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# SENATE BILL No. 148

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-33-1-1; IC 35-43.

**Synopsis:** Theft. Makes theft: (1) a Class A misdemeanor instead of a Class D felony if the fair market value of the property that is the subject of the theft is less than \$750; (2) a Class D felony if the fair market value of the property is at least \$750 but less than \$100,000; and (3) a Class C felony if the fair market value of the property is at least \$100,000 or if the property that is the subject of the theft is a certain kind of valuable metal. Provides that it is burglary, a Class C felony, for a person to break and enter a building or structure of another person with intent to commit theft as a Class A misdemeanor in the building or structure. Permits a law enforcement officer to arrest a person if the officer has probable cause to believe that the person has committed or attempted to commit theft as a Class A misdemeanor.

**Effective:** July 1, 2013.

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### Kruse

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January 7, 2013, read first time and referred to Committee on Corrections & Criminal Law.

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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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## SENATE BILL No. 148



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

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

1 SECTION 1. IC 35-33-1-1, AS AMENDED BY P.L.171-2011,  
2 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]: Sec. 1. (a) A law enforcement officer may arrest a  
4 person when the officer has:

- 5 (1) a warrant commanding that the person be arrested;
- 6 (2) probable cause to believe the person has committed or  
7 attempted to commit, or is committing or attempting to commit,  
8 a felony;
- 9 (3) probable cause to believe the person has violated the  
10 provisions of IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1),  
11 IC 9-26-1-2(2), IC 9-26-1-3, IC 9-26-1-4, or IC 9-30-5;
- 12 (4) probable cause to believe the person is committing or  
13 attempting to commit a misdemeanor in the officer's presence;
- 14 (5) probable cause to believe the person has committed: a;  
15 (A) battery resulting in bodily injury under IC 35-42-2-1; or  
16 (B) domestic battery under IC 35-42-2-1.3.

17 The officer may use an affidavit executed by an individual alleged



- 1 to have direct knowledge of the incident alleging the elements of  
 2 the offense of battery to establish probable cause;  
 3 (6) probable cause to believe that the person violated  
 4 IC 35-46-1-15.1 (invasion of privacy);  
 5 (7) probable cause to believe that the person violated  
 6 IC 35-47-2-1 (carrying a handgun without a license) or  
 7 IC 35-47-2-22 (counterfeit handgun license);  
 8 (8) probable cause to believe that the person is violating or has  
 9 violated an order issued under IC 35-50-7;  
 10 (9) probable cause to believe that the person is violating or has  
 11 violated IC 35-47-6-1.1 (undisclosed transport of a dangerous  
 12 device);  
 13 (10) probable cause to believe that the person is:  
 14 (A) violating or has violated IC 35-45-2-5 (interference with  
 15 the reporting of a crime); and  
 16 (B) interfering with or preventing the reporting of a crime  
 17 involving domestic or family violence (as defined in  
 18 IC 34-6-2-34.5);  
 19 (11) a removal order issued for the person by an immigration  
 20 court;  
 21 (12) a detainer or notice of action for the person issued by the  
 22 United States Department of Homeland Security; ~~or~~  
 23 (13) probable cause to believe that the person has been indicted  
 24 for or convicted of one (1) or more aggravated felonies (as  
 25 defined in 8 U.S.C. 1101(a)(43)); ~~or~~  
 26 **(14) probable cause to believe that the person has committed**  
 27 **or attempted to commit theft as a Class A misdemeanor**  
 28 **(IC 35-43-4-2(a)).**  
 29 (b) A person who:  
 30 (1) is employed full time as a federal enforcement officer;  
 31 (2) is empowered to effect an arrest with or without warrant for a  
 32 violation of the United States Code; and  
 33 (3) is authorized to carry firearms in the performance of the  
 34 person's duties;  
 35 may act as an officer for the arrest of offenders against the laws of this  
 36 state where the person reasonably believes that a felony has been or is  
 37 about to be committed or attempted in the person's presence.  
 38 SECTION 2. IC 35-43-2-1 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. **(a)** A person who  
 40 breaks and enters the building or structure of another person, with  
 41 intent to commit: a  
 42 **(1) theft as a Class A misdemeanor (IC 35-43-4-2(a)); or**

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1           **(2) any felony;**  
 2 in ~~it~~, **the building or structure**, commits burglary, a Class C felony.  
 3 ~~However,~~

4           **(b) The offense under subsection (a) is:**

5           (1) a Class B felony if:

6           (A) it is committed while armed with a deadly weapon; or

7           (B) the building or structure is a:

8           (i) dwelling; or

9           (ii) structure used for religious worship; and

10          (2) a Class A felony if it results in:

11          (A) bodily injury; or

12          (B) serious bodily injury;

13          to any person other than a defendant.

14          SECTION 3. IC 35-43-4-2, AS AMENDED BY P.L.158-2009,  
 15 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2013]: Sec. 2. (a) A person who knowingly or intentionally  
 17 exerts unauthorized control over property of another person, with intent  
 18 to deprive the other person of any part of its value or use, commits  
 19 theft, a ~~Class D felony~~. **Class A misdemeanor**. However, the offense  
 20 is a:

21          **(1) Class D felony if the fair market value of the property is at  
 22 least seven hundred fifty dollars (\$750) but less than one  
 23 hundred thousand dollars (\$100,000); and**

24          **(2) Class C felony if:**

25          ~~(A)~~ **(A)** the fair market value of the property is at least one  
 26 hundred thousand dollars (\$100,000); or

27          ~~(B)~~ **(B)** the property that is the subject of the theft is a valuable  
 28 metal (as defined in IC 25-37.5-1-1) and:

29          ~~(A)~~ **(i)** relates to transportation safety;

30          ~~(B)~~ **(ii)** relates to public safety; or

31          ~~(C)~~ **(iii)** is taken from a ~~(i)~~ hospital or other health care  
 32 facility, ~~(ii)~~ telecommunications provider, ~~(iii)~~ public utility  
 33 (as defined in IC 32-24-1-5.9(a)), or ~~(iv)~~ key facility;

34          and the absence of the property creates a substantial risk of  
 35 bodily injury to a person.

36          (b) A person who knowingly or intentionally receives, retains, or  
 37 disposes of the property of another person that has been the subject of  
 38 theft commits receiving stolen property, a Class D felony. However, the  
 39 offense is a Class C felony if:

40          (1) the fair market value of the property is at least one hundred  
 41 thousand dollars (\$100,000); or

42          (2) the property that is the subject of the theft is a valuable metal

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1 (as defined in IC 25-37.5-1-1) and:  
2 (A) relates to transportation safety;  
3 (B) relates to public safety; or  
4 (C) is taken from a:  
5 (i) hospital or other health care facility;  
6 (ii) telecommunications provider;  
7 (iii) public utility (as defined in IC 32-24-1-5.9(a)); or  
8 (iv) key facility;  
9 and the absence of the property creates a substantial risk of bodily  
10 injury to a person.

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