

Members

Sen. R. Michael Young, Chairperson  
Sen. Brent Steele  
Sen. James Arnold  
Sen. Lindel Hume  
Rep. Greg Steuerwald  
Rep. Jud McMillin  
Rep. Matt Pierce  
Rep. Linda Lawson  
Larry Landis  
David Powell  
Commissioner Bruce Lemmon  
Thor Miller  
Linda Brady  
Hon. Stephen R. Heimann



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## CRIMINAL LAW AND SENTENCING POLICY STUDY COMMITTEE

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Timothy Tyler, Attorney for the Committee  
Mark Goodpaster, Fiscal Analyst for the  
Committee

Authority: IC 2-5-32.5

### MEETING MINUTES<sup>1</sup>

Meeting Date: October 8, 2013  
Meeting Time: 10:00 A.M.  
Meeting Place: State House, 200 W. Washington  
St., Room 130  
Meeting City: Indianapolis, Indiana  
Meeting Number: 4

**Members Present:** Sen. R. Michael Young, Chairperson; Sen. Brent Steele; Sen. Lindel Hume; Rep. Greg Steuerwald; Rep. Jud McMillin; Rep. Matt Pierce; Rep. Linda Lawson; Larry Landis; David Powell; Commissioner Bruce Lemmon; Thor Miller; Linda Brady; Hon. Stephen R. Heimann.

**Members Absent:** Sen. James Arnold.

Senator Young called the meeting to order at 10:03 a.m. and stated that the Committee would review a number of preliminary drafts (PDs).

#### I. PD 3223 (reconciling conflicts in HEA 1006-2013)

Legislative Services Agency Attorney Andrew Hedges presented PD 3223 to the Committee. (See Exhibit 1). Mr. Hedges explained that PD 3223 reconciles certain conflicts between HEA 1006-2013 and other statutes enacted in 2013.

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<sup>1</sup> These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at <http://www.in.gov/legislative>. Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies.

After discussion, the Committee adopted technical amendments to the draft and voted 13-0 to recommend adoption of PD 3223.

**II. PD 3229 (changing the nomenclature from "class" to "level" for statutes not amended by HEA 1006-2013)**

Legislative Services Agency Attorney K.C. Norwalk presented PD 3229 to the Committee. (See Exhibit 2).

Mr. Norwalk explained that HEA 1006-2013 changed the existing felony classification system by adding two additional felony levels and renaming the existing felony penalties. Under HEA 1006-2013, a Class D felony becomes a Level 6 felony; a Class C felony becomes a Level 5 felony; a Class B felony becomes a Level 3 or 4 felony; and a Class A felony becomes a level 1 or 2 felony. The purpose of PD 3229 makes criminal statutes not amended by HEA 1006-2013 consistent with the new felony level classification system.

The Committee voted to recommend adoption of PD 3229 13-0.

**III. PD 3172 (habitual offender penalties)**

David Powell, Executive Director of the Indiana Prosecuting Attorneys Council (IPAC), presented PD 3172 to the Committee. (See Exhibit 3).

Jackson County Prosecuting Attorney Amy Travis testified that she believed that the habitual offender penalties added in HEA 1006-2013 are too low, particularly at the bottom end of the range, and that the habitual offender ranges in PD 3172 are more appropriate for recidivists.

The Committee discussed various alternative sentencing ranges between those provided in HEA 1006-2013 and PD 3172.

The Committee did not vote on PD 3172.

**IV. PD 3191 (domestic battery in the presence of a child)**

Larry Landis, Executive Director of the Indiana Public Defender Council (IPDC), presented PD 3191 to the Committee. (See Exhibit 4). Mr. Landis testified that current law enhances domestic battery to a felony if it is committed in the presence of a child who "might be able to see or hear the offense". He believes that this standard is too broad and that the language added by PD 3191 - requiring that the child be present and "aware of" the offense - is more consistent with the intent of the statute. Without proof that the child was aware of the battery, all batteries in a house with a child in it become felonies.

Allen County Prosecuting Attorney Karen Richards testified that adopting PD 3191 will put children at risk. Domestic battery that occurs in a house with children increases the chance that the cycle of domestic battery will repeat when the children grow up. In addition, PD 3191 would require putting small children on the stand to testify about what they have seen; this would revictimize the children.

In response to a question from Senator Hume concerning how prosecutors prove the offense under current law, Ms. Richards explained that a law enforcement officer can describe where the child was located in the house and what could be heard from that location.

During Committee discussion, Representative Lawson stated that she believed that this law would make it harder to protect children, and Senator Steele suggested that the current statute might be simplified by requiring only that a child be "present."

The Committee did not vote on PD 3191.

#### **V. PD 3177 (accomplice liability)**

Mr. Landis presented PD 3177 to the Committee. (See Exhibit 5). Mr. Landis explained that the draft would reduce the sentence for being an accomplice if the accomplice does not have the same mens rea as the principal. In response to a question from Judge Heimann, Mr. Landis testified that this would lead to more equitable results in cases where there is a clear difference in culpability between the principal and the accomplice.

Decatur County Prosecuting Attorney James Rosenberry testified in opposition, describing a case in his county involving a husband and wife who beat a child to death over a 12 hour period, making it impossible to prove which parent actually killed the child.

During Committee discussion, Mr. Powell stated that the current accomplice liability statute is a longstanding part of Indiana law and is helpful in murder cases, where it is sometimes difficult to know who pulled the trigger.

In response to a question from Senator Steele, Mr. Landis stated that a judge could take a party's lesser culpability into consideration during sentencing and impose a reduced sentence.

The Committee did not vote on PD 3177.

#### **VI. PD 3219 (nonsupport of a child).**

Mr. Powell presented PD 3219 to the Committee. (See Exhibit 6).

In response to a question from Senator Steele, Mr. Powell explained that a provision in the bill allowing a court to reduce the felony level if the convicted person paid the person's child support arrearage and met certain other conditions is designed to give prosecutors additional tools to encourage the payment of child support. In response to a question from Representative Pierce concerning the prosecutor's veto power over the felony reduction, Mr. Powell testified that this was to ensure that persons owing a child support arrearage worked with prosecutors.

Allen County Prosecuting Attorney Karen Richards testified that Allen County collects \$42 million in child support payments annually, but that it is a "constant chase" to get delinquent parents to pay. Delinquent parents must be employed or have the ability to pay, but they often quit a job when they get an income withholding order and then get a new job not subject to the withholding order.

Hendricks County Prosecuting Attorney Patricia Baldwin testified that the provision under current law that increases the penalty if the arrearage exceeds \$15,000 is not helpful. It typically takes many years for the arrearage to reach that amount, and it would be more productive if prosecutors could intervene earlier, particularly in the case of repeat offenders.

The Committee amended PD 3219 to remove provisions allowing felony levels that have been reduced to be enhanced a second time, and voted 10-2 to recommend adoption of the preliminary draft.

The Committee recessed for lunch at 1:15 p.m. and reconvened at 2:00 p.m.

## **VII. PD 3234 (Criminal provisions in Title 7.1)**

Mr. Hedges presented PD 3234 to the Committee. (See Exhibit 7).

Mark Webb, representing the Indiana Brewer's Association, testified that he supported the bill's goal of updating the criminal provisions in Title 7.1, and believed that two additional provisions should be updated. Mr. Webb believes that IC 7.1-5-2-2 (making it unlawful to advertise the amount of alcohol in beer or wine, but lawful to advertise the amount of alcohol in liquor) and IC 7.1-5-5-1 (prohibiting obtaining the assistance of governmental employees in obtaining a permit) are outdated.

During Committee discussion of IC 7.1-5-2-2, Senator Young stated that informing consumers of the alcohol content of beer is important because it will let them know how much alcohol they have consumed.

During Committee discussion of IC 7.1-5-5-1, Committee members noted that the behavior that this statute intends to criminalize is now better addressed by bribery and official misconduct statutes.

The Committee amended PD 3234 to remove the prohibition against: (1) advertising the alcohol level of beer; and (2) seeking the otherwise lawful assistance of governmental employees; and voted 10-0 to recommend adoption of the amended preliminary draft.

## **VIII. PD 3233 (Alcohol offenses and juvenile license suspensions)**

Mr. Landis presented PD 3233 as an amendment to PD 3234 (criminal provisions in Title 7.1). (See Exhibit 8). Mr. Landis testified that current law mandates the suspension of the drivers license of a minor convicted of certain alcohol offenses, even if there is no nexus between the minor's consumption of alcohol and driving. PD 3233 removes these provisions.

During Committee discussion, Mr. Powell suggested that the Committee consider giving the judge discretion to suspend the license, but not make the suspension mandatory. Judge Heimann stated that he did not believe that the license suspension had a deterrent effect. He also stated that while he was not opposed to discretionary license suspensions, he believed that leaving it to the discretion of the court might lead to inconsistent results across the state.

The Committee adopted PD 3233 as an amendment to PD 3234 by consent, and voted to recommend adoption of PD 3234, as amended, by a vote of 10-0.

## **IX. PD 3196 (DNR penalties)**

Mr. Hedges presented PD 3196 to the Committee. (See Exhibit 9). Mr. Hedges explained that the draft changes many misdemeanor penalties for offenses dealing with natural and cultural resources to civil infractions.

After Committee discussion focusing on whether certain offenses should remain misdemeanors, the Committee amended PD 3196 to keep certain offenses as misdemeanors, particularly those relating to harvesting ginseng and those relating to

disturbing archeological sites, and voted 10-0 to recommend adoption of the preliminary draft.

**X. Motor vehicles draft**

Mr. Norwalk presented a revised version of a draft concerning motor vehicles previously considered by the Committee. (See Exhibit 10).

Mr. Norwalk explained that draft is intended to make the criminal penalties concerning motor vehicles more proportional. The Committee made technical amendments to the draft and voted 9-0 to recommend adoption of the draft.

Senator Young adjourned the meeting at 5:00 p.m.



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**PRELIMINARY DRAFT**  
**No. 3223**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2014 GENERAL ASSEMBLY**

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DIGEST

**Citations Affected:** Numerous citations throughout the Indiana Code.

**Synopsis:** Criminal law reconciliation. Reconciles technical and substantive conflicts between HB 1006-2013 (the criminal code revision bill) and other bills touching on criminal law.

**Effective:** July 1, 2014.



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 3-14-2-3. AS AMENDED BY P.L.194-2013.  
2 SECTION 94, AND AS AMENDED BY P.L.158-2013. SECTION 8,  
3 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who:

- 5 (1) subscribes the name of another person to an affidavit of  
6 registration, *a petition of nomination, a declaration of candidacy,*  
7 *or application for an absentee ballot knowing that the affidavit,*  
8 *petition, declaration, or application contains a false statement; or*  
9 (2) subscribes the name of another person to an affidavit of  
10 registration, *a petition of nomination, a declaration of candidacy,*  
11 *or application for an absentee ballot without writing on it the*  
12 *person's own name and address as an attesting witness:*

13 *commits a ~~Class D~~ Level 6 felony.*

14 SECTION 2. IC 3-14-2-11. AS AMENDED BY P.L.194-2013,  
15 SECTION 96, AND AS AMENDED BY P.L.158-2013. SECTION 10,  
16 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2014]: Sec. 11. *Except as provided by*  
18 ~~*IC 3-10-10, IC 3-10-11, or IC 3-10-12,*~~ (a) A person who knowingly  
19 votes or offers to vote in a precinct except the one in which the person  
20 is registered and resides commits a ~~Class D~~ Level 6 felony, *except*  
21 *when permitted under IC 3-10-10, IC 3-10-11, or IC 3-10-12.*

22 (b) *A person who knowingly makes a false statement concerning the*  
23 *name, address, or voter identification number of the person by:*

- 24 (1) *signing a person's signature on a poll list to affirm false*  
25 *information concerning a voter printed on the poll list; or*  
26 (2) *making a written or oral affirmation under IC 3-7-39-7,*  
27 *IC 3-10-1-24, or IC 3-11-8-25.1 to provide false information*  
28 *concerning a voter in addition to the information concerning the*  
29 *voter printed on the poll list;*

30 *commits a ~~Class D~~ Level 6 felony.*

31 SECTION 3. IC 3-14-2-29. AS AMENDED BY P.L.194-2013.



1 SECTION 97. AND AS AMENDED BY P.L.158-2013. SECTION 28,  
 2 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2014]: Sec. 29. A person who knowingly  
 4 inspects a voting system under IC 3-12-4-18 without: *obtaining*  
 5 *authorization from the state recount commission:*

6 (1) *the adoption of an order under IC 3-12-4-18 to conduct the*  
 7 *inspection: or*

8 (2) *the filing of an order adopted under IC 3-12-4-18 with the*  
 9 *secretary of state:*

10 commits a ~~Class D~~ Level 6 felony.

11 SECTION 4. IC 4-13-2-14.7. AS AMENDED BY P.L.214-2013.  
 12 SECTION 1. AND AS AMENDED BY P.L.158-2013. SECTION 59,  
 13 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 14 [EFFECTIVE JULY 1, 2014]: Sec. 14.7. A person employed,  
 15 appointed, or under contract with a state agency, who works with or  
 16 around children, shall be dismissed (after the appropriate  
 17 pre-deprivation procedure has occurred) if that person is, or has ever  
 18 been, convicted of any of the following:

19 (1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)  
 20 years of age.

21 (2) Criminal deviate conduct (IC 35-42-4-2) *(for an act committed*  
 22 *before its IC 35-42-4-2 repeal on July 1, 2014); was repealed);*  
 23 **(before its repeal)**, if the victim is less than eighteen (18) years  
 24 of age.

25 (3) Child molesting (IC 35-42-4-3).

26 (4) Child exploitation (IC 35-42-4-4(b)).

27 (5) Vicarious sexual gratification (IC 35-42-4-5).

28 (6) Child solicitation (IC 35-42-4-6).

29 (7) Child seduction (IC 35-42-4-7).

30 (8) Sexual misconduct with a minor (**IC 35-42-4-9**) as a Class A  
 31 or Class B felony *(for a crime committed before July 1, 2014) or*  
 32 *a Level 1, Level 2, or Level 4 felony (for a crime committed after*  
 33 *June 30, 2014). (~~IC 35-42-4-9~~).*

34 (9) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)  
 35 years of age.

36 SECTION 5. IC 6-6-2.5-28. AS AMENDED BY P.L.277-2013.  
 37 SECTION 10. AND AS AMENDED BY P.L.158-2013. SECTION 95,  
 38 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2014]: Sec. 28. (a) A license tax of sixteen  
 40 cents (\$0.16) per:

41 (1) gallon:

42 (2) *diesel gallon equivalent (as defined in IC 6-6-4.1-1(f)), in the*  
 43 *case of a special fuel that is liquid natural gas; or*

44 (3) *gasoline gallon equivalent (as defined in IC 6-6-4.1-1(g)), in*  
 45 *the case of a special fuel that is compressed natural gas or a fuel*  
 46 *commonly or commercially known or sold as butane or propane;*



1 is imposed on all special fuel sold or used in producing or generating  
2 power for propelling motor vehicles except fuel used under section  
3 30(a)(8) or 30.5 of this chapter. The tax shall be paid at those times, in  
4 the manner, and by those persons specified in this section and section  
5 35 of this chapter.

6 (b) The department shall consider it a rebuttable presumption that  
7 all undyed or unmarked special fuel, or both, received in Indiana is to  
8 be sold for use in propelling motor vehicles.

9 (c) Except as provided in subsection (d), the tax imposed on special  
10 fuel by subsection (a) shall be measured by invoiced gallons *(or diesel*  
11 *or gasoline gallon equivalents in the case of a special fuel described*  
12 *in subsection (a)(2) or (a)(3))* of nonexempt special fuel received by a  
13 licensed supplier in Indiana for sale or resale in Indiana or with respect  
14 to special fuel subject to a tax precollection agreement under section  
15 35(d) of this chapter, such special fuel removed by a licensed supplier  
16 from a terminal outside of Indiana for sale for export or for export to  
17 Indiana and in any case shall generally be determined in the same  
18 manner as the tax imposed by Section 4081 of the Internal Revenue  
19 Code and Code of Federal Regulations.

20 (d) The tax imposed by subsection (a) on special fuel imported into  
21 Indiana, other than into a terminal, is imposed at the time the product  
22 is entered into Indiana and shall be measured by invoiced gallons  
23 received at a terminal or at a bulk plant.

24 (e) In computing the tax, all special fuel in process of transfer from  
25 tank steamers at boat terminal transfers and held in storage pending  
26 wholesale bulk distribution by land transportation, or in tanks and  
27 equipment used in receiving and storing special fuel from interstate  
28 pipelines pending wholesale bulk reshipment, shall not be subject to  
29 tax.

30 (f) The department shall consider it a rebuttable presumption that  
31 special fuel consumed in a motor vehicle plated for general highway  
32 use is subject to the tax imposed under this chapter. A person claiming  
33 exempt use of special fuel in such a vehicle must maintain adequate  
34 records as required by the department to document the vehicle's taxable  
35 and exempt use.

36 (g) A person that engages in blending fuel for taxable sale or use in  
37 Indiana is primarily liable for the collection and remittance of the tax  
38 imposed under subsection (a). The person shall remit the tax due in  
39 conjunction with the filing of a monthly report in the form prescribed  
40 by the department.

41 (h) A person that receives special fuel that has been blended for  
42 taxable sale or use in Indiana is secondarily liable to the state for the  
43 tax imposed under subsection (a).

44 (i) A person may not use special fuel on an Indiana public highway  
45 if the special fuel contains a sulfur content that exceeds five  
46 one-hundredths of one percent (0.05%). A person who knowingly:



1 (1) violates; or  
 2 (2) aids or abets another person to violate:  
 3 this subsection commits a Class A infraction. However, the violation  
 4 is a Class A misdemeanor if the person has committed one (1) prior  
 5 unrelated violation of this subsection, and a ~~Class D Level 6 felony~~ if  
 6 the person has committed more than one (1) unrelated violation of this  
 7 subsection.

8 SECTION 6. IC 7.1-5-1-9.5, AS AMENDED BY P.L.109-2013,  
 9 SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 126,  
 10 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2014]: Sec. 9.5. (a) An in state or an out of state  
 12 vintner, *artisan distiller*, distiller, brewer, rectifier, or importer that:

13 (1) holds a basic permit from the federal Bureau of Alcohol,  
 14 Tobacco, Firearms and Explosives; and

15 (2) knowingly violates IC 7.1-5-11-1.5;  
 16 commits a Class A misdemeanor.

17 (b) A person who:

18 (1) is not described in subsection (a); and

19 (2) knowingly violates IC 7.1-5-11-1.5;  
 20 commits a ~~Class D Level 6~~ felony.

21 (c) If the chairman of the alcohol and tobacco commission or the  
 22 attorney general determines that a vintner, *an artisan distiller*, *a*  
 23 *distiller*, *a* brewer, *a* rectifier, or *an* importer that holds a basic permit  
 24 from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives  
 25 has made an illegal shipment of an alcoholic beverage to consumers in  
 26 Indiana, the chairman shall:

27 (1) notify the federal Bureau of Alcohol, Tobacco, Firearms and  
 28 Explosives in writing and by certified mail of the official  
 29 determination that state law has been violated; and

30 (2) request the federal bureau to take appropriate action.

31 SECTION 7. IC 8-10-1-29, AS AMENDED BY P.L.156-2013,  
 32 SECTION 2, AND AS AMENDED BY P.L.158-2013, SECTION 133,  
 33 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) *The ports of Indiana may*  
 35 *declare an emergency:*

36 (1) *in the case of fire, flood, windstorm, casualty, or other*  
 37 *extraordinary emergency, including mechanical failure of any*  
 38 *part of a building or structure; and*

39 (2) *if the health, safety, or welfare of the public or necessary*  
 40 *governmental operations are endangered by loss or damage.*

41 *The ports of Indiana shall declare an emergency by recording the*  
 42 *declaration and grounds for the emergency in the minutes of the*  
 43 *commission.*

44 (b) Unless the ports of Indiana declares an emergency, the ports of  
 45 Indiana may not during any six (6) month period make separate  
 46 contracts with another party for similar construction projects or the



1 purchase of similar equipment, materials, or supplies under  
 2 IC 8-10-1-7(5) without advertising for and accepting public bids, if the  
 3 aggregate cost of the separate contracts is more than ~~twenty-five one~~  
 4 ~~hundred fifty~~ thousand dollars (~~\$25,000~~) (\$150,000).

5 ~~(b)~~ (c) A commission member or an employee of the ports of  
 6 Indiana who knowingly violates subsection ~~(a)~~ (b) commits a ~~Class D~~  
 7 Level 6 felony.

8 ~~(c)~~ (d) A person who accepts a contract with the ports of Indiana  
 9 knowing that subsection ~~(a)~~ (b) was violated in connection with the  
 10 contract commits a ~~Class D~~ Level 6 felony and may not be a party to or  
 11 benefit from any contract with a public body in the state for two (2)  
 12 years from the date of the person's conviction.

13 (e) If the ports of Indiana declares an emergency, the ports of  
 14 Indiana may:

15 (1) contract for a construction project or the purchase of  
 16 equipment, materials, or supplies without advertising for bids, if  
 17 bids or quotes are invited from at least three (3) persons known  
 18 to deal in:

19 (A) the public work required to be done; or

20 (B) the equipment, materials, or supplies sought to be  
 21 purchased; and

22 (2) either:

23 (A) reject all bids or quotes submitted; or

24 (B) contract with the lowest and best bidder or quoter for the  
 25 construction project or purchase.

26 The total amount of all contracts the ports of Indiana may award with  
 27 respect to an emergency declared under subsection (a) may not exceed  
 28 one million dollars (\$1,000,000), unless an executive order is issued  
 29 by the governor authorizing the ports of Indiana to exceed this limit.

30 (f) When awarding a contract with respect to an emergency  
 31 declared under subsection (a), the ports shall list in the minutes of the  
 32 next commission meeting the names of all the entities invited to bid.

33 SECTION 8. IC 9-17-3-7, AS AMENDED BY P.L.92-2013,  
 34 SECTION 42, AS AMENDED BY P.L.262-2013. SECTION 25, AND  
 35 AS AMENDED BY P.L.158-2013. SECTION 138, IS CORRECTED  
 36 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 37 2014]: Sec. 7. ~~(a)~~ (a) This section does not apply to section 3.2 or 5 of  
 38 this chapter.

39 ~~(b)~~ (b) ~~Except as provided in subsection (e),~~ Except as provided in  
 40 subsection (c), a person who violates this chapter commits a Class C  
 41 infraction.

42 ~~(c)~~ (c) ~~A person who knowingly or intentionally violates:~~ A person  
 43 who knowingly or intentionally violates:

44 ~~(1) section 3(a)(1), 3(a)(2), 3(a)(4), or 3(a)(5) section~~  
 45 ~~3.4(a)(1) or 3.4(a)(2) of this chapter commits a Class B~~  
 46 ~~misdemeanor; or of this chapter commits a Class B~~



1 **misdemeanor; or**

2 ~~(2) (2) section 3(a)(3) section 3.4(a)(3) of this chapter commits:~~  
3 **of this chapter commits:**

4 ~~(A) (A) a Class A misdemeanor for the first violation; or~~ **a**  
5 **Class A misdemeanor for the first violation; or**

6 ~~(B) (B) a Class D felony for the second violation or any~~  
7 ~~subsequent violation.~~ **a Level 6 felony for the second**  
8 **violation or any subsequent violation.**

9 SECTION 9. IC 9-22-3-33, AS AMENDED BY P.L.92-2013,  
10 SECTION 49. AND AS AMENDED BY P.L.158-2013, SECTION  
11 151. IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2014]: Sec. 33. (a) A person who *recklessly,*  
13 *knowingly, or intentionally* violates section 4, 5, 6, 7, or 8 of this  
14 chapter (or section 9 of this chapter before its repeal) commits a ~~Class~~  
15 ~~D~~ **Level 6 felony.**

16 *(b) A person who recklessly, knowingly, or intentionally violates*  
17 *section 18.5 or 30 of this chapter commits a Class A misdemeanor.*

18 SECTION 10. IC 11-8-8-4.5, AS AMENDED BY P.L.214-2013,  
19 SECTION 4, AND AS AMENDED BY P.L.158-2013, SECTION 171,  
20 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
21 [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) Except as provided in  
22 section 22 of this chapter, as used in this chapter, "sex offender" means  
23 a person convicted of any of the following offenses:

24 (1) Rape (IC 35-42-4-1).

25 (2) Criminal deviate conduct (IC 35-42-4-2) (~~repeated before its~~  
26 ~~repeal).~~ ~~(before its repeat on July 1, 2014).~~

27 (3) Child molesting (IC 35-42-4-3).

28 (4) Child exploitation (IC 35-42-4-4(b)).

29 (5) Vicarious sexual gratification (including performing sexual  
30 conduct in the presence of a minor) (IC 35-42-4-5).

31 (6) Child solicitation (IC 35-42-4-6).

32 (7) Child seduction (IC 35-42-4-7).

33 (8) Sexual misconduct with a minor (**IC 35-42-4-9**) as a Class A,  
34 Class B, or Class C *felony (for a crime committed before July 1,*  
35 *2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime*  
36 *committed after June 30, 2014),* ~~(IC 35-42-4-9); unless:~~

37 (A) the person is convicted of sexual misconduct with a minor  
38 as a Class C *felony (for a crime committed before July 1,*  
39 *2014) or a Level 5 felony (for a crime committed after June*  
40 *30, 2014);*

41 (B) the person is not more than:

42 (i) four (4) years older than the victim if the offense was  
43 committed after June 30, 2007; or

44 (ii) five (5) years older than the victim if the offense was  
45 committed before July 1, 2007; and

46 (C) the sentencing court finds that the person should not be



- 1 required to register as a sex offender.  
 2 (9) Incest (IC 35-46-1-3).  
 3 (10) Sexual battery (IC 35-42-4-8).  
 4 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen  
 5 (18) years of age, and the person who kidnapped the victim is not  
 6 the victim's parent or guardian.  
 7 (12) Criminal confinement (IC 35-42-3-3), if the victim is less  
 8 than eighteen (18) years of age, and the person who confined or  
 9 removed the victim is not the victim's parent or guardian.  
 10 (13) Possession of child pornography (IC 35-42-4-4(c)).  
 11 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony  
 12 (for a crime committed before July 1, 2014) or a Level 4 felony  
 13 (for a crime committed after June 30, 2014).  
 14 (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the  
 15 victim is less than eighteen (18) years of age.  
 16 (16) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).  
 17 (17) Human trafficking (IC 35-42-3.5-1(d)(3)) if the victim is less  
 18 than eighteen (18) years of age.  
 19 (18) Sexual misconduct by a service provider with a detained  
 20 child (IC 35-44.1-3-10(c)).  
 21 (19) An attempt or conspiracy to commit a crime listed in  
 22 subdivisions (1) through (18).  
 23 (20) A crime under the laws of another jurisdiction, including a  
 24 military court, that is substantially equivalent to any of the  
 25 offenses listed in subdivisions (1) through (19).  
 26 (b) The term includes:  
 27 (1) a person who is required to register as a sex offender in any  
 28 jurisdiction; and  
 29 (2) a child who has committed a delinquent act and who:  
 30 (A) is at least fourteen (14) years of age;  
 31 (B) is on probation, is on parole, is discharged from a facility  
 32 by the department of correction, is discharged from a secure  
 33 private facility (as defined in IC 31-9-2-115), or is discharged  
 34 from a juvenile detention facility as a result of an adjudication  
 35 as a delinquent child for an act that would be an offense  
 36 described in subsection (a) if committed by an adult; and  
 37 (C) is found by a court by clear and convincing evidence to be  
 38 likely to repeat an act that would be an offense described in  
 39 subsection (a) if committed by an adult.  
 40 (c) In making a determination under subsection (b)(2)(C), the court  
 41 shall consider expert testimony concerning whether a child is likely to  
 42 repeat an act that would be an offense described in subsection (a) if  
 43 committed by an adult.

44 SECTION 11, IC 11-8-8-5, AS AMENDED BY P.L.13-2013,  
 45 SECTION 42, AS AMENDED BY P.L.214-2013, SECTION 5, AND  
 46 AS AMENDED BY P.L.158-2013, SECTION 172, IS CORRECTED



1 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
2 2014]: Sec. 5. (a) Except as provided in section 22 of this chapter. as  
3 used in this chapter. "sex or violent offender" means a person convicted  
4 of any of the following offenses:

- 5 (1) Rape (IC 35-42-4-1).  
6 (2) Criminal deviate conduct (IC 35-42-4-2) *(before its repeal)*.  
7 ~~*on July 1, 2014 (repealed)*~~.  
8 (3) Child molesting (IC 35-42-4-3).  
9 (4) Child exploitation (IC 35-42-4-4(b)).  
10 (5) Vicarious sexual gratification (including performing sexual  
11 conduct in the presence of a minor) (IC 35-42-4-5).  
12 (6) Child solicitation (IC 35-42-4-6).  
13 (7) Child seduction (IC 35-42-4-7).  
14 (8) Sexual misconduct with a minor (**IC 35-42-4-9**) as a Class A,  
15 Class B, or Class C *felony (for a crime committed before July 1,*  
16 *2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime*  
17 *committed after June 30, 2014), (~~IC 35-42-4-9~~); unless:*  
18 (A) the person is convicted of sexual misconduct with a minor  
19 as a Class C *felony (for a crime committed before July 1,*  
20 *2014) or a Level 5 felony (for a crime committed after June*  
21 *30, 2014);*  
22 (B) the person is not more than:  
23 (i) four (4) years older than the victim if the offense was  
24 committed after June 30, 2007; or  
25 (ii) five (5) years older than the victim if the offense was  
26 committed before July 1, 2007; and  
27 (C) the sentencing court finds that the person should not be  
28 required to register as a sex offender.  
29 (9) Incest (IC 35-46-1-3).  
30 (10) Sexual battery (IC 35-42-4-8).  
31 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen  
32 (18) years of age, and the person who kidnapped the victim is not  
33 the victim's parent or guardian.  
34 (12) Criminal confinement (IC 35-42-3-3), if the victim is less  
35 than eighteen (18) years of age, and the person who confined or  
36 removed the victim is not the victim's parent or guardian.  
37 (13) Possession of child pornography (IC 35-42-4-4(c)).  
38 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony  
39 *(for a crime committed before July 1, 2014) or a Level 4 felony*  
40 *(for a crime committed after June 30, 2014).*  
41 (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the  
42 victim is less than eighteen (18) years of age.  
43 (16) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).  
44 (17) Human trafficking (IC 35-42-3.5-1(d)(3)) if the victim is less  
45 than eighteen (18) years of age.  
46 (18) Murder (IC 35-42-1-1).



1 (19) Voluntary manslaughter (IC 35-42-1-3).

2 (20) Sexual misconduct by a service provider with a detained  
3 child (IC 35-44.1-3-10(c)).

4 (21) An attempt or conspiracy to commit a crime listed in  
5 subdivisions (1) through (20).

6 (22) A crime under the laws of another jurisdiction, including a  
7 military court, that is substantially equivalent to any of the  
8 offenses listed in subdivisions (1) through (21).

9 (b) The term includes:

10 (1) a person who is required to register as a sex or violent  
11 offender in any jurisdiction; and

12 (2) a child who has committed a delinquent act and who:

13 (A) is at least fourteen (14) years of age;

14 (B) is on probation, is on parole, is discharged from a facility  
15 by the department of correction, is discharged from a secure  
16 private facility (as defined in IC 31-9-2-115), or is discharged  
17 from a juvenile detention facility as a result of an adjudication  
18 as a delinquent child for an act that would be an offense  
19 described in subsection (a) if committed by an adult; and

20 (C) is found by a court by clear and convincing evidence to be  
21 likely to repeat an act that would be an offense described in  
22 subsection (a) if committed by an adult.

23 (c) In making a determination under subsection (b)(2)(C), the court  
24 shall consider expert testimony concerning whether a child is likely to  
25 repeat an act that would be an offense described in subsection (a) if  
26 committed by an adult.

27 SECTION 12. IC 11-8-8-15, AS AMENDED BY P.L.214-2013,  
28 SECTION 11, AND AS AMENDED BY P.L.158-2013. SECTION  
29 173. IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
30 [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A sex or violent offender  
31 who is a resident of Indiana shall obtain and keep in the sex or violent  
32 offender's possession:

33 (1) a valid Indiana driver's license; or

34 (2) a valid Indiana identification card (as described in  
35 IC 9-24-16);

36 *that contains the offender's current address and current physical*  
37 *description.*

38 (b) A sex or violent offender required to register in Indiana who is  
39 not a resident of Indiana shall obtain and keep in the sex or violent  
40 offender's possession:

41 (1) a valid driver's license issued by the state in which the sex or  
42 violent offender resides; or

43 (2) a valid state issued identification card issued by the state in  
44 which the sex or violent offender resides;

45 *that contains the offender's current address and current physical*  
46 *description.*



1 (c) A person who knowingly or intentionally violates this section  
 2 commits failure of a sex or violent offender to possess identification.  
 3 a Class A misdemeanor. However, the offense is a ~~Class D Level 6~~  
 4 felony if the person:

5 (1) is a sexually violent predator; or

6 (2) has a prior unrelated conviction:

7 (A) under this section; or

8 (B) based on the person's failure to comply with any  
 9 requirement imposed on an offender under this chapter.

10 (d) It is a defense to a prosecution under this section that:

11 (1) the person has been unable to obtain a valid driver's license or  
 12 state issued identification card because less than thirty (30) days  
 13 have passed since the person's release from incarceration; ~~or~~

14 (2) the person possesses a driver's license or state issued  
 15 identification card that expired not more than thirty (30) days  
 16 before the date the person violated subsection (a) or (b); *or*

17 (3) *the person possesses a valid driver's license or state issued*  
 18 *identification card, but the card does not reflect the person's*  
 19 *current address or current physical description because fewer*  
 20 *than thirty (30) days have passed since the person changed the*  
 21 *person's current address or physical characteristics.*

22 SECTION 13. IC 11-8-8-19, AS AMENDED BY P.L.214-2013,  
 23 SECTION 12, AND AS AMENDED BY P.L.158-2013, SECTION  
 24 176, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 25 [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) Except as provided in  
 26 subsections (b) through (e), a sex or violent offender is required to  
 27 register under this chapter until the expiration of ten (10) years after the  
 28 date the sex or violent offender:

29 (1) is released from a penal facility (as defined in  
 30 IC 35-31.5-2-232) or a secure juvenile detention facility of a state  
 31 or another jurisdiction;

32 (2) is placed in a community transition program;

33 (3) is placed in a community corrections program;

34 (4) is placed on parole; or

35 (5) is placed on probation;

36 for the sex or violent offense requiring registration, whichever occurs  
 37 last. The registration period is tolled during any period that the sex or  
 38 violent offender is incarcerated. The registration period does not restart  
 39 if the offender is convicted of a subsequent offense. However, if the  
 40 subsequent offense is a sex or violent offense, a new registration period  
 41 may be imposed in accordance with this chapter. The department shall  
 42 ensure that an offender who is no longer required to register as a sex or  
 43 violent offender is notified that the obligation to register has expired.  
 44 *and shall ensure that the offender's information is no longer published*  
 45 *to the public portal of the sex and violent offender registry Internet*  
 46 *web site established under IC 36-2-13-5.5.*



1 (b) A sex or violent offender who is a sexually violent predator is  
2 required to register for life.

3 (c) A sex or violent offender who is convicted of at least one (1)  
4 offense under section 5(a) of this chapter that the sex or violent  
5 offender committed:

- 6 (1) when the person was at least eighteen (18) years of age; and
- 7 (2) against a victim who was less than twelve (12) years of age at  
8 the time of the crime:

9 is required to register for life.

10 (d) A sex or violent offender who is convicted of at least one (1)  
11 offense under section 5(a) of this chapter in which the sex offender:

- 12 (1) proximately caused serious bodily injury or death to the  
13 victim;
- 14 (2) used force or the threat of force against the victim or a  
15 member of the victim's family, unless the offense is sexual battery  
16 as a Class D felony (for an offense committed before July 1, 2014)  
17 or a Level 6 felony (for a crime committed after June 30, 2014);  
18 or

- 19 (3) rendered the victim unconscious or otherwise incapable of  
20 giving voluntary consent:

21 is required to register for life.

22 (e) A sex or violent offender who is convicted of at least two (2)  
23 unrelated offenses under section 5(a) of this chapter is required to  
24 register for life.

25 (f) A person who is required to register as a sex or violent offender  
26 in any jurisdiction shall register for the period required by the other  
27 jurisdiction or the period described in this section, whichever is longer.

28 SECTION 14, IC 12-17.2-5-4, AS AMENDED BY P.L.287-2013.  
29 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2014]: Sec. 4. (a) The following constitute sufficient grounds  
31 for a denial of a license application:

32 (1) A determination by the department of child services  
33 established by IC 31-25-1-1 of child abuse or neglect (as defined  
34 in IC 31-9-2-14) by:

- 35 (A) the applicant;
- 36 (B) a member of the applicant's household;
- 37 (C) an employee of the applicant who has direct contact, on a  
38 regular and continuous basis, with children who are under the  
39 direct supervision of the applicant; or
- 40 (D) a volunteer of the applicant who has direct contact, on a  
41 regular and continuous basis, with children who are **under the**  
42 direct supervision of the applicant.

43 (2) A criminal conviction of the applicant, an employee of the  
44 applicant who has direct contact with children who are receiving  
45 child care from the applicant, a volunteer of the applicant who has  
46 direct contact with children who are receiving child care from the



1 applicant, or a member of the applicant's household. of any of the  
2 following:

3 (A) A felony:

- 4 (i) related to the health or safety of a child;  
5 (ii) that is a sex offense (as defined in IC 11-8-8-5.2);  
6 (iii) that is a dangerous felony; or  
7 (iv) that is not a felony otherwise described in items (i)  
8 through (iii), and less than ten (10) years have elapsed from  
9 the date the person was discharged from probation,  
10 imprisonment, or parole, whichever discharge date is latest.

11 (B) A misdemeanor related to the health or safety of a child.

12 (C) A misdemeanor for operating a child care center without  
13 a license under IC 12-17.2-4-35, or a substantially similar  
14 offense committed in another jurisdiction if the offense is  
15 directly or indirectly related to jeopardizing the health or  
16 safety of a child.

17 (D) A misdemeanor for operating a child care home without a  
18 license under section 35 of this chapter, or a substantially  
19 similar offense committed in another jurisdiction if the offense  
20 is directly or indirectly related to jeopardizing the health or  
21 safety of a child.

22 (3) A determination by the division that the applicant made false  
23 statements in the applicant's application for licensure.

24 (4) A determination by the division that the applicant made false  
25 statements in the records required by the division.

26 (5) A determination by the division that the applicant previously  
27 operated a:

- 28 (A) child care center without a license under IC 12-17.2-4; or  
29 (B) child care home without a license under this chapter.

30 (b) Notwithstanding subsection (a)(2), if:

31 (1) a license application is denied due to a criminal conviction of:

- 32 (A) an employee or a volunteer of the applicant; or  
33 (B) a member of the applicant's household; and

34 (2) the division determines that the:

- 35 (A) employee or volunteer has been dismissed by the  
36 applicant; or  
37 (B) member of the applicant's household is no longer a  
38 member of the applicant's household;

39 the criminal conviction of the former employee, former volunteer, or  
40 former member does not require denial of a license application.

41 SECTION 15. IC 12-17.2-6-14. AS AMENDED BY P.L.287-2013.  
42 SECTION 16. AND AS AMENDED BY P.L.158-2013. SECTION  
43 179, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
44 [EFFECTIVE JULY 1, 2014]: Sec. 14. ~~The~~ (a) A child care ministry  
45 must do the following:

46 (1) ~~Conduct a~~ Subject to subsection (c), require, at no expense to



1 the state, an employee or a volunteer who has direct contact with  
 2 a child who is receiving child care from the child care ministry to  
 3 submit fingerprints for a national criminal history background  
 4 check of the child care ministry's employees and volunteers, by  
 5 the Federal Bureau of Investigation.

6 (2) Report to the division any:

7 (A) police investigations;

8 (B) arrests; and

9 (C) criminal convictions:

10 of which the operator or director of the child care ministry is  
 11 aware regarding an employee or volunteer described in  
 12 subdivision (1).

13 (2) (3) Refrain from employing, or allowing to serve as a  
 14 volunteer, an individual who has direct contact with a child who  
 15 is receiving child care from the child care ministry and who:

16 (A) has been convicted of any of the following felonies:

17 (i) Murder (IC 35-42-1-1);

18 (ii) Causing suicide (IC 35-42-1-2);

19 (iii) Assisting suicide (IC 35-42-1-2.5);

20 (iv) Voluntary manslaughter (IC 35-42-1-3);

21 (v) Reckless homicide (IC 35-42-1-5);

22 (vi) Battery (IC 35-42-2-1);

23 (vii) Aggravated battery (IC 35-42-2-1.5);

24 (viii) Kidnapping (IC 35-42-3-2);

25 (ix) Criminal confinement (IC 35-42-3-3);

26 (x) A felony sex offense under IC 35-42-4;

27 (xi) Carjacking (IC 35-42-5-2) (repeated) (for a crime  
 28 committed before July 1, 2014);

29 (xii) Arson (IC 35-43-1-1);

30 (xiii) Incest (IC 35-46-1-3);

31 (xiv) Neglect of a dependent (IC 35-46-1-4(a)(1) and  
 32 IC 35-46-1-4(a)(2));

33 (xv) Child selling (IC 35-46-1-4(d));

34 (xvi) A felony involving a weapon under IC 35-47 or  
 35 IC 35-47.5;

36 (xvii) A felony relating to controlled substances under  
 37 IC 35-48-4;

38 (xviii) An offense relating to material or a performance that  
 39 is harmful to minors or obscene under IC 35-49-3;

40 (xix) A felony that is substantially equivalent to a felony  
 41 listed in items (i) through (xviii) for which the conviction  
 42 was entered in another state; a felony:

43 (i) related to the health or safety of a child;

44 (ii) that is a sex offense (as defined in IC 11-8-8-5.2);

45 (iii) that is a dangerous felony; or

46 (iv) that is not a felony otherwise described in items (i)



1 through (iii), and less than ten (10) years have elapsed from  
 2 the date the person was discharged from probation,  
 3 imprisonment, or parole, whichever discharge date is latest;

4 (B) has been convicted of a misdemeanor related to the health  
 5 or safety of a child;

6 (C) has been convicted of a misdemeanor under  
 7 IC 12-17.2-4-35 for operating a child care center without a  
 8 license, or of a substantially similar offense committed in  
 9 another jurisdiction if the offense is directly or indirectly  
 10 related to jeopardizing the health or safety of a child;

11 (D) has been convicted of a misdemeanor under  
 12 IC 12-17.2-5-35 for operating a child care home without a  
 13 license, or of a substantially similar offense committed in  
 14 another jurisdiction if the offense is directly or indirectly  
 15 related to jeopardizing the health or safety of a child; or

16 ~~(E)~~ (E) is a person against whom an allegation of child abuse  
 17 or neglect has been substantiated under IC 31-33, or under a  
 18 substantially similar provision in another jurisdiction.

19 ~~(3) Maintain records of each criminal history check.~~

20 (b) A child care ministry shall require an individual described in  
 21 subsection (a)(1) to apply for a national criminal history background  
 22 check before the individual is employed or allowed to volunteer and  
 23 every three (3) years thereafter that the individual is continuously  
 24 employed or allowed to volunteer.

25 (c) A child care ministry that is registered under this chapter on  
 26 July 1, 2013, shall, at no expense to the state, meet the requirements  
 27 under subsection (a)(1) not later than July 1, 2014.

28 SECTION 16. IC 12-24-3-2, AS AMENDED BY P.L.214-2013,  
 29 SECTION 14, AND AS AMENDED BY P.L.158-2013. SECTION  
 30 183, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2014]: Sec. 2. To provide greater security for  
 32 patients, visitors, and employees, the division may not employ in a state  
 33 institution an individual who has been convicted of any of the  
 34 following offenses:

35 (1) Rape (IC 35-42-4-1).

36 (2) Criminal deviate conduct (IC 35-42-4-2) ~~(before its repeal on~~  
 37 ~~July 1, 2014) (repealed).~~ **(before its repeal).**

38 (3) Child molesting (IC 35-42-4-3).

39 (4) Child exploitation (IC 35-42-4-4).

40 (5) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A  
 41 or Class B felony (for a crime committed before July 1, 2014) or  
 42 a Level 1 felony, Level 2 felony, or Level 4 felony ~~(IC 35-42-4-9)~~  
 43 (for a crime committed after June 30, 2014).

44 SECTION 17. IC 16-31-3-14, AS AMENDED BY P.L.196-2013,  
 45 SECTION 4, AND AS AMENDED BY P.L.158-2013. SECTION 234,  
 46 IS CORRECTED AND AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) A person holding a  
2 certificate or license issued under this article must comply with the  
3 applicable standards and rules established under this article. A  
4 certificate holder or license holder is subject to disciplinary sanctions  
5 under subsection (b) if the department of homeland security determines  
6 that the certificate holder or license holder:

7 (1) engaged in or knowingly cooperated in fraud or material  
8 deception in order to obtain a certificate or license, including  
9 cheating on a certification or licensure examination;

10 (2) engaged in fraud or material deception in the course of  
11 professional services or activities;

12 (3) advertised services or goods in a false or misleading manner;

13 (4) falsified or knowingly allowed another person to falsify  
14 attendance records or certificates of completion of continuing  
15 education courses required under this article or rules adopted  
16 under this article;

17 (5) is convicted of a crime, if the act that resulted in the  
18 conviction has a direct bearing on determining if the certificate  
19 holder or license holder should be entrusted to provide emergency  
20 medical services;

21 (6) is convicted of violating IC 9-19-14.5;

22 (7) fails to comply and maintain compliance with or violates any  
23 applicable provision, standard, or other requirement of this article  
24 or rules adopted under this article;

25 (8) continues to practice if the certificate holder or license holder  
26 becomes unfit to practice due to:

27 (A) professional incompetence that includes the undertaking  
28 of professional activities that the certificate holder or license  
29 holder is not qualified by training or experience to undertake;

30 (B) failure to keep abreast of current professional theory or  
31 practice;

32 (C) physical or mental disability; or

33 (D) addiction to, abuse of, or dependency on alcohol or other  
34 drugs that endanger the public by impairing the certificate  
35 holder's or license holder's ability to practice safely;

36 (9) engages in a course of lewd or immoral conduct in connection  
37 with the delivery of services to the public;

38 (10) allows the certificate holder's or license holder's name or a  
39 certificate or license issued under this article to be used in  
40 connection with a person who renders services beyond the scope  
41 of that person's training, experience, or competence;

42 (11) is subjected to disciplinary action in another state or  
43 jurisdiction on grounds similar to those contained in this chapter.

