
HOUSE BILL No. 1562

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-10-1-10; IC 15-17-3-13; IC 35-43; IC 35-45-2-6.

Synopsis: Agricultural crimes. Enhances the crimes of theft, criminal mischief, criminal trespass, burglary, and criminal conversion if the crime committed concerns: (1) agricultural operations; or (2) livestock. Makes it unlawful recording of agricultural operations, a Class A misdemeanor, for a person to: (1) enter real property that is owned by another person and on which agricultural operations are being conducted; and (2) take a photograph of or make a video recording or motion picture of the real property, structures located on the real property, or the agricultural operations being conducted on the real property; without the written consent of the owner of the real property or an authorized representative of the owner. Requires the board of animal health to establish a registry of persons convicted of crimes concerning agricultural operations and livestock. Makes recklessly, knowingly, or intentionally obstructing the lawful use of an agricultural operation through coercion, fear, or intimidation a Class B misdemeanor. Makes recklessly, knowingly, or intentionally damaging a structure used for agricultural operations, the grounds adjacent to and owned or rented in common with an agricultural operation, or personal property contained in a structure or located at an agricultural operation, without the consent of the owner, possessor, or occupant of the property that is damaged, a Class A misdemeanor.

Effective: July 1, 2013.

Lehe, Baird, Morrison

January 22, 2013, read first time and referred to Committee on Courts and Criminal Code.

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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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HOUSE BILL No. 1562



A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

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

1 SECTION 1. IC 15-10-1-10 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2013]: **Sec. 10. It is the intent of the general**
4 **assembly that farmers have the following rights:**

- 5 (1) **To own, foster, breed, display, exhibit, farm, and sell**
6 **animals using traditional and modern methods and devices.**
- 7 (2) **To engage in agricultural operations (as defined in**
8 **IC 32-30-6-1) free from the threat of terrorism and**
9 **interference from unauthorized third persons.**

10 SECTION 2. IC 15-17-3-13, AS AMENDED BY P.L.50-2010,
11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2013]: Sec. 13. In addition to the powers and duties given the
13 board in this article and by law, the board has the powers and duties
14 reasonable and necessary to do the following:

- 15 (1) Provide for the quarantine of animals and objects to prevent,
16 control, and eradicate diseases and pests of animals.
- 17 (2) Develop, adopt, and implement programs and procedures for



1 establishing and maintaining accredited, certified, validated, or
 2 designated disease or pest free or disease or pest monitored
 3 animals, herds, flocks, or areas, including the following:

4 (A) The establishment and maintenance of herds that are
 5 monitored for disease or pest syndromes.

6 (B) The establishment and maintenance of certified or
 7 validated brucellosis free herds, animals, and areas.

8 (C) The establishment and maintenance of accredited
 9 tuberculosis free herds, animals, and areas.

10 (3) Develop, adopt, and implement programs and plans for the
 11 prevention, detection, control, and eradication of diseases and
 12 pests of animals.

13 (4) Control or prohibit, by permit or other means, the movement
 14 and transportation into, out of, or within Indiana of animals and
 15 objects in order to prevent, detect, control, or eradicate diseases
 16 and pests of animals. When implementing controls or
 17 prohibitions, the board may consider whether animals or objects
 18 are diseased, suspected to be diseased, or under quarantine, or
 19 whether the animals or objects originated from a country, a state,
 20 an area, or a premises that is known or suspected to harbor
 21 animals or objects infected with or exposed to a disease or pest of
 22 animals.

23 (5) Control or prohibit the public and private sale of animals and
 24 objects in order to prevent the spread of disease and pests of
 25 animals.

26 (6) Control the use, sanitation, and disinfection of:

27 (A) public stockyards; and

28 (B) vehicles used to transport animals and objects into and
 29 within Indiana;

30 to accomplish the objectives of this article.

31 (7) Control the use, sanitation, and disinfection of premises,
 32 facilities, and equipment to accomplish the objectives of this
 33 article.

