

**IC 1**

**TITLE 1. GENERAL PROVISIONS**

**IC 1-1**

**ARTICLE 1. LAWS GOVERNING THE STATE**

**IC 1-1-1**

Chapter 1. Implemtary Provisions for the Indiana Code

**IC 1-1-1-1**

**Citation**

Sec. 1. Citation. The Indiana Code may be cited as "IC".

**IC 1-1-1-2**

**Repeal of prior laws; provisions not repealed**

Sec. 2. All acts enacted before the 1976 regular session of the Indiana general assembly are repealed, except that this repeal does not include the following:

(1) The following acts of incorporation enacted before the 36th session of the general assembly, and their amendments, whether those amendments were enacted before, during, or after the 36th session:

Acts 1807, c.75, s.1-2.

Acts 1810, c.17, s.1-9.

1824 Revised Statutes, c.64, s.5-6.

Acts 1832, c.133, s.1.

Local Acts 1835, c.96, s.1-3.

Local Acts 1836, c.7, s.1-22.

Local Acts 1836, c.9, s.1-21.

Local Acts 1836, c.23, s.1-4.

Local Acts 1837, c.4, s.1-10.

Local Acts 1838, c.5, s.1-57.

Local Acts 1838, c.9, s.1-22.

Local Acts 1838, c.11, s.1-17.

Local Acts 1838, c.198, s.1.

Local Acts 1839, c.21, s.1-3 and 5-11.

Local Acts 1839, c.42, s.1-2.

Local Acts 1840, c.33, s.1-5.

Local Acts 1841, c.37, s.1-3 and 7-22.

Local Acts 1842, c.45, s.1.

Local Acts 1842, c.51, s.1.

Local Acts 1843, c.4, s.1-5.

Local Acts 1843, c.27, s.1-2.

Local Acts 1843, c.31, s.1-2.

Local Acts 1844, c.11, s.1-4.

Local Acts 1844, c.30, s.1-4.

Local Acts 1844, c.31, s.1-4.

Local Acts 1844, c.34, s.1-3.

Local Acts 1844, c.134, s.1-5.

Local Acts 1845, c.118, s.1-4.  
Local Acts 1845, c.234, s.1.  
Local Acts 1845, c.250, s.1.  
Local Acts 1846, c.2, s.1-3.  
Local Acts 1846, c.61, s.1.  
Local Acts 1846, c.168, s.1-5.  
Local Acts 1846, c.329, s.1-3.  
Local Acts 1847, c.22, s.1-13.  
Local Acts 1847, c.71, s.1-4 and 6-9.  
Local Acts 1847, c.93, s.1-4.  
Local Acts 1847, c.129, s.1-4.  
Local Acts 1847, c.172, s.1-2.  
Local Acts 1847, c.204, s.1-3.  
Local Acts 1847, c.336, s.1-5.  
Local Acts 1848, c.123, s.1.  
Local Acts 1848, c.252, s.1.  
Local Acts 1848, c.346, s.1-15.  
Local Acts 1849, c.116, s.1-9.  
Local Acts 1849, c.203, s.1.  
Local Acts 1849, c.220, s.1-4.  
Local Acts 1849, c.221, s.1-7.  
Local Acts 1849, c.269, s.1.  
Local Acts 1850, c.138, s.1-5.  
Local Acts 1850, c.213, s.1.  
Local Acts 1850, c.265, s.1-10.  
Local Acts 1850, c.269, s.1-8.  
Local Acts 1850, c.331, s.1-17.  
Local Acts 1850, c.338, s.1.  
Local Acts 1851, c.1, s.1-10, 12-19, 27-34, and 36.  
Local Acts 1851, c.39, s.1.  
Local Acts 1851, c.92, s.1-34.  
Local Acts 1851, c.226, s.1-3.  
Local Acts 1851, c.281, s.1-10.  
Local Acts 1851, c.336, s.1-7.  
Acts 1865(ss), c.11, s.1-6.  
Acts 1873, c.88, s.1.  
Acts 1873, c.101, s.1.  
Acts 1873, c.103, s.1.  
Acts 1885, c.42, s.1.  
Acts 1895, c.59, s.1.  
Acts 1901, c.153, s.1.  
Acts 1905, c.7, s.1.  
Acts 1909, c.7, s.1-4.  
Acts 1909, c.51, s.1.  
Acts 1911, c.167, s.1-2.  
Acts 1913, c.253, s.1.  
Acts 1925, c.165, s.1-3.  
Acts 1927, c.68, s.1-5.  
Acts 1935, c.58, s.1.  
Acts 1937, c.227, s.1.