44 For purposes of this subdivision, a certified copy of a record of  
45 disciplinary action constitutes prima facie evidence of a  
46 disciplinary action in another jurisdiction;



1 (12) assists another person in committing an act that would  
2 constitute a ground for disciplinary sanction under this chapter:  
3 or

4 (13) allows a certificate or license issued by the commission to  
5 be:

- 6 (A) used by another person; or
- 7 (B) displayed to the public when the certificate or license is
- 8 expired, inactive, invalid, revoked, or suspended.

9 (b) The department of homeland security may issue an order under  
10 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if  
11 the department of homeland security determines that a certificate  
12 holder or license holder is subject to disciplinary sanctions under  
13 subsection (a):

- 14 (1) Revocation of a certificate holder's certificate or license
- 15 holder's license for a period not to exceed seven (7) years.
- 16 (2) Suspension of a certificate holder's certificate or license
- 17 holder's license for a period not to exceed seven (7) years.
- 18 (3) Censure of a certificate holder or license holder.
- 19 (4) Issuance of a letter of reprimand.
- 20 (5) Assessment of a civil penalty against the certificate holder or
- 21 license holder in accordance with the following:

22 (A) The civil penalty may not exceed five hundred dollars  
23 (\$500) per day per violation.

24 (B) If the certificate holder or license holder fails to pay the  
25 civil penalty within the time specified by the department of  
26 homeland security, the department of homeland security may  
27 suspend the certificate holder's certificate or license holder's  
28 license without additional proceedings.

29 (6) Placement of a certificate holder or license holder on  
30 probation status and requirement of the certificate holder or  
31 license holder to:

32 (A) report regularly to the department of homeland security  
33 upon the matters that are the basis of probation;

34 (B) limit practice to those areas prescribed by the department  
35 of homeland security;

36 (C) continue or renew professional education approved by the  
37 department of homeland security until a satisfactory degree of  
38 skill has been attained in those areas that are the basis of the  
39 probation; or

40 (D) perform or refrain from performing any acts, including  
41 community restitution or service without compensation, that  
42 the department of homeland security considers appropriate to  
43 the public interest or to the rehabilitation or treatment of the  
44 certificate holder or license holder.

45 The department of homeland security may withdraw or modify  
46 this probation if the department of homeland security finds after



1 a hearing that the deficiency that required disciplinary action is  
 2 remedied or that changed circumstances warrant a modification  
 3 of the order.

4 (c) If an applicant or a certificate holder or license holder has  
 5 engaged in or knowingly cooperated in fraud or material deception to  
 6 obtain a certificate or license, including cheating on the certification or  
 7 licensure examination, the department of homeland security may  
 8 rescind the certificate or license if it has been granted, void the  
 9 examination or other fraudulent or deceptive material, and prohibit the  
 10 applicant from reapplying for the certificate or license for a length of  
 11 time established by the department of homeland security.

12 (d) The department of homeland security may deny certification or  
 13 licensure to an applicant who would be subject to disciplinary sanctions  
 14 under subsection (b) if that person were a certificate holder or license  
 15 holder, has had disciplinary action taken against the applicant or the  
 16 applicant's certificate or license to practice in another state or  
 17 jurisdiction, or has practiced without a certificate or license in violation  
 18 of the law. A certified copy of the record of disciplinary action is  
 19 conclusive evidence of the other jurisdiction's disciplinary action.

20 (e) The department of homeland security may order a certificate  
 21 holder or license holder to submit to a reasonable physical or mental  
 22 examination if the certificate holder's or license holder's physical or  
 23 mental capacity to practice safely and competently is at issue in a  
 24 disciplinary proceeding. Failure to comply with a department of  
 25 homeland security order to submit to a physical or mental examination  
 26 makes a certificate holder or license holder liable to temporary  
 27 suspension under subsection (i).

28 (f) Except as provided under subsection (a), subsection (g), and  
 29 section 14.5 of this chapter, a certificate or license may not be denied,  
 30 revoked, or suspended because the applicant, certificate holder, or  
 31 license holder has been convicted of an offense. The acts from which  
 32 the applicant's, certificate holder's, or license holder's conviction  
 33 resulted may be considered as to whether the applicant or certificate  
 34 holder or license holder should be entrusted to serve the public in a  
 35 specific capacity.

36 (g) The department of homeland security may deny, suspend, or  
 37 revoke a certificate or license issued under this article if the individual  
 38 who holds or is applying for the certificate or license is convicted of  
 39 any of the following:

- 40 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 41 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 42 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 43 (4) Fraudulently obtaining a controlled substance under  
 44 ~~IC 35-48-4-7(b)~~ IC 35-48-4-7(c).
- 45 (5) Manufacture of paraphernalia as a Class D felony (for a crime  
 46 committed before July 1, 2014) or Level 6 felony (for a crime



1 committed after June 30, 2014) under IC 35-48-4-8.1(b).

2 (6) Dealing in paraphernalia as a Class D felony (for a crime  
3 committed before July 1, 2014) or Level 6 felony (for a crime  
4 committed after June 30, 2014) under IC 35-48-4-8.5(b).

5 (7) Possession of paraphernalia as a Class D felony (for a crime  
6 committed before July 1, 2014) or Level 6 felony (for a crime  
7 committed after June 30, 2014) under IC 35-48-4-8.3(b).

8 (8) Possession of marijuana, hash oil, hashish, or salvia or a  
9 synthetic drug as a Class D felony (for a crime committed before  
10 July 1, 2014) or Level 6 felony (for a crime committed after June  
11 30, 2014) under IC 35-48-4-11.

12 (9) Possession of a synthetic drug or synthetic drug lookalike  
13 substance as a Class D felony **(for a crime committed before  
14 July 1, 2014) or Level 6 felony (for a crime committed after  
15 June 30, 2014)** under IC 35-48-4-11.5 (or under IC 35-48-4-11  
16 before its amendment in 2013).

17 ~~(9)~~ (10) Maintaining a common nuisance under IC 35-48-4-13.

18 ~~(10)~~ (11) An offense relating to registration, labeling, and  
19 prescription forms under IC 35-48-4-14.

20 ~~(11)~~ (12) Conspiracy under IC 35-41-5-2 to commit an offense  
21 listed in subdivisions ~~(1)~~ through ~~(10)~~ this section.

22 ~~(12)~~ (13) Attempt under IC 35-41-5-1 to commit an offense listed  
23 in subdivisions ~~(1)~~ through ~~(10)~~ this section.

24 ~~(13)~~ (14) An offense in any other jurisdiction in which the  
25 elements of the offense for which the conviction was entered are  
26 substantially similar to the elements of an offense described by  
27 subdivisions ~~(1)~~ through ~~(12)~~ in this section.

28 (h) A decision of the department of homeland security under  
29 subsections (b) through (g) may be appealed to the commission under  
30 IC 4-21.5-3-7.

31 (i) The department of homeland security may temporarily suspend  
32 a certificate holder's certificate or license holder's license under  
33 IC 4-21.5-4 before a final adjudication or during the appeals process if  
34 the department of homeland security finds that a certificate holder or  
35 license holder would represent a clear and immediate danger to the  
36 public's health, safety, or property if the certificate holder or license  
37 holder were allowed to continue to practice.

38 (j) On receipt of a complaint or information alleging that a person  
39 certified or licensed under this chapter or IC 16-31-3.5 has engaged in  
40 or is engaging in a practice that is subject to disciplinary sanctions  
41 under this chapter, the department of homeland security must initiate  
42 an investigation against the person.

43 (k) The department of homeland security shall conduct a factfinding  
44 investigation as the department of homeland security considers proper  
45 in relation to the complaint.

46 (l) The department of homeland security may reinstate a certificate



1 or license that has been suspended under this section if the department  
 2 of homeland security is satisfied that the applicant is able to practice  
 3 with reasonable skill, competency, and safety to the public. As a  
 4 condition of reinstatement, the department of homeland security may  
 5 impose disciplinary or corrective measures authorized under this  
 6 chapter.

7 (m) The department of homeland security may not reinstate a  
 8 certificate or license that has been revoked under this chapter.

9 (n) The department of homeland security must be consistent in the  
 10 application of sanctions authorized in this chapter. Significant  
 11 departures from prior decisions involving similar conduct must be  
 12 explained in the department of homeland security's findings or orders.

13 (o) A certificate holder may not surrender the certificate holder's  
 14 certificate, and a license holder may not surrender the license holder's  
 15 license, without the written approval of the department of homeland  
 16 security, and the department of homeland security may impose any  
 17 conditions appropriate to the surrender or reinstatement of a  
 18 surrendered certificate or license.

19 (p) For purposes of this section, "certificate holder" means a person  
 20 who holds:

- 21 (1) an unlimited certificate;
- 22 (2) a limited or probationary certificate; or
- 23 (3) an inactive certificate.

24 (q) For purposes of this section, "license holder" means a person  
 25 who holds:

- 26 (1) an unlimited license;
- 27 (2) a limited or probationary license; or
- 28 (3) an inactive license.

29 SECTION 18, IC 16-41-12-15, AS AMENDED BY P.L.213-2013,  
 30 SECTION 14, AND AS AMENDED BY P.L.158-2013, SECTION  
 31 243, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 32 [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A blood center shall require  
 33 a blood donor to provide to the blood center the following information:

- 34 (1) Name.
- 35 (2) Address.
- 36 (3) Date of birth.
- 37 (4) *The blood donor's Social Security number, if the blood donor*  
 38 *is receiving monetary compensation for the donation.*

39 ~~(b) A blood center shall request a blood donor to provide the blood~~  
 40 ~~donor's Social Security number.~~

41 ~~(c) (b)~~ (b) A blood center shall report the name and address of a blood  
 42 donor to the state department when a confirmatory test of the blood  
 43 donor's blood confirms the presence of antibodies to the human  
 44 immunodeficiency virus (HIV).

45 ~~(d) (c)~~ (c) A blood center shall provide to a blood donor information to  
 46 enable the blood donor to give informed consent to the procedures



1 required by this chapter or IC 16-36. The information required by this  
 2 subsection must be in the following form:

3 NOTICE

4 (1) This blood center performs a screening test for the human  
 5 immunodeficiency virus (HIV) on every donor's blood.

6 (2) This blood center reports to the state department of health the  
 7 name and address of a blood donor when a confirmatory test of  
 8 the blood donor's blood confirms the presence of antibodies to the  
 9 human immunodeficiency virus (HIV).

10 (3) A person who recklessly, knowingly, or intentionally donates  
 11 (excluding self-donations for stem cell transplantation, *other*  
 12 *autologous donations, or donations not intended by the blood*  
 13 *center for distribution or use), sells, or transfers blood ~~or a blood~~*  
 14 *component* that contains antibodies for the human  
 15 immunodeficiency virus (HIV) commits transferring  
 16 contaminated blood, a ~~Class E Level 5~~ felony. The offense is a  
 17 ~~Class A Level 4~~ felony if the offense results in the transmission of  
 18 the virus to another person.

19 SECTION 19. IC 20-28-5-8, AS AMENDED BY P.L.158-2013,  
 20 SECTION 250, AND AS AMENDED BY P.L.214-2013, SECTION  
 21 20, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) This section applies when a  
 23 prosecuting attorney knows that a licensed employee of a public school  
 24 or a nonpublic school has been convicted of an offense listed in  
 25 subsection (c). The prosecuting attorney shall immediately give written  
 26 notice of the conviction to the following:

27 (1) The state superintendent.

28 (2) Except as provided in subdivision (3), the superintendent of  
 29 the school corporation that employs the licensed employee or the  
 30 equivalent authority if a nonpublic school employs the licensed  
 31 employee.

32 (3) The presiding officer of the governing body of the school  
 33 corporation that employs the licensed employee, if the convicted  
 34 licensed employee is the superintendent of the school corporation.

35 (b) The superintendent of a school corporation, presiding officer of  
 36 the governing body, or equivalent authority for a nonpublic school shall  
 37 immediately notify the state superintendent when the individual knows  
 38 that a current or former licensed employee of the public school or  
 39 nonpublic school has been convicted of an offense listed in subsection  
 40 (c), or when the governing body or equivalent authority for a nonpublic  
 41 school takes any final action in relation to an employee who engaged  
 42 in any offense listed in subsection (c).

43 (c) The department, after holding a hearing on the matter, shall  
 44 permanently revoke the license of a person who is known by the  
 45 department to have been convicted of any of the following felonies:

46 (1) Kidnapping (IC 35-42-3-2).



- 1 (2) Criminal confinement (IC 35-42-3-3).  
 2 (3) Rape (IC 35-42-4-1).  
 3 (4) Criminal deviate conduct (IC 35-42-4-2) ~~(repeated)~~; **(before**  
 4 **its repeal)**.  
 5 (5) Child molesting (IC 35-42-4-3).  
 6 (6) Child exploitation (IC 35-42-4-4(b)).  
 7 (7) Vicarious sexual gratification (IC 35-42-4-5).  
 8 (8) Child solicitation (IC 35-42-4-6).  
 9 (9) Child seduction (IC 35-42-4-7).  
 10 (10) Sexual misconduct with a minor (IC 35-42-4-9).  
 11 (11) Incest (IC 35-46-1-3).  
 12 (12) Dealing in or manufacturing cocaine or a narcotic drug  
 13 (IC 35-48-4-1).  
 14 (13) Dealing in methamphetamine (IC 35-48-4-1.1).  
 15 (14) Dealing in a schedule I, II, or III controlled substance  
 16 (IC 35-48-4-2).  
 17 (15) Dealing in a schedule IV controlled substance  
 18 (IC 35-48-4-3).  
 19 (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).  
 20 (17) Dealing in a counterfeit substance (IC 35-48-4-5).  
 21 (18) Dealing in marijuana, hash oil, hashish, or salvia  
 22 (IC 35-48-4-10(b)).  
 23 (19) Dealing in a synthetic drug or synthetic drug lookalike  
 24 substance (IC 35-48-4-10.5. or IC 35-48-4-10(b) before its  
 25 amendment in 2013).  
 26 (20) Possession of child pornography (IC 35-42-4-4(c)).  
 27 (21) Homicide (IC 35-42-1).  
 28 (22) Voluntary manslaughter (IC 35-42-1-3).  
 29 (23) Reckless homicide (IC 35-42-1-5).  
 30 (24) Battery as any of the following:  
 31 (A) A Class A *felony* (for a crime committed before July 1,  
 32 2014) or a Level 2 felony (for a crime committed after June  
 33 30, 2014). ~~IC 35-42-2-1(a)(5)~~.  
 34 (B) A Class B *felony* (for a crime committed before July 1,  
 35 2014) or a Level 3 felony (for a crime committed after June  
 36 30, 2014). ~~IC 35-42-2-1(a)(4)~~.  
 37 (C) A Class C *felony* (for a crime committed before July 1,  
 38 2014) or a Level 5 felony (for a crime committed after June  
 39 30, 2014). ~~IC 35-42-2-1(a)(3)~~.  
 40 (25) Aggravated battery (IC 35-42-2-1.5).  
 41 (26) Robbery (IC 35-42-5-1).  
 42 (27) Carjacking (IC 35-42-5-2) ~~(repeated)~~; **(before its repeal)**.  
 43 (28) Arson as a Class A felony or a Class B *felony* (for a crime  
 44 committed before July 1, 2014) or as a Level 2, Level 3, or Level  
 45 4 felony (for a crime committed after June 30, 2014)  
 46 (IC 35-43-1-1(a)).



1 (29) Burglary as a Class A felony or ~~or~~ Class B felony (*for a crime*  
 2 *committed before July 1, 2014*) or as a Level 1, Level 2, Level 3,  
 3 *or Level 4 felony (for a crime committed after June 30, 2014)*  
 4 (IC 35-43-2-1).

5 (30) Attempt under IC 35-41-5-1 to commit an offense listed in  
 6 this subsection.

7 (31) Conspiracy under IC 35-41-5-2 to commit an offense listed  
 8 in this subsection.

9 (d) The department, after holding a hearing on the matter, shall  
 10 permanently revoke the license of a person who is known by the  
 11 department to have been convicted of a federal offense or an offense in  
 12 another state that is comparable to a felony listed in subsection (c).

13 (e) A license may be suspended by the state superintendent as  
 14 specified in IC 20-28-7.5.

15 (f) The department shall develop a data base of information on  
 16 school corporation employees who have been reported to the  
 17 department under this section.

18 SECTION 20. IC 22-15-5-16, AS AMENDED BY P.L.196-2013,  
 19 SECTION 7, AND AS AMENDED BY P.L.158-2013, SECTION 261,  
 20 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 21 [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A practitioner shall comply  
 22 with the standards established under this licensing program. A  
 23 practitioner is subject to the exercise of the disciplinary sanctions under  
 24 subsection (b) if the department finds that a practitioner has:

25 (1) engaged in or knowingly cooperated in fraud or material  
 26 deception in order to obtain a license to practice, including  
 27 cheating on a licensing examination;

28 (2) engaged in fraud or material deception in the course of  
 29 professional services or activities;

30 (3) advertised services or goods in a false or misleading manner;

31 (4) falsified or knowingly allowed another person to falsify  
 32 attendance records or certificates of completion of continuing  
 33 education courses provided under this chapter;

34 (5) been convicted of a crime that has a direct bearing on the  
 35 practitioner's ability to continue to practice competently;

36 (6) knowingly violated a state statute or rule or federal statute or  
 37 regulation regulating the profession for which the practitioner is  
 38 licensed;

39 (7) continued to practice although the practitioner has become  
 40 unfit to practice due to:

41 (A) professional incompetence;

42 (B) failure to keep abreast of current professional theory or  
 43 practice;

44 (C) physical or mental disability; or

45 (D) addiction to, abuse of, or severe dependency on alcohol or  
 46 other drugs that endanger the public by impairing a



- 1 practitioner's ability to practice safely;
- 2 (8) engaged in a course of lewd or immoral conduct in connection
- 3 with the delivery of services to the public;
- 4 (9) allowed the practitioner's name or a license issued under this
- 5 chapter to be used in connection with an individual or business
- 6 who renders services beyond the scope of that individual's or
- 7 business's training, experience, or competence;
- 8 (10) had disciplinary action taken against the practitioner or the
- 9 practitioner's license to practice in another state or jurisdiction on
- 10 grounds similar to those under this chapter;
- 11 (11) assisted another person in committing an act that would
- 12 constitute a ground for disciplinary sanction under this chapter;
- 13 or
- 14 (12) allowed a license issued by the department to be:
- 15 (A) used by another person; or
- 16 (B) displayed to the public when the license has expired, is
- 17 inactive, is invalid, or has been revoked or suspended.
- 18 For purposes of subdivision (10), a certified copy of a record of
- 19 disciplinary action constitutes prima facie evidence of a disciplinary
- 20 action in another jurisdiction.
- 21 (b) The department may impose one (1) or more of the following
- 22 sanctions if the department finds that a practitioner is subject to
- 23 disciplinary sanctions under subsection (a):
- 24 (1) Permanent revocation of a practitioner's license.
- 25 (2) Suspension of a practitioner's license.
- 26 (3) Censure of a practitioner.
- 27 (4) Issuance of a letter of reprimand.
- 28 (5) Assess a civil penalty against the practitioner in accordance
- 29 with the following:
- 30 (A) The civil penalty may not be more than one thousand
- 31 dollars (\$1,000) for each violation listed in subsection (a),
- 32 except for a finding of incompetency due to a physical or
- 33 mental disability.
- 34 (B) When imposing a civil penalty, the department shall
- 35 consider a practitioner's ability to pay the amount assessed. If
- 36 the practitioner fails to pay the civil penalty within the time
- 37 specified by the department, the department may suspend the
- 38 practitioner's license without additional proceedings. However,
- 39 a suspension may not be imposed if the sole basis for the
- 40 suspension is the practitioner's inability to pay a civil penalty.
- 41 (6) Place a practitioner on probation status and require the
- 42 practitioner to:
- 43 (A) report regularly to the department upon the matters that
- 44 are the basis of probation;
- 45 (B) limit practice to those areas prescribed by the department;
- 46 (C) continue or renew professional education approved by the



1 department until a satisfactory degree of skill has been attained  
 2 in those areas that are the basis of the probation; or

3 (D) perform or refrain from performing any acts, including  
 4 community restitution or service without compensation, that  
 5 the department considers appropriate to the public interest or  
 6 to the rehabilitation or treatment of the practitioner.

7 The department may withdraw or modify this probation if the  
 8 department finds after a hearing that the deficiency that required  
 9 disciplinary action has been remedied or that changed  
 10 circumstances warrant a modification of the order.

11 (c) If an applicant or a practitioner has engaged in or knowingly  
 12 cooperated in fraud or material deception to obtain a license to  
 13 practice, including cheating on the licensing examination, the  
 14 department may rescind the license if it has been granted, void the  
 15 examination or other fraudulent or deceptive material, and prohibit the  
 16 applicant from reapplying for the license for a length of time  
 17 established by the department.

18 (d) The department may deny licensure to an applicant who has had  
 19 disciplinary action taken against the applicant or the applicant's license  
 20 to practice in another state or jurisdiction or who has practiced without  
 21 a license in violation of the law. A certified copy of the record of  
 22 disciplinary action is conclusive evidence of the other jurisdiction's  
 23 disciplinary action.

24 (e) The department may order a practitioner to submit to a  
 25 reasonable physical or mental examination if the practitioner's physical  
 26 or mental capacity to practice safely and competently is at issue in a  
 27 disciplinary proceeding. Failure to comply with a department order to  
 28 submit to a physical or mental examination makes a practitioner liable  
 29 to temporary suspension under subsection (j).

30 (f) Except as provided under subsection (g) or (h), a license may not  
 31 be denied, revoked, or suspended because the applicant or holder has  
 32 been convicted of an offense. The acts from which the applicant's or  
 33 holder's conviction resulted may, however, be considered as to whether  
 34 the applicant or holder should be entrusted to serve the public in a  
 35 specific capacity.

36 (g) The department may deny, suspend, or revoke a license issued  
 37 under this chapter if the individual who holds the license is convicted  
 38 of any of the following:

- 39 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.  
 40 (2) Possession of methamphetamine under IC 35-48-4-6.1.  
 41 (3) Possession of a controlled substance under IC 35-48-4-7(a).  
 42 (4) Fraudulently obtaining a controlled substance under  
 43 IC 35-48-4-7(b) (*for a crime committed before July 1, 2014*) or  
 44 IC 35-48-4-7(c) (*for a crime committed after June 30, 2014*).  
 45 (5) Manufacture of paraphernalia as a Class D felony (*for a crime*  
 46 *committed before July 1, 2014*) or a Level 6 felony (*for a crime*



- 1 committed after June 30, 2014) under IC 35-48-4-8.1(b).
- 2 (6) Dealing in paraphernalia as a Class D felony (for a crime
- 3 committed before July 1, 2014) or a Level 6 felony (for a crime
- 4 committed after June 30, 2014) under IC 35-48-4-8.5(b).
- 5 (7) Possession of paraphernalia as a Class D felony (for a crime
- 6 committed before July 1, 2014) or a Level 6 felony (for a crime
- 7 committed after June 30, 2014) under IC 35-48-4-8.3(b).
- 8 (8) Possession of marijuana, hash oil, hashish, or salvia or a
- 9 synthetic drug as a Class D felony (for a crime committed before
- 10 July 1, 2014) or a Level 6 felony (for a crime committed after
- 11 June 30, 2014) under IC 35-48-4-11.
- 12 (9) Possession of a synthetic drug or synthetic drug lookalike
- 13 substance as a:
- 14 (A) Class D felony under IC 35-48-4-11.5 (or under
- 15 IC 35-48-4-11 before its amendment in 2013) for a crime
- 16 committed before July 1, 2014, under:
- 17 (i) IC 35-48-4-11 before its amendment in 2013; or
- 18 (ii) IC 35-48-4-11.5; or
- 19 (B) Level 6 felony for a crime committed after June 30,
- 20 2014, under IC 35-48-4-11.5.
- 21 ~~(9)~~ (10) Maintaining a common nuisance under IC 35-48-4-13.
- 22 ~~(10)~~ (11) An offense relating to registration, labeling, and
- 23 prescription forms under IC 35-48-4-14.
- 24 ~~(11)~~ (12) Conspiracy under IC 35-41-5-2 to commit an offense
- 25 listed in subdivisions ~~(1)~~ through ~~(10)~~; this subsection.
- 26 ~~(12)~~ (13) Attempt under IC 35-41-5-1 to commit an offense listed
- 27 in subdivisions ~~(1)~~ through ~~(10)~~; this subsection.
- 28 ~~(13)~~ (14) An offense in any other jurisdiction in which the
- 29 elements of the offense for which the conviction was entered are
- 30 substantially similar to the elements of an offense described in
- 31 subdivisions ~~(1)~~ through ~~(12)~~; this subsection.
- 32 (h) The department shall deny, revoke, or suspend a license issued
- 33 under this chapter if the individual who holds the license is convicted
- 34 of any of the following:
- 35 (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
- 36 (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- 37 (3) Dealing in a schedule I, II, or III controlled substance under
- 38 IC 35-48-4-2.
- 39 (4) Dealing in a schedule IV controlled substance under
- 40 IC 35-48-4-3.
- 41 (5) Dealing in a schedule V controlled substance under
- 42 IC 35-48-4-4.
- 43 (6) Dealing in a substance represented to be a controlled
- 44 substance under IC 35-48-4-4.5.
- 45 (7) Knowingly or intentionally manufacturing, advertising,
- 46 distributing, or possessing with intent to manufacture, advertise,



1 or distribute a substance represented to be a controlled substance  
2 under IC 35-48-4-4.6.

3 (8) Dealing in a counterfeit substance under IC 35-48-4-5.

4 (9) Dealing in marijuana, hash oil, hashish, *or salvia or a*  
5 *synthetic drug* under IC 35-48-4-10(b).

6 (10) *Dealing in a synthetic drug or synthetic drug lookalike*  
7 *substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b)*  
8 *before its amendment in 2013).*

9 ~~(10)~~ (11) Conspiracy under IC 35-41-5-2 to commit an offense  
10 listed in *subdivisions (1) through (9)*; this subsection.

11 ~~(11)~~ (12) Attempt under IC 35-41-5-1 to commit an offense listed  
12 in *subdivisions (1) through (9)*; this subsection.

13 ~~(12)~~ (13) An offense in any other jurisdiction in which the  
14 elements of the offense for which the conviction was entered are  
15 substantially similar to the elements of an offense described in  
16 *subdivisions (1) through (11)*; this subsection.

17 ~~(13)~~ (14) A violation of any federal or state drug law or rule  
18 related to wholesale legend drug distributors licensed under  
19 IC 25-26-14.

20 (i) A decision of the department under subsections (b) through (h)  
21 may be appealed to the commission under IC 4-21.5-3-7.

22 (j) The department may temporarily suspend a practitioner's license  
23 under IC 4-21.5-4 before a final adjudication or during the appeals  
24 process if the department finds that a practitioner represents a clear and  
25 immediate danger to the public's health, safety, or property if the  
26 practitioner is allowed to continue to practice.

27 (k) On receipt of a complaint or an information alleging that a  
28 person licensed under this chapter has engaged in or is engaging in a  
29 practice that jeopardizes the public health, safety, or welfare, the  
30 department shall initiate an investigation against the person.

31 (l) Any complaint filed with the office of the attorney general  
32 alleging a violation of this licensing program shall be referred to the  
33 department for summary review and for its general information and any  
34 authorized action at the time of the filing.

35 (m) The department shall conduct a fact finding investigation as the  
36 department considers proper in relation to the complaint.

37 (n) The department may reinstate a license that has been suspended  
38 under this section if, after a hearing, the department is satisfied that the  
39 applicant is able to practice with reasonable skill, safety, and  
40 competency to the public. As a condition of reinstatement, the  
41 department may impose disciplinary or corrective measures authorized  
42 under this chapter.

43 (o) The department may not reinstate a license that has been  
44 revoked under this chapter. An individual whose license has been  
45 revoked under this chapter may not apply for a new license until seven  
46 (7) years after the date of revocation.



1 (p) The department shall seek to achieve consistency in the  
 2 application of sanctions authorized in this chapter. Significant  
 3 departures from prior decisions involving similar conduct must be  
 4 explained in the department's findings or orders.

5 (q) A practitioner may petition the department to accept the  
 6 surrender of the practitioner's license instead of having a hearing before  
 7 the commission. The practitioner may not surrender the practitioner's  
 8 license without the written approval of the department, and the  
 9 department may impose any conditions appropriate to the surrender or  
 10 reinstatement of a surrendered license.

11 (r) A practitioner who has been subjected to disciplinary sanctions  
 12 may be required by the commission to pay the costs of the proceeding.  
 13 The practitioner's ability to pay shall be considered when costs are  
 14 assessed. If the practitioner fails to pay the costs, a suspension may not  
 15 be imposed solely upon the practitioner's inability to pay the amount  
 16 assessed. The costs are limited to costs for the following:

- 17 (1) Court reporters.
- 18 (2) Transcripts.
- 19 (3) Certification of documents.
- 20 (4) Photo duplication.
- 21 (5) Witness attendance and mileage fees.
- 22 (6) Postage.
- 23 (7) Expert witnesses.
- 24 (8) Depositions.
- 25 (9) Notarizations.

26 SECTION 21. IC 23-19-5-8, AS AMENDED BY P.L.146-2013,  
 27 SECTION 2, AND AS AMENDED BY P.L.158-2013. SECTION 267.  
 28 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A person who knowingly  
 30 violates this article, or a rule adopted under this article, except ~~section~~  
 31 ~~sections 4 and 11~~ of this chapter or the notice filing requirements of  
 32 IC 23-19-3-2 or IC 23-19-4-5, commits a ~~Class C Level 5~~ felony.

33 (b) A person who knowingly violates section 1 of this chapter  
 34 commits a ~~Class B Level 4~~ felony if the person harmed, defrauded,  
 35 misled, or deceived by the violation is at least sixty (60) years of age.

36 (c) A person who knowingly violates section 1 of this chapter:

- 37 (1) while using or taking advantage of; or
- 38 (2) in connection with;

39 a relationship that is based on religious affiliation or worship commits  
 40 a ~~Class B Level 4~~ felony.

41 (d) It is the duty of a prosecuting attorney, as well as of the attorney  
 42 general, to assist the commissioner upon the commissioner's request in  
 43 the prosecution to final judgment of a violation of the penal provisions  
 44 of this article. If the commissioner determines that an action based on  
 45 the securities division's investigations is meritorious:

- 46 (1) the commissioner or a designee empowered by the



1 commissioner shall refer the facts drawn from the investigation to  
2 the prosecuting attorney of the judicial circuit in which the crime  
3 may have been committed:

4 (2) the commissioner and the securities division shall assist the  
5 prosecuting attorney in prosecuting an action under this section,  
6 which may include a securities division attorney serving as a  
7 special deputy prosecutor appointed by the prosecuting attorney;

8 (3) a prosecuting attorney to whom facts concerning fraud are  
9 referred under subdivision (1) may refer the matter to the attorney  
10 general;

11 (4) if a matter has been referred to the attorney general under  
12 subdivision (3), the attorney general may:

13 (A) file an information in a court with jurisdiction over the  
14 matter in the county in which the offense is alleged to have  
15 been committed; and

16 (B) prosecute the alleged offense: and

17 (5) if a matter has been referred to the attorney general under  
18 subdivision (3), the commissioner and the securities division shall  
19 assist the attorney general in prosecuting an action under this  
20 section, which may include a securities division attorney serving  
21 as a special deputy attorney general appointed by the attorney  
22 general.

23 (e) This article does not limit the power of this state to punish a  
24 person for conduct that constitutes a crime under other laws of this  
25 state.

26 SECTION 22. IC 24-4-18-6, AS AMENDED BY P.L.112-2013,  
27 SECTION 4, AND AS AMENDED BY P.L.158-2013, SECTION 273,  
28 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) ~~A criminal history provider~~  
30 ~~may provide only criminal history information that relates to a~~  
31 ~~conviction.~~

32 ~~(b) Except as provided in subsection (b), a criminal history provider~~  
33 ~~may not knowingly provide information a criminal history report that~~  
34 ~~provides criminal history information relating to the following:~~

35 ~~(1) An infraction, an arrest, or a charge that did not result in a~~  
36 ~~conviction.~~

37 ~~(2) (1) A record that has been expunged by:~~

38 ~~(A) marking the record as expunged; or~~

39 ~~(B) removing the record from public access.~~

40 ~~(3) (2) A record that is restricted by a court or the rules of a court~~  
41 ~~and is marked as restricted from public disclosure or removed~~  
42 ~~from public access.~~

43 ~~(4) (3) A record indicating a conviction of a Class D felony (for a~~  
44 ~~crime committed before July 1, 2014) or a Level 6 felony (for a~~  
45 ~~crime committed after June 30, 2014) if the Class D felony or~~  
46 ~~Level 6 felony conviction:~~



- 1 (A) has been entered as a Class A misdemeanor conviction; or
- 2 (B) has been converted to a Class A misdemeanor conviction.
- 3 ~~†5) (4)~~ (4) A record that the criminal history provider knows is
- 4 inaccurate.

5 (b) A criminal history provider may provide information described  
 6 in subsection (a)(1) through (a)(3) if the person requesting the criminal  
 7 history report is:

- 8 (1) required by state or federal law to obtain the information; or
- 9 (2) the state or a political subdivision, and the information will be
- 10 used solely in connection with the issuance of a public bond.

11 SECTION 23. IC 25-1-1.1-2, AS AMENDED BY P.L.196-2013,  
 12 SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 277,  
 13 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 14 [EFFECTIVE JULY 1, 2014]: Sec. 2. Notwithstanding IC 25-1-7, a  
 15 board, a commission, or a committee may suspend, deny, or revoke a  
 16 license or certificate issued under this title by the board, the  
 17 commission, or the committee without an investigation by the office of  
 18 the attorney general if the individual who holds the license or  
 19 certificate is convicted of any of the following and the board,  
 20 commission, or committee determines, after the individual has  
 21 appeared in person, that the offense affects the individual's ability to  
 22 perform the duties of the profession:

- 23 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 24 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 25 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 26 (4) Fraudulently obtaining a controlled substance under
- 27 ~~IC 35-48-4-7(b)~~ IC 35-48-4-7(c).
- 28 (5) Manufacture of paraphernalia as a Class D felony (for a crime
- 29 committed before July 1, 2014) or a Level 6 felony (for a crime
- 30 committed after June 30, 2014) under IC 35-48-4-8.1(b).
- 31 (6) Dealing in paraphernalia as a Class D felony (for a crime
- 32 committed before July 1, 2014) or a Level 6 felony (for a crime
- 33 committed after June 30, 2014) under IC 35-48-4-8.5(b).
- 34 (7) Possession of paraphernalia as a Class D felony (for a crime
- 35 committed before July 1, 2014) or a Level 6 felony (for a crime
- 36 committed after June 30, 2014) under IC 35-48-4-8.3(b).
- 37 (8) Possession of marijuana, hash oil, hashish, or salvia or a
- 38 synthetic drug as a Class D felony (for a crime committed before
- 39 July 1, 2014) or a Level 6 felony (for a crime committed after
- 40 June 30, 2014) under IC 35-48-4-11.
- 41 (9) Possession of a synthetic drug or synthetic drug lookalike
- 42 substance as a:
- 43 (A) Class D felony under ~~IC 35-48-4-11.5~~ (or under
- 44 ~~IC 35-48-4-11~~ before its amendment in 2013) for a crime
- 45 committed before July 1, 2014, under:
- 46 (i) IC 35-48-4-11 before its amendment in 2013; or



1 (ii) IC 35-48-4-11.5; or  
2 (B) Level 6 felony for a crime committed after June 30,  
3 2014, under IC 35-48-4-11.5.

- 4 ~~(9)~~ (10) Maintaining a common nuisance under IC 35-48-4-13.
- 5 ~~(10)~~ (11) An offense relating to registration, labeling, and
- 6 prescription forms under IC 35-48-4-14.
- 7 ~~(11)~~ (12) Conspiracy under IC 35-41-5-2 to commit an offense
- 8 listed in ~~subdivisions (1) through (10)~~ this section.
- 9 ~~(12)~~ (13) Attempt under IC 35-41-5-1 to commit an offense listed
- 10 in ~~subdivisions (1) through (10)~~ this section.
- 11 ~~(13)~~ (14) A sex crime under IC 35-42-4.
- 12 ~~(14)~~ (15) A felony that reflects adversely on the individual's
- 13 fitness to hold a professional license.
- 14 ~~(15)~~ (16) An offense in any other jurisdiction in which the
- 15 elements of the offense for which the conviction was entered are
- 16 substantially similar to the elements of an offense described in
- 17 this section.

18 SECTION 24. IC 25-22.5-8-2, AS AMENDED BY P.L.232-2013,  
19 SECTION 17, AND AS AMENDED BY P.L.158-2013, SECTION  
20 284, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
21 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who *knowingly or*  
22 *intentionally* violates this article by unlawfully practicing medicine or  
23 osteopathic medicine commits a ~~Class C~~ Level 5 felony.

24 (b) A person who, *before January 1, 2014*, practices midwifery  
25 without the license required under this article commits a ~~Class D~~ Level  
26 6 felony.

27 (c) A person who *knowingly or intentionally* acts as a physician  
28 assistant without the license required under IC 25-27.5 commits a  
29 ~~Class D~~ Level 6 felony.

30 SECTION 25. IC 29-3-7-7, AS AMENDED BY P.L.158-2013,  
31 SECTION 303, AND AS AMENDED BY P.L.214-2013, SECTION  
32 22, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
33 [EFFECTIVE JULY 1, 2014]: Sec. 7. A court may not appoint a person  
34 to serve as the guardian or permit a person to continue to serve as a  
35 guardian if the person:

- 36 (1) is a sexually violent predator (as described in IC 35-38-1-7.5);
- 37 (2) was at least eighteen (18) years of age at the time of the
- 38 offense and was convicted of child molesting (IC 35-42-4-3) or
- 39 sexual misconduct with a minor (IC 35-42-4-9) against a child
- 40 less than sixteen (16) years of age:
  - 41 (A) by using or threatening the use of deadly force;
  - 42 (B) while armed with a deadly weapon; or
  - 43 (C) that resulted in serious bodily injury; or
- 44 (3) was less than eighteen (18) years of age at the time of the
- 45 offense and was convicted as an adult of:
  - 46 (A) an offense described in:



- 1 (i) IC 35-42-4-1;  
 2 (ii) IC 35-42-4-2 ~~(repealed)~~; *(before its repeal)*;  
 3 (iii) IC 35-42-4-3 as a Class A or Class B felony *(for crimes*  
 4 *committed before July 1, 2014)* or as a Level 2 or Level 4  
 5 *felony (for crimes committed after June 30, 2014)*;  
 6 (iv) IC 35-42-4-5(a)(1);  
 7 (v) IC 35-42-4-5(a)(2);  
 8 (vi) IC 35-42-4-5(a)(3);  
 9 (vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony *(for*  
 10 *crimes committed before July 1, 2014)* or as a Level 2, Level  
 11 *3, or Level 4 felony (for crimes committed after June 30,*  
 12 *2014)*;  
 13 (viii) IC 35-42-4-5(b)(2); or  
 14 (ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony *(for*  
 15 *crimes committed before July 1, 2014)* or as a Level 2, Level  
 16 *3, or Level 4 felony (for crimes committed after June 30,*  
 17 *2014)*;  
 18 (B) an attempt or conspiracy to commit a crime listed in clause  
 19 (A); or  
 20 (C) a crime under the laws of another jurisdiction, including a  
 21 military court, that is substantially equivalent to any of the  
 22 offenses listed in clauses (A) and (B).  
 23 SECTION 26. IC 31-19-9-10, AS AMENDED BY P.L.158-2013,  
 24 SECTION 310, AND AS AMENDED BY P.L.214-2013, SECTION  
 25 23. IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2014]: Sec. 10. A court shall determine that  
 27 consent to adoption is not required from a parent if:  
 28 (1) the parent is convicted of and incarcerated at the time of the  
 29 filing of a petition for adoption for:  
 30 (A) murder (IC 35-42-1-1);  
 31 (B) causing suicide (IC 35-42-1-2);  
 32 (C) voluntary manslaughter (IC 35-42-1-3);  
 33 (D) rape (IC 35-42-4-1);  
 34 (E) criminal deviate conduct (IC 35-42-4-2) ~~(repealed)~~;  
 35 **(before its repeal)**;  
 36 (F) child molesting (IC 35-42-4-3) as a:  
 37 (i) Class A or Class B felony, ~~IC 35-42-4-3~~; *for a crime*  
 38 *committed before July 1, 2014*; or  
 39 (ii) Level 1, Level 2, Level 3, or Level 4 felony; *for a crime*  
 40 *committed after June 30, 2014*;  
 41 (G) incest (IC 35-46-1-3) as a:  
 42 (i) Class B felony, ~~IC 35-46-1-3~~; *for a crime committed*  
 43 *before July 1, 2014*; or  
 44 (ii) Level 4 felony; *for a crime committed after June 30,*  
 45 *2014*;  
 46 (H) neglect of a dependent (IC 35-46-1-4) as a:



- 1 (i) Class B felony. ~~IC 35-46-1-4~~; for a crime committed  
 2 before July 1, 2014; or  
 3 (ii) Level 1 or Level 3 felony; for a crime committed after  
 4 June 30, 2014;
- 5 (I) battery (IC 35-42-2-1) of a child as a:  
 6 (i) Class C felony. ~~IC 35-42-2-1(a)(3)~~; for a crime  
 7 committed before July 1, 2014; or  
 8 (ii) Level 5 felony; for a crime committed after June 30,  
 9 2014;
- 10 (J) battery (IC 35-42-2-1) as a:  
 11 (i) Class A felony ~~IC 35-42-2-1(a)(5)~~ or Class B felony,  
 12 ~~IC 35-42-2-1(a)(4)~~; for a crime committed before July 1,  
 13 2014; or  
 14 (ii) Level 2 or Level 3 felony; for a crime committed after  
 15 June 30, 2014; or
- 16 (K) an attempt under IC 35-41-5-1 to commit an offense  
 17 described in clauses (A) through (J);
- 18 (2) the child or the child's sibling, half-blood sibling, or  
 19 step-sibling of the parent's current marriage is the victim of the  
 20 offense; and  
 21 (3) after notice to the parent and a hearing, the court determines  
 22 that dispensing with the parent's consent to adoption is in the  
 23 child's best interests.

24 SECTION 27. IC 31-30-1-2.5. AS AMENDED BY P.L.158-2013,  
 25 SECTION 314, AND AS AMENDED BY P.L.214-2013, SECTION  
 26 24. IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2014]: Sec. 2.5. A juvenile court may not  
 28 appoint a person to serve as the guardian or custodian of a child or  
 29 permit a person to continue to serve as a guardian or custodian of a  
 30 child if the person:

- 31 (1) is a sexually violent predator (as described in IC 35-38-1-7.5);  
 32 (2) was at least eighteen (18) years of age at the time of the  
 33 offense and committed child molesting (IC 35-42-4-3) or sexual  
 34 misconduct with a minor (IC 35-42-4-9) against a child less than  
 35 sixteen (16) years of age:  
 36 (A) by using or threatening the use of deadly force;  
 37 (B) while armed with a deadly weapon; or  
 38 (C) that resulted in serious bodily injury; or  
 39 (3) was less than eighteen (18) years of age at the time of the  
 40 offense but was tried and convicted as an adult of:  
 41 (A) an offense described in:  
 42 (i) IC 35-42-4-1;  
 43 (ii) IC 35-42-4-2 (before its repeal); ~~repealed~~;  
 44 (iii) IC 35-42-4-3 as a Class A or Class B felony (for crimes  
 45 committed before July 1, 2014) or as a Level 1, Level 2, or  
 46 Level 3 felony (for crimes committed after June 30, 2014);



- 1 (iv) IC 35-42-4-5(a)(1);  
 2 (v) IC 35-42-4-5(a)(2);  
 3 (vi) IC 35-42-4-5(a)(3);  
 4 (vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony (*for*  
 5 *crimes committed before July 1, 2014*) or as a Level 2, Level  
 6 *3, or Level 4 felony (for crimes committed after June 30,*  
 7 *2014)*;  
 8 (viii) IC 35-42-4-5(b)(2); or  
 9 (ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony (*for*  
 10 *crimes committed before July 1, 2014*) or as a Level 1, Level  
 11 *2, or Level 3 felony (for crimes committed after June 30,*  
 12 *2014)*;  
 13 (B) an attempt or conspiracy to commit a crime listed in clause  
 14 (A); or  
 15 (C) a crime under the laws of another jurisdiction, including a  
 16 military court, that is substantially equivalent to any of the  
 17 offenses listed in clauses (A) and (B).  
 18 SECTION 28. IC 31-30-1-4, AS AMENDED BY P.L.158-2013,  
 19 SECTION 315. AND AS AMENDED BY P.L.214-2013, SECTION  
 20 25, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 21 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The juvenile court does not  
 22 have jurisdiction over an individual for an alleged violation of:  
 23 (1) IC 35-41-5-1(a) (attempted murder);  
 24 (2) IC 35-42-1-1 (murder);  
 25 (3) IC 35-42-3-2 (kidnapping);  
 26 (4) IC 35-42-4-1 (rape);  
 27 (5) IC 35-42-4-2 (criminal deviate conduct) (~~repeated~~); (**before**  
 28 **its repeal**);  
 29 (6) IC 35-42-5-1 (robbery) if:  
 30 (A) the robbery was committed while armed with a deadly  
 31 weapon; or  
 32 (B) the robbery results in bodily injury or serious bodily  
 33 injury;  
 34 (7) IC 35-42-5-2 (carjacking) (~~repeated~~); (**before its repeal**);  
 35 (8) IC 35-45-9-3 (criminal gang activity);  
 36 (9) IC 35-45-9-4 (criminal gang intimidation);  
 37 (10) IC 35-47-2-1 (carrying a handgun without a license), if  
 38 charged as a felony;  
 39 (11) IC 35-47-10 (children and firearms), if charged as a felony;  
 40 (12) IC 35-47-5-4.1 (dealing in a sawed-off shotgun); or  
 41 (13) any offense that may be joined under IC 35-34-1-9(a)(2) with  
 42 any crime listed in subdivisions (1) through (12);  
 43 if the individual was at least sixteen (16) years of age at the time of the  
 44 alleged violation.  
 45 (b) The juvenile court does not have jurisdiction for an alleged  
 46 violation of manufacturing or dealing in cocaine or a narcotic drug



1 (IC 35-48-4-1), dealing in methamphetamine (IC 35-48-4-1.1), dealing  
 2 in a schedule I, II, or III controlled substance (IC 35-48-4-2), or dealing  
 3 in a schedule IV controlled substance (IC 35-48-4-3), if:

- 4 (1) the individual has a prior unrelated conviction under  
 5 IC 35-48-4-1, IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3; or  
 6 (2) the individual has a prior unrelated juvenile adjudication that,  
 7 if committed by an adult, would be a crime under IC 35-48-4-1,  
 8 IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3;

9 and the individual was at least sixteen (16) years of age at the time of  
 10 the alleged violation.

