

(3) **Not more than** one (1) year for completion of an ~~associate's~~ **associate** degree.

(4) **Not more than** two (2) years for completion of a ~~bachelor's~~

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bachelor degree.

(5) Not more than a total of ~~six (6) months~~ **one (1) year** of credit, as determined by the department of correction, for the completion of one (1) or more career and technical **or vocational** education programs approved by the department of correction.

(6) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the department of correction.

(7) Not more than a total of six (6) months credit, as determined by the department of correction, for the completion of one (1) or more literacy and basic life skills programs approved by the department of correction.

(8) Not more than a total of six (6) months credit time, as determined by the department of correction, for completion of one (1) or more reformative programs approved by the department of correction. However, a person who is serving a sentence for an offense listed under IC 11-8-8-4.5 may not earn credit time under this subdivision.

However, a person who does not have a substance abuse problem that qualifies the person to earn credit in a substance abuse program may earn not more than a total of twelve (12) months of credit, as determined by the department of correction, for the completion of one (1) or more career and technical **or vocational** education programs approved by the department of correction. If a person earns more than six (6) months of credit for the completion of one (1) or more career and technical **or vocational** education programs, the person is ineligible to earn credit for the completion of one (1) or more substance abuse programs.

(e) Credit time earned under this section must be directly proportional to the time served and course work completed while incarcerated. The department of correction shall adopt rules under IC 4-22-2 necessary to implement this subsection.

~~(e)~~ **(f)** Credit time earned by a person under this section is subtracted from the ~~release date that would otherwise apply to the person~~ **period of imprisonment imposed on the person by the sentencing court** after subtracting all other credit time earned by the person.

~~(f)~~ **(g)** A person does not earn credit time under subsection (a) unless the person completes at least a portion of the degree requirements after June 30, 1993.

~~(g)~~ **(h)** A person does not earn credit time under subsection (b)

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unless the person completes at least a portion of the program requirements after June 30, 1999.

~~(h)~~ **(i)** Credit time earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from:

(1) the release date that would otherwise apply to the person after subtracting all other credit time earned by the person, if the person has not been convicted of an offense described in subdivision (2); or

(2) the period of imprisonment imposed on the person by the sentencing court, if the person has been convicted of one (1) of the following crimes:

(A) Rape (IC 35-42-4-1).

(B) Criminal deviate conduct (IC 35-42-4-2) **(repealed).**

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b)).

(E) Vicarious sexual gratification (IC 35-42-4-5).

(F) Child solicitation (IC 35-42-4-6).

(G) Child seduction (IC 35-42-4-7).

(H) Sexual misconduct with a minor **(IC 35-42-4-9)** as a:

(i) Class A felony, Class B felony, or Class C felony, ~~(IC 35-42-4-9)~~ **for a crime committed before July 1, 2014; or**

(ii) Level 1, Level 2, or Level 4 felony, for a crime committed after June 30, 2014.

(I) Incest (IC 35-46-1-3).

(J) Sexual battery (IC 35-42-4-8).

(K) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(L) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(M) An attempt or a conspiracy to commit a crime listed in clauses (A) through (L).

~~(i)~~ **(j)** The maximum amount of credit time a person may earn under this section is the lesser of:

(1) ~~four (4)~~ **two (2)** years; or

(2) one-third (1/3) of the person's total applicable credit time.

~~(j)~~ **(k)** Credit time earned under this section by an offender serving a sentence for a felony against a person under IC 35-42 or for a crime listed in IC 11-8-8-5 shall be reduced to the extent that application of the credit time would otherwise result in:

(1) postconviction release (as defined in IC 35-40-4-6); or

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(2) assignment of the person to a community transition program; in less than forty-five (45) days after the person earns the credit time.

~~(k)~~ **(l)** A person may earn credit time for multiple degrees at the same education level under subsection (d) only in accordance with guidelines approved by the department of correction. The department of correction may approve guidelines for proper sequence of education degrees under subsection (d).

~~(l)~~ **(m)** A person may not earn credit time:

(1) for a general educational development (GED) diploma if the person has previously earned a high school diploma; or

(2) for a high school diploma if the person has previously earned a general educational development (GED) diploma.

~~(m)~~ **(n)** A person may not earn credit time under this section if the person:

(1) commits an offense listed in IC 11-8-8-4.5 while the person is required to register as a sex or violent offender under IC 11-8-8-7; and

(2) is committed to the department of correction after being convicted of the offense listed in IC 11-8-8-4.5.

~~(n)~~ **(o)** For a person to earn credit time under subsection (a)(3)(B) for successfully completing the requirements for a high school diploma through correspondence courses, each correspondence course must be approved by the department before the person begins the correspondence course. The department may approve a correspondence course only if the entity administering the course is recognized and accredited by the department of education in the state where the entity is located.

SECTION 666. IC 35-50-6-4, AS AMENDED BY P.L.80-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who is not a credit restricted felon and who is imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to ~~Class I.~~ **Class A.**

(b) A person who is a credit restricted felon and who is imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to ~~Class IV.~~ **Class B.** A credit restricted felon may not be assigned to ~~Class I or Class II.~~ **Class A.**

(c) A person who is not ~~assigned to Class IV~~ **a credit restricted felon** may be reassigned to ~~Class II~~ **Class B** or ~~Class III~~ **Class C** if the person violates any of the following:

(1) A rule of the department of correction.

(2) A rule of the penal facility in which the person is imprisoned.

(3) A rule or condition of a community transition program.

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However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to a lower credit time class, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive the right to the hearing.

(d) A person who is ~~assigned to Class IV~~ **a credit restricted felon** may be reassigned to ~~Class III~~ **Class C and a person who is assigned to Class IV may be assigned to Class III** if the person violates any of the following:

(1) A rule of the department of correction.

(2) A rule of the penal facility in which the person is imprisoned.

(3) A rule or condition of a community transition program.

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to Class III **or Class C,** the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive the right to the hearing.

(e) In connection with the hearing granted under subsection (c) or (d), the person is entitled to:

(1) have not less than twenty-four (24) hours advance written notice of the date, time, and place of the hearing, and of the alleged misconduct and the rule the misconduct is alleged to have violated;

(2) have reasonable time to prepare for the hearing;

(3) have an impartial decisionmaker;

(4) appear and speak in the person's own behalf;

(5) call witnesses and present evidence;

(6) confront and cross-examine each witness, unless the hearing authority finds that to do so would subject a witness to a substantial risk of harm;

(7) have the assistance of a lay advocate (the department may require that the advocate be an employee of, or a fellow prisoner in, the same facility or program);

(8) have a written statement of the findings of fact, the evidence relied upon, and the reasons for the action taken;

(9) have immunity if the person's testimony or any evidence derived from the person's testimony is used in any criminal proceedings; and

(10) have the person's record expunged of any reference to the charge if the person is found not guilty or if a finding of guilt is

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later overturned.

Any finding of guilt must be supported by a preponderance of the evidence presented at the hearing.

(f) **Except for a credit restricted felon,** a person may be reassigned from:

(1) Class III to Class I, Class II or Class IV; ~~or from~~

(2) Class II to Class I;

(3) Class C to Class A or Class B;

(4) Class B to Class A.

A person's assignment to Class III, ~~or~~ Class II, **Class B, or Class C** shall be reviewed at least once every six (6) months to determine if the person should be reassigned to a higher credit time class. A credit restricted felon may not be reassigned to Class I or Class II **or to Class A or Class B.**

SECTION 667. IC 35-50-6-5, AS AMENDED BY P.L.105-2010, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person may, with respect to the same transaction, be deprived of any part of the credit time the person has earned for any of the following:

(1) A violation of one (1) or more rules of the department of correction.

(2) If the person is not committed to the department, a violation of one (1) or more rules of the penal facility in which the person is imprisoned.

(3) A violation of one (1) or more rules or conditions of a:

(A) community transition program; or

(B) community corrections program.

(4) If a court determines that a civil claim brought by the person in a state or an administrative court is frivolous, unreasonable, or groundless.

(5) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to register before being released from the department as required under IC 11-8-8-7.

(6) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to participate in a sex offender treatment program specifically offered to the sex offender by the department of correction while the person is serving a period of incarceration with the department of correction.

