
TITLE 312 NATURAL RESOURCES COMMISSION**Emergency Rule**
LSA Document #18-479(E)

DIGEST

Temporarily supplements [312 IAC 14-3-3](#) by adding a list of disqualifying crimes and related provisions, implementing [IC 25-1-1.1-6](#). Statutory authority: [IC 25-1-1.1-6](#). Effective November 1, 2018.

SECTION 1. This document implements [IC 25-1-1.1-6](#) regarding disqualifying criminal history for licensing as a timber buyer or timber buyer agent by the Indiana department of natural resources and includes in SECTION 3 of this document an explicit list of crimes that will disqualify an individual from receiving a license.

SECTION 2. An applicant for licensure who has a disqualifying criminal history may still be granted a license based on the criteria stated in [IC 25-1-1.1-6\(f\)](#).

SECTION 3. This SECTION contains the list of disqualifying crimes as follows and is supplemental to [312 IAC 14-3-3](#):

- (1) Arson ([IC 35-43-1-1\(a\)\(1\)](#)).
- (2) Arson as a Level 2, Level 3, or Level 4 felony ([IC 35-43-1-1\(a\)](#)).
- (3) Assisting a criminal ([IC 35-44.1-2-5](#)).
- (4) Attempt under [IC 35-41-5-1](#) to commit an offense listed in this SECTION.
- (5) Attempted murder ([IC 35-41-5-1](#)).
- (6) Attempting to purchase handgun by ineligible person ([IC 35-47-2.5-15](#) [*IC 35-47-2.5-15 was repealed by P.L.152-2014, SECTION 5, effective July 1, 2014.*]).
- (7) Auto theft ([IC 35-43-4-2.5\(b\)\(1\)](#), [IC 35-43-4-2.5\(b\)\(2\)](#) [*IC 35-43-4-2.5 was repealed by P.L.176-2018, SECTION 7, effective July 1, 2018.*]).
- (8) Bribery ([IC 35-44.1-1-2](#)).
- (9) Burglary ([IC 35-43-2-1](#)).
- (10) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony ([IC 35-43-2-1](#)).
- (11) Carrying a handgun without a license ([IC 35-47-2-1](#)).
- (12) Causing death when operating a motor vehicle with an ACE of .08 ([IC 9-30-5-5](#)).
- (13) Causing serious bodily injury when operating a motor vehicle ([IC 9-30-5-4](#)).
- (14) Check deception ([IC 35-43-5-5](#)).
- (15) Check fraud ([IC 35-43-5-12](#)).
- (16) Conflict of interest ([IC 35-44.1-1-4](#)).
- (17) Conspiracy under [IC 35-41-5-2](#) to commit an offense listed in this SECTION.
- (18) Conversion ([IC 35-43-4-3\(a\)](#)).
- (19) Conversion or misappropriation of title insurance escrow funds ([IC 35-43-9-7](#)).
- (20) Corrupt business influence ([IC 35-45-6-2](#)).
- (21) Counterfeiting ([35-43-5-2](#) [*IC 35-43-5-2*]).
- (22) Criminal mischief ([IC 35-43-1-2\(a\)](#)).
- (23) Criminal recklessness ([IC 35-42-2-2\(a\)](#)).
- (24) Criminal trespass ([IC 35-43-2-2\(b\)\(1\)](#)).
- (25) Deception ([IC 35-43-5-3](#)).
- (26) Failure to notify by sexually violent predator ([IC 11-8-8-18\(a\)](#)).
- (27) Failure to register as a sex offender or violent offender ([IC 11-8-8-17\(a\)\(1\)](#)).
- (28) False identity statement ([IC 35-44.1-2-4](#)).
- (29) False reporting ([IC 35-44.1-2-3](#)).
- (30) Fraud ([IC 35-43-5-4](#)).
- (31) Fraud on a financial institution ([IC 35-43-5-8](#)).
- (32) Fraudulent or deceitful act in the offer, sale, or purchase of a security ([IC 23-19-5-1](#)).
- (33) Home improvement fraud ([IC 35-43-6-12](#)).
- (34) Impersonation of a public servant ([IC 35-44.1-2-6](#)).
- (35) Insurance fraud ([IC 35-43-5-4.5](#)).
- (36) Insurance fraud ([IC 35-43-5-7.2](#)).
- (37) Intimidation ([IC 35-45-2-1](#)).
- (38) Invasion of privacy ([IC 35-46-1-15.1](#)).
- (39) Invasion of privacy ([IC 35-46-1-15.3](#)).