34 (8) Control the movement of animals and objects to, from, and
 35 within premises where diseases or pests of animals may exist.

36 (9) Control the movement and disposal of carcasses of animals
 37 and objects.

38 (10) Control the manufacture, sale, storage, distribution, handling,
 39 and use of serums, vaccines, and other biologics and veterinary
 40 drugs, except those drugs for human consumption regulated under
 41 IC 16-42-19, to be used for the prevention, detection, control, and
 42 eradication of disease and pests of animals.

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- 1 (11) Control and prescribe the means, methods, and procedures
2 for the vaccination or other treatment of animals and objects and
3 the conduct of tests for diseases and pests of animals.
- 4 (12) Develop, adopt, and implement plans and programs for the
5 identification of animals, objects, premises, and means of
6 conveyances. Plans and programs may include identification:
7 (A) of animals or objects that have been condemned under this
8 article; and
9 (B) related to classification as to disease, testing, vaccination,
10 or treatment status.
- 11 (13) Establish the terms and method of appraisal or other
12 determination of value of animals and objects condemned under
13 this article, the payment of any indemnities that may be provided
14 for the animals and objects, and the regulation of the sale or other
15 disposition of the animals or objects.
- 16 (14) Control the sale of baby chicks.
- 17 (15) Cooperate and enter into agreements with the appropriate
18 departments and agencies of this state, any other state, or the
19 federal government to prevent, detect, control, and eradicate
20 diseases and pests of animals.
- 21 (16) Control or prohibit the movement and transportation into, out
22 of, or within Indiana of wild animals, including birds, that might
23 carry or disseminate diseases or pests of animals.
- 24 (17) Provide for condemning or abating conditions that cause,
25 aggravate, spread, or harbor diseases or pests of animals.
- 26 (18) Establish and designate, in addition to the animal disease
27 diagnostic laboratory under IC 21-46-3-1, other laboratories
28 necessary to make tests of any nature for diseases and pests of
29 animals.
- 30 (19) Investigate, develop, and implement the best methods for the
31 prevention, detection, control, suppression, or eradication of
32 diseases and pests of animals.
- 33 (20) Investigate, gather, and compile information concerning the
34 organization, business conduct, practices, and management of any
35 registrant, licensee, permittee, applicant for a license, or applicant
36 for a permit.
- 37 (21) Investigate allegations of unregistered, unlicensed, and
38 unpermitted activities.
- 39 (22) Institute legal action in the name of the state of Indiana
40 necessary to enforce:
41 (A) the board's orders and rules; and
42 (B) this article.

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- 1 (23) Control the collection, transportation, and cooking of garbage
 2 to be fed to swine or other animals and all matters of sanitation
 3 relating to the collection, transportation, and cooking of garbage
 4 affecting the health of swine or other animals and affecting public
 5 health and comfort.
 6 (24) Adopt an appropriate seal.
 7 (25) Issue orders as an aid to enforcement of the powers granted
 8 by this article, IC 15-18-1, and IC 15-19-6.
 9 (26) Control disposal plants and byproducts collection services
 10 and all matters connected to disposal plants and byproducts
 11 collection services.
 12 (27) Abate biological or chemical substances that:
 13 (A) remain in or on any animal before or at the time of
 14 slaughter as a result of treatment or exposure; and
 15 (B) are found by the board to be or have the potential of being
 16 injurious to the health of animals or humans.
 17 (28) Regulate the production, manufacture, processing, and
 18 distribution of products derived from animals to control health
 19 hazards that may threaten:
 20 (A) animal health;
 21 (B) the public health and welfare of the citizens of Indiana;
 22 and
 23 (C) the trade in animals and animal products in and from
 24 Indiana.
 25 (29) Cooperate and coordinate with local, state, and federal
 26 emergency management agencies to plan and implement disaster
 27 emergency plans and programs as the plans and programs relate
 28 to animals in Indiana.
 29 (30) Assist law enforcement agencies investigating allegations of
 30 cruelty and neglect of animals.
 31 (31) Assist organizations that represent livestock and poultry
 32 producers with issues and programs related to the care of
 33 livestock and poultry.
 34 (32) Establish a registry of commercial dog brokers and
 35 commercial dog breeders in Indiana.
 36 **(33) Establish a registry of persons convicted of crimes**
 37 **concerning:**
 38 **(A) an agricultural operation (as defined in IC 32-30-6-1);**
 39 **and**
 40 **(B) livestock (as defined in IC 4-4-3.2-1).**
 41 SECTION 3. IC 35-43-1-1 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) A person who, by