However, the violation of a condition of parole or probation may not be the basis for deprivation. Whenever a person is deprived of credit time, the person may also be reassigned to Class II (if the person is not a credit restricted felon) or Class III, **Class B, or Class C.**

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(b) Before a person may be deprived of earned credit time, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether deprivation of earned credit time is an appropriate disciplinary action for the violation. In connection with the hearing, the person is entitled to the procedural safeguards listed in section ~~4(c)~~ **4(c)** of this chapter. The person may waive the person's right to the hearing.

(c) Any part of the credit time of which a person is deprived under this section may be restored.

SECTION 668. IC 35-50-8-1, AS ADDED BY P.L.67-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) If an individual is enrolled in a primary or secondary school, including a public or nonpublic school, and:

(1) is convicted of:

(A) a ~~Class A~~ **Level 1** felony;

(B) a ~~Class B~~ **Level 2** felony;

(C) a ~~Class C~~ **Level 3** felony;

(D) a Level 4 felony;

(E) a Level 5 felony; or

~~(D)~~ **(F)** at least two (2) ~~Class D~~ **Level 6** felonies; or

(2) has been adjudicated as a delinquent child for:

(A) an act that would be:

(i) a ~~Class A~~ **Level 1** felony;

(ii) a ~~Class B~~ **Level 2** felony;

(iii) a Level 3 felony;

(iv) a Level 4 felony; or

~~(iii)~~ **(v)** a ~~Class C~~ **Level 5** felony; or

(B) acts that would be at least two (2) ~~Class D~~ **Level 6** felonies;

if committed by an adult;

the judge who presided over the trial, accepted the plea agreement, or adjudicated the child a delinquent child shall give written notification of the conviction or adjudication to the chief administrative officer of the primary or secondary school, including a public or nonpublic school, or, if the individual is enrolled in a public school, the superintendent of the school district in which the individual is enrolled.

(b) Notification under subsection (a) must occur within seven (7) days after the conclusion of the trial, the date a plea agreement is accepted, or the date the child is adjudicated a delinquent child.

(c) The notification sent to a school or school district under subsection (a) must include only:

(1) the felony for which the individual was convicted or that the

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individual would have committed if the individual were an adult; and

(2) the individual's sentence or juvenile law disposition.

(d) If the court later modifies the individual's sentence or juvenile law disposition after giving notice under this section, the court shall notify the school or the school district in which the individual is enrolled of the sentence or disposition modification.

SECTION 669. IC 36-2-14-17, AS AMENDED BY P.L.225-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) A person who knowingly or intentionally fails to immediately notify the coroner or a law enforcement agency of the discovery of the body of a person who:

(1) has died from violence;

(2) has died in an apparently suspicious, unusual, or unnatural manner; or

(3) has died at less than three (3) years of age;

commits a Class B infraction. However, the failure to immediately notify under this subsection is a Class A misdemeanor if the person fails to immediately notify with the intent to hinder a criminal investigation.

(b) A person who, with the intent to hinder a criminal investigation and without the permission of the coroner or a law enforcement officer, knowingly or intentionally alters the scene of death of a person who has died:

(1) from violence; or

(2) in an apparently suspicious, unusual, or unnatural manner;

commits a ~~Class D~~ **Level 6** felony.

SECTION 670. IC 36-7-14-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 40. A person who knowingly:

(1) applies any money raised under this chapter to any purpose other than those permitted by this chapter; or

(2) fails to follow the voucher and warrant procedure prescribed by this chapter in expending any money raised under this chapter;

commits a ~~Class C~~ **Level 5** felony.

SECTION 671. IC 36-7-15.1-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 27. A person who knowingly:

(1) applies any money raised under this chapter to any purpose other than those permitted by this chapter; or

(2) fails to follow the voucher and warrant procedure prescribed by law in expending any money raised under this chapter;

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commits a ~~Class C~~ **Level 5** felony.

SECTION 672. IC 36-7-30-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 28. A person who knowingly:

(1) applies any money raised under this chapter to any purpose other than those permitted by this chapter; or

(2) fails to follow the voucher and warrant procedure prescribed by this chapter in expending any money raised under this chapter;

commits a ~~Class C~~ **Level 5** felony.

SECTION 673. IC 36-7-30.5-36, AS ADDED BY P.L.203-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 36. A person who knowingly:

(1) applies any money raised under this chapter to any purpose other than those permitted by this chapter; or

(2) fails to follow the voucher and warrant procedure prescribed by this chapter in expending any money raised under this chapter;

commits a ~~Class C~~ **Level 5** felony.

SECTION 674. IC 36-8-3.5-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. A commissioner who knowingly furnishes information to an applicant for original appointment or to a member eligible for promotion that gives that person an advantage over another person commits a ~~Class D~~ **Level 6** felony.

SECTION 675. IC 36-9-14-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The tax money collected under this chapter shall be held in a special fund to be known as the courthouse fund.

(b) For purposes of this chapter and IC 36-9-14.5, the portion of the property tax levy designated for a courthouse described in section 2(b) of this chapter may be transferred to a nonprofit corporation that has a lease with the county requiring the corporation to maintain or renovate the courthouse. Before appropriated funds may be transferred to a qualified nonprofit corporation, the corporation must submit a plan for the use of the funds to the county fiscal body for its approval. An officer or employee of a corporation who receives funds under this section and knowingly uses the funds for a purpose other than a purpose approved by the fiscal body commits a ~~Class D~~ **Level 6** felony.

SECTION 676. IC 36-10-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) In a second class city, the board may adopt a resolution to extend the boundaries of the district to the county boundaries unless the county has already established a park district under IC 36-10-3. The board must file a

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certified copy of the resolution with the county auditor and county treasurer. Notice of the adoption of the resolution shall be given by publication once each week for two (2) weeks in accordance with IC 5-3-1.

(b) Whenever the board has adopted a resolution under subsection (a), remonstrances may be filed by the affected voters within ninety (90) days after the last publication under subsection (a). Remonstrances must be signed in ink by the voter in person and state the address of each signer and that the signer is a registered voter. A person who signs a remonstrance when ~~he~~ **the person** is not a registered voter commits a ~~Class D~~ **Level 6** felony. More than one (1) voter may sign the same remonstrance.

(c) A vote on the public question shall be held if at least the number of the registered voters of the county required under IC 3-8-6-3 to place a candidate on the ballot file remonstrances under subsection (b) with the county clerk protesting the extension of the district.

(d) The county clerk shall certify to the county election board in accordance with IC 3-10-9-3 whether or not the required number of registered voters of the county have filed remonstrances. If sufficient remonstrances have been filed, the county election board shall publish a notice of the election once a week for two (2) consecutive weeks in accordance with IC 5-3-1-4, the first publication to be at least thirty (30) days before the date of the election. The question presented to the voters at the election shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the county park district be established?". The election is governed by IC 3 whenever not in conflict with this chapter. The county election board shall make a return of the votes cast at the referendum.

(e) If a majority of the votes cast are against the extension of the district, the district is not extended. If sufficient remonstrances are not filed or if a majority of the votes cast support the extension of the district, the district is extended.

(f) The extension of the district is effective on January 1 of the year following the adoption of the resolution or, if an election is held, on January 1 of the year following the date of the election.

(g) A municipality that becomes part of a district by reason of the extension of the district under this section may continue to establish, maintain, and operate parks and other recreational facilities under any other law. The parks and other recreational facilities shall be operated by the municipality separate from the parks and other recreational facilities under the jurisdiction of the board in the same manner as they would be operated by the municipality if it was not within the district.

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(h) The operation of separate parks or recreational facilities by a municipality does not affect the obligation of property owners within the municipality to pay all taxes imposed on property within the district.

(i) The legislative body of a municipality may elect that the separate parks or other recreational facilities of the municipality be maintained or operated as a part of the district by adopting a resolution or an ordinance to that effect. The separate park or other recreational facility comes under the jurisdiction of the board at the time specified in the resolution or ordinance.

SECTION 677. IC 36-10-4-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 40. (a) Unless the board publicly declares an emergency, it may not during any six (6) month period make separate contracts with another party for public improvements or repairs under section 13 of this chapter on the same construction or repair site or on the same construction or repair project involving more than one (1) site, without advertising for and accepting public bids, if the aggregate cost of the separate contract is more than fifteen thousand dollars ($15,000).

(b) A commissioner who knowingly violates subsection (a) commits a ~~Class D~~ **Level 6** felony.

(c) A person who accepts a contract with the board, knowing that subsection (a) was violated in connection with the contract, commits a ~~Class D~~ **Level 6** felony and may not be a party to or benefit from any contract with an Indiana governmental entity for two (2) years after the date of ~~his~~ **the person's** conviction.