11 (c) Once an individual described in subsection (a) or (b) has been  
 12 charged with any crime listed in subsection (a) or (b), the court having  
 13 adult criminal jurisdiction shall retain jurisdiction over the case even  
 14 if the individual pleads guilty to or is convicted of a lesser included  
 15 offense. A plea of guilty to or a conviction of a lesser included offense  
 16 does not vest jurisdiction in the juvenile court.

17 SECTION 29, IC 31-34-1-3, AS AMENDED BY P.L.158-2013,  
 18 SECTION 319, AND AS AMENDED BY P.L.214-2013, SECTION  
 19 26, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A child is a child in need of  
 21 services if, before the child becomes eighteen (18) years of age:

22 (1) the child is the victim of a sex offense under:

23 (A) IC 35-42-4-1;

24 (B) IC 35-42-4-2 (~~repealed~~); **(before its repeal)**;

25 (C) IC 35-42-4-3;

26 (D) IC 35-42-4-4;

27 (E) IC 35-42-4-7;

28 (F) IC 35-42-4-9;

29 (G) IC 35-45-4-1;

30 (H) IC 35-45-4-2;

31 (I) IC 35-46-1-3; or

32 (J) the law of another jurisdiction, including a military court,  
 33 that is substantially equivalent to any of the offenses listed in  
 34 clauses (A) through (I); and

35 (2) the child needs care, treatment, or rehabilitation that:

36 (A) the child is not receiving; and

37 (B) is unlikely to be provided or accepted without the coercive  
 38 intervention of the court.

39 (b) A child is a child in need of services if, before the child becomes  
 40 eighteen (18) years of age:

41 (1) the child lives in the same household as another child who is  
 42 the victim of a sex offense under:

43 (A) IC 35-42-4-1;

44 (B) IC 35-42-4-2 (~~repealed~~); **(before its repeal)**;

45 (C) IC 35-42-4-3;

46 (D) IC 35-42-4-4;



- 1 (E) IC 35-42-4-7;  
 2 (F) IC 35-42-4-9;  
 3 (G) IC 35-45-4-1;  
 4 (H) IC 35-45-4-2;  
 5 (I) IC 35-46-1-3; or  
 6 (J) the law of another jurisdiction, including a military court,  
 7 that is substantially equivalent to any of the offenses listed in  
 8 clauses (A) through (I);  
 9 (2) the child lives in the same household as the adult who:  
 10 (A) committed the sex offense under subdivision (1) and the  
 11 sex offense resulted in a conviction or a judgment under  
 12 IC 31-34-11-2; or  
 13 (B) has been charged with a sex offense listed in subdivision  
 14 (1) and is awaiting trial;  
 15 (3) the child needs care, treatment, or rehabilitation that:  
 16 (A) the child is not receiving; and  
 17 (B) is unlikely to be provided or accepted without the coercive  
 18 intervention of the court; and  
 19 (4) a caseworker assigned to provide services to the child:  
 20 (A) places the child in a program of informal adjustment or  
 21 other family or rehabilitative services based upon the existence  
 22 of the circumstances described in subdivisions (1) and (2) and  
 23 the assigned caseworker subsequently determines further  
 24 intervention is necessary; or  
 25 (B) determines that a program of informal adjustment or other  
 26 family or rehabilitative services is inappropriate.
- 27 SECTION 30. IC 31-37-4-3, AS AMENDED BY P.L.172-2013,  
 28 SECTION 8. AND AS AMENDED BY P.L.158-2013, SECTION 326.  
 29 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) This section applies if a child  
 31 is arrested or taken into custody for allegedly committing an act that  
 32 would be any of the following crimes if committed by an adult:  
 33 (1) Murder (IC 35-42-1-1).  
 34 (2) Attempted murder (IC 35-41-5-1).  
 35 (3) Voluntary manslaughter (IC 35-42-1-3).  
 36 (4) Involuntary manslaughter (IC 35-42-1-4).  
 37 (5) Reckless homicide (IC 35-42-1-5).  
 38 (6) Aggravated battery (IC 35-42-2-1.5).  
 39 (7) Battery (IC 35-42-2-1).  
 40 (8) Kidnapping (IC 35-42-3-2).  
 41 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.  
 42 (10) Sexual misconduct with a minor (IC 35-42-4-9).  
 43 (11) Incest (IC 35-46-1-3).  
 44 (12) Robbery as a *Class A Level 2* felony or a *Class B Level 3*  
 45 felony (IC 35-42-5-1).  
 46 (13) Burglary as a *Class A Level 1* felony, *Level 2* felony, *Level 3*



felony, or a *Class B Level 4* felony (IC 35-43-2-1).

~~(14) Carjacking (IC 35-42-5-2).~~

~~(15)~~ (14) Assisting a criminal as a *Class C Level 5* felony (IC 35-44.1-2-5).

~~(16)~~ (15) Escape (IC 35-44.1-3-4) as a *Class B Level 4* felony or *Class C Level 5* felony.

~~(17)~~ (16) Trafficking with an inmate as a *Class C Level 5* felony (IC 35-44.1-3-5).

~~(18)~~ (17) Causing death when operating a vehicle (IC 9-30-5-5).

~~(19)~~ (18) Criminal confinement (IC 35-42-3-3) as a *Class B Level 2* or *Level 3* felony.

~~(20)~~ (19) Arson (IC 35-43-1-1) as a *Class A* or *Class B Level 2* felony, *Level 3* felony, or *Level 4* felony.

~~(21)~~ (20) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).

~~(22)~~ (21) Terroristic mischief (IC 35-47-12-3) as a *Class B Level 2* or *Level 3* felony.

~~(23)~~ (22) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).

~~(24)~~ (23) A violation of IC 35-47.5 (controlled explosives) as a *Class A* or *Class B Level 2* felony, *Level 3* felony, or *Level 4* felony.

~~(25)~~ (24) A controlled substances offense under IC 35-48.

~~(26)~~ (25) A criminal gang offense under IC 35-45-9.

(b) If a child is taken into custody under this chapter for a crime or act listed in subsection (a) or a situation to which IC 12-26-4-1 applies, the law enforcement agency that employs the law enforcement officer who takes the child into custody shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is enrolled in a public school, the superintendent of the school district in which the child is enrolled:

(1) that the child was taken into custody; and

(2) of the reason why the child was taken into custody.

(c) The notification under subsection (b) must occur within forty-eight (48) hours after the child is taken into custody.

(d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section.

(e) A law enforcement agency shall include in its training for law enforcement officers training concerning the notification requirements under subsection (b).

SECTION 31. IC 33-37-5-23. AS AMENDED BY P.L.214-2013. SECTION 30. AND AS AMENDED BY P.L.158-2013. SECTION 341. IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) This section applies to criminal actions.



1 (b) The court shall assess a sexual assault victims assistance fee of  
 2 at least ~~two hundred fifty dollars (\$250)~~ five hundred dollars (\$500)  
 3 and not more than ~~one thousand dollars (\$1,000)~~ five thousand dollars  
 4 (\$5,000) against an individual convicted in Indiana of any of the  
 5 following offenses:

- 6 (1) Rape (IC 35-42-4-1).  
 7 (2) Criminal deviate conduct (IC 35-42-4-2) ~~(before its repeal on~~  
 8 ~~July 1, 2014): (repealed): (before its repeal).~~  
 9 (3) Child molesting (IC 35-42-4-3).  
 10 (4) Child exploitation (IC 35-42-4-4(b)).  
 11 (5) Vicarious sexual gratification (IC 35-42-4-5).  
 12 (6) Child solicitation (IC 35-42-4-6).  
 13 (7) Child seduction (IC 35-42-4-7).  
 14 (8) Sexual battery (IC 35-42-4-8).  
 15 (9) Sexual misconduct with a minor as a Class A or Class B  
 16 felony ~~(for a crime committed before July 1, 2014) or a Level 1~~  
 17 ~~felony or Level 4 felony (for a crime committed after June 30,~~  
 18 ~~2014) (IC 35-42-4-9).~~  
 19 (10) Incest (IC 35-46-1-3).  
 20 (11) Promotion of human trafficking (IC 35-42-3.5-1(a)).  
 21 (12) Promotion of human trafficking of a minor (IC 35-42-3.5-1(b)).  
 22 (13) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).  
 23 (14) Human trafficking (IC 35-42-3.5-1(d)).

24 SECTION 32. IC 34-24-1-1, AS AMENDED BY P.L.196-2013.  
 25 SECTION 15, AND AS AMENDED BY P.L.293-2013(ts), SECTION  
 26 42. AND AS AMENDED BY P.L.158-2013, SECTION 349. IS  
 27 CORRECTED AND AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2014]: Sec. (a) The following may be seized:

- 29 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used  
 30 or are intended for use by the person or persons in possession of  
 31 them to transport or in any manner to facilitate the transportation  
 32 of the following:  
 33 (A) A controlled substance for the purpose of committing,  
 34 attempting to commit, or conspiring to commit any of the  
 35 following:  
 36 (i) Dealing in or manufacturing cocaine or a narcotic drug  
 37 (IC 35-48-4-1).  
 38 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).  
 39 (iii) Dealing in a schedule I, II, or III controlled substance  
 40 (IC 35-48-4-2).  
 41 (iv) Dealing in a schedule IV controlled substance  
 42 (IC 35-48-4-3).  
 43 (v) Dealing in a schedule V controlled substance  
 44 (IC 35-48-4-4).  
 45 (vi) Dealing in a counterfeit substance (IC 35-48-4-5).  
 46 (vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).



- 1 (viii) Possession of methamphetamine (IC 35-48-4-6.1).  
 2 (ix) Dealing in paraphernalia (IC 35-48-4-8.5).  
 3 (x) Dealing in marijuana, hash oil, hashish, *or salvia or a*  
 4 *synthetic cannabinoid* (IC 35-48-4-10).  
 5 (xi) *Dealing in a synthetic drug or synthetic drug lookalike*  
 6 *substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its*  
 7 *amendment in 2013).*  
 8 (B) Any stolen (IC 35-43-4-2) or converted property  
 9 (IC 35-43-4-3) if the retail or repurchase value of that property  
 10 is one hundred dollars (\$100) or more.  
 11 (C) Any hazardous waste in violation of IC 13-30-10-1.5.  
 12 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of  
 13 mass destruction (as defined in IC 35-31.5-2-354) used to  
 14 commit, used in an attempt to commit, or used in a conspiracy  
 15 to commit an offense under IC 35-47 as part of or in  
 16 furtherance of an act of terrorism (as defined by  
 17 IC 35-31.5-2-329).  
 18 (2) All money, negotiable instruments, securities, weapons,  
 19 communications devices, or any property used to commit, used in  
 20 an attempt to commit, or used in a conspiracy to commit an  
 21 offense under IC 35-47 as part of or in furtherance of an act of  
 22 terrorism or commonly used as consideration for a violation of  
 23 IC 35-48-4 (other than items subject to forfeiture under  
 24 IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):  
 25 (A) furnished or intended to be furnished by any person in  
 26 exchange for an act that is in violation of a criminal statute;  
 27 (B) used to facilitate any violation of a criminal statute; or  
 28 (C) traceable as proceeds of the violation of a criminal statute.  
 29 (3) Any portion of real or personal property purchased with  
 30 money that is traceable as a proceed of a violation of a criminal  
 31 statute.  
 32 (4) A vehicle that is used by a person to:  
 33 (A) commit, attempt to commit, or conspire to commit;  
 34 (B) facilitate the commission of; or  
 35 (C) escape from the commission of;  
 36 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal  
 37 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting  
 38 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense  
 39 under IC 35-47 as part of or in furtherance of an act of terrorism.  
 40 (5) Real property owned by a person who uses it to commit any of  
 41 the following as a ~~Class A felony~~, a ~~Class B felony~~, *Level 1, Level*  
 42 *2, Level 3, Level 4, or a Class C Level 5 felony*:  
 43 (A) Dealing in or manufacturing cocaine or a narcotic drug  
 44 (IC 35-48-4-1).  
 45 (B) Dealing in methamphetamine (IC 35-48-4-1.1).  
 46 (C) Dealing in a schedule I, II, or III controlled substance



- 1 (IC 35-48-4-2).  
 2 (D) Dealing in a schedule IV controlled substance  
 3 (IC 35-48-4-3).  
 4 (E) Dealing in marijuana, hash oil, hashish, *or salvia or a*  
 5 *synthetic cannabinoid* (IC 35-48-4-10).  
 6 (F) Dealing in a synthetic drug or synthetic drug lookalike  
 7 substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its  
 8 amendment in 2013).  
 9 (6) Equipment and recordings used by a person to commit fraud  
 10 under IC 35-43-5-4(10).  
 11 (7) Recordings sold, rented, transported, or possessed by a person  
 12 in violation of IC 24-4-10.  
 13 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as  
 14 defined by IC 35-45-6-1) that is the object of a corrupt business  
 15 influence violation (IC 35-45-6-2).  
 16 (9) Unlawful telecommunications devices (as defined in  
 17 IC 35-45-13-6) and plans, instructions, or publications used to  
 18 commit an offense under IC 35-45-13.  
 19 (10) Any equipment, including computer equipment and cellular  
 20 telephones, used for or intended for use in preparing,  
 21 photographing, recording, videotaping, digitizing, printing,  
 22 copying, or disseminating matter in violation of IC 35-42-4.  
 23 (11) Destructive devices used, possessed, transported, or sold in  
 24 violation of IC 35-47.5.  
 25 (12) Tobacco products that are sold in violation of IC 24-3-5,  
 26 tobacco products that a person attempts to sell in violation of  
 27 IC 24-3-5, and other personal property owned and used by a  
 28 person to facilitate a violation of IC 24-3-5.  
 29 (13) Property used by a person to commit counterfeiting or  
 30 forgery in violation of IC 35-43-5-2.  
 31 (14) After December 31, 2005, if a person is convicted of an  
 32 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the  
 33 following real or personal property:  
 34 (A) Property used or intended to be used to commit, facilitate,  
 35 or promote the commission of the offense.  
 36 (B) Property constituting, derived from, or traceable to the  
 37 gross proceeds that the person obtained directly or indirectly  
 38 as a result of the offense.  
 39 (15) Except as provided in subsection (c), a vehicle used by a  
 40 person who operates the vehicle:  
 41 (A) while intoxicated, in violation of IC 9-30-5-1 through  
 42 IC 9-30-5-5, if in the previous five (5) years the person has two  
 43 (2) or more prior unrelated convictions:  
 44 (i) for operating a motor vehicle while intoxicated in  
 45 violation of IC 9-30-5-1 through IC 9-30-5-5; or  
 46 (ii) for an offense that is substantially similar to IC 9-30-5-1



1 through IC 9-30-5-5 in another jurisdiction; or  
 2 (B) on a highway while the person's driving privileges are  
 3 suspended in violation of IC 9-24-19-2 through IC 9-24-19-4,  
 4 if in the previous five (5) years the person has two (2) or more  
 5 prior unrelated convictions:

6 (i) for operating a vehicle while intoxicated in violation of  
 7 IC 9-30-5-1 through IC 9-30-5-5; or

8 (ii) for an offense that is substantially similar to IC 9-30-5-1  
 9 through IC 9-30-5-5 in another jurisdiction.

10 If a court orders the seizure of a vehicle under this subdivision,  
 11 the court shall transmit an order to the bureau of motor vehicles  
 12 recommending that the bureau not permit a vehicle to be  
 13 registered in the name of the person whose vehicle was seized  
 14 until the person possesses a current driving license (as defined in  
 15 IC 9-13-2-41).

16 (16) The following real or personal property:

17 (A) Property used or intended to be used to commit, facilitate,  
 18 or promote the commission of an offense specified in  
 19 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or  
 20 IC 30-2-13-38(f).

21 (B) Property constituting, derived from, or traceable to the  
 22 gross proceeds that a person obtains directly or indirectly as a  
 23 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),  
 24 IC 30-2-10-9(b), or IC 30-2-13-38(f).

25 (17) *An automated sales suppression device (as defined in*  
 26 *IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in*  
 27 *IC 35-43-5-4.6(a)(3)).*

28 (b) A vehicle used by any person as a common or contract carrier in  
 29 the transaction of business as a common or contract carrier is not  
 30 subject to seizure under this section, unless it can be proven by a  
 31 preponderance of the evidence that the owner of the vehicle knowingly  
 32 permitted the vehicle to be used to engage in conduct that subjects it to  
 33 seizure under subsection (a).

34 (c) Equipment under subsection (a)(10) may not be seized unless it  
 35 can be proven by a preponderance of the evidence that the owner of the  
 36 equipment knowingly permitted the equipment to be used to engage in  
 37 conduct that subjects it to seizure under subsection (a)(10).

38 (d) Money, negotiable instruments, securities, weapons,  
 39 communications devices, or any property commonly used as  
 40 consideration for a violation of IC 35-48-4 found near or on a person  
 41 who is committing, attempting to commit, or conspiring to commit any  
 42 of the following offenses shall be admitted into evidence in an action  
 43 under this chapter as prima facie evidence that the money, negotiable  
 44 instrument, security, or other thing of value is property that has been  
 45 used or was to have been used to facilitate the violation of a criminal  
 46 statute or is the proceeds of the violation of a criminal statute:



- 1 (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a  
 2 narcotic drug).  
 3 (2) IC 35-48-4-1.1 (dealing in methamphetamine).  
 4 (3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled  
 5 substance).  
 6 (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).  
 7 (5) IC 35-48-4-4 (dealing in a schedule V controlled substance)  
 8 as a *Class B Level 4* felony.  
 9 (6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a  
 10 *Class A felony; Class B Level 3, Level 4, felony; or Class C Level*  
 11 *5* felony.  
 12 (7) IC 35-48-4-6.1 (possession of methamphetamine) as a *Class*  
 13 *A felony; Class B felony; Level 3, Level 4, or Class C Level 5*  
 14 *felony*.  
 15 (8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, *or*  
 16 *salvia or a synthetic cannabinoid*) as a *Class C Level 5* felony.  
 17 (9) IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic drug  
 18 lookalike substance) as a *Class C Level 5 felony or Class D*  
 19 *Level 6 felony (or as a Class C felony or Class D felony under*  
 20 *IC 35-48-4-10 before its amendment in 2013)*.  
 21 (e) A vehicle operated by a person who is not:  
 22 (1) an owner of the vehicle; or  
 23 (2) the spouse of the person who owns the vehicle;  
 24 is not subject to seizure under subsection (a)(15) unless it can be  
 25 proven by a preponderance of the evidence that the owner of the  
 26 vehicle knowingly permitted the vehicle to be used to engage in  
 27 conduct that subjects it to seizure under subsection (a)(15).  
 28 SECTION 33. IC 35-33-14-4 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. Money in the fund  
 30 at the end of a particular calendar year does not revert to any other  
 31 fund, but remains in the county extradition **and sheriff's assistance**  
 32 fund.  
 33 SECTION 34. IC 35-38-1-1.5. AS AMENDED BY P.L.159-2013,  
 34 SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 393.  
 35 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) A court may enter judgment  
 37 of conviction as a *Class D Level 6* felony with the express provision  
 38 that the conviction will be converted to a conviction as a Class A  
 39 misdemeanor ~~within three (3) years~~ if the person fulfills certain  
 40 conditions. A court may enter a judgment of conviction as a *Class D*  
 41 *Level 6* felony with the express provision that the conviction will be  
 42 converted to a conviction as a Class A misdemeanor only if the person  
 43 pleads guilty to a *Class D Level 6* felony that qualifies for consideration  
 44 as a Class A misdemeanor under IC 35-50-2-7, and the following  
 45 conditions are met:  
 46 (1) The prosecuting attorney consents.



- 1 (2) The person agrees to the conditions set by the court.  
 2 (b) For a judgment of conviction to be entered under subsection (a),  
 3 the court, the prosecuting attorney, and the person must all agree to the  
 4 conditions set by the court under subsection (a).  
 5 (c) The court is not required to convert a judgment of conviction  
 6 entered as a ~~Class D Level 6~~ felony to a Class A misdemeanor if, after  
 7 a hearing, the court finds:  
 8 (1) the person has violated a condition set by the court under  
 9 subsection (a); or  
 10 (2) the period that the conditions set by the court under subsection  
 11 (a) are in effect expires before the person successfully completes  
 12 each condition.  
 13 However, the court may not convert a judgment of conviction entered  
 14 as a ~~Class D Level 6~~ felony to a Class A misdemeanor if the person  
 15 commits a new offense before the conditions set by the court under  
 16 subsection (a) expire.  
 17 (d) The court shall enter judgment of conviction as a Class A  
 18 misdemeanor if the person fulfills the conditions set by the court under  
 19 subsection (a).  
 20 (e) The entry of a judgment of conviction under this section does not  
 21 affect the application of any statute requiring the suspension of a  
 22 person's driving privileges.  
 23 (f) This section may not be construed to diminish or alter the rights  
 24 of a victim (as defined in IC 35-40-4-8) in a sentencing proceeding  
 25 under this chapter.  
 26 SECTION 35. IC 35-38-1-7.5, AS AMENDED BY P.L.214-2013,  
 27 SECTION 33. AND AS AMENDED BY P.L.158-2013, SECTION  
 28 394, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2014]: Sec. 7.5. (a) As used in this section,  
 30 "sexually violent predator" means a person who suffers from a mental  
 31 abnormality or personality disorder that makes the individual likely to  
 32 repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The  
 33 term includes a person convicted in another jurisdiction who is  
 34 identified as a sexually violent predator under IC 11-8-8-20. The term  
 35 does not include a person no longer considered a sexually violent  
 36 predator under subsection (g).  
 37 (b) A person who:  
 38 (1) being at least eighteen (18) years of age, commits an offense  
 39 described in:  
 40 (A) IC 35-42-4-1;  
 41 (B) IC 35-42-4-2 ~~before its repeal on July 1, 2014~~  
 42 ~~(repeated); (before its repeal);~~  
 43 (C) IC 35-42-4-3 as a Class A or Class B felony ~~(for a crime~~  
 44 ~~committed before July 1, 2014) or a Level 1, Level 2, Level 3,~~  
 45 ~~or Level 4 felony (for a crime committed after June 30, 2014);~~  
 46 (D) IC 35-42-4-5(a)(1);



- 1 (E) IC 35-42-4-5(a)(2);  
 2 (F) IC 35-42-4-5(a)(3);  
 3 (G) IC 35-42-4-5(b)(1) as a Class A or Class B *felony* (for a  
 4 *crime committed before July 1, 2014*) or Level 2, Level 3, or  
 5 Level 4 *felony* (for a *crime committed after June 30, 2014*);  
 6 (H) IC 35-42-4-5(b)(2);  
 7 (I) IC 35-42-4-5(b)(3) as a Class A or Class B *felony* (for a  
 8 *crime committed before July 1, 2014*) or a Level 2, Level 3, or  
 9 Level 4 *felony* (for a *crime committed after June 30, 2014*);  
 10 (J) an attempt or conspiracy to commit a crime listed in  
 11 clauses (A) through (I); or  
 12 (K) a crime under the laws of another jurisdiction, including  
 13 a military court, that is substantially equivalent to any of the  
 14 offenses listed in clauses (A) through (J);  
 15 (2) commits a sex offense (as defined in IC 11-8-8-5.2) while  
 16 having a previous unrelated conviction for a sex offense for which  
 17 the person is required to register as a sex or violent offender under  
 18 IC 11-8-8;  
 19 (3) commits a sex offense (as defined in IC 11-8-8-5.2) while  
 20 having had a previous unrelated adjudication as a delinquent child  
 21 for an act that would be a sex offense if committed by an adult, if,  
 22 after considering expert testimony, a court finds by clear and  
 23 convincing evidence that the person is likely to commit an  
 24 additional sex offense; or  
 25 (4) commits a sex offense (as defined in IC 11-8-8-5.2) while  
 26 having had a previous unrelated adjudication as a delinquent child  
 27 for an act that would be a sex offense if committed by an adult, if  
 28 the person was required to register as a sex or violent offender  
 29 under IC 11-8-8-5(b)(2);  
 30 is a sexually violent predator. Except as provided in subsection (g) or  
 31 (h), a person is a sexually violent predator by operation of law if an  
 32 offense committed by the person satisfies the conditions set forth in  
 33 subdivision (1) or (2) and the person was released from incarceration,  
 34 secure detention, ~~or~~ probation, *or parole* for the offense after June 30,  
 35 1994.  
 36 (c) This section applies whenever a court sentences a person or a  
 37 juvenile court issues a dispositional decree for a sex offense (as defined  
 38 in IC 11-8-8-5.2) for which the person is required to register with the  
 39 local law enforcement authority under IC 11-8-8.  
 40 (d) At the sentencing hearing, the court shall indicate on the record  
 41 whether the person has been convicted of an offense that makes the  
 42 person a sexually violent predator under subsection (b).  
 43 (e) If a person is not a sexually violent predator under subsection  
 44 (b), the prosecuting attorney may request the court to conduct a hearing  
 45 to determine whether the person (including a child adjudicated to be a  
 46 delinquent child) is a sexually violent predator under subsection (a). If



1 the court grants the motion, the court shall appoint two (2)  
2 psychologists or psychiatrists who have expertise in criminal  
3 behavioral disorders to evaluate the person and testify at the hearing.  
4 After conducting the hearing and considering the testimony of the two  
5 (2) psychologists or psychiatrists, the court shall determine whether the  
6 person is a sexually violent predator under subsection (a). A hearing  
7 conducted under this subsection may be combined with the person's  
8 sentencing hearing.

9 (f) If a person is a sexually violent predator:

10 (1) the person is required to register with the local law  
11 enforcement authority as provided in IC 11-8-8; and

12 (2) the court shall send notice to the department of correction.

13 (g) This subsection does not apply to a person who has two (2) or  
14 more unrelated convictions for an offense described in IC 11-8-8-4.5  
15 for which the person is required to register under IC 11-8-8. A person  
16 who is a sexually violent predator may petition the court to consider  
17 whether the person should no longer be considered a sexually violent  
18 predator. The person may file a petition under this subsection not  
19 earlier than ten (10) years after:

20 (1) the sentencing court or juvenile court makes its determination  
21 under subsection (e); or

22 (2) the person is released from incarceration or secure detention.

23 A person may file a petition under this subsection not more than one  
24 (1) time per year. A court may dismiss a petition filed under this  
25 subsection or conduct a hearing to determine if the person should no  
26 longer be considered a sexually violent predator. If the court conducts  
27 a hearing, the court shall appoint two (2) psychologists or psychiatrists  
28 who have expertise in criminal behavioral disorders to evaluate the  
29 person and testify at the hearing. After conducting the hearing and  
30 considering the testimony of the two (2) psychologists or psychiatrists,  
31 the court shall determine whether the person should no longer be  
32 considered a sexually violent predator under subsection (a). If a court  
33 finds that the person should no longer be considered a sexually violent  
34 predator, the court shall send notice to the department of correction that  
35 the person is no longer considered a sexually violent predator *or an*  
36 *offender against children*. Notwithstanding any other law, a condition  
37 imposed on a person due to the person's status as a sexually violent  
38 predator, including lifetime parole or GPS monitoring, does not apply  
39 to a person no longer considered a sexually violent predator.

40 (h) A person is not a sexually violent predator by operation of law  
41 under subsection (b)(1) if all of the following conditions are met:

42 (1) The victim was not less than twelve (12) years of age at the  
43 time the offense was committed.

44 (2) The person is not more than four (4) years older than the  
45 victim.

46 (3) The relationship between the person and the victim was a



1 dating relationship or an ongoing personal relationship. The term  
2 "ongoing personal relationship" does not include a family  
3 relationship.

4 (4) The offense committed by the person was not any of the  
5 following:

6 (A) Rape (IC 35-42-4-1).

7 (B) Criminal deviate conduct (IC 35-42-4-2) ~~before its repeal~~  
8 ~~on July 1, 2014) (repealed): (before its repeal).~~

9 (C) An offense committed by using or threatening the use of  
10 deadly force or while armed with a deadly weapon.

11 (D) An offense that results in serious bodily injury.

12 (E) An offense that is facilitated by furnishing the victim,  
13 without the victim's knowledge, with a drug (as defined in  
14 IC 16-42-19-2(1)) or a controlled substance (as defined in  
15 IC 35-48-1-9) or knowing that the victim was furnished with  
16 the drug or controlled substance without the victim's  
17 knowledge.

18 (5) The person has not committed another sex offense (as defined  
19 in IC 11-8-8-5.2) (including a delinquent act that would be a sex  
20 offense if committed by an adult) against any other person.

21 (6) The person did not have a position of authority or substantial  
22 influence over the victim.

23 (7) The court finds that the person should not be considered a  
24 sexually violent predator.

25 SECTION 36. IC 35-38-2.5-5 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as  
27 provided in section 5.5 of this chapter, as a condition of probation a  
28 court may order an offender confined to the offender's home for a  
29 period of home detention lasting at least sixty (60) days.

30 (b) The period of home detention may be consecutive or  
31 nonconsecutive, as the court orders. However, the aggregate time  
32 actually spent in home detention must not exceed:

33 (1) the minimum term of imprisonment prescribed for a felony  
34 under IC 35-50-2; or

35 (2) the maximum term of imprisonment prescribed for a  
36 misdemeanor under IC 35-50-3;

37 for the crime committed by the offender.

38 (c) The court may order supervision of an offender's home detention  
39 to be provided by the probation department for the court or by a  
40 community corrections program that provides supervision of home  
41 detention.

42 (d) A person's term of confinement on home detention under this  
43 chapter is computed on the basis of the actual days the person spends  
44 on home detention.

45 (e) A person confined on home detention as a condition of probation  
46 earns credit **time for the time served on home detention.**



1 SECTION 37. IC 35-41-4-2. AS AMENDED BY P.L.44-2013,  
2 SECTION 2. AND AS AMENDED BY P.L.158-2013. SECTION 407.  
3 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as otherwise provided  
5 in this section, a prosecution for an offense is barred unless it is  
6 commenced:

- 7 (1) within five (5) years after the commission of the offense, in  
8 the case of a Class B, Class C, or Class D felony (*for a crime*  
9 *committed before July 1, 2014*) or a Level 3, Level 4, Level 5, or  
10 *Level 6 felony (for a crime committed after June 30, 2014)*; or  
11 (2) within two (2) years after the commission of the offense, in the  
12 case of a misdemeanor.

13 (b) A prosecution for a Class B or Class C felony (*for a crime*  
14 *committed before July 1, 2014*) or a Level 3, Level 4, or Level 5 felony  
15 (*for a crime committed after June 30, 2014*) that would otherwise be  
16 barred under this section may be commenced within one (1) year after  
17 the earlier of the date on which the state:

- 18 (1) first discovers evidence sufficient to charge the offender with  
19 the offense through DNA (deoxyribonucleic acid) analysis; or  
20 (2) could have discovered evidence sufficient to charge the  
21 offender with the offense through DNA (deoxyribonucleic acid)  
22 analysis by the exercise of due diligence.

23 (c) A prosecution for a Class A felony (*for a crime committed*  
24 *before July 1, 2014*) or a Level 1 felony or Level 2 felony (*for a crime*  
25 *committed after June 30, 2014*) may be commenced at any time.

26 (d) A prosecution for murder may be commenced:

- 27 (1) at any time; and  
28 (2) regardless of the amount of time that passes between:  
29 (A) the date a person allegedly commits the elements of  
30 murder; and  
31 (B) the date the alleged victim of the murder dies.

32 (e) A prosecution for the following offenses is barred unless  
33 commenced before the date that the alleged victim of the offense  
34 reaches thirty-one (31) years of age:

- 35 (1) IC 35-42-4-3(a) (Child molesting).  
36 (2) IC 35-42-4-5 (Vicarious sexual gratification).  
37 (3) IC 35-42-4-6 (Child solicitation).  
38 (4) IC 35-42-4-7 (Child seduction).  
39 (5) IC 35-46-1-3 (Incest).

40 (f) A prosecution for forgery of an instrument for payment of  
41 money, or for the uttering of a forged instrument, under IC 35-43-5-2,  
42 is barred unless it is commenced within five (5) years after the maturity  
43 of the instrument.

44 (g) If a complaint, indictment, or information is dismissed because  
45 of an error, defect, insufficiency, or irregularity, a new prosecution may  
46 be commenced within ninety (90) days after the dismissal even if the



1 period of limitation has expired at the time of dismissal, or will expire  
2 within ninety (90) days after the dismissal.

3 (h) The period within which a prosecution must be commenced does  
4 not include any period in which:

5 (1) the accused person is not usually and publicly resident in  
6 Indiana or so conceals himself or herself that process cannot be  
7 served;

8 (2) the accused person conceals evidence of the offense, and  
9 evidence sufficient to charge the person with that offense is  
10 unknown to the prosecuting authority and could not have been  
11 discovered by that authority by exercise of due diligence; or

12 (3) the accused person is a person elected or appointed to office  
13 under statute or constitution, if the offense charged is theft or  
14 conversion of public funds or bribery while in public office.

15 (i) For purposes of tolling the period of limitation only, a  
16 prosecution is considered commenced on the earliest of these dates:

17 (1) The date of filing of an indictment, information, or complaint  
18 before a court having jurisdiction.

19 (2) The date of issuance of a valid arrest warrant.

20 (3) The date of arrest of the accused person by a law enforcement  
21 officer without a warrant, if the officer has authority to make the  
22 arrest.

23 (j) A prosecution is considered timely commenced for any offense  
24 to which the defendant enters a plea of guilty, notwithstanding that the  
25 period of limitation has expired.

26 (k) The following apply to the specified offenses:

27 (1) A prosecution for an offense under IC 30-2-9-7(b) (misuse of  
28 funeral trust funds) is barred unless commenced within five (5)  
29 years after the date of death of the settlor (as described in  
30 IC 30-2-9).

31 (2) A prosecution for an offense under IC 30-2-10-9(b) (misuse  
32 of funeral trust funds) is barred unless commenced within five (5)  
33 years after the date of death of the settlor (as described in  
34 IC 30-2-10).

35 (3) A prosecution for an offense under IC 30-2-13-38(f) (misuse  
36 of funeral trust or escrow account funds) is barred unless  
37 commenced within five (5) years after the date of death of the  
38 purchaser (as defined in IC 30-2-13-9).

39 (l) A prosecution for an offense under IC 23-14-48-9 is barred  
40 unless commenced within five (5) years after the earlier of the date on  
41 which the state:

42 (1) first discovers evidence sufficient to charge the offender with  
43 the offense; or

44 (2) could have discovered evidence sufficient to charge the  
45 offender with the offense by the exercise of due diligence.

46 (m) A prosecution for a sex offense listed in IC 11-8-8-4.5 that is



1 committed against a child and that is not:

2 (1) a Class A felony (for a crime committed before July 1,  
3 2014) or a Level 1 felony or Level 2 felony (for a crime  
4 committed after June 30, 2014); or

5 (2) listed in subsection (e);

6 is barred unless commenced within ten (10) years after the commission  
7 of the offense, or within four (4) years after the person ceases to be a  
8 dependent of the person alleged to have committed the offense,  
9 whichever occurs later.

10 SECTION 38. IC 35-41-5-1. AS AMENDED BY P.L.247-2013.  
11 SECTION 5, AND AS AMENDED BY P.L.158-2013. SEC. 408, IS  
12 CORRECTED AND AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person attempts to commit  
14 a crime when, acting with the culpability required for commission of  
15 the crime, ~~he~~ the person engages in conduct that constitutes a  
16 substantial step toward commission of the crime. An attempt to commit  
17 a crime is a felony or misdemeanor of the same level or class as the  
18 crime attempted. However, an attempt to commit murder is a ~~Class A~~  
19 Level 1 felony.

20 (b) It is no defense that, because of a misapprehension of the  
21 circumstances, including the age of the intended victim in a  
22 prosecution for attempted child molesting (IC 35-42-4-3), it would  
23 have been impossible for the accused person to commit the crime  
24 attempted.

25 (c) For purposes of subsection (a), a person engages in conduct that  
26 constitutes a substantial step if the person, with the intent to commit a  
27 sex crime against a child or an individual the person believes to be a  
28 child:

29 (1) communicates with the child or individual the person believes  
30 to be a child concerning the sex crime; and

31 (2) travels to another location to meet the child or individual the  
32 person believes to be a child.

33 SECTION 39. IC 35-42-1-1. AS AMENDED BY P.L.158-2013.  
34 SECTION 35. AND AS AMENDED BY P.L.214-2013, SECTION 35.  
35 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
36 [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who:

37 (1) knowingly or intentionally kills another human being;

38 (2) kills another human being while committing or attempting to  
39 commit arson, burglary, child molesting, consumer product  
40 tampering, criminal deviate conduct (*under IC 35-42-4-2 before*  
41 *its repeal*), ~~on July 1, 2014~~, kidnapping, rape, robbery, human  
42 trafficking, promotion of human trafficking, sexual trafficking of  
43 a minor, or carjacking (*before its repeal*);

44 (3) kills another human being while committing or attempting to  
45 commit:

46 (A) dealing in or manufacturing cocaine or a narcotic drug



- 1 (IC 35-48-4-1):
- 2 (B) dealing in or manufacturing methamphetamine
- 3 (IC 35-48-4-1.1):
- 4 (C) dealing in a schedule I, II, or III controlled substance
- 5 (IC 35-48-4-2);
- 6 (D) dealing in a schedule IV controlled substance
- 7 (IC 35-48-4-3); or
- 8 (E) dealing in a schedule V controlled substance; or
- 9 (4) knowingly or intentionally kills a fetus that has attained
- 10 viability (as defined in IC 16-18-2-365);
- 11 commits murder, a felony.

12 SECTION 40. IC 35-42-3.5-1. AS AMENDED BY P.L.55-2013.  
 13 SECTION 1. AND AS AMENDED BY P.L.158-2013. SECTION 436.  
 14 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 15 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who, by force, threat  
 16 of force, or fraud, knowingly or intentionally recruits, harbors, or  
 17 transports another person:

- 18 (1) to engage the other person in:
- 19 (A) forced labor; or
- 20 (B) involuntary servitude; or
- 21 (2) to force the other person into:
- 22 (A) marriage;
- 23 (B) prostitution; or
- 24 (C) participating in sexual conduct (as defined by
- 25 IC 35-42-4-4);

26 commits promotion of human trafficking, a *Class B Level 4* felony.

27 (b) A person who knowingly or intentionally recruits, harbors, or  
 28 transports a child less than:

- 29 (1) ~~sixteen (16)~~ *eighteen (18)* years of age with the intent of:
- 30 ~~(A)~~ (A) engaging the child in:
- 31 ~~(i)~~ (i) forced labor; or
- 32 ~~(ii)~~ (ii) involuntary servitude; or
- 33 ~~(B)~~ (B) inducing or causing the child to:
- 34 ~~(i)~~ (i) engage in prostitution; or
- 35 (ii) engage in a performance or incident that includes sexual
- 36 conduct in violation of IC 35-42-4-4(b) (child exploitation);
- 37 or
- 38 ~~(B)~~ (2) *sixteen (16)* years of age with the intent of inducing or
- 39 causing the child to participate in sexual conduct (as defined by
- 40 IC 35-42-4-4);

41 commits promotion of human trafficking of a minor, a *Class B Level 3*  
 42 felony. Except as provided in subsection (e), it is not a defense to a  
 43 prosecution under this subsection that the child consented to engage in  
 44 prostitution or to participate in sexual conduct.

45 (c) A person who is at least eighteen (18) years of age who  
 46 knowingly or intentionally sells or transfers custody of a child less than



1 ~~sixteen (16)~~ eighteen (18) years of age for the purpose of prostitution  
2 or participating in sexual conduct (as defined by IC 35-42-4-4)  
3 commits sexual trafficking of a minor. a ~~Class A~~ Level 2 felony.

4 (d) A person who knowingly or intentionally pays, offers to pay, or  
5 agrees to pay money or other property to another person for an  
6 individual who the person knows has been forced into:

- 7 (1) forced labor;
- 8 (2) involuntary servitude; or
- 9 (3) prostitution:

10 commits human trafficking, a ~~Class C~~ Level 5 felony.

11 (e) It is a defense to a prosecution under subsection ~~(b)(2)(B)~~ (b)(2)  
12 if:

- 13 (1) the child is at least fourteen (14) years of age but less than  
14 sixteen (16) years of age and the person is less than eighteen (18)  
15 years of age; or

16 (2) all the following apply:

17 (A) The person is not more than four (4) years older than the  
18 victim.

19 (B) The relationship between the person and the victim was a  
20 dating relationship or an ongoing personal relationship. The  
21 term "ongoing personal relationship" does not include a family  
22 relationship.

23 (C) The crime:

24 (i) was not committed by a person who is at least twenty-one  
25 (21) years of age;

26 (ii) was not committed by using or threatening the use of  
27 deadly force;

28 (iii) was not committed while armed with a deadly weapon;

29 (iv) did not result in serious bodily injury;

30 (v) was not facilitated by furnishing the victim, without the  
31 victim's knowledge, with a drug (as defined in  
32 IC 16-42-19-2(1)) or a controlled substance (as defined in  
33 IC 35-48-1-9) or knowing that the victim was furnished with  
34 the drug or controlled substance without the victim's  
35 knowledge; and

36 (vi) was not committed by a person having a position of  
37 authority or substantial influence over the victim.

38 (D) The person has not committed another sex offense (as  
39 defined in IC 11-8-8-5.2), including a delinquent act that  
40 would be a sex offense if committed by an adult, against any  
41 other person.

42 SECTION 41, IC 35-42-4-1, AS AMENDED BY P.L.158-2013,  
43 SECTION 437, AND AS AMENDED BY P.L.214-2013, SECTION  
44 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
45 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in  
46 subsection (b), a person who knowingly or intentionally has sexual



1 intercourse with *a member of the opposite sex* another person or  
 2 knowingly or intentionally causes another person to perform or submit  
 3 to *deviate sexual conduct other sexual conduct (as defined in*  
 4 *IC 35-31.5-2-221.5)* when:

5 (1) the other person is compelled by force or imminent threat of  
 6 force;

7 (2) the other person is unaware that the sexual intercourse or  
 8 *deviate sexual conduct other sexual conduct (as defined in*  
 9 *IC 35-31.5-2-221.5)* is occurring; or

10 (3) the other person is so mentally disabled or deficient that  
 11 consent to sexual intercourse or *deviate sexual conduct other*  
 12 *sexual conduct (as defined in IC 35-31.5-2-221.5)* cannot be  
 13 given;

14 commits rape, a *Class B Level 3* felony.

15 (b) An offense described in subsection (a) is a *Class A Level 1*  
 16 felony if:

17 (1) it is committed by using or threatening the use of deadly force;

18 (2) it is committed while armed with a deadly weapon;

19 (3) it results in serious bodily injury to a person other than a  
 20 defendant; or

21 (4) the commission of the offense is facilitated by furnishing the  
 22 victim, without the victim's knowledge, with a drug (as defined in  
 23 IC 16-42-19-2(1)) or a controlled substance (as defined in  
 24 IC 35-48-1-9) or knowing that the victim was furnished with the  
 25 drug or controlled substance without the victim's knowledge.

26 SECTION 42. IC 35-42-4-3. AS AMENDED BY P.L.158-2013,  
 27 SECTION 439, AND AS AMENDED BY P.L.247-2013, SECTION 6.  
 28 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who, with a child  
 30 under fourteen (14) years of age, *knowingly or intentionally* performs  
 31 or submits to sexual intercourse or *deviate other* sexual conduct (as  
 32 defined in IC 35-31.5-2-221.5) commits child molesting, a *Class B*  
 33 *Level 3* felony. However, the offense is a *Class A Level 1* felony if:

34 (1) it is committed by a person at least twenty-one (21) years of  
 35 age;

36 (2) it is committed by using or threatening the use of deadly force  
 37 or while armed with a deadly weapon;

38 (3) it results in serious bodily injury; or

39 (4) the commission of the offense is facilitated by furnishing the  
 40 victim, without the victim's knowledge, with a drug (as defined in  
 41 IC 16-42-19-2(1)) or a controlled substance (as defined in  
 42 IC 35-48-1-9) or knowing that the victim was furnished with the  
 43 drug or controlled substance without the victim's knowledge.

44 (b) A person who, with a child under fourteen (14) years of age,  
 45 performs or submits to any fondling or touching, of either the child or  
 46 the older person, with intent to arouse or to satisfy the sexual desires of



1. either the child or the older person, commits child molesting, a ~~Class~~  
 2. ~~Class A~~ Level 4 felony. However, the offense is a ~~Class A~~ Level 2 felony if:  
 3. (1) it is committed by using or threatening the use of deadly force;  
 4. (2) it is committed while armed with a deadly weapon; or  
 5. (3) the commission of the offense is facilitated by furnishing the  
 6. victim, without the victim's knowledge, with a drug (as defined in  
 7. IC 16-42-19-2(1)) or a controlled substance (as defined in  
 8. IC 35-48-1-9) or knowing that the victim was furnished with the  
 9. drug or controlled substance without the victim's knowledge.

10. (c) *A person may be convicted of attempted child molesting of an*  
 11. *individual at least fourteen (14) years of age if the person believed the*  
 12. *individual to be a child under fourteen (14) years of age at the time the*  
 13. *person attempted to commit the offense.*

14. (d) It is a defense to a prosecution under this section that the  
 15. accused person reasonably believed that the child was sixteen (16)  
 16. years of age or older at the time of the conduct, unless:

- 17. (1) the offense is committed by using or threatening the use of
- 18. deadly force or while armed with a deadly weapon;
- 19. (2) the offense results in serious bodily injury; or
- 20. (3) the commission of the offense is facilitated by furnishing the
- 21. victim, without the victim's knowledge, with a drug (as defined in
- 22. IC 16-42-19-2(1)) or a controlled substance (as defined in
- 23. IC 35-48-1-9) or knowing that the victim was furnished with the
- 24. drug or controlled substance without the victim's knowledge.

