

Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	3

MR. SPEAKER:

*Your Committee on Agriculture and Rural Development, to which was referred Senate Bill 373, 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:*

- 1 Page 2, line 28, after "conducted;" insert "**and**".
- 2 Page 2, line 29, after "(2)" insert "**without the written consent of**
- 3 **the owner of the real property or an authorized representative of**
- 4 **the owner,**".
- 5 Page 2, line 34, delete "and".
- 6 Page 2, delete lines 35 through 37.
- 7 Page 2, line 38, delete "authorized representative of the owner".
- 8 Page 2, line 39, after "Class A" insert "**misdemeanor**".
- 9 Page 2, delete lines 40 through 42.
- 10 Page 3, line 4, after "activity;" insert "**and**".
- 11 Page 3, line 10, after "industrial" insert "**operation**".
- 12 Page 3, delete lines 11 through 15.
- 13 Page 3, after line 21, begin a new paragraph and insert:
- 14 "SECTION 4. IC 35-43-2-2, AS AMENDED BY P.L.88-2009,

1 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2013]: Sec. 2. (a) A person who:

3 (1) not having a contractual interest in the property, knowingly or
4 intentionally enters the real property of another person after
5 having been denied entry by the other person or that person's
6 agent;

7 (2) not having a contractual interest in the property, knowingly or
8 intentionally refuses to leave the real property of another person
9 after having been asked to leave by the other person or that
10 person's agent;

11 (3) accompanies another person in a vehicle, with knowledge that
12 the other person knowingly or intentionally is exerting
13 unauthorized control over the vehicle;

14 (4) knowingly or intentionally interferes with the possession or
15 use of the property of another person without the person's consent;

16 (5) not having a contractual interest in the property, knowingly or
17 intentionally enters the dwelling of another person without the
18 person's consent;

19 (6) knowingly or intentionally:

20 (A) travels by train without lawful authority or the railroad
21 carrier's consent; and

22 (B) rides on the outside of a train or inside a passenger car,
23 locomotive, or freight car, including a boxcar, flatbed, or
24 container without lawful authority or the railroad carrier's
25 consent;

26 (7) not having a contractual interest in the property, knowingly or
27 intentionally enters or refuses to leave the property of another
28 person after having been prohibited from entering or asked to
29 leave the property by a law enforcement officer when the property
30 is:

31 (A) vacant or designated by a municipality or county
32 enforcement authority to be abandoned property; and

33 (B) subject to abatement under IC 32-30-6, IC 32-30-7,
34 IC 32-30-8, IC 36-7-9, or IC 36-7-36; ~~or~~

35 (8) knowingly or intentionally enters the property of another
36 person after being denied entry by a court order that has been
37 issued to the person or issued to the general public by
38 conspicuous posting on or around the premises in areas where a

1 person can observe the order when the property:

2 (A) has been designated by a municipality or county
3 enforcement authority to be a vacant property or an abandoned
4 property; and

5 (B) is subject to an abatement order under IC 32-30-6,
6 IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36; **or**

7 **(9) knowingly or intentionally:**

8 **(A) enters real property that is owned by another person**
9 **without the other person's consent; and**

10 **(B) with intent to defame, takes a digital or an analog**
11 **photograph or makes a digital or an analog video**
12 **recording or motion picture while on the real property;**

13 commits criminal trespass, a Class A misdemeanor. However, the
14 offense is a Class D felony if it is committed on a scientific research
15 facility, on a key facility, on a facility belonging to a public utility (as
16 defined in IC 32-24-1-5.9(a)), on school property, or on a school bus or
17 the person has a prior unrelated conviction for an offense under this
18 section concerning the same property.

19 (b) A person has been denied entry under subdivision (a)(1) of this
20 section when the person has been denied entry by means of:

21 (1) personal communication, oral or written;

22 (2) posting or exhibiting a notice at the main entrance in a manner
23 that is either prescribed by law or likely to come to the attention
24 of the public; or

25 (3) a hearing authority or court order under IC 32-30-6,
26 IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36.

27 (c) A law enforcement officer may not deny entry to property or ask
28 a person to leave a property under subsection (a)(7) unless there is
29 reasonable suspicion that criminal activity has occurred or is occurring.

30 (d) A person described in subsection (a)(7) violates subsection
31 (a)(7) unless the person has the written permission of the owner,
32 owner's agent, enforcement authority, or court to come onto the
33 property for purposes of performing maintenance, repair, or demolition.

34 (e) A person described in subsection (a)(8) violates subsection
35 (a)(8) unless the court that issued the order denying the person entry
36 grants permission for the person to come onto the property.

37 (f) Subsections (a), (b), and (e) do not apply to the following:

38 (1) A passenger on a train.

- 1 (2) An employee of a railroad carrier while engaged in the
 2 performance of official duties.
- 3 (3) A law enforcement officer, firefighter, or emergency response
 4 personnel while engaged in the performance of official duties.
- 5 (4) A person going on railroad property in an emergency to rescue
 6 a person or animal from harm's way or to remove an object that
 7 the person reasonably believes poses an imminent threat to life or
 8 limb.
- 9 (5) A person on the station grounds or in the depot of a railroad
 10 carrier:
- 11 (A) as a passenger; or
 12 (B) for the purpose of transacting lawful business.
- 13 (6) A:
- 14 (A) person; or
 15 (B) person's:
- 16 (i) family member;
 17 (ii) invitee;
 18 (iii) employee;
 19 (iv) agent; or
 20 (v) independent contractor;
- 21 going on a railroad's right-of-way for the purpose of crossing at a
 22 private crossing site approved by the railroad carrier to obtain
 23 access to land that the person owns, leases, or operates.
- 24 (7) A person having written permission from the railroad carrier
 25 to go on specified railroad property.
- 26 (8) A representative of the Indiana department of transportation
 27 while engaged in the performance of official duties.
- 28 (9) A representative of the federal Railroad Administration while
 29 engaged in the performance of official duties.
- 30 (10) A representative of the National Transportation Safety Board
 31 while engaged in the performance of official duties.
- 32 SECTION 5. IC 35-43-5-21 IS ADDED TO THE INDIANA CODE
 33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 34 1, 2013]: **Sec. 21. A person who, with intent to defame or directly
 35 or indirectly harm the business relationship between a prospective
 36 employer and the customers of the prospective employer,
 37 knowingly or intentionally:**
- 38 (1) submits an application to a prospective employer to secure

1 **employment with the prospective employer; and**
2 **(2) makes a false statement or conceals a material fact in the**
3 **application in order to secure employment with the**
4 **prospective employer;**
5 **commits employment application fraud, a Class A misdemeanor."**

6 Renumber all SECTIONS consecutively.
 (Reference is to SB 373 as reprinted February 26, 2013.)

and when so amended that said bill do pass.

Representative Lehe