SECTION 678. [EFFECTIVE JULY 1, 2013] **(a) The general assembly urges the legislative council to require an existing study committee, during the 2013 legislative interim, to evaluate the criminal statutes in IC 7.1 and IC 9 and to make recommendations to the general assembly for the modification of criminal laws in IC 7.1 and IC 9.**

(b) This SECTION expires December 31, 2013.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1006, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 36, line 4, after "that" insert "**knowingly**".

Page 61, line 15, after "who" insert "**knowingly**".

Page 81, line 18, delete ", with the consent of the community".

Page 81, line 19, delete "corrections advisory board,".

Page 81, line 23, delete "shall establish" and insert "**that establishes**".

Page 81, line 23, delete "operate" and insert "**operates**".

Page 81, line 24, delete "in" and insert "**shall perform the duties imposed by**".

Page 81, line 25, delete "accordance with".

Page 116, line 22, strike "deviate" and insert "**other**".

Page 116, line 22, after "conduct" insert "**(as defined in IC 35-31.5-2-221.5)**".

Page 116, line 25, strike "deviate" and insert "**other**".

Page 116, line 25, after "conduct" insert "**(as defined in IC 35-31.5-2-221.5)**".

Page 140, after line 42, begin a new paragraph and insert:

"SECTION 275. IC 25-1-9-3.5, AS AMENDED BY P.L.114-2012, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.5. As used in this chapter, "sexual contact" means:

(1) sexual intercourse (as defined in IC 35-31.5-2-302);

(2) ~~deviate~~ **other** sexual conduct (as defined in ~~IC 35-31.5-2-94);~~ **IC 35-31.5-2-221.5);** or

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

Page 183, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 330. IC 32-30-7-1, AS AMENDED BY P.L.114-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. As used in this chapter, "indecent nuisance" means a:

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

(2) public place in or upon which ~~deviate~~ **other** sexual conduct

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(as defined in ~~IC 35-31.5-2-94)~~ **IC 35-31.5-2-221.5)** or sexual intercourse (as defined in IC 35-31.5-2-302); or

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

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

Page 198, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 362. IC 35-31.5-2-94 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 94. "Deviate sexual conduct" means an act involving:~~

~~(1) a sex organ of one (1) person and the mouth or anus of another person; or~~

~~(2) the penetration of the sex organ or anus of a person by an object.~~".

Page 199, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 373. IC 35-31.5-2-221.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 221.5. "Other sexual conduct" means an act involving:**

(1) a sex organ of one (1) person and the mouth or anus of another person; or

(2) the penetration of the sex organ or anus of a person by an object.".

Page 208, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 389. IC 35-38-1-17, AS AMENDED BY P.L.114-2012, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) ~~Within three hundred sixty-five (365) days~~ **At any time** after:

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

(2) a hearing is held:

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

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

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

the court may reduce or suspend the sentence **and impose a sentence that the court was authorized to impose at the time of sentencing.** The court must incorporate its reasons in the record.

~~(b) If more than three hundred sixty-five (365) days have elapsed~~

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~~since the convicted person began serving the sentence and after a hearing at which the convicted person is present, the court may reduce or suspend the sentence, subject to the approval of the prosecuting attorney. However, if in a sentencing hearing for a convicted person conducted after June 30, 2001, the court could have placed the convicted person in a community corrections program as an alternative to commitment to the department of correction, the court may modify the convicted person's sentence under this section without the approval of the prosecuting attorney to place the convicted person in a community corrections program under IC 35-38-2.6.~~

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

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

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

~~(f)~~ **(e)** ~~Notwithstanding subsections (a) and (b),~~ The court is not required to conduct a hearing before reducing or suspending a sentence if:

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

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

Page 210, delete lines 35 through 41.

Page 211, delete lines 1 through 13.

Page 213, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 397. IC 35-38-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. As used in this chapter:

"Earliest possible release date" means the date, computed as of the date of sentencing, on which a person would be entitled to discharge or release on parole considering:

(1) the term of the sentence;

(2) the term of any other concurrent or consecutive sentence that the person must serve;

(3) credit time that the person has earned before sentencing; and

(4) the maximum amount of credit time that the person would

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earn if ~~he~~ **the person** remained in a ~~Class I~~ **Class A** credit time assignment during ~~his~~ **the person's** period of commitment.

"Rated capacity" means the number of inmates that can be housed at the facility as determined by the most recent jail inspection report.

"Receiving authority" means:

(1) the department of correction;

(2) a sheriff, if incarceration is authorized in a county jail; or

(3) a facility or place designated by the department of correction.".

Page 218, line 27, delete "Level 2" and insert "**Level 1**".

Page 239, line 22, delete "deviate" and insert "**other**".

Page 239, line 22, after "conduct" insert "**(as defined in IC 35-31.5-2-221.5)**".

Page 239, line 26, delete "deviate" and insert "**other**".

Page 239, line 26, after "conduct" insert "**(as defined in IC 35-31.5-2-221.5)**".

Page 239, line 28, delete "deviate" and insert "**other**".

Page 239, line 28, after "conduct" insert "**(as defined in IC 35-31.5-2-221.5)**".

Page 240, line 23, after "age," insert "**knowingly or intentionally**".

Page 240, line 23, strike "deviate" and insert "**other**".

Page 240, line 24, after "conduct" insert "**(as defined in IC 35-31.5-2-221.5)**".

Page 241, line 25, strike "deviate" and insert "**other**".

Page 241, line 26, delete "," and insert "**(as defined in IC 35-31.5-2-221.5),**".

Page 241, line 28, strike "deviate" and insert "**other**".

Page 241, line 28, after "conduct" insert "**(as defined in IC 35-31.5-2-221.5)**".

Page 245, line 8, strike "deviate" and insert "**other**".

Page 245, line 8, after "conduct" insert "**(as defined in IC 35-31.5-2-221.5)**".

Page 245, line 24, strike "deviate" and insert "**other**".

Page 245, line 24, delete ";" and insert "**(as defined in IC 35-31.5-2-221.5);**".

Page 246, line 4, strike "deviate" and insert "**other**".

Page 246, line 4, delete ";" and insert "**(as defined in IC 35-31.5-2-221.5);**".

Page 246, line 20, strike "deviate" and insert "**other**".

Page 246, line 20, delete ";" and insert "**(as defined in IC 35-31.5-2-221.5);**".

Page 248, line 16, delete "deviate" and insert "**other**".

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Page 248, line 17, delete "IC 35-31.5-2-94)" and insert "**IC 35-31.5-2-221.5)**".

Page 249, line 4, strike "deviate" and insert "**other**".

Page 249, line 4, after "conduct" insert "**(as defined in IC 35-31.5-2-221.5)**".

Page 254, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 446. IC 35-42-4-13, AS ADDED BY P.L.119-2008, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) This section does not apply to the following:

(1) A parent, guardian, or custodian of a child.

(2) A person who acts with the permission of a child's parent, guardian, or custodian.

(3) A person to whom a child makes a report of abuse or neglect.

(4) A person to whom a child reports medical symptoms that relate to or may relate to sexual activity.

(b) As used in this section, "sexual activity" means sexual intercourse, ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5),** or the fondling or touching of the buttocks, genitals, or female breasts.

(c) A person at least twenty-one (21) years of age who knowingly or intentionally communicates with an individual whom the person believes to be a child less than fourteen (14) years of age concerning sexual activity with the intent to gratify the sexual desires of the person or the individual commits inappropriate communication with a child, a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a)).".

Page 260, line 31, after "a felony" insert "**or theft**".

Page 262, line 21, strike "subdivision" and insert "**subsection**".

Page 278, line 28, delete ":".

Page 303, line 8, strike "deviate" and insert "**other**".

Page 303, line 8, after "conduct" insert "**(as defined in IC 35-31.5-2-221.5)**".

Page 303, line 12, strike "deviate" and insert "**other**".

Page 303, line 13, after "conduct" insert "**(as defined in IC 35-31.5-2-221.5)**".

Page 303, line 19, strike "deviate" and insert "**other**".

Page 303, line 20, after "conduct" insert "**(as defined in IC 35-31.5-2-221.5)**".

Page 306, line 32, strike "deviate" and insert "**other**".

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Page 306, line 32, delete ";" and insert "**(as defined in IC 35-31.5-2-221.5);**".