25. SECTION 43, IC 35-42-4-4, AS AMENDED BY P.L.214-2013,  
 26. SECTION 38, AND AS AMENDED BY P.L.158-2013, SECTION  
 27. 440, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 28. [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The following definitions  
 29. apply throughout this section:

- 30. (1) "Disseminate" means to transfer possession for free or for a
- 31. consideration.
- 32. (2) "Matter" has the same meaning as in IC 35-49-1-3.
- 33. (3) "Performance" has the same meaning as in IC 35-49-1-7.
- 34. (4) "Sexual conduct" means ~~(A)~~ sexual intercourse, ~~(B)~~ deviate
- 35. other sexual conduct (as defined in IC 35-31.5-2-221.5), ~~(C)~~,
- 36. exhibition of the ~~(i)~~ uncovered genitals or ~~(ii)~~ female breast with
- 37. less than a fully opaque covering of any part of the nipple;
- 38. intended to satisfy or arouse the sexual desires of any person, ~~(D)~~
- 39. sadomasochistic abuse, ~~(E)~~ sexual intercourse or deviate other
- 40. sexual conduct (as defined in IC 35-31.5-2-221.5) with an animal,
- 41. or ~~(F)~~ any fondling or touching of a child by another person or of
- 42. another person by a child intended to arouse or satisfy the sexual
- 43. desires of either the child or the other person.

44. (b) A person who:

- 45. (1) knowingly or intentionally ~~(i)~~ manages, produces, sponsors,
- 46. presents, exhibits, photographs, films, videotapes, or creates a



1 digitized image of any performance or incident that includes  
2 sexual conduct by a child under eighteen (18) years of age:

3 (2) *knowingly or intentionally* disseminates, exhibits to another  
4 person, offers to disseminate or exhibit to another person, or  
5 sends or brings into Indiana for dissemination or exhibition matter  
6 that depicts or describes sexual conduct by a child under eighteen  
7 (18) years of age; ~~or~~

8 (3) *knowingly or intentionally* makes available to another person  
9 a computer, knowing that the computer's fixed drive or peripheral  
10 device contains matter that depicts or describes sexual conduct by  
11 a child less than eighteen (18) years of age; *or*

12 (4) *with the intent to satisfy or arouse the sexual desires of any*  
13 *person:*

14 (A) *knowingly or intentionally:*

15 (i) *manages;*

16 (ii) *produces;*

17 (iii) *sponsors;*

18 (iv) *presents;*

19 (v) *exhibits;*

20 (vi) *photographs;*

21 (vii) *films;*

22 (viii) *videotapes; or*

23 (ix) *creates a digitized image of:*

24 *any performance or incident that includes the uncovered*  
25 *genitals of a child less than eighteen (18) years of age or the*  
26 *exhibition of the female breast with less than a fully opaque*  
27 *covering of any part of the nipple by a child less than eighteen*  
28 *(18) years of age;*

29 (B) *knowingly or intentionally:*

30 (i) *disseminates to another person;*

31 (ii) *exhibits to another person;*

32 (iii) *offers to disseminate or exhibit to another person; or*

33 (iv) *sends or brings into Indiana for dissemination or*  
34 *exhibition;*

35 *matter that depicts the uncovered genitals of a child less than*  
36 *eighteen (18) years of age or the exhibition of the female*  
37 *breast with less than a fully opaque covering of any part of the*  
38 *nipple by a child less than eighteen (18) years of age; or*

39 (C) *makes available to another person a computer, knowing*  
40 *that the computer's fixed drive or peripheral device contains*  
41 *matter that depicts the uncovered genitals of a child less than*  
42 *eighteen (18) years of age or the exhibition of the female*  
43 *breast with less than a fully opaque covering of any part of the*  
44 *nipple by a child less than eighteen (18) years of age:*

45 commits child exploitation. a ~~Class C~~ Level 5 felony.

46 (c) A person who knowingly or intentionally possesses:



- 1 (1) a picture;  
 2 (2) a drawing;  
 3 (3) a photograph;  
 4 (4) a negative image;  
 5 (5) undeveloped film;  
 6 (6) a motion picture;  
 7 (7) a videotape;  
 8 (8) a digitized image; or  
 9 (9) any pictorial representation;
- 10 that depicts or describes sexual conduct by a child who the person  
 11 knows is less than ~~sixteen (16)~~ *eighteen (18)* years of age or who  
 12 appears to be less than ~~sixteen (16)~~ *eighteen (18)* years of age, and that  
 13 lacks serious literary, artistic, political, or scientific value commits  
 14 possession of child pornography, a ~~Class D~~ *Level 6* felony.
- 15 (d) Subsections (b) and (c) do not apply to a bona fide school,  
 16 museum, or public library that qualifies for certain property tax  
 17 exemptions under IC 6-1.1-10, or to an employee of such a school,  
 18 museum, or public library acting within the scope of the employee's  
 19 employment when the possession of the listed materials is for  
 20 legitimate scientific or educational purposes.
- 21 (e) It is a defense to a prosecution under this section that:  
 22 (1) the person is a school employee; and  
 23 (2) the acts constituting the elements of the offense were  
 24 performed solely within the scope of the person's employment as  
 25 a school employee.
- 26 (f) Except as provided in subsection (g), it is a defense to a  
 27 prosecution under *subsection (b) or (c), subsection (b)(1), subsection*  
 28 *(b)(2), or subsection (c)* if all of the following apply:  
 29 (1) A cellular telephone, another wireless or cellular  
 30 communications device, or a social networking web site was used  
 31 to possess, produce, or disseminate the image.  
 32 (2) The defendant is not more than four (4) years older or younger  
 33 than the person who is depicted in the image or who received the  
 34 image.  
 35 (3) The relationship between the defendant and the person who  
 36 received the image or who is depicted in the image was a dating  
 37 relationship or an ongoing personal relationship. For purposes of  
 38 this subdivision, the term "ongoing personal relationship" does  
 39 not include a family relationship.  
 40 (4) The crime was committed by a person less than twenty-two  
 41 (22) years of age.  
 42 (5) The person receiving the image or who is depicted in the  
 43 image acquiesced in the defendant's conduct.
- 44 (g) The defense to a prosecution described in subsection (f) does not  
 45 apply if:  
 46 (1) the person who receives the image disseminates it to a person



- 1 other than the person:  
 2 (A) who sent the image: or  
 3 (B) who is depicted in the image:  
 4 (2) the image is of a person other than the person who sent the  
 5 image or received the image: or  
 6 (3) the dissemination of the image violates:  
 7 (A) a protective order to prevent domestic or family violence  
 8 issued under IC 34-26-5 (or, if the order involved a family or  
 9 household member, under IC 34-26-2 or IC 34-4-5.1-5 before  
 10 their repeal);  
 11 (B) an ex parte protective order issued under IC 34-26-5 (or,  
 12 if the order involved a family or household member, an  
 13 emergency order issued under IC 34-26-2 or IC 34-4-5.1  
 14 before their repeal);  
 15 (C) a workplace violence restraining order issued under  
 16 IC 34-26-6;  
 17 (D) a no contact order in a dispositional decree issued under  
 18 IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or  
 19 IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an  
 20 order issued under IC 31-32-13 (or IC 31-6-7-14 before its  
 21 repeal) that orders the person to refrain from direct or indirect  
 22 contact with a child in need of services or a delinquent child;  
 23 (E) a no contact order issued as a condition of pretrial release,  
 24 including release on bail or personal recognizance, or pretrial  
 25 diversion, and including a no contact order issued under  
 26 IC 35-33-8-3.6;  
 27 (F) a no contact order issued as a condition of probation;  
 28 (G) a protective order to prevent domestic or family violence  
 29 issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2  
 30 before their repeal);  
 31 (H) a protective order to prevent domestic or family violence  
 32 issued under IC 31-14-16-1 in a paternity action;  
 33 (I) a no contact order issued under IC 31-34-25 in a child in  
 34 need of services proceeding or under IC 31-37-25 in a juvenile  
 35 delinquency proceeding;  
 36 (J) an order issued in another state that is substantially similar  
 37 to an order described in clauses (A) through (I);  
 38 (K) an order that is substantially similar to an order described  
 39 in clauses (A) through (I) and is issued by an Indian:  
 40 (i) tribe;  
 41 (ii) band;  
 42 (iii) pueblo;  
 43 (iv) nation; or  
 44 (v) organized group or community, including an Alaska  
 45 Native village or regional or village corporation as defined  
 46 in or established under the Alaska Native Claims Settlement



1 Act (43 U.S.C. 1601 et seq.);  
 2 that is recognized as eligible for the special programs and  
 3 services provided by the United States to Indians because of  
 4 their special status as Indians:  
 5 (L) an order issued under IC 35-33-8-3.2; or  
 6 (M) an order issued under IC 35-38-1-30.

7 SECTION 44. IC 35-42-4-6. AS AMENDED BY P.L.158-2013.  
 8 SECTION 442. AND AS AMENDED BY P.L.247-2013. SECTION 7.  
 9 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) As used in this section,  
 11 "solicit" means to command, authorize, urge, incite, request, or advise  
 12 an individual:

13 (1) in person;  
 14 (2) by telephone or wireless device;  
 15 (3) in writing;  
 16 (4) by using a computer network (as defined in IC 35-43-2-3(a));  
 17 (5) by advertisement of any kind; or  
 18 (6) by any other means;

19 to perform an act described in subsection (b) or (c).

20 Sec. 6. (a) As used in this section, "solicit" means to command,  
 21 authorize, urge, incite, request, or advise an individual

22 (1) in person;  
 23 (2) by telephone;  
 24 (3) in writing;  
 25 (4) by using a computer network (as defined in IC 35-43-2-3(a));  
 26 (5) by advertisement of any kind; or  
 27 (6) by any other means;

28 to perform an act described in subsection (b) or (c).

29 (b) A person eighteen (18) years of age or older who knowingly or  
 30 intentionally solicits a child under fourteen (14) years of age, or an  
 31 individual the person believes to be a child under fourteen (14) years  
 32 of age, to engage in (1) sexual intercourse, (2) deviate other sexual  
 33 conduct (as defined in IC 35-31.5-2-221.5), or (3) any fondling or  
 34 touching intended to arouse or satisfy the sexual desires of either the  
 35 child or the older person, commits child solicitation, a ~~Class D~~ Level  
 36 5 felony. ~~However, the offense is~~

37 (1) a Class E felony if it is committed by using a computer  
 38 network (as defined in IC 35-43-2-3(a)); and

39 (2) a Class B felony if the person **However, the offense is a**  
 40 **Level 4 felony if the person solicits the child or individual the**  
 41 **person believes to be a child under fourteen (14) years of age to**  
 42 **engage in sexual intercourse or deviate other sexual conduct (as**  
 43 **defined in IC 35-31.5-2-221.5), and:**

44 (A) (1) commits the offense by using a computer network (as  
 45 defined in IC 35-43-2-3(a)) and commits the offense by using a  
 46 computer network (as defined in IC 35-43-2-3(a)) and travels



1 *to meet the child or individual the person believes to be a child;*

2 *or*

3 *(B) (2) has a previous unrelated conviction for committing the an*  
 4 **offense has a previous unrelated conviction for committing an**  
 5 *offense by using a computer network (as defined in*  
 6 *IC 35-43-2-3(a)) under this section.*

7 (c) A person at least twenty-one (21) years of age who knowingly or  
 8 intentionally solicits a child at least fourteen (14) years of age but less  
 9 than sixteen (16) years of age, or an individual the person believes to  
 10 be a child at least fourteen (14) years of age but less than sixteen (16)  
 11 years of age, to engage in

12 *(1) sexual intercourse,*

13 *(2) deviate other sexual conduct (as defined in*  
 14 *IC 35-31.5-2-221.5), or*

15 *(3) any fondling or touching intended to arouse or satisfy the*  
 16 *sexual desires of either the child or the older person,*

17 *commits child solicitation, a Class D Level 5 felony.*

18 *However, the offense is a Class E felony if it is committed by using a*  
 19 *computer network (as defined in IC 35-43-2-3(a)), and a Class B*  
 20 *felony if the person commits the offense by using a computer network*  
 21 *(as defined in IC 35-43-2-3(a)) and has a previous unrelated*  
 22 *conviction for committing the offense by using a computer network (as*  
 23 *defined in IC 35-43-2-3(a)).*

24 *However, the offense is*

25 *(1) a Class E felony if the person solicits the child or individual*  
 26 *the person believes to be a child at least fourteen (14) but less*  
 27 *than sixteen (16) years of age to engage in sexual intercourse or*  
 28 *deviate sexual conduct and makes the solicitation by using a*  
 29 *computer network (as defined in IC 35-43-2-3(a)); and*

30 *(2) a Class B Level 4 felony if the person solicits the child or*  
 31 *individual the person believes to be a child at least fourteen (14)*  
 32 *but less than sixteen (16) years of age to engage in sexual*  
 33 *intercourse or deviate other sexual conduct (as defined in*  
 34 **IC 35-31.5-2-221.5), and:**

35 *(A) (1) commits the offense by using a computer network (as*  
 36 *defined in IC 35-43-2-3(a)) and travels to meet the child or*  
 37 *individual the person believes to be a child; or*

38 *(B) (2) has a previous unrelated conviction for committing the*  
 39 *an offense by using a computer network (as defined in*  
 40 *IC 35-43-2-3(a)) under this section.*

41 (d) In a prosecution under this section, including a prosecution for  
 42 attempted solicitation, the state is not required to prove that the person  
 43 solicited the child to engage in an act described in subsection (b) or (c)  
 44 at some immediate time.

45 SECTION 45. IC 35-42-4-7. AS AMENDED BY P.L.208-2013.  
 46 SECTION 8. AND AS AMENDED BY P.L.158-2013. SECTION 443.



1 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) As used in this section,  
3 "adoptive parent" has the meaning set forth in IC 31-9-2-6.

4 (b) As used in this section, "adoptive grandparent" means the parent  
5 of an adoptive parent.

6 (c) As used in this section, "charter school" has the meaning set  
7 forth in IC 20-18-2-2.5.

8 (d) As used in this section, "child care worker" means a person who:

9 (1) provides care, supervision, or instruction to a child within the  
10 scope of the person's employment in a shelter care facility;

11 (2) is employed by a:

12 (A) school corporation;

13 (B) charter school;

14 (C) nonpublic school; or

15 (D) special education cooperative;

16 attended by a child who is the victim of a crime under this  
17 chapter; or

18 (3) is:

19 (A) affiliated with a:

20 (i) school corporation;

21 (ii) charter school;

22 (iii) nonpublic school; or

23 (iv) special education cooperative;

24 attended by a child who is the victim of a crime under this  
25 chapter, regardless of how or whether the person is  
26 compensated;

27 (B) in a position of trust in relation to a child who attends the  
28 school or cooperative;

29 (C) engaged in the provision of care or supervision to a child  
30 who attends the school or cooperative; and

31 (D) at least four (4) years older than the child who is the  
32 victim of a crime under this chapter.

33 The term does not include a student who attends the school or  
34 cooperative.

35 (e) As used in this section, "custodian" means any person who  
36 resides with a child and is responsible for the child's welfare.

37 (f) As used in this section, "mental health professional" means:

38 (1) a mental health counselor licensed under IC 25-23.6-8.5;

39 (2) a psychologist; or

40 (3) a psychiatrist.

41 (g) As used in this section, "military recruiter" means a member  
42 of the armed forces of the United States (as defined in IC 20-33-10-2)

43 or the Indiana National Guard whose primary job function,  
44 classification, or specialty is recruiting individuals to enlist with the

45 armed forces of the United States or the Indiana National Guard.

46 (h) As used in this section, "nonpublic school" has the meaning



1 set forth in IC 20-18-2-12.

2 (i) For purposes of this section, a person has a "professional  
3 relationship" with a child if:

4 (1) the person:

5 (A) has a license issued by the state or a political subdivision  
6 on the basis of the person's training and experience that  
7 authorizes the person to carry out a particular occupation; or  
8 (B) is employed in a position in which counseling, supervising,  
9 instructing, or recruiting children forms a significant part of  
10 the employment; and

11 (2) the person has a relationship with a child that is based on the  
12 person's employment or licensed status as described in  
13 subdivision (1).

14 The term includes a relationship between a child and a mental health  
15 professional or military recruiter. The term does not include a  
16 coworker relationship between a child and a person described in  
17 subdivision (1)(B).

18 ~~(h)~~ (j) As used in this section, "school corporation" has the meaning  
19 set forth in IC 20-18-2-16.

20 ~~(i)~~ (k) As used in this section, "special education cooperative" has  
21 the meaning set forth in IC 20-35-5-1.

22 ~~(j)~~ (l) As used in this section, "stepparent" means an individual who  
23 is married to a child's custodial or noncustodial parent and is not the  
24 child's adoptive parent.

25 ~~(k)~~ (m) If a person who:

26 (1) is at least eighteen (18) years of age; and

27 ~~(2)~~ is:

28 ~~(A)~~ the:

29 (i) guardian, adoptive parent, adoptive grandparent,  
30 custodian, or stepparent of; or

31 (2) is the:

32 (A) guardian, adoptive parent, adoptive grandparent,  
33 custodian, or stepparent of; or

34 (B) child care worker for;

35 ~~(ii)~~ child care worker for; or

36 ~~(B)~~ a military recruiter who is attempting to enlist;

37 a child at least sixteen (16) years of age but less than eighteen  
38 (18) years of age;

39 ~~fondles or touches the child~~ engages with the child in sexual  
40 intercourse, ~~deviate~~ **other** sexual conduct (as defined in  
41 ~~IC 35-31.5-2-94~~ **IC 35-31.5-2-221.5**), or any fondling or touching with  
42 with the intent to arouse or satisfy the sexual desires of either the child  
43 or the adult, the person commits child seduction, a ~~felony~~; a Level 6  
44 felony. However, the offense is a Level 5 felony if the person engages  
45 in sexual intercourse or other sexual conduct (as defined in  
46 IC 35-31.5-2-221.5) with the child.



1 (n) A person who:

2 (1) has or had a professional relationship with a child at least  
3 sixteen (16) years of age but less than eighteen (18) years of age  
4 whom the person knows to be at least sixteen (16) years of age  
5 but less than eighteen (18) years of age;

6 (2) may exert undue influence on the child because of the person's  
7 current or previous professional relationship with the child; and

8 (3) uses or exerts the person's professional relationship to engage  
9 in sexual intercourse, ~~deviate~~ **other** sexual conduct (as defined  
10 in IC 35-31.5-2-221.5), or any fondling or touching with the  
11 child with the intent to arouse or satisfy the sexual desires of the  
12 child or the person;

13 commits child seduction.

14 (o) In determining whether a person used or exerted the person's  
15 professional relationship with the child to engage in sexual  
16 intercourse, ~~deviate~~ **other** sexual conduct (as defined in  
17 IC 35-31.5-2-221.5), or any fondling or touching with the intent to  
18 arouse or satisfy the sexual desires of the child or the person under  
19 subsection (n), the trier of fact may consider one (1) or more of the  
20 following:

21 (1) The age difference between the person and the child.

22 (2) Whether the person was in a position of trust with respect to  
23 the child.

24 (3) Whether the person's conduct with the child violated any  
25 ethical obligations of the person's profession or occupation.

26 (4) The authority that the person had over the child.

27 (5) Whether the person exploited any particular vulnerability of  
28 the child.

29 (6) Any other evidence relevant to the person's ability to exert  
30 undue influence over the child.

31 (p) Child seduction under this section is:

32 (1) a ~~Class D~~ **Level 6** felony if the person engaged in any  
33 fondling or touching with the intent to arouse or satisfy the sexual  
34 desires of the child or the person; and

35 (2) a ~~Class E~~ **Level 5** felony if the person engaged in sexual  
36 intercourse or ~~deviate~~ **other** sexual conduct (as defined in  
37 IC 35-31.5-2-221.5) with the child.

38 SECTION 46. IC 35-42-4-11. AS AMENDED BY P.L.214-2013,  
39 SECTION 39. AND AS AMENDED BY P.L.158-2013. SECTION  
40 447. IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
41 [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) As used in this section, and  
42 except as provided in subsection (d), "offender against children" means  
43 a person required to register as a sex or violent offender under  
44 IC 11-8-8 who has been:

45 (1) found to be a sexually violent predator under IC 35-38-1-7.5;

46 or



1 (2) convicted of one (1) or more of the following offenses:

2 (A) Child molesting (IC 35-42-4-3).

3 (B) Child exploitation (IC 35-42-4-4(b)).

4 (C) Child solicitation (IC 35-42-4-6).

5 (D) Child seduction (IC 35-42-4-7).

6 (E) Kidnapping (IC 35-42-3-2), if the victim is less than  
7 eighteen (18) years of age, and the person is not the child's  
8 parent or guardian.

9 (F) Attempt to commit or conspiracy to commit an offense  
10 listed in clauses (A) through (E).

11 (G) An offense in another jurisdiction that is substantially  
12 similar to an offense described in clauses (A) through (F).

13 A person is an offender against children by operation of law if the  
14 person meets the conditions described in subdivision (1) or (2) at any  
15 time.

16 (b) As used in this section, "reside" means to spend more than three  
17 (3) nights in:

18 (1) a residence; or

19 (2) if the person does not reside in a residence, a particular  
20 location;

21 in any thirty (30) day period.

22 (c) An offender against children who knowingly or intentionally:

23 (1) resides within one thousand (1,000) feet of:

24 (A) school property, not including property of an institution  
25 providing post-secondary education;

26 (B) a youth program center; or

27 (C) a public park; or

28 (2) establishes a residence within one (1) mile of the residence of  
29 the victim of the offender's sex offense;

30 commits a sex offender residency offense, a *Class D Level 6* felony.

31 (d) This subsection does not apply to an offender against children  
32 who has two (2) or more unrelated convictions for an offense described  
33 in subsection (a). A person who is an offender against children may  
34 petition the court to consider whether the person should no longer be  
35 considered an offender against children. The person may file a petition  
36 under this subsection not earlier than ten (10) years after the person is  
37 released from incarceration **or parole, whichever occurs last** (*or, if*  
38 *the person is not incarcerated, not earlier than ten (10) years after the*  
39 *person is released from probation*). ~~*or parole, whichever occurs last*~~:

40 A person may file a petition under this subsection not more than one  
41 (1) time per year. A court may dismiss a petition filed under this  
42 subsection or conduct a hearing to determine if the person should no  
43 longer be considered an offender against children. If the court conducts  
44 a hearing, the court shall appoint two (2) psychologists or psychiatrists  
45 who have expertise in criminal behavioral disorders to evaluate the  
46 person and testify at the hearing. After conducting the hearing and



1 considering the testimony of the two (2) psychologists or psychiatrists.  
 2 the court shall determine whether the person should no longer be  
 3 considered an offender against children. If a court finds that the person  
 4 should no longer be considered an offender against children, the court  
 5 shall send notice to the department of correction that the person is no  
 6 longer considered an offender against children.

7 SECTION 47. IC 35-42-4-12, AS AMENDED BY P.L.247-2013.  
 8 SECTION 8. AND AS AMENDED BY P.L.158-2013, SEC. 448, IS  
 9 CORRECTED AND AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) This section ~~does not apply~~  
 11 ~~to a person to applies only to a sex offender (as defined in~~  
 12 ~~IC 11-8-8-4.5).~~ ~~whom all of the following apply:~~

13 (1) ~~The person is not more than:~~

14 (A) ~~four (4) years older than the victim if the offense was~~  
 15 ~~committed after June 30, 2007; or~~

16 (B) ~~five (5) years older than the victim if the offense was~~  
 17 ~~committed before July 1, 2007.~~

18 (2) ~~The relationship between the person and the victim was a~~  
 19 ~~dating relationship or an ongoing personal relationship. The~~  
 20 ~~term "ongoing personal relationship" does not include a family~~  
 21 ~~relationship.~~

22 (3) ~~The crime:~~

23 (A) ~~was not committed by a person who is at least twenty-one~~  
 24 ~~(21) years of age;~~

25 (B) ~~was not committed by using or threatening the use of~~  
 26 ~~deadly force;~~

27 (C) ~~was not committed while armed with a deadly weapon;~~

28 (D) ~~did not result in serious bodily injury;~~

29 (E) ~~was not facilitated by furnishing the victim, without the~~  
 30 ~~victim's knowledge, with a drug (as defined in~~  
 31 ~~IC 16-42-19-2(1)) or a controlled substance (as defined in~~  
 32 ~~IC 35-48-1-9) or knowing that the victim was furnished with~~  
 33 ~~the drug or controlled substance without the victim's~~  
 34 ~~knowledge; and~~

35 (F) ~~was not committed by a person having a position of~~  
 36 ~~authority or substantial influence over the victim.~~

37 (b) ~~A sex offender who knowingly or intentionally violates a:~~

38 (1) ~~condition of probation;~~

39 (2) ~~condition of parole; or~~

40 (3) ~~rule of a community transition program;~~

41 ~~that prohibits the offender from using a social networking web site or~~  
 42 ~~an instant messaging or chat room program to communicate, directly~~  
 43 ~~or through an intermediary, with a child less than sixteen (16) years of~~  
 44 ~~age commits a sex offender Internet offense, a Class A misdemeanor.~~  
 45 ~~However, the offense is a Class D Level 6 felony if the person has a~~  
 46 ~~prior unrelated conviction under this section.~~



1            *(b) This section applies only to a person required to register as a*  
 2 *sex or violent offender under IC 11-8-8 who has been:*

3            *(1) found to be a sexually violent predator under IC 35-38-1-7.5;*

4            *or*

5            *(2) convicted of one (1) or more of the following offenses:*

6            *(A) Child molesting (IC 35-42-4-3);*

7            *(B) Child exploitation (IC 35-42-4-4(b));*

8            *(C) Possession of child pornography (IC 35-42-4-4(c));*

9            *(D) Vicarious sexual gratification (IC 35-42-4-5(a) or*  
 10 *IC 35-42-4-5(b));*

11            *(E) Sexual conduct in the presence of a minor*  
 12 *(IC 35-42-4-5(c));*

13            *(F) Child solicitation (IC 35-42-4-6);*

14            *(G) Child seduction (IC 35-42-4-7);*

15            *(H) Kidnapping (IC 35-42-3-2); if the victim is less than*  
 16 *eighteen (18) years of age and the person is not the child's*  
 17 *parent or guardian;*

18            *(I) Attempt to commit or conspiracy to commit an offense*  
 19 *listed in clauses (A) through (H);*

20            *(J) An offense in another jurisdiction that is substantially*  
 21 *similar to an offense described in clauses (A) through (H);*

22            *(c) As used in this section, "instant messaging or chat room*  
 23 *program" means a software program that requires a person to register*  
 24 *or create an account, a username, or a password to become a member*  
 25 *or registered user of the program and allows two (2) or more members*  
 26 *or authorized users to communicate over the Internet in real time using*  
 27 *typed text. The term does not include an electronic mail program or*  
 28 *message board program;*

29            *(d) As used in this section, "social networking web site" means an*  
 30 *Internet web site that:*

31            *(1) facilitates the social introduction between two (2) or more*  
 32 *persons;*

33            *(2) requires a person to register or create an account, a*  
 34 *username, or a password to become a member of the web site and*  
 35 *to communicate with other members;*

36            *(3) allows a member to create a web page or a personal profile;*  
 37 *and*

38            *(4) provides a member with the opportunity to communicate with*  
 39 *another person.*

40            *The term does not include an electronic mail program or message*  
 41 *board program.*

42            *(e) A person described in subsection (b) who knowingly or*  
 43 *intentionally uses:*

44            *(1) a social networking web site; or*

45            *(2) an instant messaging or chat room program;*

46            *that the offender knows allows a person who is less than eighteen (18)*



1 years of age to access or use the web site or program commits a sex  
 2 offender Internet offense: a Class A misdemeanor. However, the  
 3 offense is a Class D Level 6 felony if the person has a prior unrelated  
 4 conviction under this section:

5 (f) It is a defense to a prosecution under this section that the  
 6 person:

7 (1) did not know that the web site or program allowed a person  
 8 who is less than eighteen (18) years of age to access or use the  
 9 web site or program; and

10 (2) upon discovering that the web site or program allows a  
 11 person who is less than eighteen (18) years of age to access or  
 12 use the web site or program, immediately ceased further use or  
 13 access of the web site or program.

14 (c) It is a defense to a prosecution under subsection (b) that the  
 15 person reasonably believed that the child was at least sixteen (16)  
 16 years of age.

17 SECTION 48. IC 35-42-4-13, AS AMENDED BY P.L.247-2013,  
 18 SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 449,  
 19 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) This section does not apply  
 21 to the following:

22 (1) A parent, guardian, or custodian of a child.

23 (2) A person who acts with the permission of a child's parent,  
 24 guardian, or custodian.

25 (3) A person to whom a child makes a report of abuse or neglect.

26 (4) A person to whom a child reports medical symptoms that  
 27 relate to or may relate to sexual activity.

28 (b) As used in this section, "sexual activity" means sexual  
 29 intercourse, ~~deviate~~ other sexual conduct (as defined in  
 30 IC 35-31.5-2-221.5), or the fondling or touching of the buttocks,  
 31 genitals, or female breasts.

32 (c) A person at least ~~twenty-one (21)~~ eighteen (18) years of age who  
 33 knowingly or intentionally communicates with an individual whom the  
 34 person believes to be a child less than fourteen (14) years of age  
 35 concerning sexual activity with the intent to gratify the sexual desires  
 36 of the person or the individual commits inappropriate communication  
 37 with a child, a Class B misdemeanor. However, the offense is:

38 (1) a Class A misdemeanor if the person commits the offense by  
 39 using a computer network (as defined in IC 35-43-2-3(a); and

40 (2) a ~~Class D Level 6 felony~~ if the person has a prior unrelated  
 41 conviction for a sex offense (as defined in IC 11-8-8-5.2).

42 SECTION 49. IC 35-43-2-2, AS AMENDED BY P.L.203-2013,  
 43 SECTION 25, AND AS AMENDED BY P.L.158-2013, SECTION  
 44 462, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 45 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who:

46 (1) not having a contractual interest in the property, knowingly or



1 intentionally enters the real property of another person after  
 2 having been denied entry by the other person or that person's  
 3 agent:  
 4 (2) not having a contractual interest in the property, knowingly or  
 5 intentionally refuses to leave the real property of another person  
 6 after having been asked to leave by the other person or that  
 7 person's agent;  
 8 (3) accompanies another person in a vehicle, with knowledge that  
 9 the other person knowingly or intentionally is exerting  
 10 unauthorized control over the vehicle;  
 11 (4) knowingly or intentionally interferes with the possession or  
 12 use of the property of another person without the person's consent;  
 13 (5) not having a contractual interest in the property, knowingly or  
 14 intentionally enters the dwelling of another person without the  
 15 person's consent;  
 16 (6) knowingly or intentionally:  
 17 (A) travels by train without lawful authority or the railroad  
 18 carrier's consent; and  
 19 (B) rides on the outside of a train or inside a passenger car,  
 20 locomotive, or freight car, including a boxcar, flatbed, or  
 21 container without lawful authority or the railroad carrier's  
 22 consent;  
 23 (7) not having a contractual interest in the property, knowingly or  
 24 intentionally enters or refuses to leave the property of another  
 25 person after having been prohibited from entering or asked to  
 26 leave the property by a law enforcement officer when the property  
 27 is ~~(A)~~ vacant or designated by a municipality or county  
 28 enforcement authority to be abandoned property ~~and (B) subject~~  
 29 ~~to abatement under IC 32-30-6, IC 32-30-7, IC 32-30-8,~~  
 30 ~~IC 36-7-9, or IC 36-7-36 or an abandoned structure (as defined~~  
 31 ~~in IC 36-7-36-1); or~~  
 32 (8) knowingly or intentionally enters the property of another  
 33 person after being denied entry by a court order that has been  
 34 issued to the person or issued to the general public by  
 35 conspicuous posting on or around the premises in areas where a  
 36 person can observe the order when the property ~~(A)~~ has been  
 37 designated by a municipality or county enforcement authority to  
 38 be a vacant property, ~~or an abandoned property, and (B) is subject~~  
 39 ~~to an abatement order under IC 32-30-6, IC 32-30-7, IC 32-30-8,~~  
 40 ~~IC 36-7-9, or IC 36-7-36 or an abandoned structure (as defined~~  
 41 ~~in IC 36-7-36-1);~~  
 42 commits criminal trespass, a Class A misdemeanor. However, the  
 43 offense is a ~~Class D Level 6~~ felony if it is committed on a scientific  
 44 research facility, on a key facility, on a facility belonging to a public  
 45 utility (as defined in IC 32-24-1-5.9(a)), on school property, or on a  
 46 school bus or the person has a prior unrelated conviction for an offense



1 under this section concerning the same property.

2 (b) A person has been denied entry under ~~subdivision subsection~~  
 3 (a)(1) ~~of this section~~ when the person has been denied entry by means  
 4 of:

- 5 (1) personal communication, oral or written;
- 6 (2) posting or exhibiting a notice at the main entrance in a manner  
 7 that is either prescribed by law or likely to come to the attention  
 8 of the public; or
- 9 (3) a hearing authority or court order under IC 32-30-6,  
 10 IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36.

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

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

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

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

- 22 (1) A passenger on a train.
- 23 (2) An employee of a railroad carrier while engaged in the  
 24 performance of official duties.
- 25 (3) A law enforcement officer, firefighter, or emergency response  
 26 personnel while engaged in the performance of official duties.
- 27 (4) A person going on railroad property in an emergency to rescue  
 28 a person or animal from harm's way or to remove an object that  
 29 the person reasonably believes poses an imminent threat to life or  
 30 limb.
- 31 (5) A person on the station grounds or in the depot of a railroad  
 32 carrier:
  - 33 (A) as a passenger; or
  - 34 (B) for the purpose of transacting lawful business.
- 35 (6) A:
  - 36 (A) person; or
  - 37 (B) person's:
    - 38 (i) family member;
    - 39 (ii) invitee;
    - 40 (iii) employee;
    - 41 (iv) agent; or
    - 42 (v) independent contractor;
- 43 going on a railroad's right-of-way for the purpose of crossing at a  
 44 private crossing site approved by the railroad carrier to obtain  
 45 access to land that the person owns, leases, or operates.
- 46 (7) A person having written permission from the railroad carrier



1 to go on specified railroad property.

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

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

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

8 SECTION 50. IC 35-44.1-2-3. AS AMENDED BY P.L.292-2013.  
9 SECTION 11, AND AS AMENDED BY P.L.158-2013, SECTION 503  
10 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) As used in this section,  
12 "consumer product" has the meaning set forth in IC 35-45-8-1.

13 (b) As used in this section. "misconduct" means a violation of a  
14 departmental rule or procedure of a law enforcement agency.

15 (c) A person who reports, by telephone, telegraph, mail, or other  
16 written or oral communication, that:

17 (1) the person or another person has placed or intends to place an  
18 explosive, a destructive device, or other destructive substance in  
19 a building or transportation facility;

20 (2) there has been or there will be tampering with a consumer  
21 product introduced into commerce; or

22 (3) there has been or will be placed or introduced a weapon of  
23 mass destruction in a building or a place of assembly;

24 knowing the report to be false, commits false reporting, a ~~Class D Level~~  
25 6 felony.

26 (d) A person who:

27 (1) gives a false report of the commission of a crime or gives false  
28 information in the official investigation of the commission of a  
29 crime, knowing the report or information to be false;

30 (2) gives a false alarm of fire to the fire department of a  
31 governmental entity, knowing the alarm to be false;

32 (3) makes a false request for ambulance service to an ambulance  
33 service provider, knowing the request to be false;

34 (4) gives a false report concerning a missing child (as defined in  
35 IC 10-13-5-4) or missing endangered adult (as defined in  
36 IC 12-7-2-131.3) or gives false information in the official  
37 investigation of a missing child or missing endangered adult  
38 knowing the report or information to be false;

39 (5) makes a complaint against a law enforcement officer to the  
40 state or municipality (as defined in IC 8-1-13-3(b)) that employs  
41 the officer:

42 (A) alleging the officer engaged in misconduct while  
43 performing the officer's duties; and

44 (B) knowing the complaint to be false; ~~or~~

45 (6) makes a false report of a missing person, knowing the report  
46 or information is false; ~~or~~



1           (7) gives a false report of actions, behavior, or conditions  
 2           concerning a septic tank soil absorption system under  
 3           IC 8-1-2-125 or IC 13-26-5-2.5 knowing the report or  
 4           information to be false;

5           commits false informing, a Class B misdemeanor. However, the offense  
 6           is a Class A misdemeanor if it substantially hinders any law  
 7           enforcement process or if it results in harm to ~~an innocent~~ another  
 8           person.

9           SECTION 51. IC 35-44.1-3-1. AS AMENDED BY P.L.172-2013.  
 10          SECTION 11, AND AS AMENDED BY P.L.158-2013. SECTION  
 11          509. IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 12          [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who knowingly or  
 13          intentionally:

14           (1) forcibly resists, obstructs, or interferes with a law enforcement  
 15           officer or a person assisting the officer while the officer is  
 16           lawfully engaged in the execution of the officer's duties;

17           (2) forcibly resists, obstructs, or interferes with the authorized  
 18           service or execution of a civil or criminal process or order of a  
 19           court; or

20           (3) flees from a law enforcement officer after the officer has, by  
 21           visible or audible means, including operation of the law  
 22           enforcement officer's siren or emergency lights, identified himself  
 23           or herself and ordered the person to stop;

24          commits resisting law enforcement, a Class A misdemeanor, except as  
 25          provided in subsection (b).

26          (b) The offense under subsection (a) is a:

27           (1) ~~Class D Level 6~~ felony if:

28           (A) the offense is described in subsection (a)(3) and the person  
 29           uses a vehicle to commit the offense; or

30           (B) while committing any offense described in subsection (a),  
 31           the person draws or uses a deadly weapon, inflicts bodily  
 32           injury on or otherwise causes bodily injury to another person,  
 33           or operates a vehicle in a manner that creates a substantial risk  
 34           of bodily injury to another person;

35           (2) ~~Class E Level 5~~ felony if, while committing any offense  
 36           described in subsection (a), the person operates a vehicle in a  
 37           manner that causes serious bodily injury to another person;

38           (3) ~~Class B Level 3~~ felony if, while committing any offense  
 39           described in subsection (a), the person operates a vehicle in a  
 40           manner that causes the death of another person; and

41           (4) ~~Class A Level 2~~ felony if, while committing any offense  
 42           described in subsection (a), the person operates a vehicle in a  
 43           manner that causes the death of a law enforcement officer while  
 44           the law enforcement officer is engaged in the officer's official  
 45           duties.

46          (c) For purposes of this section, a law enforcement officer includes



1 *an enforcement officer of the alcohol and tobacco commission and a*  
 2 *conservation officer of the department of natural resources.*

3 ~~(c)~~ (c) If a person uses a vehicle to commit a felony offense under  
 4 subsection (b)(1)(B), (b)(2), (b)(3), or (b)(4), as part of the criminal  
 5 penalty imposed for the offense, the court shall impose a minimum  
 6 executed sentence of at least:

7 (1) thirty (30) days, if the person does not have a prior unrelated  
 8 conviction under this section;

9 (2) one hundred eighty (180) days, if the person has one (1) prior  
 10 unrelated conviction under this section; or

11 (3) one (1) year, if the person has two (2) or more prior unrelated  
 12 convictions under this section.

13 ~~(d)~~ (d) Notwithstanding ~~IC 35-50-2-2~~ IC 35-50-2-2.2 and  
 14 IC 35-50-3-1, the mandatory minimum sentence imposed under  
 15 subsection ~~(c)~~ may not be suspended.

16 ~~(e)~~ (e) If a person is convicted of an offense involving the use of a  
 17 motor vehicle under:

18 (1) subsection (b)(1)(A), if the person exceeded the speed limit by  
 19 at least twenty (20) miles per hour while committing the offense;

20 (2) subsection (b)(2); or

21 (3) subsection (b)(3);

22 the court may notify the bureau of motor vehicles to suspend or revoke  
 23 the person's driver's license and all certificates of registration and  
 24 license plates issued or registered in the person's name in accordance  
 25 with IC 9-30-4-6(b)(3) for the period described in IC 9-30-4-6(d)(4) or  
 26 IC 9-30-4-6(d)(5). The court shall inform the bureau whether the  
 27 person has been sentenced to a term of incarceration. At the time of  
 28 conviction, the court may obtain the person's current driver's license  
 29 and return the license to the bureau of motor vehicles.

30 (f) *A person may not be charged or convicted of a crime under*  
 31 *subsection (a)(3) if the law enforcement officer is a school resource*  
 32 *officer acting in the officer's capacity as a school resource officer.*

33 SECTION 52. IC 35-44.1-3-5. AS AMENDED BY P.L.5-2013,  
 34 SECTION 1. AND AS AMENDED BY P.L.158-2013, SECTION 512,  
 35 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As used in this section,  
 37 "juvenile facility" means the following:

38 (1) A secure facility (as defined in IC 31-9-2-114) in which a  
 39 child is detained under IC 31 or used for a child awaiting  
 40 adjudication or adjudicated under IC 31 as a child in need of  
 41 services or a delinquent child.

42 (2) A shelter care facility (as defined in IC 31-9-2-117) in which  
 43 a child is detained under IC 31 or used for a child awaiting  
 44 adjudication or adjudicated under IC 31 as a child in need of  
 45 services or a delinquent child.

46 (b) ~~Except as provided in subsection (d):~~ A person who, without the



1 prior authorization of the person in charge of a penal facility or juvenile  
2 facility knowingly or intentionally:

3 (1) delivers, or carries into the penal facility or juvenile facility  
4 with intent to deliver, an article to an inmate or child of the  
5 facility;

6 (2) carries, or receives with intent to carry out of the penal facility  
7 or juvenile facility, an article from an inmate or child of the  
8 facility; or

9 (3) delivers, or carries to a worksite with the intent to deliver,  
10 alcoholic beverages to an inmate or child of a jail work crew or  
11 community work crew;

12 commits trafficking with an inmate, a Class A misdemeanor. *However,*  
13 *the offense is a ~~Class C~~ Level 5 felony under subdivision (1) or (2) if*  
14 *the article is a controlled substance, a deadly weapon, or a cellular*  
15 *telephone or other wireless or cellular communications device.*

16 (c) If:

17 (1) the person who committed the offense under subsection (b) is  
18 an employee of:

19 ~~(1) (A)~~ the department of correction; or

20 ~~(2) (B)~~ a penal facility;

21 and the article is a cigarette or tobacco product (as defined in  
22 IC 6-7-2-5), the court shall ~~impose a mandatory order the person~~  
23 ~~to pay a fine of at least five hundred dollars (\$500) and not more~~  
24 ~~than five thousand dollar dollars (\$5,000) fine~~ under  
25 IC 35-50-3-2, in addition to any term of imprisonment imposed  
26 under IC 35-50-3-2; or

27 (2) a person is convicted of committing a ~~Class C~~ Level 5 felony  
28 under subsection (b)(1) or (b)(2) because the article was a  
29 cellular telephone or other wireless or cellular communication  
30 device, the court shall order the person to pay a fine of at least  
31 five hundred dollars (\$500) and not more than ten thousand  
32 dollars (\$10,000) under IC 35-50-2-6(a) in addition to any term  
33 of imprisonment imposed on the person under IC 35-50-2-6(a).

34 (d) A person who without the prior authorization of the person in  
35 charge of a penal facility or juvenile facility, knowingly or  
36 intentionally possesses in, or carries or causes to be brought into, a  
37 penal facility or juvenile facility:

38 ~~(1) a controlled substance;~~

39 (1) is not an inmate of a penal facility or a child of a juvenile  
40 facility; and

41 (2) knowingly or intentionally possesses in, or carries or causes  
42 to be brought into, the penal facility or juvenile facility a deadly  
43 weapon without the prior authorization of the person in charge  
44 of the penal facility or juvenile facility; or

45 ~~(3) a cellular telephone or other wireless or cellular~~  
46 ~~communications device;~~



1 commits ~~a class D felony~~ trafficking with an inmate, a Level 5 felony.

2 SECTION 53. IC 35-45-2-1. AS AMENDED BY P.L.123-2013.  
 3 SECTION 3. AND AS AMENDED BY P.L.158-2013, SECTION 523,  
 4 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who communicates  
 6 a threat to another person, with the intent:

7 (1) that the other person engage in conduct against the other  
 8 person's will:

9 (2) that the other person be placed in fear of retaliation for a prior  
 10 lawful act: or

11 (3) of:

12 (A) causing:

13 ~~(A)~~ (i) a dwelling, ~~a~~ building, or ~~another~~ other structure; or

14 ~~(B)~~ (ii) a vehicle;

15 to be evacuated; or

16 (B) interfering with the occupancy of:

17 (i) a dwelling, building, or other structure; or

18 (ii) a vehicle;

19 commits intimidation, a Class A misdemeanor.