- (40) Investment fraud ([IC 23-19-5-2\(a\)](#)).
- (41) Involuntary manslaughter ([IC 35-42-1-5](#)).
- (42) Kidnapping ([IC 35-42-3-2](#)).
- (43) Legend drug deception resulting in death ([IC 35-43-10-3\(1\)](#)).
- (44) Loan broker fraud ([IC 23-2-5-20](#)).
- (45) Loansharking ([IC 35-45-7-2](#)).
- (46) Malicious mischief ([IC 35-45-16-2](#)).
- (47) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under [IC 35-48-4-8.1\(b\)](#).
- (48) Manufacturing ([IC 35-48-4-1.5](#)).
- (49) Manufacturing methamphetamine ([IC 35-48-4-1.1](#)).
- (50) Manufacturing methamphetamine under [IC 35-48-4-1.2](#).
- (51) Medicaid fraud ([IC 35-43-5-7.1](#)).
- (52) Money laundering ([IC 35-45-15-5](#)).
- (53) Murder ([IC 35-42-1-1](#)).
- (54) Obstruction of justice ([IC 35-44.1-2-2](#)).
- (55) Official misconduct ([IC 35-44.1-1-1](#)).
- (56) Operating a loaded machine gun ([IC 35-47-5-9](#)).
- (57) Operating a vehicle while intoxicated causing death ([IC 9-30-5-5](#)).
- (58) Operating a vehicle while intoxicated causing serious bodily injury to another person ([IC 9-30-5-4](#)).
- (59) Operating a vehicle with an ACE ([IC 9-30-5-1](#)).
- (60) Perjury ([IC 35-44.1-2-1](#)).
- (61) Person is a registered sex offender ([IC 11-8-8-5\(a\)](#), [IC 11-8-8-5\(b\)](#)).
- (62) Pointing a firearm ([IC 35-47-4-3](#)).
- (63) Possession of a controlled substance ([IC 35-48-4-7\(a\)](#)).
- (64) Possession of a destructive device ([IC 35-47.5-5-2](#)).
- (65) Possession of a destructive device or explosive ([IC 35-47.5-5-8](#)).
- (66) Possession of a device or substance used to interfere with a drug or alcohol screening test ([IC 35-43-5-18](#)).
- (67) Possession of a firearm on school property ([IC 35-47-9-2](#)).
- (68) Possession of a machine gun ([IC 35-47-5-8](#)).
- (69) Possession of a regulated explosive by a convicted felon ([IC 35-47.5-5-4](#)).
- (70) Possession of a single precursor ([IC 35-48-4-14.5](#)).
- (71) Possession of a synthetic drug or synthetic drug lookalike substance as a Class D felony for a crime committed before July 1, 2014, under:
 - (A) [IC 35-48-4-11](#), before its amendment in 2013; or
 - (B) [IC 35-48-4-11.5](#); or
 - (C) Level 6 felony for a crime committed under *[sic]* June 30, 2014, under [IC 35-48-4-11.5](#).
- (72) Possession of animal fighting ([IC 35-46-3-8.5](#)).
- (73) Possession of child pornography ([IC 35-42-4-4\(d\)](#) or [IC 35-42-4-4\(e\)](#)).
- (74) Possession of cocaine or a narcotic drug under [IC 35-48-4-6](#).
- (75) Possession of deadly weapon ([IC 35-47-6-1](#)).
- (76) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under [IC 35-48-4-11](#).
- (77) Possession of methamphetamine under [IC 35-48-4-6.1](#).
- (78) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under [IC 35-48-4-8.3\(b\)](#) before its amendment on July 1, 2015.
- (79) Possession or sale of adulterant or synthetic urine ([IC 35-43-5-19.5](#)).
- (80) Profiteering from public service ([IC 35-44.1-1-5](#)).
- (81) Profiting from an adoption ([IC 35-46-1-9](#)).
- (82) Promoting an animal fighting contest ([IC 35-46-3-9](#)).
- (83) Promotion of human labor trafficking ([IC 35-42-3.5-1](#)).
- (84) Promotion of human sexual trafficking ([IC 35-42-3.5-1.1](#)).
- (85) Promotion of sexual trafficking of a younger child ([IC 35-42-3.5-1.2](#)).
- (86) Prostitution ([IC 35-45-4-2](#)).
- (87) Providing a stun gun to a minor ([IC 35-47-8-5](#)).
- (88) Providing false information to a governmental entity to obtain a contract ([IC 35-43-5-11](#) [[IC 35-43-5-11](#) was repealed by P.L. 158-2013, SECTION 484, effective July 1, 2013.]).

- (89) Providing firearm to ineligible person ([IC 35-47-2.5-16](#)).
- (90) Rape ([IC 35-42-4-1](#)).
- (91) Reckless homicide ([IC 35-42-1-5](#)).
- (92) Residential entry ([IC 35-43-2-1.5](#)).
- (93) Robbery as a Level 2 felony or a Level 3 felony ([IC 35-42-5-1](#)).
- (94) Theft ([IC 35-43-4-2\(a\)](#)).
- (95) Unlawful possession of a firearm by a domestic batterer ([IC 35-47-4-6](#)).
- (96) Unlawful possession of a firearm by a serious violent felon ([IC 35-47-4-5](#)).
- (97) Unlawful purchase of a handgun ([IC 35-47-2.5-14](#) [[IC 35-47-2.5-14](#) was repealed by P.L. 152-2014, SECTION 4, effective July 1, 2014.]).
- (98) Unregistered broker dealer ([IC 23-19-4-1](#)).
- (99) Violation of [IC 25-36.5-1-10](#) (unauthorized practice of timber buying or timber buying agent) under [IC 25-36.5-1-10](#) and [IC 25-36.5-1-15](#).
- (100) Voluntary manslaughter ([IC 35-42-1-3](#)).
- (101) Voyeurism ([IC 35-45-4-5](#)).
- (102) Welfare fraud ([IC 35-43-5-7](#)).

SECTION 4. A crime in any other jurisdiction for which the elements of the crime for which conviction was entered are substantially similar to the elements of a crime included on the list in SECTION 3 of this document shall also be a crime that will disqualify an individual from receiving a license and therefore included on the list.

SECTION 5. SECTIONS 1 through 4 of this document take effect November 1, 2018.

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