Page 307, line 17, strike "deviate" and insert "**other**".

Page 307, line 17, delete ";" and insert "**(as defined in IC 35-31.5-2-221.5);**".

Page 308, line 8, strike "deviate" and insert "**other**".

Page 308, line 8, delete ";" and insert "**(as defined in IC 35-31.5-2-221.5);**".

Page 308, line 19, strike "deviate" and insert "**other**".

Page 308, line 20, after "conduct" insert "**(as defined in IC 35-31.5-2-221.5)**".

Page 326, line 27, strike "deviate" and insert "**other**".

Page 326, line 27, after "conduct" insert "**(as defined in IC 35-31.5-2-221.5)**".

Page 342, line 15, delete "one thousand (1,000)" and insert "**five hundred (500)**".

Page 364, line 23, after "circumstance"" delete ",".

Page 364, line 24, delete "for purposes of this article,".

Page 389, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 643. IC 35-49-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. "Sexual conduct" means:

(1) sexual intercourse or ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5);**

(2) exhibition of the uncovered genitals in the context of masturbation or other sexual activity;

(3) exhibition of the uncovered genitals of a person under sixteen (16) years of age;

(4) sado-masochistic abuse; or

(5) sexual intercourse or ~~deviate~~ **other** sexual conduct **(as defined in IC 35-31.5-2-221.5)** with an animal.".

Page 395, line 25, strike "7(b) or".

Page 395, line 25, after "7(c)" insert "**or 7(d)**".

Page 395, line 32, strike "7(b)" and insert "**7(c)**".

Page 396, delete lines 13 through 42, begin a new paragraph and insert:

"SECTION 643. IC 35-50-2-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2. (a) The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.~~

~~(b) Except as provided in subsection (i), with respect to the following crimes listed in this subsection, the court may suspend only~~

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~~that part of the sentence that is in excess of the minimum sentence, unless the court has approved placement of the offender in a forensic diversion program under IC 11-12-3.7:~~

~~(1) The crime committed was a Class A felony or Class B felony and the person has a prior unrelated felony conviction.~~

~~(2) The crime committed was a Class C felony and less than seven (7) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class C felony for which the person is being sentenced.~~

~~(3) The crime committed was a Class D felony and less than three (3) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class D felony for which the person is being sentenced. However, the court may suspend the minimum sentence for the crime only if the court orders home detention under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum sentence specified for the crime under this chapter.~~

~~(4) The felony committed was:~~

~~(A) murder (IC 35-42-1-1);~~

~~(B) battery (IC 35-42-2-1) with a deadly weapon or battery causing death;~~

~~(C) sexual battery (IC 35-42-4-8) with a deadly weapon;~~

~~(D) kidnapping (IC 35-42-3-2);~~

~~(E) confinement (IC 35-42-3-3) with a deadly weapon;~~

~~(F) rape (IC 35-42-4-1) as a Class A felony;~~

~~(G) criminal deviate conduct (IC 35-42-4-2) as a Class A felony;~~

~~(H) except as provided in subsection (i), child molesting (IC 35-42-4-3) as a Class A or Class B felony, unless:~~

~~(i) the felony committed was child molesting as a Class B felony;~~

~~(ii) the victim was not less than twelve (12) years old at the time the offense was committed;~~

~~(iii) the person is not more than four (4) years older than the victim, or more than five (5) years older than the victim if the relationship between the person and the victim was a dating relationship or an ongoing personal relationship (not including a family relationship);~~

~~(iv) the person did not have a position of authority or~~

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~~substantial influence over the victim; and~~

~~(v) the person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person;~~

~~(I) robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon;~~

~~(J) arson (IC 35-43-1-1) for hire or resulting in serious bodily injury;~~

~~(K) burglary (IC 35-43-2-1) resulting in serious bodily injury or with a deadly weapon;~~

~~(L) resisting law enforcement (IC 35-44.1-3-1) with a deadly weapon;~~

~~(M) escape (IC 35-44.1-3-4) with a deadly weapon;~~

~~(N) rioting (IC 35-45-1-2) with a deadly weapon;~~

~~(O) dealing in cocaine or a narcotic drug (IC 35-48-4-1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:~~

~~(i) school property;~~

~~(ii) a public park;~~

~~(iii) a family housing complex; or~~

~~(iv) a youth program center;~~

~~(P) dealing in methamphetamine (IC 35-48-4-1.1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver the methamphetamine pure or adulterated to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:~~

~~(i) school property;~~

~~(ii) a public park;~~

~~(iii) a family housing complex; or~~

~~(iv) a youth program center;~~

~~(Q) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the~~

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~~person and was on a school bus or within one thousand (1,000) feet of:~~

~~(i) school property;~~

~~(ii) a public park;~~

~~(iii) a family housing complex; or~~

~~(iv) a youth program center;~~

~~(R) an offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5;~~

~~(S) an offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death);~~

~~(T) aggravated battery (IC 35-42-2-1.5); or~~

~~(U) disarming a law enforcement officer (IC 35-44.1-3-2).~~

~~(c) Except as provided in subsection (e), whenever the court suspends a sentence for a felony, it shall place the person on probation under IC 35-38-2 for a fixed period to end not later than the date that the maximum sentence that may be imposed for the felony will expire.~~

~~(d) The minimum sentence for a person convicted of voluntary manslaughter may not be suspended unless the court finds at the sentencing hearing that the crime was not committed by means of a deadly weapon.~~

~~(e) Whenever the court suspends that part of the sentence of a sex or violent offender (as defined in IC 11-8-8-5) that is suspendible under subsection (b), the court shall place the sex or violent offender on probation under IC 35-38-2 for not more than ten (10) years.~~

~~(f) An additional term of imprisonment imposed under IC 35-50-2-11 may not be suspended.~~

~~(g) A term of imprisonment imposed under IC 35-47-10-6 or IC 35-47-10-7 may not be suspended if the commission of the offense was knowing or intentional.~~

~~(h) A term of imprisonment imposed for an offense under IC 35-48-4-6(b)(1)(B) or IC 35-48-4-6.1(b)(1)(B) may not be suspended.~~

~~(i) If a person is:~~

~~(1) convicted of child molesting (IC 35-42-4-3) as a Class A felony against a victim less than twelve (12) years of age; and~~

~~(2) at least twenty-one (21) years of age;~~

~~the court may suspend only that part of the sentence that is in excess of thirty (30) years.~~

SECTION 679. IC 35-50-2-2.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2014]: **Sec. 2.2. (a) Except as provided in subsection (b), the court may suspend any part of a sentence for a felony.**

(b) If a person has any prior unrelated felony conviction, the court may suspend only that part of a sentence that is in excess of the minimum sentence for:

(1) murder;

(2) a Level 1 felony; or

(3) a Level 2 felony.".

Delete pages 397 through 400.

Page 401, delete lines 1 through 42.

Page 402, delete lines 1 through 2, begin a new paragraph and insert:

"SECTION 649. IC 35-50-2-4, AS AMENDED BY P.L.71-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who commits a Class A **felony (for a crime committed before July 1, 2014) or a Level 1** felony **(for a crime committed after June 30, 2014)** shall be imprisoned for a fixed term of between twenty (20) and fifty (50) years, with the advisory sentence being thirty (30) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

SECTION 680. IC 35-50-2-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 4.5. A person who commits a Level 2 felony shall be imprisoned for a fixed term of between ten (10) and thirty (30) years, with the advisory sentence being seventeen (17) years and six (6) months. In addition, the person may be fined not more than ten thousand dollars ($10,000).**

SECTION 681. IC 35-50-2-5, AS AMENDED BY P.L.71-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. **(a)** A person who commits a Class B felony **(for a crime committed before July 1, 2014)** shall be imprisoned for a fixed term of between six (6) and twenty (20) years, with the advisory sentence being ten (10) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

(b) A person who commits a Level 3 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between three (3) and twenty (20) years, with the advisory sentence being six (6) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

SECTION 682. IC 35-50-2-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2014]: **Sec. 5.5. A person who commits a Level 4 felony shall be imprisoned for a fixed term of between two (2) and twelve (12) years, with the advisory sentence being four (4) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).**

SECTION 683. IC 35-50-2-6, AS AMENDED BY P.L.71-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who commits a Class C felony **(for a crime committed before July 1, 2014)** shall be imprisoned for a fixed term of between two (2) and eight (8) years, with the advisory sentence being four (4) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

(b) Notwithstanding subsection (a), if a person has committed nonsupport of a child as a Class C felony under IC 35-46-1-5 **(for a crime committed before July 1, 2014),** upon motion of the prosecuting attorney, the court may enter judgment of conviction of a Class D felony under IC 35-46-1-5 and sentence the person accordingly. The court shall enter in the record detailed reasons for the court's action when the court enters a judgment of conviction of a Class D felony under this subsection.