20 (b) However, the offense is a:

21 (1) ~~Class D Level 6~~ felony if:

22 (A) the threat is to commit a forcible felony;

23 (B) the person to whom the threat is communicated:

24 (i) is a law enforcement officer;

25 ~~(ii) is a judge or bailiff of any court;~~

26 ~~(iii)~~ (ii) is a witness (or the spouse or child of a witness) in  
 27 any pending criminal proceeding against the person making  
 28 the threat:

29 ~~(iv)~~ (iii) is an employee of a school or school corporation;

30 ~~(v)~~ (iv) is a community policing volunteer;

31 ~~(vi)~~ (v) is an employee of a court;

32 ~~(vii)~~ (vi) is an employee of a probation department; ~~or~~

33 ~~(viii)~~ (vii) is an employee of a community corrections  
 34 program:

35 (viii) is an employee of a hospital, church, or religious  
 36 organization; or

37 (ix) is a person that owns a building or structure that is  
 38 open to the public or is an employee of the person;

39 and, except as provided in item (ii), the threat is  
 40 communicated to the person because of the occupation,  
 41 profession, employment status, or ownership status of the  
 42 person as described in items (i) through (ix) or based on an  
 43 act taken by the person within the scope of the occupation,  
 44 profession, employment status, or ownership status of the  
 45 person;

46 (C) the person has a prior unrelated conviction for an offense



- 1 under this section concerning the same victim; or  
 2 (D) the threat is communicated using property, including  
 3 electronic equipment or systems, of a school corporation or  
 4 other governmental entity; and  
 5 (2) ~~Class C~~ Level 5 felony if:  
 6 (A) while committing it, the person draws or uses a deadly  
 7 weapon; or  
 8 (B) the person to whom the threat is communicated:  
 9 (i) is a judge or bailiff of any court; or  
 10 (ii) is a prosecuting attorney or a deputy prosecuting  
 11 attorney.  
 12 (c) "Communicates" includes posting a message electronically,  
 13 including on a social networking web site (as defined in  
 14 IC 35-42-4-12(d)).  
 15 ~~(c)~~ (d) "Threat" means an expression, by words or action, of an  
 16 intention to:  
 17 (1) unlawfully injure the person threatened or another person, or  
 18 damage property;  
 19 (2) unlawfully subject a person to physical confinement or  
 20 restraint;  
 21 (3) commit a crime;  
 22 (4) unlawfully withhold official action, or cause such withholding;  
 23 (5) unlawfully withhold testimony or information with respect to  
 24 another person's legal claim or defense, except for a reasonable  
 25 claim for witness fees or expenses;  
 26 (6) expose the person threatened to hatred, contempt, disgrace, or  
 27 ridicule;  
 28 (7) falsely harm the credit or business reputation of the person  
 29 threatened; or  
 30 (8) cause the evacuation of a dwelling, a building, another  
 31 structure, or a vehicle.  
 32 SECTION 54, IC 35-45-6-1, AS AMENDED BY P.L.196-2013,  
 33 SECTION 18, AND AS AMENDED BY P.L.158-2013, SECTION  
 34 534, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The definitions in this section  
 36 apply throughout this chapter.  
 37 (b) "Documentary material" means any document, drawing,  
 38 photograph, recording, or other tangible item containing compiled data  
 39 from which information can be either obtained or translated into a  
 40 usable form.  
 41 (c) "Enterprise" means:  
 42 (1) a sole proprietorship, corporation, limited liability company,  
 43 partnership, business trust, or governmental entity; or  
 44 (2) a union, an association, or a group, whether a legal entity or  
 45 merely associated in fact.  
 46 (d) "Pattern of racketeering activity" means engaging in at least two



1 (2) incidents of racketeering activity that have the same or similar  
 2 intent, result, accomplice, victim, or method of commission, or that are  
 3 otherwise interrelated by distinguishing characteristics that are not  
 4 isolated incidents. However, the incidents are a pattern of racketeering  
 5 activity only if at least one (1) of the incidents occurred after August  
 6 31, 1980, and if the last of the incidents occurred within five (5) years  
 7 after a prior incident of racketeering activity.

8 (e) "Racketeering activity" means to commit, to attempt to commit,  
 9 to conspire to commit a violation of, or aiding and abetting in a  
 10 violation of any of the following:

- 11 (1) A provision of IC 23-19, or of a rule or order issued under  
 12 IC 23-19.
- 13 (2) A violation of IC 35-45-9.
- 14 (3) A violation of IC 35-47.
- 15 (4) A violation of IC 35-49-3.
- 16 (5) Murder (IC 35-42-1-1).
- 17 (6) Battery as a Class C *felony before July 1, 2014, or a Level 5*  
 18 *felony after June 30, 2014* (IC 35-42-2-1).
- 19 (7) Kidnapping (IC 35-42-3-2).
- 20 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
- 21 (9) Child exploitation (IC 35-42-4-4).
- 22 (10) Robbery (IC 35-42-5-1).
- 23 (11) Carjacking (IC 35-42-5-2) ~~(repeated)~~: **(before its repeal)**.
- 24 (12) Arson (IC 35-43-1-1).
- 25 (13) Burglary (IC 35-43-2-1).
- 26 (14) Theft (IC 35-43-4-2).
- 27 (15) Receiving stolen property (IC 35-43-4-2).
- 28 (16) Forgery (IC 35-43-5-2).
- 29 (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
- 30 (18) Bribery (IC 35-44.1-1-2).
- 31 (19) Official misconduct (IC 35-44.1-1-1).
- 32 (20) Conflict of interest (IC 35-44.1-1-4).
- 33 (21) Perjury (IC 35-44.1-2-1).
- 34 (22) Obstruction of justice (IC 35-44.1-2-2).
- 35 (23) Intimidation (IC 35-45-2-1).
- 36 (24) Promoting prostitution (IC 35-45-4-4).
- 37 (25) Professional gambling (IC 35-45-5-3).
- 38 (26) Maintaining a professional gambling site  
 39 (IC 35-45-5-3.5(b)).
- 40 (27) Promoting professional gambling (IC 35-45-5-4).
- 41 (28) Dealing in or manufacturing cocaine or a narcotic drug  
 42 (IC 35-48-4-1).
- 43 (29) Dealing in or manufacturing methamphetamine  
 44 (IC 35-48-4-1.1).
- 45 (30) Dealing in a schedule I, II, or III controlled substance  
 46 (IC 35-48-4-2).



- 1 (31) Dealing in a schedule IV controlled substance  
 2 (IC 35-48-4-3).  
 3 (32) Dealing in a schedule V controlled substance (IC 35-48-4-4).  
 4 (33) Dealing in marijuana, hash oil, hashish, ~~or~~ salvia ~~or~~ a  
 5 ~~synthetic cannabinoid~~ (IC 35-48-4-10).  
 6 (34) Money laundering (IC 35-45-15-5).  
 7 (35) A violation of IC 35-47.5-5.  
 8 (36) A violation of any of the following:  
 9 (A) IC 23-14-48-9.  
 10 (B) IC 30-2-9-7(b).  
 11 (C) IC 30-2-10-9(b).  
 12 (D) IC 30-2-13-38(f).  
 13 (37) Practice of law by a person who is not an attorney  
 14 (IC 33-43-2-1).  
 15 (38) *Dealing in a synthetic drug or synthetic drug lookalike*  
 16 *substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its*  
 17 *amendment in 2013).*  
 18 SECTION 55. IC 35-46-1-4, AS AMENDED BY P.L.193-2013,  
 19 SECTION 6, AND AS AMENDED BY P.L.158-2013, SECTION 550.  
 20 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 21 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person having the care of  
 22 a dependent, whether assumed voluntarily or because of a legal  
 23 obligation, who knowingly or intentionally:  
 24 (1) places the dependent in a situation that endangers the  
 25 dependent's life or health;  
 26 (2) abandons or cruelly confines the dependent;  
 27 (3) deprives the dependent of necessary support; or  
 28 (4) deprives the dependent of education as required by law;  
 29 commits neglect of a dependent, a ~~Class D~~ Level 6 felony.  
 30 (b) However, the offense is:  
 31 (1) a ~~Class E~~ Level 5 felony if it is committed under subsection  
 32 (a)(1), (a)(2), or (a)(3) and:  
 33 (A) results in bodily injury; or  
 34 (B) is:  
 35 (i) committed in a location where a person is violating  
 36 IC 35-48-4-1 ~~delivery, financing, or manufacture of~~  
 37 ~~(dealing in cocaine or a narcotic drug) or IC 35-48-4-1.1~~  
 38 ~~delivery, financing, or manufacture of (dealing in~~  
 39 ~~methamphetamine): or~~  
 40 (ii) the result of a violation of IC 35-48-4-1 ~~delivery,~~  
 41 ~~financing, or manufacture of~~ (dealing in cocaine or a  
 42 narcotic drug) ~~or IC 35-48-4-1.1 delivery, financing, or~~  
 43 ~~manufacture of (dealing in methamphetamine):~~  
 44 (2) a ~~Class B~~ Level 3 felony if it is committed under subsection  
 45 (a)(1), (a)(2), or (a)(3) and results in serious bodily injury;  
 46 (3) a ~~Class A~~ Level 1 felony if it is committed under subsection



1 (a)(1), (a)(2), or (a)(3) by a person at least eighteen (18) years of  
 2 age and results in the death of a dependent who is less than  
 3 fourteen (14) years of age; and

4 (4) a ~~Class C~~ *Level 5* felony if it is committed under subsection  
 5 (a)(2) and consists of cruel confinement or abandonment that:

6 (A) deprives a dependent of necessary food, water, or sanitary  
 7 facilities;

8 (B) consists of confinement in an area not intended for human  
 9 habitation; or

10 (C) involves the unlawful use of handcuffs, a rope, a cord,  
 11 tape, or a similar device to physically restrain a dependent.

12 (c) It is a defense to a prosecution based on an alleged act under this  
 13 section that:

14 (1) the accused person left a dependent child who was, at the time  
 15 the alleged act occurred, not more than thirty (30) days of age  
 16 with an emergency medical provider who took custody of the  
 17 child under IC 31-34-2.5 when:

18 (A) the prosecution is based solely on the alleged act of  
 19 leaving the child with the emergency medical services  
 20 provider; and

21 (B) the alleged act did not result in bodily injury or serious  
 22 bodily injury to the child; or

23 (2) the accused person, in the legitimate practice of the accused  
 24 person's religious belief, provided treatment by spiritual means  
 25 through prayer, in lieu of medical care, to the accused person's  
 26 dependent.

27 (d) Except for property transferred or received:

28 (1) under a court order made in connection with a proceeding  
 29 under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5  
 30 or IC 31-6-5 before their repeal); or

31 (2) under section 9(b) of this chapter;

32 a person who transfers or receives any property in consideration for the  
 33 termination of the care, custody, or control of a person's dependent  
 34 child commits child selling, a ~~Class D~~ *Level 6* felony.

35 SECTION 56, IC 35-46-3-11, AS AMENDED BY P.L.161-2013,  
 36 SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 563,  
 37 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person who knowingly or  
 39 intentionally:

40 (1) strikes, torments, injures, or otherwise mistreats a law  
 41 enforcement animal; or

42 (2) interferes with the actions of a law enforcement animal while  
 43 the animal is engaged in assisting a law enforcement officer in the  
 44 performance of the officer's duties;

45 commits a Class A misdemeanor.

46 (b) An offense under subsection (a)(1) is a ~~Class D~~ *Level 6* felony



1 if the act results in:

- 2 (1) serious permanent disfigurement;  
 3 (2) unconsciousness;  
 4 (3) permanent or protracted loss or impairment of the function of  
 5 a bodily member or organ; or  
 6 (4) death;

7 of the law enforcement animal.

8 (c) It is a defense that the accused person:

- 9 (1) engaged in a reasonable act of training, handling, or  
 10 discipline; and  
 11 (2) acted as an employee or agent of a law enforcement agency.

12 (d) In addition to any sentence or fine imposed for a conviction of  
 13 an offense under this section, the court:

- 14 (1) may order the person convicted to make restitution to the  
 15 person or law enforcement agency owning the animal for  
 16 reimbursement of ~~(H)~~ veterinary bills; and  
 17 (2) shall order the person convicted to make restitution to the  
 18 person or law enforcement agency owning the animal for  
 19 reimbursement of ~~replacement costs of the animal~~ the cost of  
 20 replacing the animal, which may include the cost of training the  
 21 animal, if the animal is permanently disabled or killed.

22 SECTION 57. IC 35-47-4-5, AS AMENDED BY P.L.158-2013.  
 23 SECTION 590. AND AS AMENDED BY P.L.214-2013. SECTION  
 24 40. IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 25 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As used in this section,  
 26 "serious violent felon" means a person who has been convicted of:

27 (1) committing a serious violent felony in:

- 28 (A) Indiana; or  
 29 (B) any other jurisdiction in which the elements of the crime  
 30 for which the conviction was entered are substantially similar  
 31 to the elements of a serious violent felony; or

32 (2) attempting to commit or conspiring to commit a serious  
 33 violent felony in:

- 34 (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2;  
 35 or  
 36 (B) any other jurisdiction in which the elements of the crime  
 37 for which the conviction was entered are substantially similar  
 38 to the elements of attempting to commit or conspiring to  
 39 commit a serious violent felony.

40 (b) As used in this section, "serious violent felony" means:

- 41 (1) murder (IC 35-42-1-1);  
 42 (2) voluntary manslaughter (IC 35-42-1-3);  
 43 (3) reckless homicide not committed by means of a vehicle  
 44 (IC 35-42-1-5);  
 45 (4) battery (IC 35-42-2-1) as a:  
 46 (A) Class A felony, ~~(IC 35-42-2-1(a)(5))~~; Class B felony, or



- 1                   Class C felony, for a crime committed before July 1, 2014; or  
 2                   (B) ~~Class B felony~~ ~~(IC 35-42-2-1(a)(4))~~; or Level 2 felony;  
 3                   Level 3 felony, Level 4 felony, or Level 5 felony, for a crime  
 4                   committed after June 30, 2014;  
 5                   ~~(C) Class C felony~~ ~~(IC 35-42-2-1(a)(3))~~;  
 6                   (5) aggravated battery (IC 35-42-2-1.5);  
 7                   (6) kidnapping (IC 35-42-3-2);  
 8                   (7) criminal confinement (IC 35-42-3-3);  
 9                   (8) rape (IC 35-42-4-1);  
 10                   (9) criminal deviate conduct (IC 35-42-4-2) ~~(repealed)~~; **(before**  
 11                   **its repeal)**;  
 12                   (10) child molesting (IC 35-42-4-3);  
 13                   (11) sexual battery (IC 35-42-4-8) as a:  
 14                   (A) Class C felony, ~~(IC 35-42-4-8)~~ for a crime committed  
 15                   before July 1, 2014; or  
 16                   (B) Level 5 felony, for a crime committed after June 30, 2014;  
 17                   (12) robbery (IC 35-42-5-1);  
 18                   (13) carjacking (IC 35-42-5-2) ~~(repealed)~~; **(before its repeal)**;  
 19                   (14) arson (IC 35-43-1-1(a)) as a:  
 20                   (A) Class A felony or Class B felony, ~~(IC 35-43-1-1(a))~~; for a  
 21                   crime committed before July 1, 2014; or  
 22                   (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a  
 23                   crime committed after June 30, 2014;  
 24                   (15) burglary (IC 35-43-2-1) as a:  
 25                   (A) Class A felony or Class B felony, ~~(IC 35-43-2-1)~~; for a  
 26                   crime committed before July 1, 2014; or  
 27                   (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4  
 28                   felony, for a crime committed after June 30, 2014;  
 29                   (16) assisting a criminal (IC 35-44.1-2-5) as a:  
 30                   (A) Class C felony, ~~(IC 35-44.1-2-5)~~; for a crime committed  
 31                   before July 1, 2014; or  
 32                   (B) Level 5 felony, for a crime committed after June 30, 2014;  
 33                   (17) resisting law enforcement (IC 35-44.1-3-1) as a:  
 34                   (A) Class B felony or Class C felony, ~~(IC 35-44.1-3-1)~~; for a  
 35                   crime committed before July 1, 2014; or  
 36                   (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a  
 37                   crime committed after June 30, 2014;  
 38                   (18) escape (IC 35-44.1-3-4) as a:  
 39                   (A) Class B felony or Class C felony, ~~(IC 35-44.1-3-4)~~; for a  
 40                   crime committed before July 1, 2014; or  
 41                   (B) Level 4 felony or Level 5 felony, for a crime committed  
 42                   after June 30, 2014;  
 43                   (19) trafficking with an inmate (IC 35-44.1-3-5) as a:  
 44                   (A) Class C felony, ~~(IC 35-44.1-3-5)~~; for a crime committed  
 45                   before July 1, 2014; or  
 46                   (B) Level 5 felony, for a crime committed after June 30, 2014;



- 1 (20) criminal gang intimidation (IC 35-45-9-4);  
 2 (21) stalking (*IC 35-45-10-5*) as a:  
 3 (A) Class B felony or Class C felony, ~~(IC 35-45-10-5)~~; for a  
 4 crime committed before July 1, 2014; or  
 5 (B) Level 4 felony or Level 5 felony, for a crime committed  
 6 after June 30, 2014;  
 7 (22) incest (IC 35-46-1-3);  
 8 (23) dealing in or manufacturing cocaine or a narcotic drug  
 9 (IC 35-48-4-1);  
 10 (24) dealing in methamphetamine (IC 35-48-4-1.1);  
 11 (25) dealing in a schedule I, II, or III controlled substance  
 12 (IC 35-48-4-2);  
 13 (26) dealing in a schedule IV controlled substance (IC 35-48-4-3);  
 14 or  
 15 (27) dealing in a schedule V controlled substance (IC 35-48-4-4).  
 16 (c) A serious violent felon who knowingly or intentionally possesses  
 17 a firearm commits unlawful possession of a firearm by a serious violent  
 18 felon, a ~~Class B~~ Level 4 felony.  
 19 SECTION 58. IC 35-47-9-2, AS AMENDED BY P.L.172-2013.  
 20 SECTION 13, AND AS AMENDED BY P.L.158-2013. SECTION  
 21 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who *knowingly or*  
 23 *intentionally* possesses a firearm:  
 24 (1) in or on school property; or  
 25 ~~(2) in or on property that is being used by a school for a school~~  
 26 ~~function; or~~  
 27 ~~(3) (2) on a school bus;~~  
 28 commits a ~~Class D~~ Level 6 felony.  
 29 SECTION 59. IC 35-48-4-10, AS AMENDED BY P.L.196-2013.  
 30 SECTION 21, AND AS AMENDED BY P.L.158-2013, SECTION  
 31 637, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 32 [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A person who:  
 33 (1) knowingly or intentionally:  
 34 (A) manufactures;  
 35 (B) finances the manufacture of;  
 36 (C) delivers; or  
 37 (D) finances the delivery of;  
 38 marijuana, hash oil, hashish, or salvia, ~~or a synthetic drug~~; pure  
 39 or adulterated; or  
 40 (2) possesses, with intent to:  
 41 (A) manufacture;  
 42 (B) finance the manufacture of;  
 43 (C) deliver; or  
 44 (D) finance the delivery of;  
 45 marijuana, hash oil, hashish, or salvia, ~~or a synthetic drug~~; pure  
 46 or adulterated;



1 commits dealing in marijuana, hash oil, hashish, or salvia, or a  
 2 synthetic drug; a Class A misdemeanor, except as provided in  
 3 subsection subsections (b) through (c).

4 (b) The offense is:

5 (1) a Class D felony if:

6 (A) the recipient or intended recipient is under eighteen (18)  
 7 years of age;

8 (B) the amount involved is:

9 (i) more than thirty (30) grams but less than ten (10) pounds  
 10 of marijuana or more than two (2) grams but less than three  
 11 hundred (300) grams of hash oil, hashish, or salvia; or  
 12 (ii) more than two (2) grams of a synthetic drug; or

13 (C) the person has a prior conviction of an offense involving  
 14 marijuana, hash oil, hashish, salvia, or a synthetic drug; and

15 (2) a Class E felony if:

16 (A) the amount involved is ten (10) pounds or more of  
 17 marijuana or three hundred (300) or more grams of hash oil,  
 18 hashish, or salvia; or the person delivered or financed the  
 19 delivery of marijuana, hash oil, hashish, or salvia:

20 (i) on a school bus; or

21 (ii) in, on, or within one thousand (1,000) feet of, school  
 22 property, a public park, a family housing complex, or a  
 23 youth program center; or

24 (B) the amount involved is more than two (2) grams of a  
 25 synthetic drug and the person delivered or financed the  
 26 delivery of the synthetic drug:

27 (i) on a school bus; or

28 (ii) in, on, or within one thousand (1,000) feet of school  
 29 property, a public park, a family housing complex, or a  
 30 youth program center.

31 (b) The offense is a Level 6 felony if:

32 (1) the person has a prior conviction for a drug offense and the  
 33 amount of the drug involved is:

34 (A) less than thirty (30) grams of marijuana; or

35 (B) less than two (2) grams of hash oil, hashish, or salvia; or  
 36 a synthetic drug; or

37 (2) the amount of the drug involved is:

38 (A) at least thirty (30) grams but less than ten (10) pounds of  
 39 marijuana; or

40 (B) at least two (2) grams but less than three hundred (300)  
 41 grams of hash oil, hashish, or salvia, or a synthetic drug.

42 (c) The offense is a Level 5 felony if:

43 (1) the person has a prior conviction for a drug dealing offense  
 44 and the amount of the drug involved is:

45 (A) at least thirty (30) grams but less than ten (10) pounds of  
 46 marijuana; or



1                   (B) at least two (2) grams but less than three hundred (300)  
2                   grams of hash oil, hashish, ~~or salvia; or a synthetic drug;~~ or  
3                   (2) the:

4                   (A) amount of the drug involved is:

5                   (i) at least ten (10) pounds of marijuana; or

6                   (ii) at least three hundred (300) grams of hash oil, hashish,

7                   ~~or salvia; or a synthetic drug;~~ or

8                   (B) offense involved a sale to a minor.

9                   SECTION 60. IC 35-48-4-11, AS AMENDED BY P.L.196-2013.  
10                  SECTION 23. AND AS AMENDED BY P.L.158-2013, SECTION  
11                  638. IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
12                  [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person who:

13                  (1) knowingly or intentionally possesses (pure or adulterated)  
14                  marijuana, hash oil, hashish, ~~or salvia; or a synthetic drug;~~

15                  (2) knowingly or intentionally grows or cultivates marijuana; or

16                  (3) knowing that marijuana is growing on the person's premises,  
17                  fails to destroy the marijuana plants;

18                  commits possession of marijuana, hash oil, hashish, ~~or salvia, or a~~  
19                  ~~synthetic drug;~~ a ~~Class A Class B~~ misdemeanor, ~~except as provided in~~  
20                  ~~subsections (b) through (c). However, the offense is a Class D felony~~  
21                  ~~if the amount involved is more than thirty (30) grams of marijuana or~~  
22                  ~~two (2) grams of hash oil, hashish, or salvia, or a synthetic drug; or if~~  
23                  ~~the person has a prior conviction of an offense involving marijuana,~~  
24                  ~~hash oil, or hashish, or salvia, or a synthetic drug.~~

25                  (b) The offense described in subsection (a) is a Class A  
26                  misdemeanor if the person has a prior conviction for a drug offense.

27                  (c) The offense described in subsection (a) is a Level 6 felony if:

28                  (1) the person has a prior conviction for a drug offense; and

29                  (2) the person possesses:

30                  (A) at least thirty (30) grams of marijuana; or

31                  (B) at least two (2) grams of hash oil, hashish, ~~or salvia, or a~~  
32                  ~~synthetic drug.~~

33                  SECTION 61. IC 35-48-4-12, AS AMENDED BY P.L.196-2013.  
34                  SECTION 25, AND AS AMENDED BY P.L.158-2013. SECTION  
35                  639. IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
36                  [EFFECTIVE JULY 1, 2014]: Sec. 12. If a person who has no prior  
37                  conviction of an offense under this article or under a law of another  
38                  jurisdiction relating to controlled substances pleads guilty to possession  
39                  of marijuana, hashish, salvia, or a synthetic drug ~~or a synthetic drug~~  
40                  ~~lookalike substance~~ as a ~~Class A~~ misdemeanor, the court, without  
41                  entering a judgment of conviction and with the consent of the person,  
42                  may defer further proceedings and place the person in the custody of  
43                  the court under ~~such~~ conditions ~~as determined by the court.~~ ~~determines:~~  
44                  Upon violation of a condition of the custody, the court may enter a  
45                  judgment of conviction. However, if the person fulfills the conditions  
46                  of the custody, the court shall dismiss the charges against the person.



1 There may be only one (1) dismissal under this section with respect to  
2 a person.

3 SECTION 62. IC 35-48-4-14.5. AS AMENDED BY P.L.193-2013.  
4 SECTION 7. AND AS AMENDED BY P.L.158-2013, SECTION 643.  
5 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2014]: Sec. 14.5. (a) As used in this section.  
7 "chemical reagents or precursors" refers to one (1) or more of the  
8 following:

- 9 (1) Ephedrine.
- 10 (2) Pseudoephedrine.
- 11 (3) Phenylpropanolamine.
- 12 (4) The salts, isomers, and salts of isomers of a substance  
13 identified in subdivisions (1) through (3).
- 14 (5) Anhydrous ammonia or ammonia solution (as defined in  
15 IC 22-11-20-1).
- 16 (6) Organic solvents.
- 17 (7) Hydrochloric acid.
- 18 (8) Lithium metal.
- 19 (9) Sodium metal.
- 20 (10) Ether.
- 21 (11) Sulfuric acid.
- 22 (12) Red phosphorous.
- 23 (13) Iodine.
- 24 (14) Sodium hydroxide (lye).
- 25 (15) Potassium dichromate.
- 26 (16) Sodium dichromate.
- 27 (17) Potassium permanganate.
- 28 (18) Chromium trioxide.
- 29 (19) Benzyl cyanide.
- 30 (20) Phenylacetic acid and its esters or salts.
- 31 (21) Piperidine and its salts.
- 32 (22) Methylamine and its salts.
- 33 (23) Isosafrole.
- 34 (24) Safrole.
- 35 (25) Piperonal.
- 36 (26) Hydriodic acid.
- 37 (27) Benzaldehyde.
- 38 (28) Nitroethane.
- 39 (29) Gamma-butyrolactone.
- 40 (30) White phosphorus.
- 41 (31) Hypophosphorous acid and its salts.
- 42 (32) Acetic anhydride.
- 43 (33) Benzyl chloride.
- 44 (34) Ammonium nitrate.
- 45 (35) Ammonium sulfate.
- 46 (36) Hydrogen peroxide.



1 (37) Thionyl chloride.

2 (38) Ethyl acetate.

3 (39) Pseudoephedrine hydrochloride.

4 (b) A person who possesses more than ten (10) grams of ephedrine,  
5 pseudoephedrine, or phenylpropanolamine, pure or adulterated,  
6 commits a ~~Class D~~ Level 6 felony. However, the offense is a ~~Class C~~  
7 Level 5 felony if the person possessed:

8 (1) a firearm while possessing more than ten (10) grams of  
9 ephedrine, pseudoephedrine, or phenylpropanolamine, pure or  
10 adulterated; or

11 (2) more than ten (10) grams of ephedrine, pseudoephedrine, or  
12 phenylpropanolamine, pure or adulterated, in, on, or within ~~one~~  
13 ~~thousand (1,000)~~ five hundred (500) feet of:

14 (A) school property while a person under eighteen (18) years  
15 of age was reasonably expected to be present; or

16 (B) a public park while a person under eighteen (18) years of  
17 age was reasonably expected to be present.

18 ~~(C) a family housing complex; or~~

19 ~~(D) a youth program center.~~

20 (c) A person who possesses anhydrous ammonia or ammonia  
21 solution (as defined in IC 22-11-20-1) with the intent to manufacture  
22 methamphetamine or amphetamine, schedule II controlled substances  
23 under IC 35-48-2-6, commits a ~~Class D~~ Level 6 felony. However, the  
24 offense is a ~~Class C~~ Level 5 felony if the person possessed:

25 (1) a firearm while possessing anhydrous ammonia or ammonia  
26 solution (as defined in IC 22-11-20-1) with intent to manufacture  
27 methamphetamine or amphetamine, schedule II controlled  
28 substances under IC 35-48-2-6; or

29 (2) anhydrous ammonia or ammonia solution (as defined in  
30 IC 22-11-20-1) with intent to manufacture methamphetamine or  
31 amphetamine, schedule II controlled substances under  
32 IC 35-48-2-6, in, on, or within ~~one thousand (1,000)~~ five hundred  
33 (500) feet of:

34 (A) school property while a person under eighteen (18) years  
35 of age was reasonably expected to be present; or

36 (B) a public park while a person under eighteen (18) years of  
37 age was reasonably expected to be present.

38 ~~(C) a family housing complex; or~~

39 ~~(D) a youth program center.~~

40 (d) Subsection (b) does not apply to a:

41 (1) licensed health care provider, pharmacist, retail distributor,  
42 wholesaler, manufacturer, warehouseman, or common carrier or  
43 an agent of any of these persons if the possession is in the regular  
44 course of lawful business activities; or

45 (2) person who possesses more than ten (10) grams of a substance  
46 described in subsection (b) if the substance is possessed under



1 circumstances consistent with typical medicinal or household use.  
2 including:

- 3 (A) the location in which the substance is stored:  
4 (B) the possession of the substance in a variety of:  
5 (i) strengths:  
6 (ii) brands; or  
7 (iii) types: or  
8 (C) the possession of the substance:  
9 (i) with different expiration dates; or  
10 (ii) in forms used for different purposes.

11 (c) A person who possesses two (2) or more chemical reagents or  
12 precursors with the intent to manufacture a controlled substance  
13 commits a ~~Class D~~ Level 6 felony.

14 (f) An offense under subsection (c) is a ~~Class D~~ Level 5 felony if the  
15 person possessed:

- 16 (1) a firearm while possessing two (2) or more chemical reagents  
17 or precursors with intent to manufacture a controlled substance;  
18 or  
19 (2) two (2) or more chemical reagents or precursors with intent to  
20 manufacture a controlled substance in, on, or within ~~one thousand~~  
21 ~~(1,000)~~ five hundred (500) fct of:

- 22 (A) school property while a person under eighteen (18) years  
23 of age was reasonably expected to be present; or  
24 (B) a public park while a person under eighteen (18) years of  
25 age was reasonably expected to be present.  
26 ~~(C) a family housing complex; or~~  
27 ~~(D) a youth program center.~~

28 (g) A person who sells, transfers, distributes, or furnishes a chemical  
29 reagent or precursor to another person with knowledge or the intent that  
30 the recipient will use the chemical reagent or precursors to manufacture  
31 a controlled substance commits unlawful sale of a precursor, a ~~Class D~~  
32 Level 6 felony. However, the offense is a ~~Class D~~ Level 5 felony if the  
33 person sells, transfers, distributes, or furnishes more than ten (10)  
34 grams of ephedrine, pseudoephedrine, or phenylpropanolamine.

35 (h) This subsection does not apply to a drug containing ephedrine,  
36 pseudoephedrine, or phenylpropanolamine that is dispensed under a  
37 prescription. A person who:

- 38 (1) has been convicted of:  
39 (A) dealing in methamphetamine (IC 35-48-4-1.1);  
40 (B) possession of more than ten (10) grams of ephedrine,  
41 pseudoephedrine, or phenylpropanolamine (subsection (b));  
42 (C) possession of anhydrous ammonia or ammonia solution  
43 (as defined in IC 22-11-20-1) with intent to manufacture  
44 methamphetamine or amphetamine (subsection (c));  
45 (D) possession of two (2) or more chemical reagents or  
46 precursors with the intent to manufacture a controlled



1                   substance (subsection (e)); or  
 2                   (E) unlawful sale of a precursor (subsection (g)); and  
 3                   (2) not later than seven (7) years from the date the person was  
 4                   sentenced for the offense:

5                   knowingly or intentionally possesses ephedrine, pseudoephedrine, or  
 6                   phenylpropanolamine, pure or adulterated, commits possession of a  
 7                   precursor by a methamphetamine offender, a ~~Class D~~ **Level 6** felony.

8                   SECTION 63. IC 35-49-3-1, AS AMENDED BY P.L.214-2013,  
 9                   SECTION 41, AND AS AMENDED BY P.L.158-2013, SECTION  
 10                  646. IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 11                  [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who knowingly or  
 12                  intentionally:

13                  (1) sends or brings into Indiana obscene matter for sale or  
 14                  distribution; or

15                  (2) offers to distribute, distributes, or exhibits to another person  
 16                  obscene matter;

17                  commits a Class A misdemeanor. However, the offense is a ~~Class D~~  
 18                  Level 6 felony if the obscene matter depicts or describes sexual conduct  
 19                  involving any person who is or appears to be under ~~sixteen (16)~~  
 20                  eighteen (18) years of age.

21                  SECTION 64. IC 35-49-3-2, AS AMENDED BY P.L.214-2013,  
 22                  SECTION 42, AND AS AMENDED BY P.L.158-2013, SECTION  
 23                  647, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 24                  [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who knowingly or  
 25                  intentionally engages in, participates in, manages, produces, sponsors,  
 26                  presents, exhibits, photographs, films, or videotapes any obscene  
 27                  performance commits a Class A misdemeanor. However, the offense  
 28                  is a ~~Class D~~ Level 6 felony if the obscene performance depicts or  
 29                  describes sexual conduct involving any person who is or appears to be  
 30                  under ~~sixteen (16)~~ eighteen (18) years of age.

31                  SECTION 65. IC 35-50-1-2, AS AMENDED BY P.L.214-2013,  
 32                  SECTION 43, AND AS AMENDED BY P.L.158-2013, SECTION  
 33                  650, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 34                  [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) As used in this section,  
 35                  "crime of violence" means the following:

36                  (1) Murder (IC 35-42-1-1).

37                  (2) Attempted murder (IC 35-41-5-1).

38                  (3) Voluntary manslaughter (IC 35-42-1-3).

39                  (4) Involuntary manslaughter (IC 35-42-1-4).

40                  (5) Reckless homicide (IC 35-42-1-5).

41                  (6) Aggravated battery (IC 35-42-2-1.5).

42                  (7) Kidnapping (IC 35-42-3-2).

43                  (8) Rape (IC 35-42-4-1).

44                  (9) Criminal deviate conduct (IC 35-42-4-2) ~~(before its repeal on~~  
 45                  ~~July 1, 2014) (repealed): (before its repeal).~~

46                  (10) Child molesting (IC 35-42-4-3).



1 (11) Sexual misconduct with a minor as a ~~Class A~~ *Level 1* felony  
 2 under IC 35-42-4-9(a)(2) or a ~~Class B~~ *Level 2* felony under  
 3 IC 35-42-4-9(b)(2).

4 (12) Robbery as a ~~Class A~~ *Level 2* felony or a ~~Class B~~ *Level 3*  
 5 felony (IC 35-42-5-1).

6 (13) Burglary as a ~~Class A~~ **Level 1** felony, *Level 2* felony, *Level*  
 7 *3* felony, or ~~Class B~~ *Level 4* felony (IC 35-43-2-1).

8 (14) Operating a vehicle while intoxicated causing death  
 9 (IC 9-30-5-5).

10 (15) Operating a vehicle while intoxicated causing serious bodily  
 11 injury to another person (IC 9-30-5-4).

12 (16) Resisting law enforcement as a felony (~~IC 35-44-3-3~~;  
 13 IC 35-44.1-3-1).

14 (b) As used in this section, "episode of criminal conduct" means  
 15 offenses or a connected series of offenses that are closely related in  
 16 time, place, and circumstance.

17 (c) Except as provided in subsection (d) or (e), the court shall  
 18 determine whether terms of imprisonment shall be served concurrently  
 19 or consecutively. The court may consider the:

20 (1) aggravating circumstances in IC 35-38-1-7.1(a); and

21 (2) mitigating circumstances in IC 35-38-1-7.1(b);

22 in making a determination under this subsection. The court may order  
 23 terms of imprisonment to be served consecutively even if the sentences  
 24 are not imposed at the same time. However, except for crimes of  
 25 violence, the total of the consecutive terms of imprisonment, exclusive  
 26 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10 to  
 27 which the defendant is sentenced for felony convictions arising out of  
 28 an episode of criminal conduct shall not exceed the advisory sentence  
 29 for a felony which is one (1) class of felony higher than the most  
 30 serious of the felonies for which the person has been convicted.

31 (d) If, after being arrested for one (1) crime, a person commits  
 32 another crime:

33 (1) before the date the person is discharged from probation,  
 34 parole, or a term of imprisonment imposed for the first crime; or

35 (2) while the person is released:

36 (A) upon the person's own recognizance; or

37 (B) on bond;

38 the terms of imprisonment for the crimes shall be served consecutively,  
 39 regardless of the order in which the crimes are tried and sentences are  
 40 imposed.

41 (e) If the factfinder determines under IC 35-50-2-11 that a person  
 42 used a firearm in the commission of the offense for which the person  
 43 was convicted, the term of imprisonment for the underlying offense and  
 44 the additional term of imprisonment imposed under IC 35-50-2-11  
 45 must be served consecutively.

46 SECTION 66. IC 35-50-2-7, AS AMENDED BY P.L.159-2013.



1 SECTION 5. AND AS AMENDED BY P.L.158-2013. SECTION 660.  
 2 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A person who commits a  
 4 Class D felony (*for a crime committed before July 1, 2014*) shall be  
 5 imprisoned for a fixed term of between six (6) months and three (3)  
 6 years, with the advisory sentence being one and one-half (1 1/2) years.  
 7 In addition, the person may be fined not more than ten thousand dollars  
 8 (\$10,000).

9 (b) *A person who commits a Level 6 felony (for a crime committed*  
 10 *after June 30, 2014) shall be imprisoned for a fixed term of between six*  
 11 *(6) months and two and one-half (2 1/2) years, with the advisory*  
 12 *sentence being one (1) year. In addition, the person may be fined not*  
 13 *more than ten thousand dollars (\$10,000).*

14 (c) Notwithstanding ~~subsection~~ subsections (a) and (b), if a person  
 15 has committed a Class D felony (*for a crime committed before July 1,*  
 16 *2014) or a Level 6 felony (for a crime committed after June 30, 2014),*  
 17 the court may enter judgment of conviction of a Class A misdemeanor  
 18 and sentence accordingly. However, the court shall enter a judgment of  
 19 conviction of a Class D felony (*for a crime committed before July 1,*  
 20 *2014) or a Level 6 felony (for a crime committed after June 30, 2014)*  
 21 if:

22 (1) the court finds that:

23 (A) the person has committed a prior, unrelated felony for  
 24 which judgment was entered as a conviction of a Class A  
 25 misdemeanor; and

26 (B) the prior felony was committed less than three (3) years  
 27 before the second felony was committed:

28 (2) the offense is domestic battery as a Class D felony (*for a crime*  
 29 *committed before July 1, 2014) or a Level 6 felony (for a crime*  
 30 *committed after June 30, 2014) under IC 35-42-2-1.3; or*

31 (3) the offense is possession of child pornography  
 32 (IC 35-42-4-4(c)).

33 The court shall enter in the record, in detail, the reason for its action  
 34 whenever it exercises the power to enter judgment of conviction of a  
 35 Class A misdemeanor granted in this subsection.

36 ~~(c)~~ (d) Notwithstanding ~~subsection~~ subsections (a) and (b), the  
 37 sentencing court may convert a Class D felony conviction (*for a crime*  
 38 *committed before July 1, 2014) or a Level 6 felony conviction (for a*  
 39 *crime committed after June 30, 2014) to a Class A misdemeanor*  
 40 *conviction if, after receiving a verified petition as described in*  
 41 *subsection ~~(c)~~ (e) and after conducting a hearing of which the*  
 42 *prosecuting attorney has been notified, the court makes the following*  
 43 *findings:*

44 (1) The person is not a sex or violent offender (as defined in  
 45 IC 11-8-8-5).

46 (2) The person was not convicted of a Class D felony (*for a crime*



1 committed before July 1, 2014) or a Level 6 felony (for a crime  
2 committed after June 30, 2014) that resulted in bodily injury to  
3 another person.

4 (3) The person has not been convicted of perjury under  
5 IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal) or official  
6 misconduct under IC 35-44.1-1-1 (or IC 35-44-1-2 before its  
7 repeal).

8 (4) At least three (3) years have passed since the person:

9 (A) completed the person's sentence; and

10 (B) satisfied any other obligation imposed on the person as  
11 part of the sentence;

12 for the Class D or Level 6 felony.

13 (5) The person has not been convicted of a felony since the  
14 person:

15 (A) completed the person's sentence; and

16 (B) satisfied any other obligation imposed on the person as  
17 part of the sentence;

18 for the Class D or Level 6 felony.

19 (6) No criminal charges are pending against the person.

20 ~~(d)~~ (e) A petition filed under ~~subsection~~ ~~subsections~~ ~~(c)~~ (d) or ~~(e)~~ (f)  
21 must be verified and set forth:

22 (1) the crime the person has been convicted of;

23 (2) the date of the conviction;

24 (3) the date the person completed the person's sentence;

25 (4) any obligations imposed on the person as part of the sentence;

26 (5) the date the obligations were satisfied; and

27 (6) a verified statement that there are no criminal charges pending  
28 against the person.

29 ~~(f)~~ (f) If a person whose Class D or Level 6 felony conviction has  
30 been converted to a Class A misdemeanor conviction under subsection  
31 ~~(c)~~ (d) is convicted of a felony ~~within~~ not later than five (5) years after  
32 the conversion under subsection ~~(c)~~ (d), a prosecuting attorney may  
33 petition a court to convert the person's Class A misdemeanor  
34 conviction back to a Class D felony conviction (for a crime committed  
35 before July 1, 2014) or a Level 6 felony conviction (for a crime  
36 committed after June 30, 2014).

37 SECTION 67. IC 35-50-2-9. AS AMENDED BY P.L.158-2013,  
38 SECTION 663. AND AS AMENDED BY P.L.214-2013, SECTION  
39 45. IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
40 [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) The state may seek either a  
41 death sentence or a sentence of life imprisonment without parole for  
42 murder by alleging, on a page separate from the rest of the charging  
43 instrument, the existence of at least one (1) of the aggravating  
44 circumstances listed in subsection (b). In the sentencing hearing after  
45 a person is convicted of murder, the state must prove beyond a  
46 reasonable doubt the existence of at least one (1) of the aggravating



1 circumstances alleged. However, the state may not proceed against a  
 2 defendant under this section if a court determines at a pretrial hearing  
 3 under IC 35-36-9 that the defendant is an individual with mental  
 4 retardation.

5 (b) The aggravating circumstances are as follows:

6 (1) The defendant committed the murder by intentionally killing  
 7 the victim while committing or attempting to commit any of the  
 8 following:

9 (A) Arson (IC 35-43-1-1).

10 (B) Burglary (IC 35-43-2-1).

11 (C) Child molesting (IC 35-42-4-3).

12 (D) Criminal deviate conduct (IC 35-42-4-2) ~~(repealed)~~;  
 13 **(before its repeal)**.

14 (E) Kidnapping (IC 35-42-3-2).

15 (F) Rape (IC 35-42-4-1).

16 (G) Robbery (IC 35-42-5-1).

17 (H) Carjacking (IC 35-42-5-2) ~~(repealed)~~; **(before its repeal)**.

18 (I) Criminal gang activity (IC 35-45-9-3).

19 (J) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).

20 (K) *Criminal confinement (IC 35-42-3-3)*.

21 (2) The defendant committed the murder by the unlawful  
 22 detonation of an explosive with intent to injure a person or  
 23 damage property.

24 (3) The defendant committed the murder by lying in wait.

25 (4) The defendant who committed the murder was hired to kill.

26 (5) The defendant committed the murder by hiring another person  
 27 to kill.

28 (6) The victim of the murder was a corrections employec,  
 29 probation officer, parole officer, community corrections worker,  
 30 home detention officer, fireman, judge, or law enforcement  
 31 officer, and either:

32 (A) the victim was acting in the course of duty; or

33 (B) the murder was motivated by an act the victim performed  
 34 while acting in the course of duty.

35 (7) The defendant has been convicted of another murder.

36 (8) The defendant has committed another murder, at any time,  
 37 regardless of whether the defendant has been convicted of that  
 38 other murder.

39 (9) The defendant was:

40 (A) under the custody of the department of correction;

41 (B) under the custody of a county sheriff;

42 (C) on probation after receiving a sentence for the commission  
 43 of a felony; or

44 (D) on parole;

45 at the time the murder was committed.

46 (10) The defendant dismembered the victim.



- 1 (11) The defendant burned, mutilated, or tortured the victim while  
 2 the victim was alive.
- 3 (12) The victim of the murder was less than twelve (12) years of  
 4 age.
- 5 (13) The victim was a victim of any of the following offenses for  
 6 which the defendant was convicted:
- 7 (A) Battery *committed before July 1, 2014*, as a Class D felony  
 8 or as a Class C felony under IC 35-42-2-1 *or battery*  
 9 *committed after June 30, 2014*, as a Level 6 felony, a Level 5  
 10 felony, or a Level 3 felony.
- 11 (B) Kidnapping (IC 35-42-3-2).
- 12 (C) Criminal confinement (IC 35-42-3-3).
- 13 (D) A sex crime under IC 35-42-4.
- 14 (14) The victim of the murder was listed by the state or known by  
 15 the defendant to be a witness against the defendant and the  
 16 defendant committed the murder with the intent to prevent the  
 17 person from testifying.
- 18 (15) The defendant committed the murder by intentionally  
 19 discharging a firearm (as defined in IC 35-47-1-5):
- 20 (A) into an inhabited dwelling; or  
 21 (B) from a vehicle.
- 22 (16) The victim of the murder was pregnant and the murder  
 23 resulted in the intentional killing of a fetus that has attained  
 24 viability (as defined in IC 16-18-2-365).
- 25 (c) The mitigating circumstances that may be considered under this  
 26 section are as follows:
- 27 (1) The defendant has no significant history of prior criminal  
 28 conduct.
- 29 (2) The defendant was under the influence of extreme mental or  
 30 emotional disturbance when the murder was committed.
- 31 (3) The victim was a participant in or consented to the defendant's  
 32 conduct.
- 33 (4) The defendant was an accomplice in a murder committed by  
 34 another person, and the defendant's participation was relatively  
 35 minor.
- 36 (5) The defendant acted under the substantial domination of  
 37 another person.
- 38 (6) The defendant's capacity to appreciate the criminality of the  
 39 defendant's conduct or to conform that conduct to the  
 40 requirements of law was substantially impaired as a result of  
 41 mental disease or defect or of intoxication.
- 42 (7) The defendant was less than eighteen (18) years of age at the  
 43 time the murder was committed.
- 44 (8) Any other circumstances appropriate for consideration.
- 45 (d) If the defendant was convicted of murder in a jury trial, the jury  
 46 shall reconvene for the sentencing hearing. If the trial was to the court.



1 or the judgment was entered on a guilty plea, the court alone shall  
2 conduct the sentencing hearing. The jury or the court may consider all  
3 the evidence introduced at the trial stage of the proceedings, together  
4 with new evidence presented at the sentencing hearing. The court shall  
5 instruct the jury concerning the statutory penalties for murder and any  
6 other offenses for which the defendant was convicted, the potential for  
7 consecutive or concurrent sentencing, and the availability of good time  
8 credit and clemency. The court shall instruct the jury that, in order for  
9 the jury to recommend to the court that the death penalty or life  
10 imprisonment without parole should be imposed, the jury must find at  
11 least one (1) aggravating circumstance beyond a reasonable doubt as  
12 described in subsection (l) and shall provide a special verdict form for  
13 each aggravating circumstance alleged. The defendant may present any  
14 additional evidence relevant to:

15 (1) the aggravating circumstances alleged; or

16 (2) any of the mitigating circumstances listed in subsection (c).