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1 means of fire, explosive, or destructive device, knowingly or
2 intentionally damages:

3 (1) a dwelling of another person without the other person's
4 consent;

5 (2) property of any person under circumstances that endanger
6 human life;

7 (3) property of another person without the other person's consent
8 if the pecuniary loss is at least five thousand dollars (\$5,000); ~~or~~

9 (4) a structure used for religious worship without the consent of
10 the owner of the structure; ~~or~~

11 **(5) a structure on an agricultural operation (as defined in**
12 **IC 32-30-6-1);**

13 commits arson, a Class B felony. However, the offense is a Class A
14 felony if it results in either bodily injury or serious bodily injury to any
15 person other than a defendant.

16 (b) A person who commits arson for hire commits a Class B felony.
17 However, the offense is a Class A felony if it results in bodily injury to
18 any other person.

19 (c) A person who, by means of fire, explosive, or destructive device,
20 knowingly or intentionally damages property of any person with intent
21 to defraud commits arson, a Class C felony.

22 (d) A person who, by means of fire, explosive, or destructive device,
23 knowingly or intentionally damages property of another person without
24 the other person's consent so that the resulting pecuniary loss is at least
25 two hundred fifty dollars (\$250) but less than five thousand dollars
26 (\$5,000) commits arson, a Class D felony.

27 SECTION 4. IC 35-43-1-2, AS AMENDED BY P.L.216-2007,
28 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2013]: Sec. 2. (a) A person who:

30 (1) recklessly, knowingly, or intentionally damages or defaces
31 property of another person without the other person's consent; or

32 (2) knowingly or intentionally causes another to suffer pecuniary
33 loss by deception or by an expression of intention to injure
34 another person or to damage the property or to impair the rights
35 of another person;

36 commits criminal mischief, a Class B misdemeanor. However, the
37 offense is:

38 (A) a Class A misdemeanor if:

39 (i) the pecuniary loss is at least two hundred fifty dollars
40 (\$250) but less than two thousand five hundred dollars
41 (\$2,500);

42 (ii) the property damaged was a moving motor vehicle;

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- 1 (iii) the property damaged contained data relating to a
 2 person required to register as a sex or violent offender under
 3 IC 11-8-8 and the person is not a sex or violent offender or
 4 was not required to register as a sex or violent offender;
 5 (iv) the property damaged was a locomotive, a railroad car,
 6 a train, or equipment of a railroad company being operated
 7 on a railroad right-of-way;
 8 (v) the property damaged was a part of any railroad signal
 9 system, train control system, centralized dispatching system,
 10 or highway railroad grade crossing warning signal on a
 11 railroad right-of-way owned, leased, or operated by a
 12 railroad company;
 13 (vi) the property damaged was any rail, switch, roadbed,
 14 viaduct, bridge, trestle, culvert, or embankment on a
 15 right-of-way owned, leased, or operated by a railroad
 16 company; or
 17 (vii) the property damage or defacement was caused by paint
 18 or other markings; and
 19 (B) a Class D felony if:
 20 (i) the pecuniary loss is at least two thousand five hundred
 21 dollars (\$2,500);
 22 (ii) the damage causes a substantial interruption or
 23 impairment of utility service rendered to the public;
 24 (iii) the damage is to a public record;
 25 (iv) the property damaged contained data relating to a
 26 person required to register as a sex or violent offender under
 27 IC 11-8-8 and the person is a sex or violent offender or was
 28 required to register as a sex or violent offender;
 29 (v) the damage causes substantial interruption or impairment
 30 of work conducted in a scientific research facility;
 31 (vi) the damage is to a law enforcement animal (as defined
 32 in IC 35-46-3-4.5); **or**
 33 (vii) the damage causes substantial interruption or
 34 impairment of work conducted in a food processing facility;
 35 **or**
 36 **(viii) the damage causes substantial interruption or**
 37 **impairment of work conducted at an agricultural**
 38 **operation (as defined in IC 32-30-6-1).**
 39 (b) A person who recklessly, knowingly, or intentionally damages:
 40 (1) a structure used for religious worship;
 41 (2) a school or community center;
 42 (3) a structure used for an agricultural operation (as defined