(c) A person who commits a Level 5 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between one (1) and six (6) years, with the advisory sentence being two (2) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

(d) Notwithstanding subsection (c), if a person has committed nonsupport of a child as a Level 5 felony under IC 35-46-1-5 (for a crime committed after June 30, 2014), upon motion of the prosecuting attorney, the court may enter judgment of conviction of a Level 6 felony under IC 35-46-1-5 and sentence the person accordingly. The court shall enter in the record detailed reasons for the court's action when the court enters a judgment of conviction of a Level 6 felony under this subsection.

SECTION 684. IC 35-50-2-7, AS AMENDED BY P.L.69-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A person who commits a Class D felony **(for a crime committed before July 1, 2014)** shall be imprisoned for a fixed term of between six (6) months and three (3) years, with the advisory sentence being one and one-half (1 1/2) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

(b) A person who commits a Level 6 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed

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term of between six (6) months and thirty (30) months, with the advisory sentence being one (1) year. In addition, the person may be fined not more than ten thousand dollars ($10,000).

~~(b)~~ **(c)** Notwithstanding ~~subsection~~ **subsections** (a) **and (b),** if a person has committed a Class D felony **(for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014),** the court may enter judgment of conviction of a Class A misdemeanor and sentence accordingly. However, the court shall enter a judgment of conviction of a Class D felony **(for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014)** if:

(1) the court finds that:

(A) the person has committed a prior, unrelated felony for which judgment was entered as a conviction of a Class A misdemeanor; and

(B) the prior felony was committed less than three (3) years before the second felony was committed;

(2) the offense is domestic battery as a Class D felony **(for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014)** under IC 35-42-2-1.3; or

(3) the offense is possession of child pornography (IC 35-42-4-4(c)).

The court shall enter in the record, in detail, the reason for its action whenever it exercises the power to enter judgment of conviction of a Class A misdemeanor granted in this subsection.

~~(c)~~ **(d)** Notwithstanding ~~subsection~~ **subsections** (a) **and (b),** the sentencing court may convert a Class D felony conviction **(for a crime committed before July 1, 2014) or a Level 6 felony conviction (for a crime committed after June 30, 2014)** to a Class A misdemeanor conviction if, after receiving a verified petition as described in subsection ~~(d)~~ **(e)** and after conducting a hearing of which the prosecuting attorney has been notified, the court makes the following findings:

(1) The person is not a sex or violent offender (as defined in IC 11-8-8-5).

(2) The person was not convicted of a Class D felony **(for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014)** that resulted in bodily injury to another person.

(3) The person has not been convicted of perjury under ~~IC 35-44-2-1~~ **IC 35-44.1-2-1** or official misconduct under

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~~IC 35-44-1-2.~~ **IC 35-44.1-1-1.**

(4) At least three (3) years have passed since the person:

(A) completed the person's sentence; and

(B) satisfied any other obligation imposed on the person as part of the sentence;

for the Class D **or Level 6** felony.

(5) The person has not been convicted of a felony since the person:

(A) completed the person's sentence; and

(B) satisfied any other obligation imposed on the person as part of the sentence;

for the Class D **or Level 6** felony.

(6) No criminal charges are pending against the person.

~~(d)~~ **(e)** A petition filed under subsection ~~(c)~~ **(d)** must be verified and set forth:

(1) the crime the person has been convicted of;

(2) the date of the conviction;

(3) the date the person completed the person's sentence;

(4) any obligations imposed on the person as part of the sentence;

(5) the date the obligations were satisfied; and

(6) a verified statement that there are no criminal charges pending against the person.

~~(e)~~ **(f)** If a person whose Class D **or Level 6** felony conviction has been converted to a Class A misdemeanor conviction under subsection ~~(c)~~ **(d)** is convicted of a felony within five (5) years after the conversion under subsection ~~(c),~~ **(d),** a prosecuting attorney may petition a court to convert the person's Class A misdemeanor conviction back to a Class D felony conviction **(for a crime committed before July 1, 2014) or a Level 6 felony conviction (for a crime committed after June 30, 2014).**

SECTION 685. IC 35-50-2-8, AS AMENDED BY P.L.71-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) ~~Except as otherwise provided in this section,~~ The state may seek to have a person sentenced as a habitual offender for ~~any~~ **a** felony by alleging, on ~~a page~~ **one (1) or more pages** separate from the rest of the charging instrument, that the person has accumulated ~~two (2)~~ **the required number of** prior unrelated felony convictions **in accordance with this section.**

(b) A person convicted of murder or of a Level 1 through Level 4 felony is a habitual offender if the state proves beyond a reasonable doubt that:

(1) the person has been convicted of two (2) prior unrelated

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felonies; and

(2) at least one (1) of the prior unrelated felonies is not a Level 6 felony or a Class D felony.

(c) A person convicted of a Level 5 felony is a habitual offender if the state proves beyond a reasonable doubt that:

(1) the person has been convicted of two (2) prior unrelated felonies;

(2) at least one (1) of the prior unrelated felonies is not a Level 6 felony or a Class D felony; and

(3) if the person is alleged to have committed a prior unrelated:

(A) Level 5 felony;

(B) Level 6 felony;

(C) Class C felony; or

(D) Class D felony;

not more than ten (10) years have elapsed between the time the person was released from imprisonment, probation, or parole (whichever is latest) and the time the person committed the current offense.

(d) A person convicted of a Level 6 felony is a habitual offender if the state proves beyond a reasonable doubt that:

(1) the person has been convicted of three (3) prior unrelated felonies; and

(2) if the person is alleged to have committed a prior unrelated:

(A) Level 5 felony;

(B) Level 6 felony;

(C) Class C felony; or

(D) Class D felony;

not more than ten (10) years have elapsed between the time the person was released from imprisonment, probation, or parole (whichever is latest) and the time the person committed the current offense.

~~(b)~~ **(e)** The state may not seek to have a person sentenced as a habitual offender for a felony offense under this section if

~~(1)~~ the **current** offense is a misdemeanor that is enhanced to a felony in the same proceeding as the habitual offender proceeding solely because the person had a prior unrelated conviction. **However, a prior unrelated felony conviction may be used to support a habitual offender determination even if the sentence for the prior unrelated offense was enhanced for any reason, including an enhancement because the person had been**

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convicted of another offense.

~~(2) the offense is an offense under IC 9-30-10-16 or IC 9-30-10-17; or~~

~~(3) all of the following apply:~~

~~(A) The offense is an offense under IC 16-42-19 or IC 35-48-4.~~

~~(B) The offense is not listed in section 2(b)(4) of this chapter.~~

~~(C) The total number of unrelated convictions that the person has for:~~

~~(i) dealing in or selling a legend drug under IC 16-42-19-27;~~

~~(ii) dealing in cocaine or a narcotic drug (IC 35-48-4-1);~~

~~(iii) dealing in a schedule I, II, III controlled substance (IC 35-48-4-2);~~

~~(iv) dealing in a schedule IV controlled substance (IC 35-48-4-3); and~~

~~(v) dealing in a schedule V controlled substance (IC 35-48-4-4);~~

~~does not exceed one (1).~~

~~(c)~~ **(f)** A person has accumulated two (2) **or three (3)** prior unrelated felony convictions for purposes of this section only if:

(1) the second prior unrelated felony conviction was committed after **commission of and** sentencing for the first prior unrelated felony conviction; ~~and~~

(2) the offense for which the state seeks to have the person sentenced as a habitual offender was committed after **commission of and** sentencing for the second prior unrelated felony conviction; **and**

(3) for a conviction requiring proof of three (3) prior unrelated felonies, the third prior unrelated felony conviction was committed after commission of and sentencing for the second prior unrelated felony conviction.

~~(d)~~ **(g)** A conviction does not count for purposes of this section as a prior unrelated felony conviction if:

(1) the conviction has been set aside; **or**

(2) the conviction is one for which the person has been pardoned.