17 (e) For a defendant sentenced after June 30, 2002, except as  
18 provided by IC 35-36-9, if the hearing is by jury, the jury shall  
19 recommend to the court whether the death penalty or life imprisonment  
20 without parole, or neither, should be imposed. The jury may  
21 recommend:

22 (1) the death penalty; or

23 (2) life imprisonment without parole;

24 only if it makes the findings described in subsection (l). If the jury  
25 reaches a sentencing recommendation, the court shall sentence the  
26 defendant accordingly. After a court pronounces sentence, a  
27 representative of the victim's family and friends may present a  
28 statement regarding the impact of the crime on family and friends. The  
29 impact statement may be submitted in writing or given orally by the  
30 representative. The statement shall be given in the presence of the  
31 defendant.

32 (f) If a jury is unable to agree on a sentence recommendation after  
33 reasonable deliberations, the court shall discharge the jury and proceed  
34 as if the hearing had been to the court alone.

35 (g) If the hearing is to the court alone, except as provided by  
36 IC 35-36-9, the court shall:

37 (1) sentence the defendant to death; or

38 (2) impose a term of life imprisonment without parole:

39 only if it makes the findings described in subsection (l).

40 (h) If a court sentences a defendant to death, the court shall order  
41 the defendant's execution to be carried out not later than one (1) year  
42 and one (1) day after the date the defendant was convicted. The  
43 supreme court has exclusive jurisdiction to stay the execution of a  
44 death sentence. If the supreme court stays the execution of a death  
45 sentence, the supreme court shall order a new date for the defendant's  
46 execution.



1 (i) If a person sentenced to death by a court files a petition for  
 2 post-conviction relief, the court, not later than ninety (90) days after the  
 3 date the petition is filed, shall set a date to hold a hearing to consider  
 4 the petition. If a court does not, within the ninety (90) day period, set  
 5 the date to hold the hearing to consider the petition, the court's failure  
 6 to set the hearing date is not a basis for additional post-conviction  
 7 relief. The attorney general shall answer the petition for post-conviction  
 8 relief on behalf of the state. At the request of the attorney general, a  
 9 prosecuting attorney shall assist the attorney general. The court shall  
 10 enter written findings of fact and conclusions of law concerning the  
 11 petition not later than ninety (90) days after the date the hearing  
 12 concludes. However, if the court determines that the petition is without  
 13 merit, the court may dismiss the petition within ninety (90) days  
 14 without conducting a hearing under this subsection.

15 (j) A death sentence is subject to automatic review by the supreme  
 16 court. The review, which shall be heard under rules adopted by the  
 17 supreme court, shall be given priority over all other cases. The supreme  
 18 court's review must take into consideration all claims that the:

19 (1) conviction or sentence was in violation of the:

20 (A) Constitution of the State of Indiana; or

21 (B) Constitution of the United States;

22 (2) sentencing court was without jurisdiction to impose a  
 23 sentence; and

24 (3) sentence:

25 (A) exceeds the maximum sentence authorized by law; or

26 (B) is otherwise erroneous.

27 If the supreme court cannot complete its review by the date set by the  
 28 sentencing court for the defendant's execution under subsection (h), the  
 29 supreme court shall stay the execution of the death sentence and set a  
 30 new date to carry out the defendant's execution.

31 (k) A person who has been sentenced to death and who has  
 32 completed state post-conviction review proceedings may file a written  
 33 petition with the supreme court seeking to present new evidence  
 34 challenging the person's guilt or the appropriateness of the death  
 35 sentence if the person serves notice on the attorney general. The  
 36 supreme court shall determine, with or without a hearing, whether the  
 37 person has presented previously undiscovered evidence that  
 38 undermines confidence in the conviction or the death sentence. If  
 39 necessary, the supreme court may remand the case to the trial court for  
 40 an evidentiary hearing to consider the new evidence and its effect on  
 41 the person's conviction and death sentence. The supreme court may not  
 42 make a determination in the person's favor nor make a decision to  
 43 remand the case to the trial court for an evidentiary hearing without  
 44 first providing the attorney general with an opportunity to be heard on  
 45 the matter.

46 (l) Before a sentence may be imposed under this section, the jury.



1 in a proceeding under subsection (c). or the court. in a proceeding  
2 under subsection (g). must find that:

3 (1) the state has proved beyond a reasonable doubt that at least  
4 one (1) of the aggravating circumstances listed in subsection (b)  
5 exists; and

6 (2) any mitigating circumstances that exist are outweighed by the  
7 aggravating circumstance or circumstances.

8 SECTION 68. IC 35-50-6-3.3. AS AMENDED BY P.L.158-2013.  
9 SECTION 669. AND AS AMENDED BY P.L.214-2013, SECTION  
10 46. IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2014]: Sec. 3.3. (a) In addition to any credit  
12 time a person earns under subsection (b) or section 3 of this chapter. a  
13 person earns credit time if the person:

14 (1) is in credit Class I *or* Class A:

15 (2) has demonstrated a pattern consistent with rehabilitation; and

16 (3) successfully completes requirements to obtain one (1) of the  
17 following:

18 (A) A general educational development (GED) diploma under  
19 IC 20-20-6 (before its repeal) or IC 22-4.1-18. if the person  
20 has not previously obtained a high school diploma.

21 (B) Except as provided in subsection (n). a high school  
22 diploma, if the person has not previously obtained a general  
23 educational development (GED) diploma.

24 (C) An ~~associate's~~ *associate* degree from an approved  
25 postsecondary educational institution (as defined under  
26 IC 21-7-13-6(a)) *earned during the person's incarceration.*

27 (D) A ~~bachelor's~~ *bachelor* degree from an approved  
28 postsecondary educational institution (as defined under  
29 IC 21-7-13-6(a)) *earned during the person's incarceration.*

30 (b) In addition to any credit time that a person earns under  
31 subsection (a) or section 3 of this chapter. a person may earn credit  
32 time if, while confined by the department of correction. the person:

33 (1) is in credit Class I *or* Class A;

34 (2) demonstrates a pattern consistent with rehabilitation; and

35 (3) successfully completes requirements to obtain at least one (1)  
36 of the following:

37 (A) A certificate of completion of a career and technical *or*  
38 *vocational* education program approved by the department of  
39 correction.

40 (B) A certificate of completion of a substance abuse program  
41 approved by the department of correction.

42 (C) A certificate of completion of a literacy and basic life  
43 skills program approved by the department of correction.

44 (D) A certificate of completion of a reformatory program  
45 approved by the department of correction.

46 (c) The department of correction shall establish admissions criteria



1 and other requirements for programs available for earning credit time  
 2 under subsection (b). A person may not earn credit time under both  
 3 subsections (a) and (b) for the same program of study. *The department*  
 4 *of correction, in consultation with the department of workforce*  
 5 *development, shall approve a program only if the program is likely to*  
 6 *lead to an employable occupation.*

7 (d) The amount of credit time a person may earn under this section  
 8 is the following:

9 (1) Six (6) months for completion of a state of Indiana general  
 10 educational development (GED) diploma under IC 20-20-6  
 11 (before its repeal) or IC 22-4.1-18.

12 (2) One (1) year for graduation from high school.

13 (3) ~~One~~ *Not more than one* (1) year for completion of an  
 14 *associate's* associate degree.

15 (4) ~~Two~~ *Not more than two* (2) years for completion of a  
 16 *bachelor's* bachelor degree.

17 (5) Not more than a total of ~~six (6) months~~ *one (1) year* of credit,  
 18 as determined by the department of correction, for the completion  
 19 of one (1) or more career and technical *or vocational* education  
 20 programs approved by the department of correction.

21 (6) Not more than a total of six (6) months of credit, as  
 22 determined by the department of correction, for the completion of  
 23 one (1) or more substance abuse programs approved by the  
 24 department of correction.

25 (7) Not more than a total of six (6) months credit, as determined  
 26 by the department of correction, for the completion of one (1) or  
 27 more literacy and basic life skills programs approved by the  
 28 department of correction.

29 (8) Not more than a total of six (6) months credit time, as  
 30 determined by the department of correction, for completion of one  
 31 (1) or more reformatory programs approved by the department of  
 32 correction. However, a person who is serving a sentence for an  
 33 offense listed under IC 11-8-8-4.5 may not earn credit time under  
 34 this subdivision.

35 However, a person who does not have a substance abuse problem that  
 36 qualifies the person to earn credit in a substance abuse program may  
 37 earn not more than a total of twelve (12) months of credit, as  
 38 determined by the department of correction, for the completion of one  
 39 (1) or more career and technical *or vocational* education programs  
 40 approved by the department of correction. If a person earns more than  
 41 six (6) months of credit for the completion of one (1) or more career  
 42 and technical education programs, the person is ineligible to earn credit  
 43 for the completion of one (1) or more substance abuse programs.

44 (e) *Credit time earned under this section must be directly*  
 45 *proportional to the time served and course work completed while*  
 46 *incarcerated. The department of correction shall adopt rules under*



1 *IC 4-22-2 necessary to implement this subsection.*

2 ~~te)~~ (f) Credit time earned by a person under this section is subtracted  
3 from the *release date that would otherwise apply to period of*  
4 *imprisonment imposed on the person by the sentencing court after*  
5 *subtracting all other credit time earned by the person.*

6 ~~tf)~~ (g) A person does not earn credit time under subsection (a)  
7 unless the person completes at least a portion of the degree  
8 requirements after June 30, 1993.

9 ~~tg)~~ (h) A person does not earn credit time under subsection (b)  
10 unless the person completes at least a portion of the program  
11 requirements after June 30, 1999.

12 ~~th)~~ (i) Credit time earned by a person under subsection (a) for a  
13 diploma or degree completed before July 1, 1999, shall be subtracted  
14 from:

15 (1) the release date that would otherwise apply to the person after  
16 subtracting all other credit time earned by the person, if the  
17 person has not been convicted of an offense described in  
18 subdivision (2); or

19 (2) the period of imprisonment imposed on the person by the  
20 sentencing court, if the person has been convicted of one (1) of  
21 the following crimes:

22 (A) Rape (IC 35-42-4-1).

23 (B) Criminal deviate conduct (IC 35-42-4-2) ~~(repealed):~~

24 **(before its repeal).**

25 (C) Child molesting (IC 35-42-4-3).

26 (D) Child exploitation (IC 35-42-4-4(b)).

27 (E) Vicarious sexual gratification (IC 35-42-4-5).

28 (F) Child solicitation (IC 35-42-4-6).

29 (G) Child seduction (IC 35-42-4-7).

30 (H) Sexual misconduct with a minor (IC 35-42-4-9) as a:

31 (i) Class A felony, Class B felony, or Class C felony

32 ~~(IC 35-42-4-9); for a crime committed before July 1, 2014;~~

33 *or*

34 (ii) *Level 1, Level 2, or Level 4 felony, for a crime*  
35 *committed after June 30, 2014.*

36 (I) Incest (IC 35-46-1-3).

37 (J) Sexual battery (IC 35-42-4-8).

38 (K) Kidnapping (IC 35-42-3-2), if the victim is less than  
39 eighteen (18) years of age.

40 (L) Criminal confinement (IC 35-42-3-3), if the victim is less  
41 than eighteen (18) years of age.

42 (M) An attempt or a conspiracy to commit a crime listed in  
43 clauses (A) through (L).

44 ~~ti)~~ (j) The maximum amount of credit time a person may earn under  
45 this section is the lesser of:

46 (1) ~~four~~ ~~(4)~~ two (2) years; or



- 1 (2) one-third (1/3) of the person's total applicable credit time.  
 2 ~~fj~~ (k) Credit time earned under this section by an offender serving  
 3 a sentence for a felony against a person under IC 35-42 or for a crime  
 4 listed in IC 11-8-8-5 shall be reduced to the extent that application of  
 5 the credit time would otherwise result in:  
 6 (1) postconviction release (as defined in IC 35-40-4-6); or  
 7 (2) assignment of the person to a community transition program;  
 8 in less than forty-five (45) days after the person earns the credit time.  
 9 ~~fk~~ (l) A person may earn credit time for multiple degrees at the  
 10 same education level under subsection (d) only in accordance with  
 11 guidelines approved by the department of correction. The department  
 12 of correction may approve guidelines for proper sequence of education  
 13 degrees under subsection (d).  
 14 ~~fl~~ (m) A person may not earn credit time:  
 15 (1) for a general educational development (GED) diploma if the  
 16 person has previously earned a high school diploma; or  
 17 (2) for a high school diploma if the person has previously earned  
 18 a general educational development (GED) diploma.  
 19 ~~fm~~ (n) A person may not earn credit time under this section if the  
 20 person:  
 21 (1) commits an offense listed in IC 11-8-8-4.5 while the person is  
 22 required to register as a sex or violent offender under IC 11-8-8-7;  
 23 and  
 24 (2) is committed to the department of correction after being  
 25 convicted of the offense listed in IC 11-8-8-4.5.  
 26 ~~fn~~ (o) For a person to earn credit time under subsection (a)(3)(B)  
 27 for successfully completing the requirements for a high school diploma  
 28 through correspondence courses, each correspondence course must be  
 29 approved by the department before the person begins the  
 30 correspondence course. The department may approve a correspondence  
 31 course only if the entity administering the course is recognized and  
 32 accredited by the department of education in the state where the entity  
 33 is located.  
 34 SECTION 69. IC 35-51-4-1, AS AMENDED BY P.L.158-2013,  
 35 SECTION 673, AND AS AMENDED BY P.L.221-2013, SECTION 7,  
 36 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2014]: Sec. 1. The following statutes define  
 38 crimes in IC 4:  
 39 IC 4-1-10-8 (Concerning state agencies).  
 40 IC 4-1-10-9 (Concerning state agencies).  
 41 IC 4-2-7-8 (Concerning the inspector general).  
 42 IC 4-4-27-8 (Concerning the inspection of grain).  
 43 IC 4-13.6-4-14 (Concerning state public works).  
 44 IC 4-21.5-3-36 (Concerning administrative proceedings).  
 45 IC 4-21.5-3-37 (Concerning administrative proceedings).  
 46 IC 4-30-3-19 (Concerning the lottery).



- 1 IC 4-30-3-19.5 (Concerning the lottery).  
 2 IC 4-30-3-19.7 (Concerning the lottery).  
 3 IC 4-30-12-5 (Concerning the lottery).  
 4 IC 4-30-13-1 (Concerning the lottery).  
 5 IC 4-30-14-1 (Concerning the lottery).  
 6 IC 4-30-14-2 (Concerning the lottery).  
 7 IC 4-30-14-3 (Concerning the lottery).  
 8 IC 4-30-14-4 (Concerning the lottery).  
 9 IC 4-30-14-5 (Concerning ~~horse racing~~ the lottery).  
 10 IC 4-30-14-6 (Concerning the lottery).  
 11 *IC 4-31-7-9 (Concerning horse racing).*  
 12 IC 4-31-13-3 (Concerning horse racing).  
 13 IC 4-31-13-3.5 (Concerning horse racing).  
 14 IC 4-31-13-9 (Concerning horse racing).  
 15 IC 4-32.2-8-4 (Concerning charity gaming).  
 16 IC 4-33-10-1 (Concerning riverboat gambling).  
 17 IC 4-33-10-2 (Concerning riverboat gambling).  
 18 IC 4-33-10-2.1 (Concerning riverboat gambling).  
 19 IC 4-33-10-2.5 (Concerning riverboat gambling).  
 20 *IC 4-33-10-6 (Concerning riverboat gambling).*  
 21 IC 4-33-22-14 (Concerning boxing and mixed martial arts).  
 22 IC 4-33-22-40 (Concerning boxing and mixed martial arts).  
 23 IC 4-35-9-2 (Concerning gambling games at racetracks).  
 24 ~~IC 4-35-9-3 (Concerning gambling games at racetracks).~~  
 25 IC 4-35-9-4 (Concerning gambling games at racetracks).  
 26 IC 4-35-9-5 (Concerning gambling games at racetracks).  
 27 *IC 4-35-9-6 (Concerning gambling games at racetracks).*  
 28 IC 4-36-6-5 (Concerning gambling in certain establishments).  
 29 SECTION 70. [EFFECTIVE JULY 1, 2014] **The general assembly**  
 30 **recognizes that P.L.214-2013, SECTION 44 amended IC 35-50-2-2,**  
 31 **and that P.L.158-2013, SECTION 653 repealed IC 35-50-2-2. The**  
 32 **general assembly intends to repeal IC 35-50-2-2.**





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**PRELIMINARY DRAFT**  
**No. 3229**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2014 GENERAL ASSEMBLY**

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DIGEST

**Citations Affected:** IC 2-8.2-4-6; IC 3-7-29-1; IC 3-14-1-17;  
IC 6-6-13-13; IC 9-17-4; IC 9-22-5-18.2; IC 9-32-17-2;  
IC 11-12-3.7-11; IC 12-7-2-53.2; IC 25-23.4-3-7; IC 31-30-4-5;  
IC 31-37-13-5; IC 35-38-9; IC 35-43-5-4.6; IC 35-46-9-6; IC 35-48-4;  
IC 35-50-2-2.1.

**Synopsis:** Criminal penalties. Changes the nomenclature for felonies from "Class" to "Level" for statutes not amended by HEA 1006-2013 and for statutes added to the Indiana Code in the 2013 session.

**Effective:** July 1, 2014.



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 2-8.2-4-6, AS ADDED BY P.L.205-2013,  
2 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: Sec. 6. A delegate or alternate delegate who knowingly  
4 or intentionally votes or attempts to vote outside the scope of:

5 (1) the instructions established by a joint resolution adopted under  
6 section 1 of this chapter; or

7 (2) the limits placed by the general assembly in a joint resolution  
8 that calls for an Article V convention for the purpose of proposing  
9 amendments to the Constitution of the United States on the  
10 subjects and amendments that may be considered by the Article  
11 V convention;

12 commits a ~~Class D~~ **Level 6** felony.

13 SECTION 2. IC 3-7-29-1, AS AMENDED BY P.L.258-2013,  
14 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2014]: Sec. 1. (a) Except as provided in subsection (f), this  
16 section does not apply to a county that:

17 (1) has adopted an order under section 6 of this chapter; or

18 (2) is a vote center county under IC 3-11-18.1.

19 (b) Not later than ten (10) days before the election at which the  
20 registration record is to be used, the county voter registration office  
21 shall prepare certified copies of the list of registered voters for each  
22 precinct in the county.

23 (c) The lists must contain the following information concerning  
24 each registered voter:

25 (1) The full name of the voter.

26 (2) The address of the voter.

27 (3) The assigned voter identification number.

28 (4) Whether the voter is required to provide additional  
29 identification before voting either in person or by absentee ballot.

30 (5) The date of birth of the voter, including an indication whether  
31 the voter is less than eighteen (18) years of age for a poll list used



- 1 in a primary election.
- 2 (6) The scanned signature of the voter.
- 3 (7) Whether the voter is required to provide an affirmation of the
- 4 voter's residence.
- 5 (8) A bar code that allows the county voter registration office to
- 6 efficiently record whether the voter has signed the poll list.
- 7 (9) For a poll list used in a primary election, a letter abbreviation
- 8 of the name of the major political party whose ballot the voter has
- 9 requested.
- 10 (10) A space for a poll clerk to indicate when a voter has cast an
- 11 absentee ballot.
- 12 (11) A space for a poll clerk to indicate when a voter has cast a
- 13 provisional ballot.
- 14 (12) For a voter required to submit additional documentation
- 15 required under IC 3-7-33-4.5, a space for a poll clerk to insert
- 16 letters serving as an abbreviation for the type of documentation
- 17 provided by the voter.
- 18 (d) The names shall be arranged in the same order as they are in the
- 19 registration record of the precinct.
- 20 (e) The poll list must also contain a statement at the top of each
- 21 page indicating that an individual who knowingly makes a false
- 22 statement:
- 23 (1) by signing a poll list; or
- 24 (2) on a poll list concerning the individual's name or residence
- 25 address;
- 26 commits a ~~Class D~~ **Level 6** felony as provided by IC 3-14-2-11.
- 27 (f) This subsection applies to a county that has adopted an order
- 28 under section 6 of this chapter or is a vote center county under
- 29 IC 3-11-18.1. The precinct election board shall post in a location within
- 30 the precinct or vote center a notice that:
- 31 (1) is clearly visible to an individual (or to an individual providing
- 32 assistance under IC 3-11-9) who is providing information to a
- 33 precinct election officer using an electronic poll list; and
- 34 (2) indicates that an individual commits a ~~Class D~~ **Level 6** felony
- 35 under IC 3-14-2-11, if the individual knowingly makes a false
- 36 statement to a precinct election officer concerning:
- 37 (A) the individual's name; or
- 38 (B) the individual's residence address.
- 39 SECTION 3. IC 3-14-1-17. AS ADDED BY P.L.219-2013.
- 40 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 41 JULY 1, 2014]: Sec. 17. (a) As used in this section, "government
- 42 employee" refers to any of the following:
- 43 (1) An employee of the state.
- 44 (2) An employee of a political subdivision.
- 45 (3) A special state appointee (as defined in IC 4-2-6-1).
- 46 (4) An employee of a charter school (as defined in IC 20-24-1-4).



1 (b) As used in this section. "government employer" refers to the  
2 state or a political subdivision.

3 (c) As used in this section. "property" refers only to the following:

4 (1) Equipment, goods, and materials, including mail and  
5 messaging systems.

6 (2) Money.

7 (d) A government employee may not knowingly or intentionally use  
8 the property of the employee's government employer to do any of the  
9 following:

10 (1) Solicit a contribution.

11 (2) Advocate the election or defeat of a candidate.

12 (3) Advocate the approval or defeat of a public question.

13 (e) A government employee may not knowingly or intentionally  
14 distribute campaign materials advocating:

15 (1) the election or defeat of a candidate; or

16 (2) the approval or defeat of a public question;

17 on the government employer's real property during regular working  
18 hours.

19 (f) This section does not prohibit the following:

20 (1) Activities permitted under IC 6-1.1-20.

21 (2) A government employee from carrying out administrative  
22 duties under the direction of an elected official who is the  
23 government employee's supervisor.

24 (g) A government employee who knowingly or intentionally  
25 performs several actions described in subsection (d) or (e) in a  
26 connected series that are closely related in time, place, and  
27 circumstance may be charged with only one (1) violation of this section  
28 for that connected series of actions.

29 (h) A government employee who violates this section commits a  
30 Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6**  
31 felony if the person has a prior unrelated conviction under this section.

32 SECTION 4. IC 6-6-13-13, AS ADDED BY P.L.288-2013,  
33 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2014]: Sec. 13. (a) A person who knowingly fails to collect or  
35 timely remit tax otherwise required to be paid to the department under  
36 section 9 of this chapter is liable for the uncollected tax plus a penalty  
37 equal to one hundred percent (100%) of the uncollected tax.

38 (b) A person who recklessly, knowingly, or intentionally fails or  
39 refuses to pay over to the state the aviation fuel excise tax at the time  
40 required in this chapter or who fraudulently withholds or appropriates  
41 or otherwise uses the money or any part thereof belonging to the state  
42 commits a ~~Class D~~ **Level 6** felony.

43 (c) A person who negligently disregards any provision of this  
44 chapter is subject to a civil penalty of five hundred dollars (\$500) for  
45 each separate occurrence of negligent disregard as determined by the  
46 department.



1 SECTION 5. IC 9-17-4-14. AS ADDED BY P.L.262-2013,  
 2 SECTION 37. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2014]: Sec. 14. A person who owns or possesses a motor  
 4 vehicle that the person knows violates section 7 or 8 of this chapter  
 5 commits a ~~Class D~~ **Level 6** felony.

6 SECTION 6. IC 9-17-4-15, AS ADDED BY P.L.262-2013,  
 7 SECTION 38. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2014]: Sec. 15. (a) A person who knowingly:

- 9 (1) damages;
- 10 (2) removes; or
- 11 (3) alters:

12 an original or a special identification number commits a ~~Class E~~ **Level**  
 13 **5** felony.

14 (b) A person who, with the intent to conceal evidence of the  
 15 commission of a crime, covers an original or special identification  
 16 number commits a ~~Class E~~ **Level 5** felony.

17 SECTION 7. IC 9-17-4-16. AS ADDED BY P.L.262-2013,  
 18 SECTION 39. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2014]: Sec. 16. A person who knowingly sells or offers for  
 20 sale a motor vehicle with an original or a special identification number  
 21 that is:

- 22 (1) destroyed;
- 23 (2) removed;
- 24 (3) altered;
- 25 (4) covered; or
- 26 (5) defaced:

27 commits a ~~Class D~~ **Level 6** felony.

28 SECTION 8. IC 9-17-4-17. AS ADDED BY P.L.262-2013,  
 29 SECTION 40. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2014]: Sec. 17. A person who knowingly or intentionally sells  
 31 or offers for sale a motor vehicle part with an identification number  
 32 that is:

- 33 (1) destroyed;
- 34 (2) removed;
- 35 (3) altered;
- 36 (4) covered; or
- 37 (5) defaced:

38 commits a ~~Class D~~ **Level 6** felony.

39 SECTION 9. IC 9-17-4-18. AS ADDED BY P.L.262-2013,  
 40 SECTION 41. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2014]: Sec. 18. (a) For purposes of this section, "identification  
 42 number" means a set of numbers, letters, or both numbers and letters  
 43 that is assigned to a motor vehicle or motor vehicle part by:

- 44 (1) a manufacturer of motor vehicles or motor vehicle parts; or
- 45 (2) a governmental entity to replace an original identification  
 46 number that is destroyed, removed, altered, or defaced.



1 (b) Subsection (c) does not apply to a person who manufactures or  
2 installs a plate or label containing an identification number:

3 (1) in a program authorized by a manufacturer of motor vehicles  
4 or motor vehicle parts; or

5 (2) as authorized by the bureau under this chapter.

6 (c) A person who knowingly or intentionally possesses a plate or  
7 label that:

8 (1) contains an identification number; and

9 (2) is not attached to the motor vehicle or motor vehicle part to  
10 which the identification number was assigned by the  
11 manufacturer or a governmental entity;

12 commits a ~~Class D~~ **Level 6** felony.

13 (d) A person who knowingly or intentionally possesses a plate or  
14 label on which the identification number is altered or removed commits  
15 a ~~Class D~~ **Level 6** felony.

16 (e) A person who, with intent to defraud, possesses a plate or label  
17 containing a set of numbers, letters, or both numbers and letters that  
18 purports to be an identification number commits a ~~Class D~~ **Level 6**  
19 felony.

20 SECTION 10. IC 9-22-5-18.2. AS ADDED BY P.L.92-2013,  
21 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2014]: Sec. 18.2. (a) A disposal facility, a scrap metal  
23 processor, or an agent of a disposal facility or scrap metal processor  
24 may purchase a motor vehicle without a certificate of title for the motor  
25 vehicle if:

26 (1) the motor vehicle is at least fifteen (15) model years old;

27 (2) the purchase is solely for the purpose of dismantling or  
28 wrecking the motor vehicle for the recovery of scrap metal or the  
29 sale of parts; and

30 (3) the disposal facility or scrap metal processor records all  
31 purchase transactions of vehicles as required in subsection (b).

32 (b) A disposal facility or scrap metal processor shall maintain the  
33 following information with respect to each motor vehicle purchase  
34 transaction to which the disposal facility or scrap metal processor is a  
35 party for at least two (2) years following the date of the purchase  
36 transaction:

37 (1) The name and address of any secondary metals recycler or  
38 salvage yard.

39 (2) The name, initials, or other identifying symbol of the person  
40 entering the information.

41 (3) The date of the purchase transaction.

42 (4) A description of the motor vehicle that is the subject of the  
43 purchase transaction, including the make and model of the motor  
44 vehicle, if practicable.

45 (5) The vehicle identification number of the motor vehicle.

46 (6) The amount of consideration given for the motor vehicle.



1 (7) A written statement signed by the seller or the seller's agent  
 2 certifying that the seller or the seller's agent has the lawful right  
 3 to sell and dispose of the motor vehicle.

4 (8) The name and address of the person from whom the motor  
 5 vehicle is being purchased.

6 (9) A photocopy or electronic scan of one (1) of the following  
 7 forms of identification issued to the seller or the seller's agent:

8 (A) A current and valid driver's license.

9 (B) An identification card issued under IC 9-24-16-1 or a  
 10 similar card issued under the laws of another state or the  
 11 federal government.

12 (C) A government issued document bearing an image of the  
 13 seller or seller's agent, as applicable.

14 For purposes of complying with this subdivision, a disposal  
 15 facility or scrap metal processor is not required to make a separate  
 16 copy of the seller's or seller's agent's identification for each  
 17 purchase transaction involving the seller or seller's agent but may  
 18 instead refer to a copy maintained in reference to a particular  
 19 purchase transaction.

20 (c) A disposal facility or scrap metal processor may not complete a  
 21 purchase transaction in the absence of the information required under  
 22 subsection (b)(9).

23 (d) A disposal facility, a scrap metal processor, or an agent of a  
 24 disposal facility or scrap metal processor that knowingly, intentionally,  
 25 or recklessly buys a motor vehicle that is less than fifteen (15) model  
 26 years old without a certificate of title for the motor vehicle commits a  
 27 **Class D Level 6** felony.

28 SECTION 11. IC 9-32-17-2. AS ADDED BY P.L.92-2013,  
 29 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2014]: Sec. 2. (a) Except as provided in **subsections**  
 31 **subsection (b) and (c)**; a person who violates IC 9-32-4 commits a  
 32 Class C infraction.

33 (b) A person who knowingly or intentionally violates  
 34 IC 9-32-4-1(a)(1), IC 9-32-4-1(a)(2), ~~IC 9-32-4-1(a)(4):~~  
 35 ~~IC 9-32-4-1(a)(5)~~; or IC 9-32-4-1(d) commits a Class B misdemeanor.

36 (c) ~~A person who knowingly or intentionally violates~~  
 37 ~~IC 9-32-4-1(a)(3) commits a:~~

38 ~~(1) Class A misdemeanor for the first violation; and~~

39 ~~(2) Class D felony for a second or subsequent unrelated violation.~~

40 SECTION 12. IC 11-12-3.7-11. AS AMENDED BY P.L.192-2007,  
 41 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2014]: Sec. 11. (a) A person is eligible to participate in a  
 43 pre-conviction forensic diversion program only if the person meets the  
 44 following criteria:

45 (1) The person has a mental illness, an addictive disorder, or both  
 46 a mental illness and an addictive disorder.



- 1 (2) The person has been charged with an offense that is:  
2 (A) not a violent offense; and  
3 (B) a Class A, B, or C misdemeanor, or a ~~Class D~~ **Level 6**  
4 felony that may be reduced to a Class A misdemeanor in  
5 accordance with IC 35-50-2-7.  
6 (3) The person does not have a conviction for a violent offense in  
7 the previous ten (10) years.  
8 (4) The court has determined that the person is an appropriate  
9 candidate to participate in a pre-conviction forensic diversion  
10 program.  
11 (5) The person has been accepted into a pre-conviction forensic  
12 diversion program.
- 13 (b) Before an eligible person is permitted to participate in a  
14 pre-conviction forensic diversion program, the court shall advise the  
15 person of the following:
- 16 (1) Before the individual is permitted to participate in the  
17 program, the individual will be required to enter a guilty plea to  
18 the offense with which the individual has been charged.  
19 (2) The court will stay entry of the judgment of conviction during  
20 the time in which the individual is successfully participating in  
21 the program. If the individual stops successfully participating in  
22 the program, or does not successfully complete the program, the  
23 court will lift its stay, enter a judgment of conviction, and  
24 sentence the individual accordingly.  
25 (3) If the individual participates in the program, the individual  
26 may be required to remain in the program for a period not to  
27 exceed three (3) years.  
28 (4) During treatment the individual may be confined in an  
29 institution, be released for treatment in the community, receive  
30 supervised aftercare in the community, or may be required to  
31 receive a combination of these alternatives.  
32 (5) If the individual successfully completes the forensic diversion  
33 program, the court will waive entry of the judgment of conviction  
34 and dismiss the charges.  
35 (6) The court shall determine, after considering a report from the  
36 forensic diversion program, whether the individual is successfully  
37 participating in or has successfully completed the program.
- 38 (c) Before an eligible person may participate in a pre-conviction  
39 forensic diversion program, the person must plead guilty to the offense  
40 with which the person is charged.
- 41 (d) Before an eligible person may be admitted to a facility under the  
42 control of the division of mental health and addiction, the individual  
43 must be committed to the facility under IC 12-26.
- 44 (e) After the person has pleaded guilty, the court shall stay entry of  
45 judgment of conviction and place the person in the pre-conviction  
46 forensic diversion program for not more than:



- 1 (1) two (2) years, if the person has been charged with a  
 2 misdemeanor; or  
 3 (2) three (3) years, if the person has been charged with a felony.  
 4 (f) If, after considering the report of the forensic diversion program,  
 5 the court determines that the person has:  
 6 (1) failed to successfully participate in the forensic diversion  
 7 program, or failed to successfully complete the program, the court  
 8 shall lift its stay, enter judgment of conviction, and sentence the  
 9 person accordingly; or  
 10 (2) successfully completed the forensic diversion program, the  
 11 court shall waive entry of the judgment of conviction and dismiss  
 12 the charges.
- 13 SECTION 13. IC 12-7-2-53.2. AS ADDED BY P.L.287-2013.  
 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2014]: Sec. 53.2. "Dangerous felony", for purposes of  
 16 IC 12-17.2, means one (1) or more of the following felonies:  
 17 (1) Murder (IC 35-42-1-1).  
 18 (2) Attempted murder (IC 35-41-5-1).  
 19 (3) Voluntary manslaughter (IC 35-42-1-3).  
 20 (4) Involuntary manslaughter (IC 35-42-1-4).  
 21 (5) Reckless homicide (IC 35-42-1-5).  
 22 (6) Aggravated battery (IC 35-42-2-1.5).  
 23 (7) Kidnapping (IC 35-42-3-2).  
 24 (8) Rape (IC 35-42-4-1).  
 25 (9) Criminal deviate conduct (IC 35-42-4-2) **(before its repeal)**.  
 26 (10) Child molesting (IC 35-42-4-3).  
 27 (11) Sexual misconduct with a minor as a Class A felony **(for a**  
 28 **crime committed before July 1, 2014) or a Level 1 felony (for**  
 29 **a crime committed after June 30, 2014)** under  
 30 IC 35-42-4-9(a)(2) or a Class B felony **(for a crime committed**  
 31 **before July 1, 2014) or a Level 2 felony (for a crime**  
 32 **committed after June 30, 2014)** under IC 35-42-4-9(b)(2).  
 33 (12) Robbery as a Class A or Class B felony **(for a crime**  
 34 **committed before July 1, 2014) or a Level 2 or Level 3 felony**  
 35 **(for a crime committed after June 30, 2014)** (IC 35-42-5-1).  
 36 (13) Burglary as a Class A or Class B felony **(for a crime**  
 37 **committed before July 1, 2014) or a Level 2 or Level 3 felony**  
 38 **(for a crime committed after June 30, 2014)** (IC 35-43-2-1).  
 39 (14) Battery as a felony (IC 35-42-2-1).  
 40 (15) Domestic battery (IC 35-42-2-1.3).  
 41 (16) Strangulation (IC 35-42-2-9).  
 42 (17) Criminal confinement (IC 35-42-3-3).  
 43 (18) Sexual battery (IC 35-42-4-8).  
 44 (19) A felony committed in another jurisdiction that is  
 45 substantially similar to a felony in this section.  
 46 (20) An attempt to commit or a conspiracy to commit an offense



1 listed in subdivisions (1) through (19).

2 SECTION 14. IC 25-23.4-3-7. AS ADDED BY P.L.232-2013.  
 3 SECTION 20. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2014]: Sec. 7. (a) This section does not apply to an individual  
 5 who has a license under IC 25-23-1-13.1 to practice midwifery as a  
 6 certified nurse midwife.

7 (b) After July 1, 2014, an individual who knowingly or intentionally  
 8 practices midwifery without a certificate required under this article  
 9 commits a ~~Class D~~ **Level 6** felony.

10 SECTION 15. IC 31-30-4-5. AS ADDED BY P.L.104-2013.  
 11 SECTION 1. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2014]: Sec. 5. (a) At the request of a sentencing court, the  
 13 department of correction shall provide a progress report to the  
 14 sentencing court concerning an offender sentenced and placed in a  
 15 juvenile facility under section 2(b) of this chapter. When the offender  
 16 becomes eighteen (18) years of age:

17 (1) the department shall notify the sentencing court; and

18 (2) the sentencing court shall hold a review hearing concerning  
 19 the offender before the offender becomes nineteen (19) years of  
 20 age.

21 (b) Except as provided in subsection (c), after a hearing conducted  
 22 under subsection (a), the sentencing court may:

23 (1) continue the offender's placement in a juvenile facility until  
 24 the objectives of the sentence imposed on the offender have been  
 25 met, if the sentencing court finds that the objectives of the  
 26 sentence imposed on the offender have not been met;

27 (2) discharge the offender if the sentencing court finds that the  
 28 objectives of the sentence imposed on the offender have been  
 29 met;

30 (3) order execution of all or part of the offender's suspended  
 31 criminal sentence in an adult facility of the department of  
 32 correction; or

33 (4) place the offender:

34 (A) in home detention under IC 35-38-2.5;

35 (B) in a community corrections program under IC 35-38-2.6;

36 (C) on probation under IC 35-50-7; or

37 (D) in any other appropriate alternative sentencing program.

38 (c) This subsection applies to an offender over whom a juvenile  
 39 court lacks jurisdiction under IC 31-30-1-4 who is convicted of one (1)  
 40 or more of the following offenses:

41 (1) Murder (IC 35-42-1-1).

42 (2) Attempted murder (IC 35-41-5-1).

43 (3) Kidnapping (IC 35-42-3-2).

44 (4) Rape as a Class A felony (**for a crime committed before July**  
 45 **1, 2014) or a Level 1 felony (for a crime committed after June**  
 46 **30, 2014)** (IC 35-42-4-1(b)).



1 (5) Criminal deviate conduct as a Class A felony  
2 (IC 35-42-4-2(b)) **(before its repeal).**

3 (6) Robbery as a Class A felony **(for a crime committed before**  
4 **July 1, 2014) or a Level 2 felony (for a crime committed after**  
5 **June 30, 2014)** (IC 35-42-5-1), if:

6 (A) the offense was committed while armed with a deadly  
7 weapon: and

8 (B) the offense resulted in bodily injury to any person other  
9 than a defendant.

10 The court may not modify the original sentence of an offender to whom  
11 this subsection applies if the prosecuting attorney objects in writing to  
12 the modification. The prosecuting attorney shall set forth in writing the  
13 prosecuting attorney's reasons for objecting to the sentence  
14 modification.

15 SECTION 16. IC 31-37-13-5 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. If a finding of  
17 delinquency is based on a delinquent act that would be a felony if  
18 committed by an adult, the juvenile court shall state in the findings the  
19 following:

20 (1) The specific statute that was violated.

21 (2) The **class level** of the felony had the violation been committed  
22 by an adult.

23 SECTION 17. IC 35-38-9-2, AS ADDED BY P.L.159-2013.  
24 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2014]: Sec. 2. (a) This section applies only to a person  
26 convicted of a misdemeanor, including a Class D felony **(for a crime**  
27 **committed before July 1, 2014) or a Level 6 felony (for a crime**  
28 **committed after June 30, 2014)** reduced to a misdemeanor.

29 (b) Not earlier than five (5) years after the date of conviction (unless  
30 the prosecuting attorney consents in writing to an earlier period), the  
31 person convicted of the misdemeanor may petition the sentencing court  
32 to expunge conviction records contained in:

33 (1) a court's files;

34 (2) the files of the department of correction;

35 (3) the files of the bureau of motor vehicles; and

36 (4) the files of any other person who provided treatment or  
37 services to the petitioning person under a court order;

38 that relate to the person's misdemeanor conviction.

39 (c) A person who files a petition to expunge conviction records shall  
40 pay the filing fees required for filing a civil action, and the clerk shall  
41 distribute the fees as in the case of a civil action. A person who files a  
42 petition to expunge conviction records may not receive a waiver or  
43 reduction of fees upon a showing of indigency.

44 (d) If the court finds by clear and convincing evidence that:

45 (1) the period required by this section has elapsed;

46 (2) no charges are pending against the person;



1 (3) the person does not have an existing or pending driver's  
2 license suspension;

3 (4) the person has successfully completed the person's sentence,  
4 including any term of supervised release, and satisfied all other  
5 obligations placed on the person as part of the sentence; and

6 (5) the person has not been convicted of a crime within the  
7 previous five (5) years;

8 the court shall order the conviction records described in subsection (b)  
9 expunged in accordance with section 6 of this chapter.

10 SECTION 18. IC 35-38-9-3. AS ADDED BY P.L.159-2013.  
11 SECTION 4. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2014]: Sec. 3. (a) Except as provided in subsection (b), this  
13 section applies only to a person convicted of a Class D felony (**for a  
14 crime committed before July 1, 2014) or a Level 6 felony (for a  
15 crime committed after June 30, 2014)**). This section does not apply to  
16 a person if the person's Class D **or Level 6** felony was reduced to a  
17 Class A misdemeanor.

18 (b) This section does not apply to the following:

19 (1) An elected official convicted of an offense while serving the  
20 official's term or as a candidate for public office.

21 (2) A sex or violent offender (as defined in IC 11-8-8-5).

22 (3) A person convicted of a felony that resulted in bodily injury to  
23 another person.

24 (4) A person convicted of perjury (IC 35-44.1-2-1) or official  
25 misconduct (IC 35-44.1-1-1).

26 (5) A person convicted of an offense described in:

27 (A) IC 35-42-1;

28 (B) IC 35-42-3.5; or

29 (C) IC 35-42-4.

30 (c) Not earlier than eight (8) years after the date of conviction  
31 (unless the prosecuting attorney consents in writing to an earlier  
32 period), the person convicted of the Class D **or Level 6** felony may  
33 petition the sentencing court to expunge conviction records contained  
34 in:

35 (1) a court's files;

36 (2) the files of the department of correction;

37 (3) the files of the bureau of motor vehicles; and

38 (4) the files of any other person who provided treatment or  
39 services to the petitioning person under a court order;

40 that relate to the person's Class D **or Level 6** felony conviction.

41 (d) A person who files a petition to expunge conviction records shall  
42 pay the filing fees required for filing a civil action, and the clerk shall  
43 distribute the fees as in the case of a civil action. A person who files a  
44 petition to expunge conviction records may not receive a waiver or  
45 reduction of fees upon a showing of indigency.

46 (e) If the court finds by clear and convincing evidence that:



- 1 (1) the period required by this section has elapsed;
- 2 (2) no charges are pending against the person;
- 3 (3) the person does not have an existing or pending driver's
- 4 license suspension;
- 5 (4) the person has successfully completed the person's sentence,
- 6 including any term of supervised release, and satisfied all other
- 7 obligations placed on the person as part of the sentence; and
- 8 (5) the person has not been convicted of a crime within the
- 9 previous eight (8) years;

10 the court shall order the conviction records described in subsection (c)

11 expunged in accordance with section 6 of this chapter.

12 SECTION 19. IC 35-43-5-4.6. AS ADDED BY P.L.293-2013(ts).

13 SECTION 43. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

14 JULY 1, 2014]: Sec. 4.6. (a) The following definitions apply

15 throughout this section:

16 (1) "Automated sales suppression device" means a software

17 program:

- 18 (A) carried on a memory stick or removable compact disc;
- 19 (B) accessed through an Internet link; or
- 20 (C) accessed through any other means;

21 that falsifies the electronic records of electronic cash registers and

22 other point-of-sale systems, including transaction data and

23 transaction reports.

24 (2) "Electronic cash register" means a device that keeps a register

25 or supporting documents through the means of an electronic

26 device or a computer system designed to record transaction data

27 for the purpose of computing, compiling, or processing retail sales

28 transaction data in any manner.

29 (3) "Phantom-ware" means a hidden, a pre-installed, or an

30 installed at a later time programming option embedded in the

31 operating system of an electronic cash register or hardwired into

32 the electronic cash register that:

- 33 (A) can be used to create a virtual second till; or
- 34 (B) may eliminate or manipulate transaction records that may
- 35 or may not be preserved in digital formats to represent the true
- 36 or manipulated record of transactions in the electronic cash
- 37 register.

