
SENATE BILL No. 396

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-43-4-2.

Synopsis: Theft. Makes theft: (1) a Class A misdemeanor instead of a Class D felony if the retail value of the property that is the subject of the theft is less than \$500; (2) a Class D felony if the retail market value of the property is at least \$500 but less than \$100,000; and (3) a Class C felony if the retail market value of the property is at least \$100,000 or if the property that is the subject of the theft is a valuable metal under certain circumstances. Changes the standard for the measurement of the value of property for purposes of the crime of receiving stolen property as a Class C felony from fair market value to retail value.

Effective: July 1, 2013.

Taylor

January 10, 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. 396



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

8 **(1) Class D felony if the retail value of the property is at least**
9 **five hundred dollars (\$500) but less than one hundred**
10 **thousand dollars (\$100,000); and**

11 **(2) Class C felony if:**
12 **(+) (A) the fair market value of the property is at least one**
13 **hundred thousand dollars (\$100,000); or**
14 **(-) (B) the property that is the subject of the theft is a valuable**
15 **metal (as defined in IC 25-37.5-1-1) and:**
16 **(-) (i) relates to transportation safety;**
17 **(-) (ii) relates to public safety; or**



- 1 ~~(c)~~ **(iii)** is taken from a ~~(i)~~ hospital or other health care
 2 facility, ~~(ii)~~ telecommunications provider, ~~(iii)~~ public utility
 3 (as defined in IC 32-24-1-5.9(a)), or ~~(iv)~~ key facility;
 4 and the absence of the property creates a substantial risk of
 5 bodily injury to a person.
- 6 (b) A person who knowingly or intentionally receives, retains, or
 7 disposes of the property of another person that has been the subject of
 8 theft commits receiving stolen property, a Class D felony. However, the
 9 offense is a Class C felony if:
- 10 (1) the ~~fair market retail~~ value of the property is at least one
 11 hundred thousand dollars (\$100,000); or
 12 (2) the property that is the subject of the theft is a valuable metal
 13 (as defined in IC 25-37.5-1-1) and:
- 14 (A) relates to transportation safety;
 15 (B) relates to public safety; or
 16 (C) is taken from a:
- 17 (i) hospital or other health care facility;
 18 (ii) telecommunications provider;
 19 (iii) public utility (as defined in IC 32-24-1-5.9(a)); or
 20 (iv) key facility;
 21 and the absence of the property creates a substantial risk of bodily
 22 injury to a person.

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