~~or~~

~~(3) all of the following apply:~~

~~(A) The offense is an offense under IC 16-42-19 or IC 35-48-4.~~

~~(B) The offense is not listed in section 2(b)(4) of this chapter.~~

~~(C) The total number of unrelated convictions that the person has for:~~

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~~(i) dealing in or selling a legend drug under IC 16-42-19-27;~~
~~(ii) dealing in cocaine or a narcotic drug (IC 35-48-4-1);~~
~~(iii) dealing in a schedule I, II, III controlled substance (IC 35-48-4-2);~~
~~(iv) dealing in a schedule IV controlled substance (IC 35-48-4-3); and~~
~~(v) dealing in a schedule V controlled substance (IC 35-48-4-4);~~

~~does not exceed one (1).~~

~~(e) The requirements in subsection (b) do not apply to a prior unrelated felony conviction that is used to support a sentence as a habitual offender. A prior unrelated felony conviction may be used under this section to support a sentence as a habitual offender even if the sentence for the prior unrelated offense was enhanced for any reason, including an enhancement because the person had been convicted of another offense. However, a prior unrelated felony conviction under IC 9-30-10-16, IC 9-30-10-17, IC 9-12-3-1 (repealed), or IC 9-12-3-2 (repealed) may not be used to support a sentence as a habitual offender.~~

~~(f)~~ **(h)** If the person was convicted of the felony in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing under IC 35-38-1-3. **The role of the jury is to determine whether the defendant has been convicted of the unrelated felonies. The state or defendant may not conduct any additional interrogation or questioning of the jury during the habitual offender part of the trial.**

~~(g) A person is a habitual offender if the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person had accumulated two (2) prior unrelated felony convictions.~~

~~(h)~~ **(i)** The court shall sentence a person found to be a habitual offender to an additional fixed term that is **between:**

(1) zero (0) and twenty (20) years, for a person convicted of murder or a Level 1 through Level 4 felony; or

(2) zero (0) and six (6) years, for a person convicted of a Level 5 or Level 6 felony.

An additional term imposed under this subsection is nonsuspendible.

~~not less than the advisory sentence for the underlying offense nor more than three (3) times the advisory sentence for the underlying offense. However, the additional sentence may not exceed thirty (30) years.~~

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(j) Habitual offender is a status that results in an enhanced sentence. It is not a separate crime and does not result in a consecutive sentence. The court shall attach the habitual offender enhancement to the felony conviction with the highest sentence imposed and specify which felony count is being enhanced. If the felony enhanced by the habitual offender determination is set aside or vacated, the court shall resentence the person and apply the habitual offender enhancement to the felony conviction with the next highest sentence in the underlying cause, if any.

(k) A prior unrelated felony conviction may not be collaterally attacked during a habitual offender proceeding unless the conviction is constitutionally invalid.

(l) The procedural safeguards that apply to other criminal charges, including:

(1) the requirement that the charge be filed by information or indictment; and

(2) the right to an initial hearing;

also apply to a habitual offender allegation.".

Page 404, line 11, after "as" insert "**a**".

Page 404, line 11, delete "4 felony" and insert "**4 felony,**".

Page 411, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 659. IC 35-50-6-3, AS AMENDED BY P.L.80-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person assigned to ~~Class I~~ **Class A** earns one (1) day of credit time for ~~each day~~ **every three (3) days** the person is imprisoned for a crime or confined awaiting trial or sentencing.

(b) A person assigned to ~~Class II~~ **Class B** earns one (1) day of credit time for every ~~two (2)~~ **six (6)** days the person is imprisoned for a crime or confined awaiting trial or sentencing.

(c) A person assigned to ~~Class III~~ **Class C** earns no credit time.

~~(d) A person assigned to Class IV earns one (1) day of credit time for every six (6) days the person is imprisoned for a crime or confined awaiting trial or sentencing.~~".

Page 411, line 19, strike "Class I;" and insert "**Class A;**".

Page 411, line 29, strike "associate's" and insert "**associate**".

Page 411, line 32, strike "bachelor's" and insert "**bachelor**".

Page 411, line 38, strike "Class I;" and insert "**Class A;**".

Page 412, line 23, strike "associate's" and insert "**associate**".

Page 412, line 25, strike "bachelor's" and insert "**bachelor**".

Page 415, line 15, strike "Class I." and insert "**Class A.**".

Page 415, line 21, strike "Class II or Class III" and insert "**Class B**

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or Class C".

Page 416, line 27, delete "(d)".

Page 416, line 27, strike "A person may be reassigned from Class III to Class I".

Page 416, line 27, delete "or".

Page 416, line 27, after "or" strike "Class".

Page 416, line 28, strike "II,".

Page 416, line 28, strike "or from Class II to Class I. A person's assignment to".

Page 416, strike lines 29 through 30.

Page 416, line 31, strike "class.".

Page 417, line 27, after "may" insert "**not**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1006 as introduced.)

MCMILLIN, Chair

Committee Vote: yeas 13, nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1006, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 27, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 74. IC 5-10-10-4, AS AMENDED BY P.L.115-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. As used in this chapter, "public safety officer" means any of the following:

(1) A state police officer.
(2) A county sheriff.
(3) A county police officer.
(4) A correctional officer.
(5) An excise police officer.
(6) A county police reserve officer.
(7) A city police reserve officer.
(8) A conservation enforcement officer.
(9) A town marshal.
(10) A deputy town marshal.
(11) A probation officer.
(12) A state educational institution police officer appointed under

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IC 21-39-4.

(13) A police officer whose employer purchases coverage under section 4.5 of this chapter.

(14) An emergency medical services provider (as defined in IC 16-41-10-1) who is:

(A) employed by a political subdivision (as defined in IC 36-1-2-13); and

(B) not eligible for a special death benefit under IC 36-8-6-20, IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.

(15) A firefighter who is employed by the fire department of a state university.

(16) A firefighter whose employer purchases coverage under section 4.5 of this chapter.

(17) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.

(18) A gaming agent of the Indiana gaming commission.

(19) A person who is:

(A) employed by a political subdivision (as defined in IC 36-1-2-13); and

(B) appointed as a special deputy under IC 36-8-10-10.6.

(20) A school corporation police officer appointed under IC 20-26-16.

(21) A gaming control officer of the Indiana gaming commission.

(22) An eligible chaplain who meets the requirements of section 4.7 of this chapter.

(23) A community corrections officer.".

Page 72, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 164. IC 10-14-2-5, AS AMENDED BY P.L.2-2007, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) For purposes of this section, "member of the military or public safety officer" means an individual who is any of the following:

(1) A member of a fire department (as defined in IC 36-8-1-8).

(2) An emergency medical service provider (as defined in IC 16-41-10-1).

(3) A member of a police department (as defined in IC 36-8-1-9).

(4) A correctional officer (as defined in IC 5-10-10-1.5).

(5) A state police officer.

(6) A county police officer.

(7) A police reserve officer.

(8) A county sheriff.

(9) A deputy sheriff.

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(10) An excise police officer.
(11) A conservation enforcement officer.
(12) A town marshal.
(13) A deputy town marshal.
(14) A postsecondary educational institution police officer appointed under IC 21-17-5 or IC 21-39-4.
(15) A probation officer.
(16) A paramedic.
(17) A volunteer firefighter (as defined in IC 36-8-12-2).
(18) An emergency medical technician or a paramedic working in a volunteer capacity.
(19) A member of the armed forces of the United States.
(20) A member of the Indiana Air National Guard.
(21) A member of the Indiana Army National Guard.
(22) A member of a state or local emergency management agency.
(23) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.
(24) A community corrections officer.

(b) For purposes of this section, "dies in the line of duty" refers to a death that occurs as a direct result of personal injury or illness resulting from any action that a member of the military or public safety officer, in the member of the military's or public safety officer's official capacity, is obligated or authorized by rule, regulation, condition of employment or services, or law to perform in the course of performing the member of the military's or public safety officer's duty.

(c) If a member of the military or public safety officer dies in the line of duty, a state flag shall be presented to:
(1) the surviving spouse;
(2) the surviving children if there is no surviving spouse; or
(3) the surviving parent or parents if there is no surviving spouse and there are no surviving children.

(d) The agency shall administer this section.

(e) The director may adopt rules under IC 4-22-2 to implement this section.".

Page 72, line 42, strike "listed in".

Page 73, line 1, delete "IC 35-50-2-2(b)(3)." and insert "**nonsuspendible under IC 35-50-2-2.2.**".