38 (4) "Transaction data" includes information regarding:

- 39 (A) items purchased by a customer;
- 40 (B) the price for each item;
- 41 (C) a taxability determination for each item;
- 42 (D) a segregated tax amount for each of the taxed items;
- 43 (E) the amount of cash or credit tendered;
- 44 (F) the net amount returned to the customer in change;
- 45 (G) the date and time of the purchase;
- 46 (H) the name, address, and identification number of the



- 1 vendor: and  
 2 (I) the receipt or invoice number of the transaction.  
 3 (5) "Transaction report" means:  
 4 (A) a report that includes:  
 5 (i) the sales;  
 6 (ii) taxes collected;  
 7 (iii) media totals; and  
 8 (iv) discount voids:  
 9 at an electronic cash register that is printed on cash register  
 10 tape at the end of a day or shift; or  
 11 (B) a report documenting every action at an electronic cash  
 12 register that is stored electronically.  
 13 (6) "Zapper" refers to an automated sales suppression device.  
 14 (b) A person who knowingly or intentionally sells, purchases,  
 15 installs, transfers, or possesses:  
 16 (1) an automated sales suppression device or a zapper; or  
 17 (2) phantom-ware;  
 18 after June 30, 2013, commits unlawful sale or possession of a  
 19 transaction manipulation device, a ~~Class C~~ **Level 5** felony.  
 20 SECTION 20. IC 35-46-9-6. AS ADDED BY P.L.40-2012,  
 21 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2014]: Sec. 6. (a) Except as provided in subsections (b) and  
 23 (c), a person who operates a motorboat while:  
 24 (1) having an alcohol concentration equivalent (as defined in  
 25 IC 9-13-2-2.4) to at least eight-hundredths (0.08) gram of alcohol  
 26 per:  
 27 (A) one hundred (100) milliliters of the person's blood; or  
 28 (B) two hundred ten (210) liters of the person's breath;  
 29 (2) having a controlled substance listed in schedule I or II of  
 30 IC 35-48-2 or its metabolite in the person's body; or  
 31 (3) intoxicated;  
 32 commits a Class C misdemeanor.  
 33 (b) The offense is a ~~Class D~~ **Level 6** felony if:  
 34 (1) the person has a previous conviction under:  
 35 (A) IC 14-1-5 (repealed); or  
 36 (B) this chapter; or  
 37 (2) the offense results in serious bodily injury to another person.  
 38 (c) The offense is a ~~Class C~~ **Level 5** felony if the offense results in  
 39 the death of another person.  
 40 (d) It is a defense to a prosecution under subsection (a)(2) that the  
 41 accused person consumed the controlled substance under a valid  
 42 prescription or order of a practitioner (as defined in IC 35-48-1-24)  
 43 who acted in the course of the practitioner's professional practice.  
 44 SECTION 21. IC 35-48-4-10.5. AS ADDED BY P.L.196-2013.  
 45 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 46 JULY 1, 2014]: Sec. 10.5. (a) A person who:



- 1 (1) manufactures;  
 2 (2) finances the manufacture of;  
 3 (3) delivers;  
 4 (4) finances the delivery of;  
 5 (5) possesses, with intent to deliver; or  
 6 (6) possesses, with intent to finance the delivery of;  
 7 a synthetic drug or a synthetic drug lookalike substance commits  
 8 dealing in a synthetic drug or synthetic drug lookalike substance, a  
 9 Class A infraction. However, the offense is a ~~Class D~~ **Level 6** felony if  
 10 the offense is committed knowingly or intentionally and the person has  
 11 a prior unrelated judgment or conviction under this subsection.
- 12 (b) A person who:  
 13 (1) knowingly or intentionally:  
 14 (A) manufactures;  
 15 (B) finances the manufacture of;  
 16 (C) delivers; or  
 17 (D) finances the delivery of;  
 18 a synthetic drug or synthetic drug lookalike substance; or  
 19 (2) possesses, with intent to:  
 20 (A) manufacture;  
 21 (B) finance the manufacture of;  
 22 (C) deliver; or  
 23 (D) finance the delivery of;  
 24 a synthetic drug or synthetic drug lookalike substance;  
 25 commits dealing in a synthetic drug or synthetic drug lookalike  
 26 substance, a Class A misdemeanor, except as provided in subsection  
 27 (c).
- 28 (c) The offense in subsection (b) is:  
 29 (1) a ~~Class D~~ **Level 6** felony if:  
 30 (A) the recipient or intended recipient is less than eighteen  
 31 (18) years of age;  
 32 (B) the amount involved is more than two (2) grams; or  
 33 (C) the person has a prior conviction of an offense involving  
 34 a synthetic drug or synthetic drug lookalike substance; and  
 35 (2) a ~~Class E~~ **Level 5** felony if the amount involved is more than  
 36 two (2) grams and the person delivered or financed the delivery  
 37 of the synthetic drug or synthetic drug lookalike substance:  
 38 (A) on a school bus; or  
 39 (B) in, on, or within five hundred (500) feet of:  
 40 (i) school property; or  
 41 (ii) a public park;  
 42 while a person under eighteen (18) years of age was  
 43 reasonably expected to be present.
- 44 (d) In addition to a criminal or civil penalty imposed for a violation  
 45 of this section, if the court finds that a person has violated this section  
 46 and the violation involved the sale of or offer to sell, in the normal



1 course of business, a synthetic drug or a synthetic drug lookalike  
 2 substance by a retail merchant in a place of business for which the  
 3 retail merchant has been issued a registered retail merchant certificate.  
 4 the court:

5 (1) shall recommend the suspension of the registered retail  
 6 merchant certificate for the place of business for one (1) year if  
 7 the person's violation of this section resulted in a criminal  
 8 conviction; and

9 (2) may recommend the suspension of the registered retail  
 10 merchant certificate for the place of business for six (6) months  
 11 if the person's violation of this section resulted in an adjudication  
 12 that the person committed an infraction.

13 (e) The department of state revenue shall suspend the registered  
 14 retail merchant certificate of a retail merchant in accordance with the  
 15 recommendation of the court. Whenever the department of state  
 16 revenue is required to suspend a retail merchant's registered retail  
 17 merchant certificate under this section, the department shall  
 18 immediately mail a notice to the retail merchant's address that must  
 19 state that the retail merchant's registered retail merchant certificate will  
 20 be suspended for the period recommended by the court, commencing  
 21 five (5) days after the date of the notice.

22 SECTION 22. IC 35-48-4-11.5, AS ADDED BY P.L.185-2013.  
 23 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2014]: Sec. 11.5. (a) As used in this section, "synthetic drug  
 25 lookalike substance" has the meaning set forth in  
 26 IC 35-31.5-2-321.5(a)(2).

27 (b) A person who possesses a synthetic drug or synthetic drug  
 28 lookalike substance commits possession of a synthetic drug or synthetic  
 29 drug lookalike substance, a Class B infraction.

30 (c) A person who knowingly or intentionally possesses a synthetic  
 31 drug or synthetic drug lookalike substance commits possession of a  
 32 synthetic drug or synthetic drug lookalike substance, a Class A  
 33 misdemeanor. However, the offense is a ~~Class B~~ **Level 6** felony if the  
 34 person has a prior unrelated conviction under this section or under  
 35 section 10.5 of this chapter.

36 SECTION 23. IC 35-50-2-2.1 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.1. (a) Except as  
 38 provided in subsection (b), ~~or section 2 of this chapter~~; the court may  
 39 not suspend a sentence for a felony for a person with a juvenile record  
 40 when:

41 (1) the juvenile record includes findings that the juvenile acts, if  
 42 committed by an adult, would constitute:

43 (A) one (1) Class A or Class B felony;

44 (B) two (2) Class C or Class D felonies; ~~or~~

45 (C) one (1) Class C and one (1) Class D felony;

46 **(D) one (1) Level 1, Level 2, Level 3, or Level 4 felony;**



1                   **(E) two (2) Level 5 or Level 6 felonies; or**  
 2                   **(F) one (1) Level 5 and one (1) Level 6 felony; and**  
 3                   (2) less than three (3) years have elapsed between commission of  
 4                   the juvenile acts that would be felonies if committed by an adult  
 5                   and the commission of the felony for which the person is being  
 6                   sentenced.

7                   (b) Notwithstanding subsection (a), the court may suspend any part  
 8                   of the sentence for a felony ~~except as provided in section 2 of this~~  
 9                   ~~chapter~~; if it finds that:

- 10                   (1) the crime was the result of circumstances unlikely to recur;
- 11                   (2) the victim of the crime induced or facilitated the offense;
- 12                   (3) there are substantial grounds tending to excuse or justify the  
 13                   crime, though failing to establish a defense; or
- 14                   (4) the acts in the juvenile record would not be Class A, ~~or Class~~  
 15                   B, **Level 1, Level 2, Level 3, or Level 4** felonies if committed by  
 16                   an adult, and the convicted person is to undergo home detention  
 17                   under IC 35-38-1-21 instead of the minimum sentence specified  
 18                   for the crime under this chapter.





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**PRELIMINARY DRAFT**  
**No. 3172**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2014 GENERAL ASSEMBLY**

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DIGEST

**Citations Affected:** IC 35-50-2-8.

**Synopsis:** Habitual offender sentencing. Requires a court to sentence a person found to be a habitual offender for a felony to an additional fixed term of imprisonment that is between: (1) six years and 20 years, for a person convicted of murder or a Level 1 through Level 4 felony; (2) six years and 10 years, for a person convicted of a Level 5 felony; or (3) two years and six years, for a person convicted of a Level 6 felony.

**Effective:** July 1, 2014.



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 35-50-2-8, AS AMENDED BY P.L.158-2013,  
2 SECTION 661, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The state may seek to have a  
4 person sentenced as a habitual offender for a felony by alleging, on one  
5 (1) or more pages separate from the rest of the charging instrument,  
6 that the person has accumulated the required number of prior unrelated  
7 felony convictions in accordance with this section.

8 (b) A person convicted of murder or of a Level 1 through Level 4  
9 felony is a habitual offender if the state proves beyond a reasonable  
10 doubt that:

11 (1) the person has been convicted of two (2) prior unrelated  
12 felonies; and

13 (2) at least one (1) of the prior unrelated felonies is not a Level 6  
14 felony or a Class D felony.

15 (c) A person convicted of a Level 5 felony is a habitual offender if  
16 the state proves beyond a reasonable doubt that:

17 (1) the person has been convicted of two (2) prior unrelated  
18 felonies:

19 (2) at least one (1) of the prior unrelated felonies is not a Level 6  
20 felony or a Class D felony; and

21 (3) if the person is alleged to have committed a prior unrelated:

22 (A) Level 5 felony;

23 (B) Level 6 felony;

24 (C) Class C felony; or

25 (D) Class D felony;

26 not more than ten (10) years have elapsed between the time the  
27 person was released from imprisonment, probation, or parole  
28 (whichever is latest) and the time the person committed the  
29 current offense.

30 (d) A person convicted of a Level 6 felony is a habitual offender if  
31 the state proves beyond a reasonable doubt that:



- 1 (1) the person has been convicted of three (3) prior unrelated  
2 felonies: and  
3 (2) if the person is alleged to have committed a prior unrelated:  
4 (A) Level 5 felony;  
5 (B) Level 6 felony;  
6 (C) Class C felony; or  
7 (D) Class D felony;  
8 not more than ten (10) years have elapsed between the time the  
9 person was released from imprisonment, probation, or parole  
10 (whichever is latest) and the time the person committed the  
11 current offense.
- 12 (e) The state may not seek to have a person sentenced as a habitual  
13 offender for a felony offense under this section if the current offense is  
14 a misdemeanor that is enhanced to a felony in the same proceeding as  
15 the habitual offender proceeding solely because the person had a prior  
16 unrelated conviction. However, a prior unrelated felony conviction may  
17 be used to support a habitual offender determination even if the  
18 sentence for the prior unrelated offense was enhanced for any reason,  
19 including an enhancement because the person had been convicted of  
20 another offense.
- 21 (f) A person has accumulated two (2) or three (3) prior unrelated  
22 felony convictions for purposes of this section only if:  
23 (1) the second prior unrelated felony conviction was committed  
24 after commission of and sentencing for the first prior unrelated  
25 felony conviction;  
26 (2) the offense for which the state seeks to have the person  
27 sentenced as a habitual offender was committed after commission  
28 of and sentencing for the second prior unrelated felony  
29 conviction; and  
30 (3) for a conviction requiring proof of three (3) prior unrelated  
31 felonies, the third prior unrelated felony conviction was  
32 committed after commission of and sentencing for the second  
33 prior unrelated felony conviction.
- 34 (g) A conviction does not count for purposes of this section as a  
35 prior unrelated felony conviction if:  
36 (1) the conviction has been set aside; or  
37 (2) the conviction is one for which the person has been pardoned.
- 38 (h) If the person was convicted of the felony in a jury trial, the jury  
39 shall reconvene for the sentencing hearing. If the trial was to the court  
40 or the judgment was entered on a guilty plea, the court alone shall  
41 conduct the sentencing hearing under IC 35-38-1-3. The role of the jury  
42 is to determine whether the defendant has been convicted of the  
43 unrelated felonies. The state or defendant may not conduct any  
44 additional interrogation or questioning of the jury during the habitual  
45 offender part of the trial.
- 46 (i) The court shall sentence a person found to be a habitual offender



1 to an additional fixed term that is between:

2 (1) ~~zero (0)~~ **six (6) years** and twenty (20) years, for a person  
3 convicted of murder or a Level 1 through Level 4 felony; ~~or~~

4 (2) ~~zero (0) and~~ six (6) years **and ten (10) years**, for a person  
5 convicted of a Level 5 ~~or Level 6~~ felony; ~~or~~

6 (3) **two (2) years and six (6) years, for a person convicted of a**  
7 **Level 6 felony.**

8 An additional term imposed under this subsection is nonsuspendible.

9 (j) Habitual offender is a status that results in an enhanced sentence.

10 It is not a separate crime and does not result in a consecutive sentence.

11 The court shall attach the habitual offender enhancement to the felony  
12 conviction with the highest sentence imposed and specify which felony

13 count is being enhanced. If the felony enhanced by the habitual

14 offender determination is set aside or vacated, the court shall

15 resentence the person and apply the habitual offender enhancement to

16 the felony conviction with the next highest sentence in the underlying

17 cause, if any.

18 (k) A prior unrelated felony conviction may not be collaterally

19 attacked during a habitual offender proceeding unless the conviction

20 is constitutionally invalid.

21 (l) The procedural safeguards that apply to other criminal charges,

22 including:

23 (1) the requirement that the charge be filed by information or

24 indictment; and

25 (2) the right to an initial hearing;

26 also apply to a habitual offender allegation.





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**PRELIMINARY DRAFT  
No. 3191**

**PREPARED BY  
LEGISLATIVE SERVICES AGENCY  
2014 GENERAL ASSEMBLY**

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DIGEST

**Citations Affected:** IC 35-42-2-1.3.

**Synopsis:** Domestic battery. Changes the requirements for a Level 6 enhanced penalty for domestic battery to include that the person knew a child was present and was aware of the offense.

**Effective:** July 1, 2014.



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 35-42-2-1.3, AS AMENDED BY P.L.158-2013,  
2 SECTION 421, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2014]: Sec. 1.3. (a) A person who knowingly or  
4 intentionally touches an individual who:

5 (1) is or was a spouse of the other person;

6 (2) is or was living as if a spouse of the other person as provided  
7 in subsection (c); or

8 (3) has a child in common with the other person;

9 in a rude, insolent, or angry manner that results in bodily injury to the  
10 person described in subdivision (1), (2), or (3) commits domestic  
11 battery, a Class A misdemeanor.

12 (b) However, the offense under subsection (a) is a Level 6 felony if  
13 the person who committed the offense:

14 (1) has a previous, unrelated conviction:

15 (A) under this section (or IC 35-42-2-1(a)(2)(E) before that  
16 provision was removed by P.L.188-1999, SECTION 5); or

17 (B) in any other jurisdiction, including a military court, in  
18 which the elements of the crime for which the conviction was  
19 entered are substantially similar to the elements described in  
20 this section; or

21 (2) committed the offense in the physical presence of a child less  
22 than sixteen (16) years of age, knowing that the child was present  
23 and ~~might be able to see or hear~~ was aware of the offense.

24 (c) In considering whether a person is or was living as a spouse of  
25 another individual for purposes of subsection (a)(2), the court shall  
26 review:

27 (1) the duration of the relationship;

28 (2) the frequency of contact;

29 (3) the financial interdependence;

30 (4) whether the two (2) individuals are raising children together;

31 (5) whether the two (2) individuals have engaged in tasks directed



1 toward maintaining a common household; and  
2 (6) other factors the court considers relevant.





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**PRELIMINARY DRAFT**  
**No. 3177**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2014 GENERAL ASSEMBLY**

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DIGEST

**Citations Affected:** IC 35-41-2-4.

**Synopsis:** Aiding, inducing, or causing an offense. Provides a penalty for a person who aids, induces, or causes another person to commit an offense.

**Effective:** July 1, 2014.



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 35-41-2-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who  
3 knowingly or intentionally aids, induces, or causes another person to  
4 commit an offense commits that offense, even if the other person:

5 (1) has not been prosecuted for the offense;

6 (2) has not been convicted of the offense; or

7 (3) has been acquitted of the offense.

8 (b) **Unless a person who commits a felony offense described in**  
9 **subsection (a) has the same mens rea or culpability as required for**  
10 **the commission of the underlying offense committed by the other**  
11 **person:**

12 (1) **the penalty is one (1) level below the penalty for the**  
13 **underlying offense committed by the other person, except as**  
14 **provided in subdivision (2); or**

15 (2) **if the underlying offense is a Level 6 felony, the penalty is**  
16 **the penalty for a Class A misdemeanor.**

17 **If the person who commits an offense described in subsection (a)**  
18 **has the same mens rea or culpability as required for the**  
19 **commission of the underlying offense committed by the other**  
20 **person, the penalty is the penalty for the underlying offense.**





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**PRELIMINARY DRAFT  
No. 3219**

**PREPARED BY  
LEGISLATIVE SERVICES AGENCY  
2014 GENERAL ASSEMBLY**

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DIGEST

**Citations Affected:** IC 35-46-1-5; IC 35-50-2-6.

**Synopsis:** Nonsupport of a child. Changes the penalty enhancement for nonsupport of a child from a Level 6 felony to a Level 5 felony if the person has a previous conviction for the offense. Changes the procedure for a court to lower the penalty for a person convicted of nonsupport of a child.

**Effective:** July 1, 2014.



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 35-46-1-5, AS AMENDED BY P.L.158-2013.  
2 SECTION 552. IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person who knowingly or  
4 intentionally fails to provide support to the person's dependent child  
5 commits nonsupport of a child, a Level 6 felony. However, the offense  
6 is a Level 5 felony if the total amount of unpaid support that is due and  
7 owing for one (1) or more children is at least fifteen thousand dollars  
8 (\$15,000); **the person has a previous conviction under this section.**

9 (b) It is a defense that the child had abandoned the home of the  
10 child's family without the consent of the child's parent or on the order  
11 of a court, but it is not a defense that the child had abandoned the home  
12 of the child's family if the cause of the child's leaving was the fault of  
13 the child's parent.

14 (c) It is a defense that the accused person, in the legitimate practice  
15 of the person's religious belief, provided treatment by spiritual means  
16 through prayer, in lieu of medical care, to the person's dependent child.

17 (d) It is a defense that the accused person was unable to provide  
18 support.

19 SECTION 2. IC 35-50-2-6, AS AMENDED BY P.L.158-2013.  
20 SECTION 659. IS AMENDED TO READ AS FOLLOWS  
21 [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who commits a  
22 Class C felony (for a crime committed before July 1, 2014) shall be  
23 imprisoned for a fixed term of between two (2) and eight (8) years, with  
24 the advisory sentence being four (4) years. In addition, the person may  
25 be fined not more than ten thousand dollars (\$10,000).

26 (b) Notwithstanding subsection (a), if a person has committed  
27 nonsupport of a child as a Class C felony under IC 35-46-1-5 (for a  
28 crime committed before July 1, 2014), upon motion of the prosecuting  
29 attorney, the court may enter judgment of conviction of a Class D  
30 felony under IC 35-46-1-5 and sentence the person accordingly. The  
31 court shall enter in the record detailed reasons for the court's action



1 when the court enters a judgment of conviction of a Class D felony  
2 under this subsection:

3 (e) (b) A person who commits a Level 5 felony (for a crime  
4 committed after June 30, 2014) shall be imprisoned for a fixed term of  
5 between one (1) and six (6) years, with the advisory sentence being two  
6 (2) years. In addition, the person may be fined not more than ten  
7 thousand dollars (\$10,000).

8 (d) Notwithstanding subsection (c), if a person has committed  
9 nonsupport of a child as a Level 5 felony under IC 35-46-1-5 (for a  
10 crime committed after June 30, 2014), upon motion of the prosecuting  
11 attorney, the court may enter judgment of conviction of a Level 6  
12 felony under IC 35-46-1-5 and sentence the person accordingly. The  
13 court shall enter in the record detailed reasons for the court's action  
14 when the court enters a judgment of conviction of a Level 6 felony  
15 under this subsection.

16 (c) Notwithstanding subsections (a) and (b), if a person commits  
17 nonsupport of a child as a Class C felony (for a crime committed  
18 before July 1, 2014) or a Level 5 felony (for a crime committed  
19 after June 30, 2014) under IC 35-46-1-5, the sentencing court may  
20 convert the Class C felony conviction to a Class D felony or a Level  
21 5 felony conviction to a Level 6 felony if, after receiving a verified  
22 petition as described in subsection (d) and after conducting a  
23 hearing in which the prosecuting attorney has been notified, the  
24 court makes the following findings:

25 (1) The person has successfully completed probation as  
26 required by the person's sentence.

27 (2) The person has satisfied other obligations imposed on the  
28 person as required by the person's sentence.

29 (3) The person has paid in full all child support arrearages  
30 due that are named in the information.

31 (4) The person has not been convicted of another felony since  
32 the person was sentenced for the underlying nonsupport of a  
33 child felony.

34 (5) There are no criminal charges pending against the person.

35 (6) The prosecuting attorney agrees to the reduction of the  
36 penalty.

37 (d) A petition filed under subsection (c) must be verified and set  
38 forth the following:

39 (1) A statement that the person was convicted of nonsupport  
40 of a child under IC 35-46-1-5.

41 (2) The date of the conviction.

42 (3) The date the person completed the person's sentence.

43 (4) The amount of the child support arrearage due at the time  
44 of conviction.

45 (5) The date the child support arrearage was paid in full.

46 (6) A verified statement that no further child support



- 1            arrearage is due.
- 2            (7) Any other obligations imposed on the person as part of the
- 3            person's sentence.
- 4            (8) The date the obligations were satisfied.
- 5            (9) A verified statement that there are no criminal charges
- 6            pending against the person.
- 7            (e) A prosecuting attorney may petition the court to convert a
- 8            person's conviction that was reduced under subsection (c) back to
- 9            the original sentence if the person is convicted of a felony within
- 10           five (5) years after the conversion occurred under subsection (c).
- 11           (f) A court shall convert a sentence back to the original sentence
- 12           if the court finds that the person has been convicted of a felony as
- 13           described in subsection (e).
- 14           (g) A person whose conviction has been converted to a lower
- 15           penalty under this section is eligible to seek expungement under
- 16           IC 35-38-9-2 with the date of conversion used as the date of
- 17           conviction to calculate time frames under IC 35-38-2.





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**PRELIMINARY DRAFT**  
**No. 3234**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2014 GENERAL ASSEMBLY**

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DIGEST

**Citations Affected:** IC 7.1-1-2-2; IC 7.1-3; IC 7.1-5; IC 35-51-7-1.

**Synopsis:** Criminal provisions of Title 7.1. Title 7.1 criminal law revision. Revises numerous provisions of Title 7.1 that deal with criminal liability.

**Effective:** July 1, 2014.



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 7.1-1-2-2. AS AMENDED BY P.L.141-2012.  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: Sec. 2. Except as provided in IC 7.1-5-1-3. **and**  
4 IC 7.1-5-1-6, **IC 7.1-5-7, and IC 7.1-5-8**, this title applies to the  
5 following:

6 (1) The commercial manufacturing, bottling, selling, bartering,  
7 importing, transporting, delivering, furnishing, or possessing of  
8 alcohol, alcoholic beverages, industrial alcohol, malt, malt syrup,  
9 malt extract, liquid malt or wort.

10 (2) The sale, possession, use, and distribution of tobacco  
11 products.

12 SECTION 2. IC 7.1-3-26-5, AS ADDED BY P.L.165-2006.  
13 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2014]: Sec. 5. (a) A person located within Indiana or outside  
15 Indiana that wants to sell and ship wine directly to a consumer must be  
16 the holder of a direct wine seller's permit and comply with this chapter.  
17 **A person that sells and ships wine directly to a consumer without**  
18 **holding a valid direct wine seller's permit commits a Class A**  
19 **infraction.**

20 (b) The offense described in subsection (a) is:

21 (1) a Class A misdemeanor if the seller:

22 (A) knowingly or intentionally violates this section; and

23 (B) has one (1) prior unrelated conviction or judgment for  
24 an infraction under this chapter for an act or omission that  
25 occurred not more than ten (10) years before the act or  
26 omission that is the basis for the most recent conviction or  
27 judgment for an infraction; and

28 (2) a Level 6 felony if the seller:

29 (A) knowingly or intentionally violates this section; and

30 (B) has at least two (2) prior unrelated convictions or  
31 judgments for infractions under this chapter for acts or



1            **omissions that occurred not more than ten (10) years**  
 2            **before the act or omission that is the basis for the most**  
 3            **recent conviction or judgment for an infraction.**

4            SECTION 3. IC 7.1-3-26-6. AS ADDED BY P.L.165-2006.  
 5            SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6            JULY 1, 2014]: Sec. 6. **(a)** A seller may sell and ship wine directly only  
 7            to a consumer who meets all of the following requirements:

8            (1) The consumer is at least twenty-one (21) years of age.

9            (2) The consumer has an Indiana address.

10           (3) The consumer intends to use wine purchased under this  
 11           chapter for personal use only and not for resale or other  
 12           commercial purposes.

13           (4) Except as provided in subdivision (5), the consumer has  
 14           provided to the seller in one (1) initial face-to-face transaction at  
 15           the seller's place of business appearing on the seller's application  
 16           for a direct wine seller's permit or any locations authorized by  
 17           IC 7.1-3-12-5 all the following:

18           (A) Name, telephone number, Indiana address, or consumer's  
 19           Indiana business address.

20           (B) Proof of age by a state issued driver's license or state  
 21           issued identification card showing the consumer to be at least  
 22           twenty-one (21) years of age.

23           (C) A verified statement, made under penalties for perjury,  
 24           that the consumer satisfies the requirements of subdivisions  
 25           (1) through (3).

26           (5) If:

27           (A) before April 1, 2006, the consumer has engaged in a  
 28           transaction with a seller in which the seller sold wine to the  
 29           consumer and, after April 1, 2006, but before December 31,  
 30           2006, the consumer provides the seller with a verified  
 31           statement, made under penalties for perjury, that the consumer  
 32           is at least twenty-one (21) years of age; and

33           (B) the seller provides the name and Indiana address of the  
 34           consumer to the commission before January 15, 2007:

35           the seller may sell directly to the consumer in accordance with  
 36           this chapter.

37           **(b) A seller who violates this section commits a Class A**  
 38           **infraction. However, the offense is:**

39           **(1) a Class A misdemeanor if the seller:**

40           **(A) knowingly or intentionally violates subsection (a)(1)**  
 41           **through (a)(4) of this section; and**

42           **(B) has one (1) prior unrelated conviction or judgment for**  
 43           **an infraction under this chapter for an act or omission that**  
 44           **occurred not more than ten (10) years before the act or**  
 45           **omission that is the basis for the most recent conviction or**  
 46           **judgment for an infraction; and**



1           **(2) a Level 6 felony if the seller:**

2           **(A) knowingly or intentionally violates subsection (a)(1)**  
3           **through (a)(4) of this section; and**

4           **(B) has at least two (2) prior unrelated convictions or**  
5           **judgments for infractions under this chapter for acts or**  
6           **omissions that occurred not more than ten (10) years**  
7           **before the act or omission that is the basis for the most**  
8           **recent conviction or judgment for an infraction.**

9           **(c) It is a defense to an action or prosecution under this section**  
10          **that the seller obtained from the consumer the verified statement**  
11          **required under subsection (a)(4) or (a)(5).**

12          SECTION 4. IC 7.1-3-26-10, AS ADDED BY P.L.165-2006,  
13          SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14          JULY 1, 2014]: Sec. 10. It is ~~unlawful for the (a)~~ **Except as provided**  
15          **in subsection (b), the holder of a farm winery brandy distiller's permit**  
16          **to ship or cause to be shipped that ships brandy produced under this**  
17          **title to a consumer commits a Class A infraction.**

18          **(b) The offense described in subsection (a) is:**

19           **(1) a Class A misdemeanor if the seller:**

20           **(A) knowingly or intentionally violates this section; and**

21           **(B) has one (1) prior unrelated conviction or judgment for**  
22           **an infraction under this chapter for an act or omission that**  
23           **occurred not more than ten (10) years before the act or**  
24           **omission that is the basis for the most recent conviction or**  
25           **judgment for an infraction; and**

26           **(2) a Level 6 felony if the seller:**

27           **(A) knowingly or intentionally violates this section; and**

28           **(B) has at least two (2) prior unrelated convictions or**  
29           **judgments for infractions under this chapter for acts or**  
30           **omissions that occurred not more than ten (10) years**  
31           **before the act or omission that is the basis for the most**  
32           **recent conviction or judgment for an infraction.**

33          SECTION 5. IC 7.1-3-26-15 IS REPEALED [EFFECTIVE JULY  
34          1, 2014]. Sec. 15: (a) ~~Except as provided in subsections (b) and (c), a~~  
35          ~~seller who violates this chapter commits a Class A infraction:~~

36          **(b) Except as provided in subsection (d), a seller who:**

37           **(1) knowingly or intentionally violates this chapter; and**

38           **(2) has one (1) prior unrelated conviction or judgment for an**  
39           **infraction under this section for an act or omission that occurred**  
40           **not more than ten (10) years before the act or omission that is the**  
41           **basis for the most recent conviction or judgment for an infraction;**

42          ~~commits a Class A misdemeanor.~~

43          **(c) Except as provided in subsection (d), a seller who:**

44           **(1) knowingly or intentionally violates this chapter; and**

45           **(2) has at least two (2) prior unrelated convictions or judgments**  
46           **for infractions under this section for acts or omissions that**



1 occurred not more than ten (10) years before the act or omission  
 2 that is the basis for the most recent conviction or judgment for an  
 3 infraction:

4 commits a Level 6 felony:

5 (d) A person who violates section 6(5) of this chapter commits a  
 6 Class A infraction. The commission may consider an infraction  
 7 committed under this subsection in its determination of whether to  
 8 renew a seller's permit.

9 SECTION 6. IC 7.1-3-26-16 IS REPEALED [EFFECTIVE JULY  
 10 1, 2014]. Sec. 16. If a direct wine seller is charged under section 15 of  
 11 this chapter with selling to a consumer who does not meet the  
 12 requirements of section 6 of this chapter, it is a defense to the charge  
 13 if the direct wine seller obtained from the consumer the verified  
 14 statement required under section 6(4)(C) or 6(5)(A) of this chapter and  
 15 produces a copy of the verified statement.

16 SECTION 7. IC 7.1-3-27-3, AS ADDED BY P.L.109-2013,  
 17 SECTION 6. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2014]: Sec. 3. (a) An artisan distiller may produce not more  
 19 than ten thousand (10,000) gallons of liquor in any calendar year.  
 20 Liquor produced by an artisan distiller that is sold through a wholesaler  
 21 licensed under IC 7.1-3-8 may not be counted toward the gallonage  
 22 limit.

23 (b) An artisan distiller who knowingly or intentionally violates  
 24 this section commits a Class B misdemeanor.

25 SECTION 8. IC 7.1-3-27-8, AS ADDED BY P.L.109-2013,  
 26 SECTION 6. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2014]: Sec. 8. (a) The holder of an artisan distiller's permit  
 28 may do only the following:

29 (1) Manufacture liquor, including blending liquor purchased from  
 30 another manufacturer with liquor the artisan distiller  
 31 manufactures under section 11 of this chapter.

32 (2) Bottle liquor manufactured by the artisan distiller.

33 (3) Store liquor manufactured by the artisan distiller.

34 (4) Transport, sell, and deliver liquor manufactured by the artisan  
 35 distiller to:

36 (A) places outside Indiana; or

37 (B) the holder of a liquor wholesaler's permit under IC 7.1-3-8.

38 (5) Sell liquor manufactured by the artisan distiller to consumers  
 39 by the drink, bottle, or case from the premises of the distillery  
 40 where the liquor was manufactured.

41 (6) Serve complimentary samples of the liquor manufactured by  
 42 the artisan distiller to consumers on the premises of the distillery  
 43 where the liquor was manufactured.

44 (b) The holder of an artisan distiller's permit who provides samples  
 45 or sells liquor by the glass must furnish the minimum food  
 46 requirements prescribed by the commission.



1           **(c) An artisan distiller who knowingly or intentionally violates**  
 2 **this section commits a Class B misdemeanor.**

3           SECTION 9. IC 7.1-3-27-9. AS ADDED BY P.L.109-2013,  
 4 SECTION 6. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2014]: Sec. 9. (a) An artisan distiller may not sell liquor to a  
 6 retailer or dealer.

7           **(b) An artisan distiller who knowingly or intentionally violates**  
 8 **this section commits a Class B misdemeanor.**

9           SECTION 10. IC 7.1-3-27-10. AS ADDED BY P.L.109-2013,  
 10 SECTION 6. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2014]: Sec. 10. (a) An artisan distiller may not ship liquor or  
 12 cause liquor to be shipped to a consumer.

13           **(b) An artisan distiller who knowingly or intentionally violates**  
 14 **this section commits a Class B misdemeanor.**

15           SECTION 11. IC 7.1-3-27-11. AS ADDED BY P.L.109-2013,  
 16 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2014]: Sec. 11. (a) An artisan distiller may blend liquor that  
 18 the artisan distiller obtains from another manufacturer with liquor that  
 19 the artisan distiller manufactures. The artisan distiller may sell the  
 20 blended liquor as liquor that the artisan distiller manufactures only if  
 21 the final product contains at least sixty percent (60%) of liquor that was  
 22 fermented and distilled from raw materials by the artisan distiller at the  
 23 licensed premises of the artisan distiller.

24           **(b) An artisan distiller who knowingly or intentionally sells**  
 25 **blended liquor that contains less than sixty percent (60%) of liquor**  
 26 **that was fermented and distilled from raw materials by the artisan**  
 27 **distiller at the licensed premises of the artisan distiller commits a**  
 28 **Class B misdemeanor.**

29           SECTION 12. IC 7.1-3-27-12. AS ADDED BY P.L.109-2013,  
 30 SECTION 6. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2014]: Sec. 12. (a) This section applies only to a person who:

32           (1) holds an artisan distiller's permit; and

33           (2) holds an interest in a farm winery permit under IC 7.1-3-12.

34           (b) An artisan distiller may:

35           (1) serve samples of liquor that the artisan distiller manufactures;  
 36           and

37           (2) sell bottles and cases of liquor that the artisan distiller  
 38           manufactures;

39           on the licensed premises where the wine is manufactured only if the  
 40           wine is manufactured on the same premises where the artisan distiller  
 41           manufactures liquor.

42           **(c) A person to whom this section applies who knowingly or**  
 43 **intentionally violates this section commits a Class B misdemeanor.**

44           SECTION 13. IC 7.1-3-27-13. AS ADDED BY P.L.109-2013,  
 45 SECTION 6. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 46 JULY 1, 2014]: Sec. 13. (a) This section applies only to a person who:



1 (1) holds an artisan distiller's permit; and  
 2 (2) holds an interest in a brewer's permit for a brewery described  
 3 in IC 7.1-3-2-7(5).

4 (b) An artisan distiller may:

5 (1) serve samples of liquor that the artisan distiller manufactures;  
 6 and  
 7 (2) sell bottles and cases of liquor that the artisan distiller  
 8 manufactures;

9 on the licensed premises where the beer is manufactured only if the  
 10 beer is manufactured on the same premises where the artisan distiller  
 11 manufactures liquor.

12 **(c) A person to whom this section applies who knowingly or**  
 13 **intentionally violates this section commits a Class B misdemeanor.**

14 SECTION 14. IC 7.1-3-27-14, AS ADDED BY P.L.109-2013,  
 15 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2014]: Sec. 14. (a) This section applies only to the holder of  
 17 an artisan distiller's permit that also holds an interest in a distiller's  
 18 permit under IC 7.1-3-7.

19 (b) An artisan distiller may not:

20 (1) serve complimentary samples of liquor; and  
 21 (2) sell liquor;

22 manufactured under the distiller's permit issued under IC 7.1-3-7 on the  
 23 premises of the artisan distillery or at any other location that the holder  
 24 of the artisan distiller's permit is authorized to sell and serve samples  
 25 of liquor manufactured under the artisan distiller's permit.

26 **(c) A person to whom this section applies who knowingly or**  
 27 **intentionally violates this section commits a Class B misdemeanor.**

28 SECTION 15. IC 7.1-3-27-15, AS ADDED BY P.L.109-2013,  
 29 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2014]: Sec. 15. (a) An artisan distiller's permit shall be issued  
 31 for a period of two (2) years.

32 (b) The commission shall charge a permit fee of two hundred fifty  
 33 dollars (\$250) annually to the holder of an artisan distiller's permit. The  
 34 holder of an artisan distiller's permit shall pay the permit fee to the  
 35 chairman on the anniversary of the date of the issuance of the original  
 36 permit.

37 **(c) A person who knowingly or intentionally engages in an**  
 38 **activity requiring an artisan distiller's permit without possessing**  
 39 **a valid permit commits a Class B misdemeanor.**

40 SECTION 16. IC 7.1-5-1-1 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) ~~Prohibition~~  
 42 ~~Against Commercial Purposes~~. It is unlawful for a person to  
 43 manufacture for sale, bottle, sell, barter, import, transport, deliver,  
 44 furnish, or possess, alcohol or alcoholic beverages, malt, malt syrup,  
 45 malt extract, liquid malt or wort, for commercial purposes except as  
 46 authorized in this title.



1           **(b) A person who knowingly or intentionally violates subsection**  
 2 **(a) commits a Class B misdemeanor.**

3           SECTION 17. IC 7.1-5-1-8 IS REPEALED [EFFECTIVE JULY 1,  
 4 2014]. Sec. 8: General Penalty Provision: A person who violates a  
 5 provision of this title for which no other penalty is provided commits  
 6 a Class B misdemeanor:

7           SECTION 18. IC 7.1-5-1-9 IS REPEALED [EFFECTIVE JULY 1,  
 8 2014]. Sec. 9: A person who knowingly violates IC 7.1-5-4-3;  
 9 IC 7.1-5-4-6; or IC 7.1-5-6-4 commits a Level 6 felony:

10           SECTION 19. IC 7.1-5-1-9.5 IS REPEALED [EFFECTIVE JULY  
 11 1, 2014]. Sec. 9.5: (a) An in state or an out of state vintner, distiller,  
 12 brewer, rectifier, or importer that:

13           (1) holds a basic permit from the federal Bureau of Alcohol,  
 14 Tobacco, Firearms and Explosives; and

15           (2) knowingly violates IC 7.1-5-11-1.5;

16 commits a Class A misdemeanor.

17           (b) A person who:

18           (1) is not described in subsection (a); and

19           (2) knowingly violates IC 7.1-5-11-1.5;

20 commits a Level 6 felony.

21           (c) If the chairman of the alcohol and tobacco commission or the  
 22 attorney general determines that a vintner, distiller, brewer, rectifier, or  
 23 importer that holds a basic permit from the federal Bureau of Alcohol,  
 24 Tobacco, Firearms and Explosives has made an illegal shipment of an  
 25 alcoholic beverage to consumers in Indiana, the chairman shall:

26           (1) notify the federal Bureau of Alcohol, Tobacco, Firearms and  
 27 Explosives in writing and by certified mail of the official  
 28 determination that state law has been violated; and

29           (2) request the federal bureau to take appropriate action.

30           SECTION 20. IC 7.1-5-2-2 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) It is unlawful for  
 32 a person to advertise the proof or the amount or percentage of alcohol  
 33 in beer or wine. It is lawful for a person to advertise the proof or the  
 34 amount or percentage of alcohol in liquor.

35           **(b) A person who knowingly or intentionally violates subsection**  
 36 **(a) commits a Class B misdemeanor.**

37           SECTION 21. IC 7.1-5-2-3 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. Signs Regulated: (a)  
 39 It is unlawful for the holder of a retailer's or dealer's permit of any type  
 40 to display, keep, have, or maintain, a sign, advertisement, poster or  
 41 design, obstruction to view, device or equipment contrary to the  
 42 provisions of this title, or to a rule or regulation of the commission, in,  
 43 about, or in connection with his the business authorized by his the  
 44 holder's permit.

45           **(b) A person who knowingly or intentionally violates subsection**  
 46 **(a) commits a Class B misdemeanor.**



1 SECTION 22. IC 7.1-5-2-4 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. ~~Gift of Outside Sign~~  
 3 ~~Prohibited.~~ (a) It is unlawful for a manufacturer of alcoholic beverages  
 4 or other permittee authorized to sell and deliver alcoholic beverages to  
 5 give, supply, furnish, or grant, to the holder of a retailer's or dealer's  
 6 permit a sign, poster, or advertisement for use, or intended to be used,  
 7 outside of or on the exterior of the licensed premises or on a building  
 8 situated on the licensed premises or in connection with them, or on  
 9 premises adjacent to the licensed premises.

10 (b) It is unlawful ~~also~~ for a retail or dealer permittee to receive or  
 11 accept, or to display or permit to be displayed, a sign, poster, or  
 12 advertisement given in violation of ~~this section~~: **subsection (a).**

13 (c) **A person who violates subsection (a) or (b) commits a Class**  
 14 **C infraction. A person commits a separate violation for each day**  
 15 **during which a violation of subsection (a) or (b) continues.**

16 SECTION 23. IC 7.1-5-2-6 IS REPEALED [EFFECTIVE JULY 1,  
 17 2014]. Sec. 6: ~~A person who violates section 4 of this chapter commits~~  
 18 ~~a Class C infraction. Each day during which a violation of that section~~  
 19 ~~continues is a separate infraction.~~

20 SECTION 24. IC 7.1-5-2-7, AS AMENDED BY P.L.15-2011,  
 21 SECTION 13. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2014]: Sec. 7. (a) The term "premises" as used in this  
 23 subsection does not include a facility (as defined in IC 7.1-2-3-16.5).  
 24 A primary source of supply, wholesaler, or salesman of alcoholic  
 25 beverages, or the agent or representative of a primary source of supply,  
 26 wholesaler, or salesman of alcoholic beverages may not directly or  
 27 indirectly place, display, or maintain or cause to be placed, displayed,  
 28 or maintained a sign advertising alcoholic beverages by brand name  
 29 within two hundred (200) feet of a premises having a retailer or dealer  
 30 permit to sell alcoholic beverages. The distance must be determined by  
 31 measuring between the nearest point on the licensed premises to the  
 32 nearest point of the sign.

33 (b) A sign advertising alcoholic beverages by brand name may not  
 34 indicate by arrows, hands, or other similar devices a particular retailer  
 35 or dealer premises.

36 (c) Notwithstanding subsection (a), a primary source of supply,  
 37 wholesaler, or salesman of alcoholic beverages, or the agent or  
 38 representative of a primary source of supply, wholesaler, or salesman  
 39 of alcoholic beverages may place, display, maintain or cause to be  
 40 placed, displayed, or maintained temporary banners or pennants  
 41 advertising alcoholic beverages by brand name on or within two  
 42 hundred (200) feet of a retailer or dealer premises if the banners or  
 43 pennants commemorate a sporting event, festival, or holiday held in  
 44 Indiana. The banners or pennants may be displayed under this  
 45 subsection beginning twenty-one (21) days before the sporting event,  
 46 festival, or holiday and ending five (5) days after the close of the



1 sporting event, festival, or holiday.

2 **(d) A person who knowingly or intentionally violates this section**  
3 **commits a Class B misdemeanor.**

4 SECTION 25. IC 7.1-5-3-1, AS AMENDED BY P.L.6-2012,  
5 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2014]: Sec. 1. (a) This section does not apply to the following:

7 (1) An establishment where alcoholic beverages are sold that is  
8 owned, in whole or part, by an entity that holds a brewer's permit  
9 for a brewery described under IC 7.1-3-2-7(5).

10 (2) An establishment where alcoholic beverages are sold that is  
11 owned, in whole or part, by a statewide trade organization  
12 consisting of members, each of whom holds a brewer's permit for  
13 a brewery described under IC 7.1-3-2-7(5).

14 **(b) Except as provided in section 6 of this chapter,** it is unlawful  
15 to sell beer in this state at retail in a bottle, can, or other container,  
16 unless the bottle, can, or other container was packaged and sealed by  
17 the brewer at the brewer's bottling house contiguous or adjacent to the  
18 brewery in which the beer was produced.

19 **(c) A person who knowingly or intentionally violates subsection**  
20 **(b) commits a Class B misdemeanor.**

21 SECTION 26. IC 7.1-5-3-2 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. ~~Sale from Original~~  
23 ~~Container Only.~~ **(a) Except as provided in section 6 of this chapter,**  
24 it is unlawful for a person to sell, dispense, give away, furnish, or  
25 supply or serve to a person, an alcoholic beverage, from a container  
26 other than the original container in which the liquor was contained at  
27 the time it was purchased by the seller, dispenser, giver, or person  
28 serving it.

29 **(b) A person who knowingly or intentionally violates subsection**  
30 **(a) commits a Class B misdemeanor.**

31 SECTION 27. IC 7.1-5-3-4, AS AMENDED BY P.L.6-2012,  
32 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 2014]: Sec. 4. (a) This section does not apply to the following:

34 (1) The necessary refilling of a container by a person holding a  
35 permit that authorizes the person to manufacture, rectify, or bottle  
36 liquor.

37 (2) An establishment where alcoholic beverages are sold that is  
38 owned, in whole or part, by an entity that holds a brewer's permit  
39 for a brewery described under IC 7.1-3-2-7(5).

40 (3) An establishment where alcoholic beverages are sold that is  
41 owned, in whole or part, by a statewide trade organization  
42 consisting of members, each of whom holds a brewer's permit for  
43 a brewery described under IC 7.1-3-2-7(5).

44 **(4) The refilling of a bottle or container or possession of a**  
45 **refilled bottle or container if the refilling or possession is not**  
46 **for resale or another commercial purpose.**



1 (b) **Except as provided in section 6 of this chapter**, it is unlawful  
2 for a person to:

3 (1) refill a bottle or container, in whole or in part, with an  
4 alcoholic beverage; or

5 (2) knowingly possess a bottle or container that has been refilled,  
6 in whole or in part, with an alcoholic beverage;

7 after the container of liquor has been emptied in whole or in part.

8 (c) **A person who knowingly or intentionally violates subsection**  
9 **(a) or (b) commits a Class B misdemeanor.**

10 SECTION 28. IC 7.1-5-4-1 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~Possession of~~  
12 ~~Untaxed Beverages Prohibited~~: It is a Class C misdemeanor for a  
13 person to sell, barter, give away, or possess, an alcoholic beverage,  
14 knowing that all taxes due the state on it are not paid.

15 SECTION 29. IC 7.1-5-4-3 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. ~~Unlawful Furnishing~~  
17 ~~of Evidence of Payment of Tax Prohibited~~: (a) It is unlawful for a  
18 person, other than an officer of the state lawfully entitled to do so, to  
19 furnish evidence of the payment of the excise tax, or to execute or issue  
20 a permit of any type, to another person.

21 (b) **A person who knowingly or intentionally violates subsection**  
22 **(a) commits a Level 6 felony.**

23 SECTION 30. IC 7.1-5-4-5 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. ~~Possession of~~  
25 ~~Counterfeit Permit Prohibited~~: (a) It is unlawful for a person to possess  
26 an article, instrument, imitation, or counterfeit of a permit, other than  
27 one lawfully issued to ~~him the person~~ and which ~~he the person~~ is  
28 lawfully entitled to possess.