Acts 1939, c.51.

Acts 1959, c.165, s.1.

Acts 1963, c.107, s.1-2.

(2) The following appropriation:

Acts 1967, c.180, s.3.

(3) The following statement of legislative purpose, finding, intent, or policy:

Acts 1973, P.L.322, s.1.

*As amended by P.L.1-1989, SEC.1; P.L.1-1990, SEC.1; P.L.3-1995, SEC.1; P.L.20-2010, SEC.1.*

### **IC 1-1-1-2.1**

#### **Repeal of statutes not compiled and enacted after the 1975 regular session and before the 1985 regular session; provisions not repealed**

Sec. 2.1. (a) This section applies to all statutes and parts of statutes:

(1) enacted:

(A) after the 1975 regular session of the Indiana general assembly; and

(B) before the 1985 regular session of the Indiana general assembly; and

(2) not compiled in the Indiana Code.

(b) The statutes and parts of statutes subject to this section are repealed, except for the following:

(1) The following provisions concerning judicial proceedings:

Acts 1976, P.L.148, SECTION 26.

Acts 1977, P.L.26, SECTION 26.

Acts 1977, P.L.340, SECTIONS 149-150.

Acts 1978, P.L.145, SECTION 14.

Acts 1979, P.L.294, SECTION 2.

Acts 1980, P.L.204, SECTION 3.

Acts 1981, P.L.298, SECTIONS 8-9.

P.L.334-1983, SECTION 4.

P.L.79-1984, SECTION 3.

(2) The following provisions concerning appropriations:

Acts 1979, P.L.307, SECTIONS 1-4 and 6-7.

Acts 1981, P.L.322, SECTIONS 1-4 and 6-7.

P.L.1-1982(ss), SECTIONS 15-20.

P.L.381-1983, SECTIONS 1-4 and 6-7.

P.L.217-1984, SECTIONS 1-5.

(3) The following special provisions:

Acts 1980, P.L.8, SECTION 180.

P.L.374-1983, SECTION 1.

(4) The following transitional provisions:

Acts 1976, P.L.140, SECTION 9.

Acts 1977, P.L.239, SECTION 4.

Acts 1977, P.L.241, SECTION 4.

Acts 1979, P.L.205, SECTION 2.

Acts 1981, P.L.137, SECTION 19.

Acts 1981, P.L.220, SECTION 5.

P.L.274-1983, SECTION 2.

P.L.317-1983, SECTION 2.

P.L.51-1984, SECTION 2.

P.L.68-1984, SECTION 3.

*As added by P.L.1-1989, SEC.2. Amended by P.L.3-1993, SEC.1.*

### **IC 1-1-1-3**

#### **Procedural statutes**

Sec. 3. Procedural Statutes. Notwithstanding the inclusion in the Indiana Code of provisions relating to process, practice, procedure, or appeals that have been superseded by rules of court, those provisions have only such force as they had before the enactment of the Indiana Code.

### **IC 1-1-1-4**

#### **Invalid statutes**

Sec. 4. Invalid Statutes. Notwithstanding the inclusion in the Indiana Code of statutory provisions declared impliedly repealed, unconstitutional or otherwise invalid by a court of competent jurisdiction, those provisions have only such force as they had before the enactment of the Indiana Code.

### **IC 1-1-1-5**

#### **Construction of statutes**

Sec. 5. (a) The operation of any law repealed and replaced by the Indiana Code is intended to be continuous. All rules and regulations in force on January 21, 1976, shall be treated as if they were adopted under the corresponding provisions of this Code.

(b) Any appropriation repealed and replaced by a provision of the Indiana Code has only such force as it did before the enactment of the Code.

(c) If a conflict existed between provisions of law that have been replaced by this Code, to resolve the conflict, the dates of enactment of the conflicting provisions may be considered along with other appropriate aids to statutory construction, but the order in which the corresponding provisions appear in this Code may not be considered.

