

Adopted	Rejected
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COMMITTEE REPORT

YES:	7
NO:	3

MR. SPEAKER:

*Your Committee on Judiciary, 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 1, delete lines 1 through 17.
- 2 Delete page 2.
- 3 Page 3, delete lines 1 through 13.
- 4 Page 4, line 6, after "IC 36-7-36;" reset in roman "or".
- 5 Page 4, line 16, after "IC 36-7-36;" delete "or".
- 6 Page 4, delete lines 17 through 22.
- 7 Page 4, line 34, strike "or".
- 8 Page 4, line 36, delete "." and insert "; **or**".
- 9 Page 4, between lines 36 and 37, begin a new line block indented
- 10 and insert:
- 11 "**(4) a fence, a wall, or other constructed barrier that**
- 12 **reasonably implies entry is prohibited.**".
- 13 Page 5, between lines 37 and 38, begin a new paragraph and insert:
- 14 "SECTION 6. IC 35-43-5-3 IS AMENDED TO READ AS

- 1 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) A person who:
- 2 (1) being an officer, manager, or other person participating in the
- 3 direction of a credit institution, knowingly or intentionally
- 4 receives or permits the receipt of a deposit or other investment,
- 5 knowing that the institution is insolvent;
- 6 (2) knowingly or intentionally makes a false or misleading written
- 7 statement with intent to obtain property ~~employment~~, or an
- 8 educational opportunity;
- 9 (3) misapplies entrusted property, property of a governmental
- 10 entity, or property of a credit institution in a manner that the
- 11 person knows is unlawful or that the person knows involves
- 12 substantial risk of loss or detriment to either the owner of the
- 13 property or to a person for whose benefit the property was
- 14 entrusted;
- 15 (4) knowingly or intentionally, in the regular course of business,
- 16 either:
- 17 (A) uses or possesses for use a false weight or measure or
- 18 other device for falsely determining or recording the quality or
- 19 quantity of any commodity; or
- 20 (B) sells, offers, or displays for sale or delivers less than the
- 21 represented quality or quantity of any commodity;
- 22 (5) with intent to defraud another person furnishing electricity,
- 23 gas, water, telecommunication, or any other utility service, avoids
- 24 a lawful charge for that service by scheme or device or by
- 25 tampering with facilities or equipment of the person furnishing
- 26 the service;
- 27 (6) with intent to defraud, misrepresents the identity of the person
- 28 or another person or the identity or quality of property;
- 29 (7) with intent to defraud an owner of a coin machine, deposits a
- 30 slug in that machine;
- 31 (8) with intent to enable the person or another person to deposit
- 32 a slug in a coin machine, makes, possesses, or disposes of a slug;
- 33 (9) disseminates to the public an advertisement that the person
- 34 knows is false, misleading, or deceptive, with intent to promote
- 35 the purchase or sale of property or the acceptance of employment;
- 36 (10) with intent to defraud, misrepresents a person as being a
- 37 physician licensed under IC 25-22.5; or
- 38 (11) knowingly and intentionally defrauds another person

1 furnishing cable TV service by avoiding paying compensation for
2 that service by any scheme or device or by tampering with
3 facilities or equipment of the person furnishing the service;
4 commits deception, a Class A misdemeanor.

5 (b) In determining whether an advertisement is false, misleading, or
6 deceptive under subsection (a)(9), there shall be considered, among
7 other things, not only representations contained or suggested in the
8 advertisement, by whatever means, including device or sound, but also
9 the extent to which the advertisement fails to reveal material facts in
10 the light of the representations."

11 Page 5, line 40, delete ", with intent to defame or directly".

12 Page 5, delete lines 41 through 42.

13 Page 6, line 4, after "statement" insert "**about a material fact**".

(Reference is to ESB 373 as printed April 2, 2013.)

and when so amended that said bill do pass.

Representative Steuerwald