Page 73, line 19, strike "listed in".

Page 73, line 20, delete "IC 35-50-2-2(b)(3)." and insert "**nonsuspendible under IC 35-50-2-2.2.**".

Page 85, line 3, delete "Sources of money for the fund consist" and insert "**The fund consists**".

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Page 85, delete lines 4 through 5, begin a new line block indented and insert:

"**(1) Money appropriated to the fund by the general assembly.**

(2) Money transferred to the fund as required by IC 27-10-5-1.".

Page 85, line 6, delete "(2)" and insert "**(3)**".

Page 86, line 13, delete "and".

Page 86, line 14, after "(2)" insert "**shall consider whether evidence based practices are used; and**

(3)".

Page 127, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 251. IC 21-14-1-6, AS AMENDED BY P.L.77-2012, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. "Public safety officer" means any of the following:

(1) A regular, paid law enforcement officer.

(2) A regular, paid firefighter.

(3) A volunteer firefighter (as defined in IC 36-8-12-2).

(4) A county police reserve officer.

(5) A city police reserve officer.

(6) A paramedic (as defined in IC 16-18-2-266).

(7) An emergency medical technician (as defined in IC 16-18-2-112).

(8) An advanced emergency medical technician (as defined in IC 16-18-2-6.5). ~~or~~

(9) A hazardous duty employee of the department of correction who:

(A) works within a prison or juvenile facility; or

(B) performs parole or emergency response operations and functions.

(10) A community corrections officer.".

Page 152, after line 42, begin a new paragraph and insert:

"SECTION 297. IC 27-10-5-1, AS AMENDED BY P.L.102-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The bail bond enforcement and administration fund is created. **Except as provided in subsection (b),** all fees and penalties collected by the commissioner under this article shall be paid into the fund to be utilized for the enforcement and administration of this article. The fund shall be administered by the commissioner.

(b) Annually, before December 31 of each year, the

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commissioner shall transfer eighty percent (80%) of the renewal fees under IC 27-10-3-7(a)(2)(A) from the bail bond enforcement and administration fund to the probation improvement fund established by IC 11-13-2.5.

~~(b)~~ **(c)** Any balance remaining in the fund at the end of a state fiscal year does not revert to the state general fund. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.".

Page 197, delete lines 9 through 28, begin a new paragraph and insert:

"SECTION 358. IC 35-31.5-2-72, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 72. "Credit restricted felon" means a person who has been convicted of at least one (1) of the following offenses:

(1) Child molesting involving sexual intercourse, ~~or~~ deviate sexual conduct (IC 35-42-4-3(a), **before its amendment on July 1, 2014) for a crime committed before July 1, 2014, or other sexual conduct (as defined in IC 35-31.5-2-221.5) for a crime committed after June 30, 2014,** if:

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

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

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

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

(A) the person killed the victim while committing or attempting to commit child molesting (IC 35-42-4-3);

(B) the victim was the victim of a sex crime under IC 35-42-4 for which the person was convicted; or

(C) the victim of the murder was listed by the state or known by the person to be a witness against the person in a prosecution for a sex crime under IC 35-42-4 and the person committed the murder with the intent to prevent the victim from testifying.".

Page 201, line 40, delete "," and insert "**.**".

Page 201, line 40, strike "or a felony for which the.".

Page 201, strike line 41.

Page 208, delete lines 26 through 37.

Page 210, line 1, strike "IC 35-50-2-2." and insert "**IC 35-50-2-2.2.**".

Page 211, delete lines 32 through 42.

Page 212, delete lines 1 through 7.

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Page 213, line 30, strike "IC 35-50-2-2" and insert "**IC 35-50-2-2.2**".

Page 213, line 33, strike "described in" and insert "**under IC 9-30-5 (operating a vehicle while intoxicated) if the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5,**".

Page 213, line 34, delete "IC 35-50-2-2(b)(3)(R)".

Page 213, line 34, strike "(operating a vehicle while intoxicated with".

Page 213, line 35, strike "at least two (2) prior unrelated convictions),".

Page 213, line 35, before "if" insert "**and**".

Page 214, line 3, after "the" insert "**following**".

Page 214, line 3, after "felonies" insert ":

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

(B) Battery (IC 35-42-2-1) with a deadly weapon or battery causing death.

(C) Kidnapping (IC 35-42-3-2).

(D) Confinement (IC 35-42-3-3) with a deadly weapon.

(E) Robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon.

(F) Arson (IC 35-43-1-1) for hire resulting in serious bodily injury.

(G) Burglary (IC 35-43-2-1) resulting in serious bodily injury.

(H) Resisting law enforcement (IC 35-44.1-3-1) with a deadly weapon.

(I) Escape (IC 35-44.1-3-4) with a deadly weapon.

(J) Rioting (IC 35-45-1-2) with a deadly weapon.

(K) Dealing in cocaine or a narcotic drug (IC 35-48-4-1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within five hundred feet (500) of:

(i) school property; or

(ii) a public park.

(L) Dealing in methamphetamine (IC 35-48-4-1.1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver the methamphetamine

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pure or adulterated to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within five hundred (500) feet of:

(i) school property; or

(ii) a public park.

(M) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within five hundred (500) feet of:

(i) school property; or

(ii) a public park.

(N) An offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5.

(O) An offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death).

(P) Aggravated battery (IC 35-42-2-1.5).

(Q) Disarming a law enforcement officer (IC 35-44.1-3-2).".

Page 214, line 4, strike "listed in".

Page 214, line 4, delete "IC 35-50-2-2(b)(3).".

Page 214, line 18, reset in roman "Class I".

Page 214, line 18, delete "Class A" and insert "**or**".

Page 299, line 41, strike "IC 35-50-2-2" and insert "**IC 35-50-2-2.2**".

Page 320, line 22, strike "sexual deviate conduct" and insert "**other sexual conduct (as defined in IC 35-31.5-2-221.5)**".

Page 357, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 593. IC 35-47-4.5-3, AS AMENDED BY P.L.3-2008, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. As used in this chapter, "public safety officer" means:

(1) a state police officer;

(2) a county sheriff;

(3) a county police officer;

(4) a correctional officer;

(5) an excise police officer;

(6) a county police reserve officer;

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(7) a city police officer;
(8) a city police reserve officer;
(9) a conservation enforcement officer;
(10) a gaming agent;
(11) a town marshal;
(12) a deputy town marshal;
(13) a state educational institution police officer appointed under IC 21-39-4;
(14) a probation officer;
(15) a firefighter (as defined in IC 9-18-34-1);
(16) an emergency medical technician;
(17) a paramedic;
(18) a member of a consolidated law enforcement department established under IC 36-3-1-5.1; ~~or~~
(19) a gaming control officer; **or**
(20) a community corrections officer.".

Page 399, line 41, after "person" insert "**is convicted of murder, a Level 1 felony, or a Level 2 felony and**".

Page 400, line 1, delete "for:" and insert "**for the:**".

Page 400, line 18, delete "seventeen (17) years and six (6) months." and insert "**seventeen and one-half (17 1/2) years.**".

Page 401, line 34, delete "thirty (30) months," and insert "**two and one-half (2 1/2) years,**".

Page 416, line 21, after "(a)" insert "**This section applies to a person convicted before July 1, 2014.**
(b)".

Page 416, line 21, reset in roman "Class I".

Page 416, line 21, delete "Class A".

Page 416, line 22, reset in roman "each day".

Page 416, line 22, delete "every three (3) days".

Page 416, line 24, strike "(b)" and insert "**(c)**".

Page 416, line 24, reset in roman "Class II".

Page 416, line 24, delete "Class B".

Page 416, line 25, reset in roman "two (2)".

Page 416, line 25, delete "six (6)".

Page 416, line 27, strike "(c)" and insert "**(d)**".

Page 416, line 27, reset in roman "Class III".

Page 416, line 27, delete "Class C".

Page 416, line 28, after "(d)" insert "**(e)**".

Page 416, line 28, reset in roman "A person assigned to Class IV earns one (1) day of credit time".

Page 416, reset in roman lines 29 through 30.

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Page 416, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 665. IC 35-50-6-3.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 3.1. (a) This section applies to a person convicted after June 30, 2014.**

(b) A person assigned to Class A earns one (1) day of credit time for every three (3) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

(c) A person assigned to Class B earns one (1) day of credit time for every six (6) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

(d) A person assigned to Class C earns no credit time.".