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1 **in IC 32-30-6-1);**

2 ~~(3)~~ **(4)** the grounds:

3 (A) adjacent to; and

4 (B) owned or rented in common with;

5 a structure or facility identified in subdivision (1), **(2)**, or ~~(2)~~; **(3)**;

6 or

7 ~~(4)~~ **(5)** personal property contained in a structure or located at a
8 facility identified in subdivision (1), **(2)**, or ~~(2)~~; **(3)**;

9 without the consent of the owner, possessor, or occupant of the
10 property that is damaged, commits institutional criminal mischief, a
11 Class A misdemeanor. However, the offense is a Class D felony if the
12 pecuniary loss is at least two hundred fifty dollars (\$250) but less than
13 two thousand five hundred dollars (\$2,500), and a Class C felony if the
14 pecuniary loss is at least two thousand five hundred dollars (\$2,500).

15 (c) If a person is convicted of an offense under this section that
16 involves the use of graffiti, the court may, in addition to any other
17 penalty, order that the person's operator's license be suspended or
18 invalidated by the bureau of motor vehicles for not more than one (1)
19 year.

20 (d) The court may rescind an order for suspension or invalidation
21 under subsection (c) and allow the person to receive a license or permit
22 before the period of suspension or invalidation ends if the court
23 determines that:

24 (1) the person has removed or painted over the graffiti or has
25 made other suitable restitution; and

26 (2) the person who owns the property damaged or defaced by the
27 criminal mischief or institutional criminal mischief is satisfied
28 with the removal, painting, or other restitution performed by the
29 person.

30 SECTION 5. IC 35-43-2-1 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. A person who breaks
32 and enters the building or structure of another person, with intent to
33 commit a felony in it, commits burglary, a Class C felony. However,
34 the offense is:

35 (1) a Class B felony if:

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

37 (B) the building or structure is a:

38 (i) dwelling; ~~or~~

39 (ii) structure used for religious worship; ~~and or~~

40 **(iii) structure used for an agricultural operation (as**
41 **defined in IC 32-30-6-1); and**

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

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1 (A) bodily injury; or
 2 (B) serious bodily injury;
 3 to any person other than a defendant.
 4 SECTION 6. IC 35-43-2-2, AS AMENDED BY P.L.88-2009,
 5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2013]: Sec. 2. (a) A person who:
 7 (1) not having a contractual interest in the property, knowingly or
 8 intentionally enters the real property of another person after
 9 having been denied entry by the other person or that person's
 10 agent;
 11 (2) not having a contractual interest in the property, knowingly or
 12 intentionally refuses to leave the real property of another person
 13 after having been asked to leave by the other person or that
 14 person's agent;
 15 (3) accompanies another person in a vehicle, with knowledge that
 16 the other person knowingly or intentionally is exerting
 17 unauthorized control over the vehicle;
 18 (4) knowingly or intentionally interferes with the possession or
 19 use of the property of another person without the person's consent;
 20 (5) not having a contractual interest in the property, knowingly or
 21 intentionally enters the dwelling of another person without the
 22 person's consent;
 23 (6) knowingly or intentionally:
 24 (A) travels by train without lawful authority or the railroad
 25 carrier's consent; and
 26 (B) rides on the outside of a train or inside a passenger car,
 27 locomotive, or freight car, including a boxcar, flatbed, or
 28 container without lawful authority or the railroad carrier's
 29 consent;
 30 (7) not having a contractual interest in the property, knowingly or
 31 intentionally enters or refuses to leave the property of another
 32 person after having been prohibited from entering or asked to
 33 leave the property by a law enforcement officer when the property
 34 is:
 35 (A) vacant or designated by a municipality or county
 36 enforcement authority to be abandoned property; and
 37 (B) subject to abatement under IC 32-30-6, IC 32-30-7,
 38 IC 32-30-8, IC 36-7-9, or IC 36-7-36; or
 39 (8) knowingly or intentionally enters the property of another
 40 person after being denied entry by a court order that has been
 41 issued to the person or issued to the general public by
 42 conspicuous posting on or around the premises in areas where a