(d) References in the text of the Indiana Code, or in other statutes, to provisions of laws replaced by provisions of the Indiana Code, are intended to refer respectively to the corresponding provisions of this Code.

(e) The numerical or alphabetical designations assigned to the several provisions of the Indiana Code, as originally enacted, or as added by amendment, are part of the law and may be altered only by specific amendment.

(f) The headings of titles, articles, and chapters as they appear in the Indiana Code, as originally enacted or added by amendment, are not part of the law and may be altered by the lawful compilers, in any official publication, to more clearly indicate content. These descriptive headings are intended for organizational purposes only

and are not intended to affect the meaning, application or construction of the statute they precede.

(g) Each parenthetical source and history line published with the Indiana Code is for historical reference purposes only and is not a part of the law.

(h) A reference by citation to any provision of the Indiana Code shall be construed to include any later amendments to that provision, unless otherwise provided.

*As amended by P.L.1-1991, SEC.1.*

#### **IC 1-1-1-6**

##### **Preservation of penalties, offenses, rights, and liabilities**

Sec. 6. Preservation of Penalties, Offenses, Rights, Liabilities. All felonies and misdemeanors committed under acts in force before the effectiveness of the Indiana Code may be prosecuted and remain punishable as provided in those acts.

This Code does not affect rights, privileges, or liabilities accrued, remedies provided, duties imposed, penalties incurred, or proceedings begun before the effectiveness of this Code. Punishments, penalties or forfeitures may be imposed and enforced as if this Code had not been enacted.

#### **IC 1-1-1-7**

##### **Periods of limitation and requirements of notice**

Sec. 7. Periods of Limitation and Requirements of Notice. The running of any period of limitation or any requirement of notice contained in any provisions of law repealed and replaced by provisions of the Indiana Code are not affected by the enactment of the Code. All actions, proceedings, and prosecutions, whether civil or criminal, for causes arising or acts committed before the effectiveness of this Code, may be commenced and prosecuted as if this Code had not been enacted.

#### **IC 1-1-1-8**

##### **Severability**

Sec. 8. Severability (a) If any provision of this Code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

(b) Except in the case of a statute containing a nonseverability provision, each part and application of every statute is severable. If any provision or application of a statute is held invalid, the invalidity does not affect the remainder of the statute unless:

(1) the remainder is so essentially and inseparably connected with, and so dependent upon, the invalid provision or application that it cannot be presumed that the remainder would have been enacted without the invalid provision or application;  
or

(2) the remainder is incomplete and incapable of being executed in accordance with the legislative intent without the invalid

provision or application.

This subsection applies to every statute, regardless of whether enacted before or after the passage of this subsection. The general assembly may preserve the legislative history of this subsection by adoption of a concurrent resolution and publication of the resolution in the legislative journals.

(c) The repeal of a statute stating that the provisions of an act are severable as provided in subsection (b) does not affect the operation of subsection (b) with respect to that act.

*As amended by Acts 1978, P.L.1, SEC.1; P.L.220-2011, SEC.1.*

#### **IC 1-1-1-8.5**

##### **Severability of provisions of P.L.240-1991; provisions of P.L.95-2004 not severable**

Sec. 8.5. Notwithstanding section 8 of this chapter, the following apply:

(1) Both of the following apply to P.L.240-1991:

(A) Section 8 of this chapter does not apply to P.L.240-1991.

(B) If any SECTION, legislative district, or other provision of P.L.240-1991 or its application to any person or circumstance is held invalid, the invalidity of that SECTION, legislative district, or provision does not affect other SECTIONS, legislative districts, or provisions of P.L.240-1991 that can be given effect without the invalid SECTION, legislative district, or provision.

(2) The provisions of P.L.95-2004 are not severable.

*As added by P.L.220-2011, SEC.2.*

#### **IC 1-1-1-8.7**

##### **Effect to be given to provisions of P.L.224-2003**

Sec. 8.7. If a provision of P.L.224-2003 is found by a court with jurisdiction to be in violation of Article 4, Section 23 of the Constitution of the State of Indiana, it is the intent of the general assembly that the provision be given general application.

*As added by P.L.220-2011, SEC.3.*

#### **IC 1-1-1-9**

##### **Effective date**

Sec. 9. Because an emergency exists, the Indiana Code takes effect January 21, 1976.

*As amended by P.L.1-1991, SEC.2.*