Page 416, line 36, delete "Class I;" and insert "Class I **or**".

Page 417, line 13, delete "Class I;" and insert "Class I **or**".

Page 420, delete lines 27 through 42, begin a new paragraph and insert:

"SECTION 666. IC 35-50-6-4, AS AMENDED BY P.L.80-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who is not a credit restricted felon and who is imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to ~~Class I.~~ **Class A.**

(b) A person who is a credit restricted felon and who is imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to ~~Class IV.~~ **Class B.** A credit restricted felon may not be assigned to ~~Class I or Class II.~~ **Class A.**

(c) A person who is not ~~assigned to Class IV~~ **a credit restricted felon** may be reassigned to ~~Class II~~ **Class B** or ~~Class III~~ **Class C** if the person violates any of the following:

(1) A rule of the department of correction.

(2) A rule of the penal facility in which the person is imprisoned.

(3) A rule or condition of a community transition program.

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to a lower credit time class, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive the right to the hearing.

(d) A person who is ~~assigned to Class IV~~ **a credit restricted felon** may be reassigned to ~~Class III~~ **Class C and a person who is assigned to Class IV may be assigned to Class III** if the person violates any of the following:

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(1) A rule of the department of correction.

(2) A rule of the penal facility in which the person is imprisoned.

(3) A rule or condition of a community transition program.

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to Class III **or Class C,** the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive the right to the hearing.

(e) In connection with the hearing granted under subsection (c) or (d), the person is entitled to:

(1) have not less than twenty-four (24) hours advance written notice of the date, time, and place of the hearing, and of the alleged misconduct and the rule the misconduct is alleged to have violated;

(2) have reasonable time to prepare for the hearing;

(3) have an impartial decisionmaker;

(4) appear and speak in the person's own behalf;

(5) call witnesses and present evidence;

(6) confront and cross-examine each witness, unless the hearing authority finds that to do so would subject a witness to a substantial risk of harm;

(7) have the assistance of a lay advocate (the department may require that the advocate be an employee of, or a fellow prisoner in, the same facility or program);

(8) have a written statement of the findings of fact, the evidence relied upon, and the reasons for the action taken;

(9) have immunity if the person's testimony or any evidence derived from the person's testimony is used in any criminal proceedings; and

(10) have the person's record expunged of any reference to the charge if the person is found not guilty or if a finding of guilt is later overturned.

Any finding of guilt must be supported by a preponderance of the evidence presented at the hearing.

(f) **Except for a credit restricted felon,** a person may be reassigned from:

(1) Class III to Class I, Class II or Class IV; ~~or from~~

(2) Class II to Class I;

(3) Class C to Class A or Class B;

(4) Class B to Class A.

A person's assignment to Class III, ~~or~~ Class II, **Class B, or Class C**

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shall be reviewed at least once every six (6) months to determine if the person should be reassigned to a higher credit time class. A credit restricted felon may not be reassigned to Class I or Class II **or to Class A or Class B.**".

Delete page 421.

Page 422, delete lines 1 through 6.

Page 422, line 33, reset in roman "(if the person is not a".

Page 422, line 34, reset in roman "credit restricted felon)".

Page 422, line 34, delete "Class III." and insert "Class III, **Class B, or Class C.**".

Page 423, line 1, delete "not".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1006 as printed January 18, 2013.)

BROWN T, Chair

Committee Vote: yeas 20, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1006, 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 193, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 346. IC 33-43-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person, before proceeding to discharge the duties of an attorney, shall take an oath to:

(1) support the Constitution of the United States and the Constitution of the State of Indiana; and

(2) faithfully and honestly discharge the duties of an attorney at law.

(b) The oath taken under subsection (a) must be entered in the order book of the court.

(c) A duly sworn attorney who is not otherwise disqualified to practice law is an officer of the court.".

Page 198, line 16, delete "IC 35-31.5-2-27.5" and insert "IC

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35-31.5-2-27.4".

Page 198, line 18, delete "27.5." and insert "**27.4.**".

Page 205, line 22, delete "P.L.178-2007," and insert "SEA 31-2013,".

Page 206, line 23, delete "of this section,".

Page 206, line 28, delete "his the defendant's" and insert "the defendant's".

Page 206, line 31, delete "not later than ten (10) days after the" and insert "at least thirty (30) days before the commencement of trial.".

Page 206, line 32, delete "omnibus date.".

Page 206, line 34, delete "." and insert "if the amendment does not prejudice the substantial rights of the defendant. If the court permits the filing of a habitual offender charge less than thirty (30) days before the commencement of trial, the court shall grant a continuance at the request of the:

(1) state, for good cause shown; or

(2) defendant, for any reason.".

Page 228, line 8, delete "or".

Page 228, line 9, delete "employee." and insert "**employee;**

(9) a firefighter; or

(10) an emergency medical services provider.".

Page 244, line 10, strike "a member of the opposite sex" and insert "**another person**".

Page 276, line 26, delete "P.L.137-2009," and insert "HEA 1225-2013, SECTION 3,".

Page 276, line 27, delete "SECTION 14,".

Page 277, line 16, after "cigarette" insert ", an electronic cigarette (as defined in IC 35-46-1-1.5),".

Page 277, line 16, after "or" insert "a".

Page 301, line 15, delete "ADDED BY P.L.126-2012," and insert "AMENDED BY SEA 85-2013, SECTION 140,".

Page 301, line 16, delete "SECTION 54,".

Page 301, line 32, delete "IC 35-44-2-3; IC 35-44.1-2-6;" and insert "section 6 of this chapter;".

Page 384, line 36, reset in roman "Class A".

Page 384, line 36, delete "Class B".

Page 384, line 37, delete "(d)" and insert "**(c)**".

Page 385, line 23, delete "Class A misdemeanor" and insert "**Level 6 felony**".

Page 385, line 34, delete "Level 6" and insert "**Level 5**".

Page 385, line 35, after "drug" insert "**dealing**".

Page 386, line 1, delete "but less than fifty (50) pounds".

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Page 386, line 3, delete "but less than one".

Page 386, line 4, delete "thousand five hundred (1,500) grams".

Page 386, delete lines 7 through 27.

Page 386, line 37, delete "Class C" and insert "**Class B**".

Page 387, delete lines 1 through 16, begin a new paragraph and insert:

"**(b) The offense described in subsection (a) is a Class A misdemeanor if the person has a prior conviction for a drug offense.**

(c) The offense described in subsection (a) is a Level 6 felony if:

(1) the person has a prior conviction for a drug offense; and

(2) the person possesses:

(A) at least thirty (30) grams of marijuana; or

(B) at least two (2) grams of hash oil, hashish, salvia, or a synthetic drug.".

Page 397, line 23, delete "P.L.125-2012," and insert "SEA 85-2013, SECTION 144, IS".

Page 397, delete line 24.

Page 397, line 25, delete "59, IS CORRECTED AND".

Page 398, line 5, delete "motor".

Page 398, line 7, delete "(IC 35-44-3-3)." and insert "(IC 35-44.1-3-1).".

Page 398, delete line 8.

Page 404, line 16, delete "subsection (b)," and insert "**subsections (b) or (c),**".

Page 404, line 18, delete "murder,".

Page 404, line 18, delete "felony," and insert "**felony**".

Page 404, delete lines 22 through 24, begin a new line block indented and insert:

"**(1) Level 1 felony; or**

(2) Level 2 felony.

(c) The court may suspend only that part of a sentence for murder that is in excess of the minimum sentence for murder.".

Page 406, line 3, delete "P.L.69-2012," and insert "SEA 85-2013, SECTION 145,".

Page 406, line 4, delete "SECTION 6,".

Page 407, line 11, delete "IC 35-44-2-1 IC 35-44.1-2-1" and insert "IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal)".

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Page 407, line 12, delete "IC 35-44-1-2. IC 35-44.1-1-1." and insert "IC 35-44.1-1-1 (or IC 35-44-1-2 before its repeal).".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1006 as printed February 19, 2013.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yes 8, Nays 1.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill No. 1006, 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 85, delete lines 32 through 42.

Delete pages 86 through 87.

Page 88, delete lines 1 through 40.

Page 155, delete lines 31 through 42.

Page 156, delete lines 1 through 6.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to EHB 1006 as printed April 2, 2013.)

KENLEY, Chairperson

Committee Vote: Yes 13, Nays 0.

C o p y