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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;

7 commits criminal trespass, a Class A misdemeanor. However, the
8 offense is a Class D felony if it is committed on a scientific research
9 facility, on a key facility, on a facility belonging to a public utility (as
10 defined in IC 32-24-1-5.9(a)), on school property, **on an agricultural**
11 **operation (as defined in IC 32-30-6-1)**, or on a school bus or the
12 person has a prior unrelated conviction for an offense under this section
13 concerning the same property.

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

16 (1) personal communication, oral or written;

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

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

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

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

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

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

33 (1) A passenger on a train.

34 (2) An employee of a railroad carrier while engaged in the
35 performance of official duties.

36 (3) A law enforcement officer, firefighter, or emergency response
37 personnel while engaged in the performance of official duties.

38 (4) A person going on railroad property in an emergency to rescue
39 a person or animal from harm's way or to remove an object that
40 the person reasonably believes poses an imminent threat to life or
41 limb.

42 (5) A person on the station grounds or in the depot of a railroad

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1 carrier:

2 (A) as a passenger; or

3 (B) for the purpose of transacting lawful business.

4 (6) A:

5 (A) person; or

6 (B) person's:

7 (i) family member;

8 (ii) invitee;

9 (iii) employee;

10 (iv) agent; or

11 (v) independent contractor;

12 going on a railroad's right-of-way for the purpose of crossing at a
13 private crossing site approved by the railroad carrier to obtain
14 access to land that the person owns, leases, or operates.

15 (7) A person having written permission from the railroad carrier
16 to go on specified railroad property.

17 (8) A representative of the Indiana department of transportation
18 while engaged in the performance of official duties.

19 (9) A representative of the federal Railroad Administration while
20 engaged in the performance of official duties.

21 (10) A representative of the National Transportation Safety Board
22 while engaged in the performance of official duties.

23 SECTION 7. IC 35-43-2-2.5 IS ADDED TO THE INDIANA CODE
24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
25 1, 2013]: **Sec. 2.5. (a) This section does not apply to the following:**

26 **(1) A law enforcement officer, a federal enforcement officer,
27 or any other federal, state, or local government employee
28 while the officer or employee is engaged in the performance
29 of the officer's or employee's official duties.**

30 **(2) A land surveyor or any personnel acting under the
31 supervision of a land surveyor as provided in:**

32 **(A) IC 25-21.5-9-7; and**

33 **(B) IC 25-21.5-9-8.**

34 **(b) A person who knowingly or intentionally:**

35 **(1) enters real property:**

36 **(A) that is owned by another person; and**

37 **(B) on which an agricultural operation (as defined in
38 IC 32-30-6-1) is being conducted; and**

39 **(2) takes a digital or analog photograph of or makes a digital
40 or analog video recording or motion picture of:**

41 **(A) the real property;**

42 **(B) structures located on the real property; or**

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1 **(C) the agricultural operations being conducted on the real**
 2 **property;**
 3 **without the written consent of the owner of the real property or an**
 4 **authorized representative of the owner commits unlawful**
 5 **recording of agricultural operations, a Class A misdemeanor.**

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

- 12 (1) the fair market value of the property is at least one hundred
 13 thousand dollars (\$100,000); ~~or~~
- 14 (2) the property that is the subject of the theft is a valuable metal
 15 (as defined in IC 25-37.5-1-1) and:
 - 16 (A) relates to transportation safety;
 - 17 (B) relates to public safety; or
 - 18 (C) is taken from a:
 - 19 (i) hospital or other health care facility;
 - 20 (ii) telecommunications provider;
 - 21 (iii) public utility (as defined in IC 32-24-1-5.9(a)); or
 - 22 (iv) key facility;

23 and the absence of the property creates a substantial risk of bodily
 24 injury to a person; ~~or~~

25 **(3) the property that is the subject of the theft is livestock (as**
 26 **defined in IC 4-4-3.2-1) or part of an agricultural operation**
 27 **(as defined in IC 32-30-6-1).**

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

- 32 (1) the fair market value of the property is at least one hundred
 33 thousand dollars (\$100,000); ~~or~~
- 34 (2) the property that is the subject of the theft is a valuable metal
 35 (as defined in IC 25-37.5-1-1) and:
 - 36 (A) relates to transportation safety;
 - 37 (B) relates to public safety; or
 - 38 (C) is taken from a:
 - 39 (i) hospital or other health care facility;
 - 40 (ii) telecommunications provider;
 - 41 (iii) public utility (as defined in IC 32-24-1-5.9(a)); or
 - 42 (iv) key facility;

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1 and the absence of the property creates a substantial risk of bodily
 2 injury to a person; or
 3 **(3) the property that is the subject of the theft is livestock (as**
 4 **defined in IC 4-4-3.2-1) or part of an agricultural operation**
 5 **(as defined in IC 32-30-6-1).**

6 SECTION 9. IC 35-43-4-3, AS AMENDED BY P.L.227-2011,
 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2013]: Sec. 3. (a) A person who knowingly or intentionally
 9 exerts unauthorized control over property of another person commits
 10 criminal conversion, a Class A misdemeanor.

11 (b) The offense under subsection (a) is a Class D felony if
 12 committed by a person who exerts unauthorized control over:

13 **(1) the motor vehicle of another person with the intent to use the**
 14 **motor vehicle to assist the person in the commission of a crime;**

15 **or**

16 **(2) property:**

17 **(A) that is part of an agricultural operation (as defined in**
 18 **IC 32-30-6-1); or**

19 **(B) livestock (as defined in IC 4-4-3.2-1).**

20 (c) The offense under subsection (a) is a Class C felony if:

21 (1) committed by a person who exerts unauthorized control over
 22 the motor vehicle of another person; and

23 (2) the person uses the motor vehicle to assist the person in the
 24 commission of a felony.

25 (d) The offense under subsection (a) is a Class D felony if:

26 (1) the person acquires the property by lease;

27 (2) the property is a motor vehicle;

28 (3) the person signs a written agreement to return the property to
 29 a specified location within a specified time; and

30 (4) the person fails to return the property:

31 (A) within thirty (30) days after the specified time; or

32 (B) within three (3) days after a written demand for return of
 33 the property is either:

34 (i) personally served on the person; or

35 (ii) sent by registered mail to the person's address that is
 36 provided by the person in the written agreement.

37 SECTION 10. IC 35-45-2-6 IS ADDED TO THE INDIANA CODE
 38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 39 1, 2013]: **Sec. 6. (a) A person who recklessly, knowingly, or**
 40 **intentionally obstructs the lawful use of an agricultural operation**
 41 **(as defined by IC 32-30-6-1) through coercion, fear, or intimidation**
 42 **commits obstruction of an agricultural operation, a Class B**

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- 1 **misdemeanor.**
- 2 **(b) The offense described in subsection (a) is:**
- 3 **(1) a Class A misdemeanor if the offense includes the use of a**
- 4 **motor vehicle; and**
- 5 **(2) a Class D felony if the offense results in serious bodily**
- 6 **injury.**

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