29 (b) It is unlawful ~~also~~, for a person to display an imitation or  
30 counterfeit of a permit for the purpose of defrauding the state of the  
31 payment of a tax or license fee imposed by this title.

32 (c) **A person who knowingly or intentionally violates subsection**  
33 **(a) or (b) commits a Class A misdemeanor. However, the offense is**  
34 **a Level 6 felony if the cost of the permit is seven hundred fifty**  
35 **dollars (\$750) or more.**

36 SECTION 31. IC 7.1-5-4-6 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. ~~Fraudulent~~  
38 ~~Statement Prohibited~~: (a) It is unlawful for a person to make a  
39 statement, written or oral, as to payment to, or the receipt by, the state,  
40 for the purpose of defrauding the state of a tax or license fee imposed  
41 by this title.

42 (b) **A person who knowingly or intentionally violates subsection**  
43 **(a) commits a Class A misdemeanor. However, the offense is a**  
44 **Level 6 felony if the tax or license fee is seven hundred fifty dollars**  
45 **(\$750) or more.**

46 SECTION 32. IC 7.1-5-5-1 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~Issuance of Permits:~~  
 2 ~~Illegal Influence Prohibited:~~ (a) **This section does not apply to an**  
 3 **officer or employee of the commission, or to a member of a local**  
 4 **board. This section does not prohibit the employment of an**  
 5 **attorney by a permittee or applicant in obtaining the issuance or**  
 6 **renewal of a permit or in preventing the suspension or revocation**  
 7 **of a permit.**

8 (b) It is unlawful for a permittee, or an applicant for a permit, to  
 9 **knowingly or intentionally** solicit or accept the assistance of an  
 10 officer or employee of the state, or of one (1) of its political  
 11 subdivisions or municipal corporations, or of the United States, or of  
 12 a political party or political committee, in obtaining the issuance or  
 13 renewal of a permit or in preventing the suspension or revocation of a  
 14 permit.

15 (c) **A person who knowingly or intentionally violates this section**  
 16 **commits a Class B misdemeanor. This section shall have no**  
 17 **application to an officer or employee of the commission nor to a**  
 18 **member of a local board. This section does not prohibit the**  
 19 **employment of an attorney, regardless of political affiliations, by a**  
 20 **permittee or applicant, in obtaining the issuance or renewal of a permit**  
 21 **or in preventing the suspension or revocation of a permit.**

22 SECTION 33. IC 7.1-5-5-2 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. ~~Commission:~~  
 24 ~~Receiving Gifts Prohibited:~~ (a) It is unlawful for a commissioner, an  
 25 officer or employee of the commission, or a member of a local board,  
 26 to receive a gratuity, commission, or profit of any kind from a person  
 27 applying for or receiving a permit under this title.

28 (b) **A person who knowingly or intentionally violates subsection**  
 29 **(a) commits a Level 6 felony.**

30 (c) **In addition to any other penalty provided for a violation of**  
 31 **this section, a person who violates the provisions of this section also**  
 32 **shall be dismissed as provided in this title.**

33 SECTION 34. IC 7.1-5-5-3 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. ~~Illegal Influence~~  
 35 ~~Prohibited:~~ (a) It is unlawful for the holder of a manufacturer's permit  
 36 of any type, a wholesaler's permit of any type, or an officer, employee,  
 37 agent or other representative of a surety company which has executed  
 38 a bond for a permittee under this title to seek to influence or  
 39 recommend or solicit the appointment of a member of a local board, or  
 40 of an officer, appointee or employee under this title, or meet with,  
 41 consult, or advise a member of a local board concerning the issuance  
 42 of a permit of any type.

43 (b) **A person who knowingly or intentionally violates this section**  
 44 **commits a Class B misdemeanor.**

45 SECTION 35. IC 7.1-5-5-7. AS AMENDED BY P.L.233-2007.  
 46 SECTION 32. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2014]; Sec. 7. (a) It is unlawful for a permittee in a sale or  
 2 contract to sell alcoholic beverages to discriminate between purchasers  
 3 by granting a price, discount, allowance, or service charge which is not  
 4 available to all purchasers at the same time. However, this section does  
 5 not authorize or require a permittee to sell to a person to whom the  
 6 permittee is not authorized to sell under this title.

7 (b) A premises that operates at least two (2) restaurants that are  
 8 separate and distinct from each other on the same premises may  
 9 provide for a different schedule of prices in each restaurant if each  
 10 restaurant conforms to all other laws and rules of the commission  
 11 regarding pricing and price discrimination in its separate and distinct  
 12 areas.

13 (c) This section does not apply to the holder of a gaming site permit  
 14 that complies with IC 7.1-3-17.5-6.

15 (d) Notwithstanding subsection (a), a beer wholesaler may offer a  
 16 special discount price to a beer dealer or beer retailer for beer or  
 17 flavored malt beverage, if the beer or flavored malt beverage:

18 (1) is a brand or package the beer wholesaler has discontinued; or

19 (2) will expire in not more than:

20 (A) twenty (20) days for packaged beer or packaged flavored  
 21 malt beverage; and

22 (B) ten (10) days for draft beer or draft flavored malt beverage.

23 (e) The special discount under subsection (d) only applies to beer or  
 24 flavored malt beverage that will expire and be subject to removal from  
 25 retailer or dealer shelves in accordance with the primary source of  
 26 supply's coding data clearly identified on the container.

27 (f) Any beer or flavored malt beverage sold at a special discount  
 28 price under subsection (d) shall be accompanied by an invoice clearly  
 29 designating, in addition to all other information required by law, all the  
 30 following information:

31 (1) The date of delivery.

32 (2) The expiration date of each brand, package type, and quantity  
 33 delivered.

34 (3) The per unit price for each package.

35 **(g) A person who knowingly or intentionally violates this section**  
 36 **commits a Class B misdemeanor.**

37 SECTION 36. IC 7.1-5-5-9, AS AMENDED BY P.L.94-2008,  
 38 SECTION 48. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2014]: Sec. 9. (a) This section does not apply to product  
 40 management (as described in 905 IAC 1-5.2-15) by a permittee.

41 (b) It is unlawful for a permittee to ~~knowingly or intentionally~~  
 42 coerce, or attempt to coerce, or persuade another permittee to enter into  
 43 an agreement, or to take an action, which would violate a provision of  
 44 this title or of the rules and regulations of the commission.

45 (c) It is unlawful for a beer wholesaler or a primary source of supply  
 46 to cancel or terminate an agreement or contract between a beer



1 wholesaler and a primary source of supply for the sale of beer, unfairly  
2 and without due regard for the equities of the other party.

3 **(d) A person who knowingly or intentionally violates subsection**  
4 **(b) or (c) commits a Class B misdemeanor.**

5 SECTION 37. IC 7.1-5-5-10 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. ~~Acceptance of Gift~~  
7 ~~by Retailer Prohibited:~~ **(a)** It is unlawful for a person who holds a  
8 retailer's or dealer's permit of any type to receive or accept from a  
9 manufacturer of alcoholic beverages, or from a permittee authorized to  
10 sell and deliver alcoholic beverages, a rebate, sum of money, accessory,  
11 furniture, fixture, loan of money, concession, privilege, use, title,  
12 interest, or lease, rehabilitation, decoration, improvement or repair of  
13 premises.

14 **(b) A person who knowingly or intentionally violates subsection**  
15 **(a) commits a Class A misdemeanor. However, the offense is a**  
16 **Level 6 felony if the value received or accepted is seven hundred**  
17 **fifty dollars (\$750) or more.**

18 SECTION 38. IC 7.1-5-5-11. AS AMENDED BY P.L.224-2005,  
19 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2014]: Sec. 11. (a) Except as provided in subsections (c) and  
21 (d), it is unlawful for a manufacturer of alcoholic beverages or a  
22 permittee authorized to sell and deliver alcoholic beverages to:

23 (1) give, supply, furnish, or grant to another permittee who  
24 purchases alcoholic beverages from him a rebate, sum of money,  
25 accessory, furniture, fixture, loan of money, concession, privilege,  
26 use, title, interest, lease, or rental of premises; or

27 (2) except as provided in IC 7.1-3-2-9 and IC 7.1-3-3-5(f), have  
28 a business dealing with the other permittee.

29 (b) This section shall not apply to the sale and delivery and  
30 collection of the sale price of an alcoholic beverage in the ordinary  
31 course of business.

32 (c) If the promotional program is approved under the rules adopted  
33 by the commission and is conducted in all wholesaler establishments  
34 through which the manufacturer distributes alcoholic beverages in  
35 Indiana, a manufacturer of alcoholic beverages may award bona fide  
36 promotional prizes and awards to any of the following:

37 (1) A person with a wholesaler's permit issued under IC 7.1-3.

38 (2) An employee of a person with a wholesaler's permit issued  
39 under IC 7.1-3.

40 (d) A manufacturer may offer on a nondiscriminatory basis bona  
41 fide incentives to wholesalers when the incentives are determined  
42 based on sales to retailers or dealers occurring during specified times  
43 for specified products. The incentive may be conditioned on the  
44 wholesaler selling a:

45 (1) specified product at a specified price or less than a specified  
46 price; or



1 (2) minimum quantity of a specified product to a single customer  
2 in a single transaction.

3 The incentive may not be conditioned on a wholesaler having total  
4 sales of a minimum quantity of a specified product during the  
5 applicable period.

6 **(e) A person who knowingly or intentionally violates this section  
7 commits a Class A misdemeanor. However, the offense is a Level  
8 6 felony if the value given is seven hundred fifty dollars (\$750) or  
9 more.**

10 SECTION 39. IC 7.1-5-5-12 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. ~~Amateur Athletics:  
12 Soliciting Assistance Prohibited:~~ **(a)** It is unlawful for a permittee who  
13 sponsors an amateur athletic contest, team, or sporting contest to solicit  
14 or accept assistance, either financial or otherwise, from another  
15 permittee for the purpose of promoting the amateur athletic contest,  
16 team, or sporting event.

17 **(b)** It ~~also~~ is unlawful for a permittee who is solicited in violation of  
18 ~~this section subsection (a)~~ to give that assistance.

19 **(c) A person who knowingly or intentionally violates this section  
20 commits a Class A misdemeanor. However, the offense is a Level  
21 6 felony if the assistance is seven hundred fifty dollars (\$750) or  
22 more.**

23 SECTION 40. IC 7.1-5-6-1 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~Making Alcoholic  
25 Beverages Without Permit Prohibited:~~ **(a)** It is a Class C misdemeanor  
26 for a person to knowingly own, have in ~~his the person's~~ possession or  
27 under ~~his the person's~~ control, or use a still or distilling apparatus for  
28 the manufacture of liquor, except as otherwise provided in this title.

29 **(b)** It ~~also~~ is a Class C misdemeanor for a person to knowingly own,  
30 have in ~~his the person's~~ possession or under ~~his the person's~~ control,  
31 or use brewing or wine-making ~~appratus; apparatus,~~ **apparatus,** for the  
32 manufacture for commercial purposes of beer or wine, except as  
33 otherwise provided in this title.

34 SECTION 41. IC 7.1-5-6-2 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. ~~Acting As Salesman  
36 Without Permit Prohibited:~~ **(a)** It is unlawful for a person to act as a  
37 ~~salesman salesperson,~~ **salesperson,** regardless of whether the sale is to be made by  
38 a seller within this state, to a buyer within or without this state, or by  
39 a seller outside this state for delivery to a buyer within this state, or  
40 whether the sale otherwise may be legal or illegal, unless that person  
41 has applied for and been issued a salesman's permit.

42 **(b)** It ~~also~~ is unlawful for a buyer in this state to give an order,  
43 bargain, contract, or agreement to a ~~salesman salesperson~~ **salesperson** who does  
44 not have a salesman's permit. This section ~~shall~~ **does** not apply to a  
45 permittee of any type, ~~his a permittee's agents agent,~~ **agent,** or employees  
46 working or acting on the licensed premises of the ~~permitted; permittee.~~



1           **(c) A person who knowingly or intentionally violates this section**  
 2           **commits a Class B misdemeanor.**

3           SECTION 42. IC 7.1-5-6-3 IS AMENDED TO READ AS  
 4           FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) It is unlawful for  
 5           a person to act as a clerk in a package liquor store, or as a bartender,  
 6           waiter, waitress, or manager for a retailer permittee unless that person  
 7           has applied for and been issued the appropriate permit. This section  
 8           does not apply to dining car or boat employees or to a person described  
 9           in IC 7.1-3-18-9(d). **A person who knowingly or intentionally**  
 10          **violates this subsection commits a Class B misdemeanor.**

11          (b) It is a defense to a charge under this section if, ~~within not later~~  
 12          **than** thirty (30) days after being cited by the commission, the person  
 13          who was cited produces evidence that the appropriate permit was  
 14          issued by the commission on the date of the citation.

15          (c) It is a defense to a charge under this section for a new applicant  
 16          for a permit if, ~~within not later than~~ thirty (30) days after being cited  
 17          by the commission, the new applicant who was cited produces a receipt  
 18          for a cashier's check or money order showing that an application for the  
 19          appropriate permit was applied for on the date of the citation.

20          SECTION 43. IC 7.1-5-6-4 IS AMENDED TO READ AS  
 21          FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. ~~Falsification of~~  
 22          ~~Record Prohibited.~~ (a) It is unlawful for a person to falsify, or cause to  
 23          be falsified, an entry, statement, account, recital, or computation, or an  
 24          application for a permit, or an instrument, or paper required to be filed  
 25          in connection with the application, or in connection with the  
 26          revocation, or proposed revocation, or a permit.

27          (b) It is unlawful ~~also~~, for a person to enter, or cause to be entered,  
 28          a false entry, statement, account, recital, computation, or representation  
 29          of a fact in a book, document, account, order, paper, or statement  
 30          required to be kept or filed, or made or furnished to the commission  
 31          under the provisions of this title or a rule or regulation of the  
 32          commission.

33          **(c) A person who knowingly or intentionally violates this section**  
 34          **commits a Level 6 felony.**

35          SECTION 44. IC 7.1-5-7-0.3 IS REPEALED [EFFECTIVE JULY  
 36          1, 2014]. Sec. ~~0.3~~: Notwithstanding the amendments made to section  
 37          ~~13~~ of this chapter by P.L.204-2001, ~~not later than July 1, 2002~~, the  
 38          commission shall adopt the rules required by section ~~13(b)(1)~~, as  
 39          ~~amended by P.L.204-2001~~.

40          SECTION 45. IC 7.1-5-7-2 IS AMENDED TO READ AS  
 41          FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. It is a Class C  
 42          misdemeanor for a person to sell, give, or furnish to a minor false or  
 43          fraudulent evidence of majority or identity with the intent to violate **or**  
 44          **assist in the violation of** a provision of this title.

45          SECTION 46. IC 7.1-5-7-12 IS AMENDED TO READ AS  
 46          FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. Except as provided



1 in section 13 of this chapter. it is a Class B misdemeanor for a person  
 2 to **knowingly or intentionally** employ a minor in or about a place  
 3 where alcoholic beverages are sold, furnished, or given away for  
 4 consumption either on or off the licensed premises, in a capacity which  
 5 requires or allows the minor to sell, furnish, or otherwise deal in  
 6 alcoholic beverages.

7 SECTION 47. IC 7.1-5-7-14 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. ~~Notice From~~  
 9 ~~Parents:~~ It is a Class B misdemeanor for a permittee to **knowingly or**  
 10 **intentionally** permit a minor to be in or around the licensed premises  
 11 after receiving written notice from the parent, guardian, or other person  
 12 having custody of the minor that the ~~person~~ **minor** is in fact a minor  
 13 and directing that ~~he~~ **the minor** be excluded from the licensed  
 14 premises.

15 SECTION 48. IC 7.1-5-8-4, AS AMENDED BY P.L.94-2008,  
 16 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2014]: Sec. 4. (a) It is ~~unlawful~~ **a Class B misdemeanor** for  
 18 a person who owns or operates a private or public restaurant or place  
 19 of public or private entertainment to **knowingly or intentionally**  
 20 permit another person to come into the establishment with an alcoholic  
 21 beverage for sale or gift, or for consumption in the establishment by  
 22 that person or another, or to serve a setup to a person who comes into  
 23 the establishment. However, the provisions of this section ~~shall do~~ not  
 24 apply to the following:

25 (1) A private room hired by a guest of a bona fide club or hotel  
 26 that holds a retail permit.

27 (2) A facility that is used in connection with the operation of a  
 28 paved track that is used primarily in the sport of auto racing.

29 (3) An outdoor place of public entertainment that:

30 (A) has an area of at least four (4) acres and not more than six  
 31 (6) acres;

32 (B) is located within one (1) mile of the White River;

33 (C) is owned and operated by a nonprofit corporation exempt  
 34 from federal income taxation under Section 501(c)(3) of the  
 35 Internal Revenue Code; and

36 (D) is used primarily in connection with live music concerts.

37 (b) An establishment operated in violation of this section is declared  
 38 to be a public nuisance and subject to abatement as other public  
 39 nuisances are abated under the provisions of this title.

40 SECTION 49. IC 7.1-5-8-9 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. ~~Purchase of Beer~~  
 42 ~~from Un-Bonded Brewery Prohibited:~~ It is unlawful for a permittee to  
 43 **knowingly or intentionally** purchase, receive, or import beer from a  
 44 brewer or other person located outside this state unless the bond and  
 45 agreement required by ~~the provisions of IC 1971, 7.1-3-2;~~ **this title**  
 46 have been accepted by the commission and are currently effective.



1 SECTION 50. IC 7.1-5-9-1 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~Commission:~~  
 3 ~~Prohibited interests:~~ (a) It is unlawful for a commissioner, an officer or  
 4 employee of the commission, or a member of a local board, to have an  
 5 interest, either ~~proprietary~~ **proprietary** or by means of a loan,  
 6 mortgage, or lien, or in any other manner, or to own stock in a  
 7 corporation which has an interest, in the premises where alcoholic  
 8 beverages are manufactured or sold, or in a business wholly or partially  
 9 devoted to the manufacture, sale, transportation or storage of alcoholic  
 10 beverages. The prohibition contained in this section shall not apply to  
 11 an expert or professional employee employed by the commission only  
 12 for a special undertaking. A person who violates a provision of this  
 13 section also shall be dismissed as provided in this title.

14 **(b) A person who knowingly or intentionally violates subsection**  
 15 **(a) commits a Class B misdemeanor.**

16 SECTION 51. IC 7.1-5-9-2 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as  
 18 provided in subsection (c), it is unlawful for the holder of a brewer's  
 19 permit or for a brewer located outside Indiana that meets the  
 20 requirements of IC 7.1-3-2-4 and IC 7.1-3-2-5 to hold, acquire, possess,  
 21 own, or control, or to have an interest, claim, or title, in or to an  
 22 establishment, company, or corporation holding or applying for a beer  
 23 wholesaler's permit under this title, or in its business.

24 (b) Except as provided in subsection (c), it is unlawful for the holder  
 25 of a vintner's permit or for a vintner located outside Indiana to hold,  
 26 acquire, possess, own, or control, or to have an interest, claim, or title  
 27 in or to, an establishment, company, or corporation holding or applying  
 28 for a wine wholesaler's permit under this title, or in its business.

29 (c) A brewer covered by subsection (a) may provide financial  
 30 assistance to the holder of a beer wholesaler's permit. A vintner  
 31 covered by subsection (b) may provide financial assistance to the  
 32 holder of the wine wholesaler's permit. The following conditions apply  
 33 to the provision of financial assistance under this subsection:

34 (1) The brewer may not require that the holder of the beer  
 35 wholesaler's permit, and the vintner may not require that the  
 36 holder of a wine wholesaler's permit, accept the financial  
 37 assistance.

38 (2) The financial assistance may be unsecured or secured.

39 (3) If the financial assistance is secured, it may be secured only by  
 40 a security interest in the following property of the holder of the  
 41 wholesaler's permit:

42 (A) Inventory of the products of the brewer or vintner.

43 (B) Premises or equipment, if the premises or equipment is  
 44 used in the business of the holder of the wholesaler's permit.

45 (4) If the financial assistance is secured, the value of the property  
 46 in which the security interest lies may not substantially exceed the



1 debt secured.

2 (5) Except as provided in IC 7.1-3-2-9, the brewer or the vintner  
3 may not use financial assistance to acquire complete or partial  
4 control of the business of the holder of the wholesaler's permit.

5 (6) Except as provided in IC 7.1-3-2-9, the brewer or vintner must  
6 make available to all wholesalers (of any of its products) any  
7 assistance that it offers to any one (1) wholesaler of any of its  
8 products. This assistance must be provided on substantially  
9 identical terms. The brewer or vintner may not discriminate  
10 among wholesalers of any of its products in the enforcement of  
11 any terms related to assistance under this section.

12 (7) The brewer or vintner must report to the commission any  
13 assistance that it offers to a wholesaler under this section. It must  
14 make this report promptly after the assistance is offered.

15 **(d) A person who knowingly or intentionally violates this section**  
16 **commits a Class B misdemeanor.**

17 SECTION 52. IC 7.1-5-9-3, AS AMENDED BY P.L.71-2012,  
18 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2014]: Sec. 3. (a) This section applies to a brewer that  
20 manufactures more than thirty thousand (30,000) barrels of beer in a  
21 calendar year for sale or distribution within Indiana.

22 (b) It is unlawful for the holder of a brewer's or beer wholesaler's  
23 permit to have an interest in a liquor permit of any type under this title.

24 **(c) A person who knowingly or intentionally violates this section**  
25 **commits a Class B misdemeanor.**

26 SECTION 53. IC 7.1-5-9-4 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Except as  
28 provided in IC 7.1-3-3-4, an applicant for a beer wholesaler's permit  
29 shall have no interest in the following:

30 (1) A permit to manufacture or to sell at retail alcoholic beverages  
31 of any kind.

32 (2) Any other permit to wholesale alcoholic beverages.

33 (3) Through stock ownership or otherwise, a partnership, limited  
34 liability company, or corporation that holds:

35 (A) a permit to manufacture or to sell at retail alcoholic  
36 beverages of any kind: or

37 (B) any other permit to wholesale alcoholic beverages of any  
38 kind.

39 **(b) A person who knowingly or intentionally violates subsection**  
40 **(a) commits a Class B misdemeanor.**

41 SECTION 54. IC 7.1-5-9-6, AS AMENDED BY P.L.109-2013,  
42 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
43 JULY 1, 2014]: Sec. 6. (a) It is unlawful for the holder of a distiller's,  
44 rectifier's, or liquor wholesaler's permit to have an interest in a beer  
45 permit of any type under this title. This section does not apply to the  
46 holder of an artisan distiller's permit that has an interest in a brewer's



1 permit under IC 7.1-3-2-7(5).

2 **(b) A person who knowingly or intentionally violates subsection**  
 3 **(a) commits a Class B misdemeanor.**

4 SECTION 55. IC 7.1-5-9-7. AS AMENDED BY P.L.109-2013.  
 5 SECTION 11. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2014]: Sec. 7. **(a)** It is unlawful for the holder of an artisan  
 7 distiller's, a distiller's, or a rectifier's permit to own, acquire, possess or  
 8 cause to be transferred to the holder shares of stock of a corporation  
 9 that holds an Indiana permit to sell alcoholic beverages at retail, or in  
 10 a permit to sell at retail in this state, or to own or acquire an interest in  
 11 the business being conducted under the permit, or in or to shares of  
 12 stock in a corporation that owns a permit to sell at retail.

13 **(b) A person who knowingly or intentionally violates subsection**  
 14 **(a) commits a Class B misdemeanor.**

15 SECTION 56. IC 7.1-5-9-8, AS AMENDED BY P.L.109-2013,  
 16 SECTION 12. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2014]: Sec. 8. **(a)** The holder of an artisan distiller's permit, a  
 18 distiller's permit, or a rectifier's permit may not own, acquire, or  
 19 possess a permit to sell liquor at wholesale. A distiller or rectifier may  
 20 not have an interest in the business of a permittee who is authorized to  
 21 sell beer, liquor, or wine at wholesale or retail.

22 **(b) A person who knowingly or intentionally violates subsection**  
 23 **(a) commits a Class B misdemeanor.**

24 SECTION 57. IC 7.1-5-9-9 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. ~~Wholesaler's~~  
 26 ~~Interests Limited.~~ **(a)** It is unlawful for a person who has an interest in  
 27 a beer wholesaler's permit to acquire, hold, own, or possess an interest  
 28 of any type in a beer dealer's or retailer's permit.

29 **(b)** It is unlawful ~~also~~ for a person who has an interest in a liquor  
 30 wholesaler's permit to acquire, hold, own, or possess an interest of any  
 31 type in a liquor dealer's or retailer's permit.

32 **(c) A person who knowingly or intentionally violates subsection**  
 33 **(a) or (b) commits a Class B misdemeanor.**

34 SECTION 58. IC 7.1-5-9-10. AS AMENDED BY P.L.71-2012,  
 35 SECTION 9. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2014]: Sec. 10. **(a)** Except as provided in subsection (b), it is  
 37 unlawful for a holder of a retailer's permit of any type to acquire, hold,  
 38 own, or possess an interest of any type in a manufacturer's or  
 39 wholesaler's permit of any type.

40 **(b)** It is lawful for a holder of a retailer's permit of any type to  
 41 acquire, hold, own, or possess an interest of any type in a brewer's  
 42 permit for a brewery that manufactures not more than thirty thousand  
 43 (30,000) barrels of beer in a calendar year for sale or distribution  
 44 within Indiana.

45 **(c) A person who knowingly or intentionally violates subsection**  
 46 **(a) commits a Class B misdemeanor.**



1 SECTION 59. IC 7.1-5-9-13. AS AMENDED BY P.L.109-2013.  
 2 SECTION 13. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2014]: Sec. 13. (a) A:

- 4 (1) ~~The~~ proprietor of a drug store; a  
 5 (2) corporation holding:  
 6 (A) an artisan distiller's permit;  
 7 (B) a distiller's permit; ~~or~~  
 8 (C) a brewer's permit;  
 9 (D) ~~or~~ a wholesaler's permit; or  
 10 (E) a permit to retail or deal in alcoholic beverages: ~~or~~  
 11 (3) a wholesale drug company ~~or~~ a person who is the proprietor  
 12 of a wholesale drug company:

13 may not own or control or participate in the permit of a package liquor  
 14 store. or in its business. or in its establishment.

15 (b) **A person who knowingly or intentionally violates subsection**  
 16 **(a) commits a Class B misdemeanor.**

17 SECTION 60. IC 7.1-5-9-14, AS AMENDED BY P.L.94-2008.  
 18 SECTION 57. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2014]: Sec. 14. (a) It is unlawful for the holder of a brewer's,  
 20 distiller's, rectifier's, or a wholesaler's permit of any type to sell an  
 21 alcoholic beverage to a person who does not hold an appropriate permit  
 22 under this title. ~~However, this section shall not apply to unless the sale~~  
 23 ~~is~~ the sale of an alcoholic beverage to a consumer or employee as  
 24 expressly authorized in this title.

25 (b) **A person who knowingly or intentionally violates subsection**  
 26 **(a) commits a Class B misdemeanor.**

27 SECTION 61. IC 7.1-5-9-15 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) The commission  
 29 shall establish a manager's questionnaire for managers of licensed  
 30 premises for the sale of alcoholic beverages.

31 (b) It is unlawful for a person to:

- 32 (1) manage; or  
 33 (2) buy when the transfer of the permit is contingent upon terms  
 34 of a contract or an agreement:

35 a licensed premises for the sale of alcoholic beverages, unless the  
 36 person has filed a valid manager's questionnaire with the commission.

37 (c) The filing of a manager's questionnaire under this section:

- 38 (1) is in addition to other requirements for managers under this  
 39 title: and  
 40 (2) does not exempt the filer from IC 7.1-5-6-3.

41 (d) **A person who knowingly or intentionally violates subsection**  
 42 **(b) commits a Class B misdemeanor.**

43 SECTION 62. IC 7.1-5-10-1. AS AMENDED BY P.L.10-2010.  
 44 SECTION 11. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 45 JULY 1, 2014]: Sec. 1. (a) Except as provided in ~~subsection (c)~~  
 46 **subsection (c)**. it is unlawful to sell alcoholic beverages at the



1 following times:

2 (1) At a time other than that made lawful by the provisions of  
3 IC 7.1-3-1-14.

4 (2) On Christmas Day and until 7:00 o'clock in the morning,  
5 prevailing local time. the following day.

6 (b) During the time when the sale of alcoholic beverages is  
7 unlawful, no alcoholic beverages shall be sold, dispensed, given away,  
8 or otherwise disposed of on the licensed premises and the licensed  
9 premises shall remain closed to the extent that the nature of the  
10 business carried on at the premises, as at a hotel or restaurant, permits.

11 (c) It is lawful for the holder of a valid beer, wine, or liquor  
12 wholesaler's permit to sell to the holder of a valid retailer's or dealer's  
13 permit at any time.

14 **(d) A person who knowingly or intentionally violates this section**  
15 **commits a Class B misdemeanor.**

16 SECTION 63. IC 7.1-5-10-2 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. ~~Unauthorized Sales~~  
18 ~~Prohibited:~~ (a) It is unlawful for a permittee to recklessly sell, keep for  
19 sale, barter, furnish, or give away an alcoholic beverage which ~~he the~~  
20 **permittee** is not entitled to sell, keep for sale, barter, furnish, or give  
21 away under ~~his the~~ permit.

22 **(b) A person who violates subsection (a) commits a Class B**  
23 **misdemeanor.**

24 SECTION 64. IC 7.1-5-10-3 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. ~~Unauthorized~~  
26 ~~Dealings Prohibited:~~ (a) It is unlawful for a person who is not a  
27 permittee to recklessly give away or furnish, to a person other than a  
28 guest or a member of ~~his the~~ **permittee's** family, or to recklessly sell,  
29 barter, or exchange, an alcoholic beverage unless ~~he the~~ **permittee** is  
30 expressly authorized to do so by this title.

31 **(b) A person who violates subsection (a) commits a Class B**  
32 **misdemeanor.**

33 SECTION 65. IC 7.1-5-10-4 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. ~~Sale of Untaxed~~  
35 ~~Alcoholic Beverages Prohibited:~~ (a) It is unlawful for a person to  
36 recklessly sell, give, withdraw for sale or gift, offer for sale, display,  
37 barter, exchange, purchase, receive, possess, transport, or store an  
38 alcoholic beverage upon which the appropriate excise tax and  
39 applicable license fee have not been paid.

40 **(b) A person who violates subsection (a) commits a Class B**  
41 **misdemeanor.**

42 SECTION 66. IC 7.1-5-10-5 IS AMENDED TO READ AS  
43 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. ~~Sale Without Permit~~  
44 ~~Prohibited:~~ (a) It is unlawful for a person, except as otherwise  
45 permitted by this title, to **knowingly or intentionally** purchase,  
46 receive, manufacture, import, or transport, or cause to be imported or



1 transported from another state, territory, or country, into this state, or  
 2 transport, ship, barter, give away, exchange, furnish, or otherwise  
 3 handle, or dispose of an alcoholic beverage, or to possess an alcoholic  
 4 beverage for purpose of sale.

5 **(b)** It is unlawful ~~also~~; for a person ~~knowingly~~ to receive or acquire  
 6 an alcoholic beverage from a person ~~that the person knows who~~ does  
 7 not hold, unrevoked, the appropriate permit under this title to sell,  
 8 deliver, furnish, or give the alcoholic beverage to ~~him the person~~.

9 **(c) A person who violates subsection (a) or (b) commits a Class**  
 10 **B misdemeanor.**

11 SECTION 67. IC 7.1-5-10-6 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. ~~Sale of Adulterated~~  
 13 ~~or Misbranded Beverage Prohibited~~: **(a)** It is unlawful for a person to  
 14 sell, offer or expose for sale, or have in ~~his the person's~~ possession  
 15 with intent to sell, an alcoholic beverage that is adulterated or  
 16 misbranded.

17 **(b)** It is unlawful ~~also~~; for a person to alter or change a brand, label,  
 18 mark, design, device, or inscription that has reference to the kind,  
 19 brand, age, quality, quantity, or other description of the alcoholic  
 20 beverage contents of a bottle or container.

21 **(c)** The possession of an adulterated or misbranded alcoholic  
 22 beverage by a permittee, or other person engaged in the manufacture  
 23 or traffic in alcoholic beverages, is prima facie evidence of knowledge  
 24 of the misbranding or adulteration and of an intent to violate a  
 25 provision of this section.

26 **(d)** The possession by a permittee, or other person engaged in the  
 27 alcoholic beverage traffic, of a bottle or container used, or intended to  
 28 be used, for containing an alcoholic beverage on which a label, brand,  
 29 mark, design, or device has been altered or changed is prima facie  
 30 evidence of an intent to violate a provision of this section.

31 **(e) A person who violates subsection (a) or knowingly or**  
 32 **intentionally violates subsection (b) commits a Class B**  
 33 **misdemeanor.**

34 SECTION 68. IC 7.1-5-10-8 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. ~~Solicitation of~~  
 36 ~~Certain Orders Prohibited~~: **(a)** It is unlawful for a person to solicit or  
 37 receive, or to allow ~~his the person's~~ employee to solicit or receive, an  
 38 order for an alcoholic beverage from another person in violation of a  
 39 provision of this title.

40 **(b)** It is unlawful ~~also~~; for a person to give information of how an  
 41 alcoholic beverage may be obtained in violation of a provision of this  
 42 title.

43 **(c) A person who knowingly or intentionally violates subsection**  
 44 **(a) or (b) commits a Class B misdemeanor.**

45 SECTION 69. IC 7.1-5-10-9 IS AMENDED TO READ AS  
 46 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. ~~Alcoholic Content~~



1 **Regulation: (a)** It is unlawful, except as otherwise authorized in this  
 2 title, for a person to sell, give away, barter, furnish, or exchange, or to  
 3 possess or keep for a prohibited purpose, alcohol as a beverage, or a  
 4 beverage or liquid likely to be used or intended to be used as a  
 5 beverage, which has a content of alcohol that is higher than is  
 6 permitted by the rules ~~and regulation~~ of the commission.

7 **(b) A person who knowingly or intentionally violates subsection**  
 8 **(a) commits a Class B misdemeanor.**

9 SECTION 70. IC 7.1-5-10-11 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. ~~Sale of Cold Beer~~  
 11 ~~Prohibited: (a)~~ It is unlawful for the holder of a beer dealer's permit to  
 12 offer or display for sale, or sell, barter, exchange or give away a bottle,  
 13 can, container, or package of beer that was iced or cooled by the  
 14 permittee before or at the time of the sale, exchange, or gift.

15 **(b) A person who knowingly or intentionally violates subsection**  
 16 **(a) commits a Class B misdemeanor.**

17 SECTION 71. IC 7.1-5-10-12, AS AMENDED BY P.L.109-2013,  
 18 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2014]: Sec. 12. **(a) Except as provided in subsections (b)**  
 20 **through (d),** it is unlawful for a permittee to sell, offer to sell, purchase  
 21 or receive, an alcoholic beverage for anything other than cash. A  
 22 permittee who extends credit in violation of this section shall have no  
 23 right of action on the claim.

24 **(b) This section shall not prohibit** A permittee ~~from crediting~~ **may**  
 25 **credit** to a purchaser the actual price charged for a package or an  
 26 original container returned by the original purchaser as a credit on a  
 27 sale. ~~This section shall not prohibit a permittee from refunding and~~  
 28 **refund** to a purchaser the amount paid by the purchaser for a container,  
 29 or as a deposit on a container, if it is returned to the permittee.

30 **(c) This section shall not prohibit** A manufacturer ~~from extending~~  
 31 **may extend** usual and customary credit for alcoholic beverages sold to  
 32 a customer who maintains a place of business outside this state when  
 33 the alcoholic beverages are actually shipped to a point outside this  
 34 state.

35 **(d) This section shall not prohibit** An artisan distiller, a distiller, or  
 36 a liquor or wine wholesaler ~~from extending~~ **may extend** credit on  
 37 liquor, flavored malt beverages, and wine sold to a permittee for a  
 38 period of fifteen (15) days from the date of invoice, date of invoice  
 39 included. However, if the fifteen (15) day period passes without  
 40 payment in full, the wholesaler shall sell to that permittee on a cash on  
 41 delivery basis only.

42 **(e) A person who knowingly or intentionally violates this section**  
 43 **commits a Class B misdemeanor.**

44 SECTION 72. IC 7.1-5-10-13, AS AMENDED BY P.L.44-2009,  
 45 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 46 JULY 1, 2014]: Sec. 13. **(a)** A permittee who holds a permit to sell at



1 retail shall not cash a check issued by the county office of the division  
 2 of family resources **division of family and children** or by a charitable  
 3 organization if any part of the proceeds of the check are to be used to  
 4 purchase an alcoholic beverage.

5 **(b) A permittee who knowingly or intentionally violates**  
 6 **subsection (a) commits a Class B misdemeanor.**

7 SECTION 73. IC 7.1-5-10-14 IS REPEALED [EFFECTIVE JULY  
 8 1, 2014]. ~~Sec. 14. Sales to Habitual Drunkards Prohibited: It is~~  
 9 ~~unlawful for a permittee to sell, barter, exchange, give, provide, or~~  
 10 ~~furnish an alcoholic beverage to a person whom he knows to be a~~  
 11 ~~habitual drunkard.~~

12 SECTION 74. IC 7.1-5-10-15 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2014]: ~~Sec. 15. (a) It is unlawful for~~  
 14 ~~a person to sell, barter, deliver, or give away~~ **A person who, knowing**  
 15 **that another person is intoxicated, sells, barter, delivers, or gives**  
 16 **away** an alcoholic beverage to ~~another the intoxicated person who is~~  
 17 ~~in a state of intoxication if the person knows that the other person is~~  
 18 ~~intoxicated: commits a Class B misdemeanor.~~

19 (b) In any civil proceeding in which damages are sought from a  
 20 permittee or a permittee's agent for the refusal to serve a person an  
 21 alcoholic beverage, it is a complete defense if the permittee or agent  
 22 reasonably believed that the person was intoxicated or was otherwise  
 23 not entitled to be served an alcoholic beverage.

24 (c) After charges have been filed against a person for a violation of  
 25 subsection (a), the prosecuting attorney shall notify the commission of  
 26 the charges filed.

27 SECTION 75. IC 7.1-5-10-16 IS REPEALED [EFFECTIVE JULY  
 28 1, 2014]. ~~Sec. 16. Sale to Inmate Prohibited: It is a Class C infraction~~  
 29 ~~for a person to furnish an alcoholic beverage to a person confined in a~~  
 30 ~~penal facility: It is unlawful, also, for a person who has charge of a~~  
 31 ~~penal facility to knowingly permit a prisoner confined within his~~  
 32 ~~jurisdiction to receive an alcoholic beverage unless it has been~~  
 33 ~~prescribed by a physician as medicine for the prisoner.~~

34 SECTION 76. IC 7.1-5-10-17 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2014]: ~~Sec. 17. Sales at Fair~~  
 36 ~~Grounds Prohibited: It is unlawful to sell or dispense~~ **A person who**  
 37 **knowingly or intentionally sells or dispenses** an alcoholic beverage  
 38 on the Indiana State Fair Grounds during the period of the Indiana state  
 39 fair **commits a Class B misdemeanor.**

40 SECTION 77. IC 7.1-5-10-18 IS REPEALED [EFFECTIVE  
 41 JULY 1, 2014]. ~~Sec. 18. Taking Beverage from Train Prohibited: It is~~  
 42 ~~unlawful for the holder of a dining car permit to sell an alcoholic~~  
 43 ~~beverage to a person for the purpose of its being carried off the train:~~  
 44 ~~It also is unlawful for a person to carry an alcoholic beverage off a train~~  
 45 ~~that was purchased on it.~~

46 SECTION 78. IC 7.1-5-10-19 IS REPEALED [EFFECTIVE JULY



1, 2014]. Sec. 19: Taking Beverage from Boat Prohibited. It is unlawful for the holder of a boat permit to sell an alcoholic beverage to a person for the purpose of its being carried off the boat. It also is unlawful for a person to carry an alcoholic beverage off a boat that was purchased on it.

SECTION 79. IC 7.1-5-10-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. (a) It is unlawful for a holder of a retailer's permit to do any of the following:

(1) Sell alcoholic beverages during a portion of the day at a price that is reduced from the usual, customary, or established price that the permittee charges during the remainder of that day.

(2) Furnish two (2) or more servings of an alcoholic beverage upon the placing of an order for one (1) serving to one (1) person for that person's personal consumption.

(3) Charge a single price for the required purchase of two (2) or more servings of an alcoholic beverage.

(b) Subsection (a) applies to private clubs but does not apply to private functions that are not open to the public.

(c) Notwithstanding subsection (a)(1), it is lawful for a holder of a retailer's permit to sell alcoholic beverages during a portion of the day at a price that is increased from the usual, customary, or established price that the permittee charges during the remainder of that day as long as the price increase is charged when the permittee provides paid live entertainment not incidental to the services customarily provided.

(d) Notwithstanding subsection (a), section 12 of this chapter, and IC 7.1-5-5-7, it is lawful for a hotel, in an area of the hotel in which alcoholic beverages are not sold, to make available to its registered guests and their guests alcoholic beverages at no additional charge beyond what is to be paid by the registered guests as the room rate.

**(e) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.**

SECTION 80. IC 7.1-5-10-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. (a) It is unlawful for a retailer or dealer to sell a flavored malt beverage except under the same conditions that a retailer or dealer is permitted to sell beer or other alcoholic beverages obtained by the fermentation of an infusion or decoction of barley malt or other cereal and hops in water.

**(b) A person who knowingly or intentionally violates subsection (a) commits a Class B misdemeanor.**

SECTION 81. IC 7.1-5-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~Importation Limited:~~ **A person who knowingly or intentionally imports liquor into this state unless he is specifically authorized to do so by this title: without specific authorization under this title commits a Class B misdemeanor.**

SECTION 82. IC 7.1-5-11-1.5. AS AMENDED BY P.L.165-2006.



1 SECTION 38. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2014]: Sec. 1.5. (a) Except as provided in IC 7.1-3-26, it is  
3 unlawful for a person in the business of selling alcoholic beverages in  
4 Indiana or outside Indiana to ship or cause to be shipped an alcoholic  
5 beverage directly to a person in Indiana who does not hold a valid  
6 wholesaler permit under this title. This includes the ordering and  
7 selling of alcoholic beverages over a computer network (as defined by  
8 IC 35-43-2-3(a)).

9 **(b) An in state or an out of state vintner, distiller, brewer,  
10 rectifier, or importer that:**

11 **(1) holds a basic permit from the federal Bureau of Alcohol,  
12 Tobacco, Firearms and Explosives; and**

13 **(2) knowingly violates subsection (a);  
14 commits a Class A misdemeanor.**

15 **(c) A person who is not an in state or an out of state vintner,  
16 distiller, brewer, rectifier, or importer that holds a basic permit  
17 from the federal Bureau of Alcohol, Tobacco, Firearms and  
18 Explosives who knowingly violates subsection (a) commits a Level  
19 6 felony.**

20 ~~(b)~~ **(d)** Upon a determination by the commission that a person has  
21 violated subsection (a), a wholesaler may not accept a shipment of  
22 alcoholic beverages from the person for a period of up to one (1) year  
23 as determined by the commission.

24 **(e) If the chairman of the alcohol and tobacco commission or the  
25 attorney general determines that a vintner, distiller, brewer,  
26 rectifier, or importer that holds a basic permit from the federal  
27 Bureau of Alcohol, Tobacco, Firearms and Explosives has made an  
28 illegal shipment of an alcoholic beverage to consumers in Indiana,  
29 the chairman shall:**

30 **(1) notify the federal Bureau of Alcohol, Tobacco, Firearms  
31 and Explosives in writing and by certified mail of the official  
32 determination that state law has been violated; and**

33 **(2) request the federal bureau to take appropriate action.**

34 ~~(e)~~ **(f)** The commission shall adopt rules under IC 4-22-2 to  
35 implement this section.

36 SECTION 83. IC 7.1-5-11-2 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. ~~Transportation  
38 Limited.~~ **(a)** It is unlawful for a carrier who is required to obtain a  
39 carrier's alcoholic permit by ~~IC 1971~~, IC 7.1-3-18 to transport alcoholic  
40 beverages over or along a public highway within this state unless ~~he~~  
41 **the carrier** has applied for a carrier's alcoholic permit and been  
42 issued:

43 **(1) a carrier's alcoholic permit; or**

44 **(2) specific authorization from the commission to transport  
45 alcoholic beverages on a public highway under rules adopted  
46 by the commission.**



1           **(b) A person who knowingly or intentionally violates subsection**  
 2 **(a) commits a Class B misdemeanor.**

3           SECTION 84. IC 7.1-5-11-3 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. ~~Transportation in~~  
 5 ~~Non-Registered Vehicles Prohibited:~~ (a) It is unlawful for the holder of  
 6 a carrier's alcoholic permit to import or transport alcoholic beverages  
 7 in a vehicle that has not been registered with the commission as  
 8 required by this title.

9           **(b) A person who knowingly or intentionally violates subsection**  
 10 **(a) commits a Class B misdemeanor.**

11           SECTION 85. IC 7.1-5-11-4 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. ~~Deliveries Limited:~~  
 13 **(a)** It is unlawful for an officer, agent, or employee of a railroad  
 14 company, express company, or other common carrier to recklessly  
 15 deliver:

16           (1) an alcoholic beverage to a person other than the person to  
 17 whom it is consigned;

18           (2) it without a written order by the consignee; or

19           (3) it to a person when the alcoholic beverage has been consigned  
 20 to a fictitious person or a person under a fictitious name.

21           **(b) A person who violates subsection (a) commits a Class B**  
 22 **misdemeanor.**

23           SECTION 86. IC 7.1-5-11-5. AS AMENDED BY P.L.158-2013,  
 24 SECTION 129, IS AMENDED TO READ AS FOLLOWS  
 25 [EFFECTIVE JULY 1, 2014]: Sec. 5. It is a Level 6 felony for a person  
 26 to transport

27           **(a) This section does not apply to a permittee, or a duly licensed**  
 28 **carrier for a permittee, who is lawfully entitled to hold or possess**  
 29 **an alcoholic beverage without the payment of the excise tax on the**  
 30 **alcoholic beverage prior to the time that the alcoholic beverage is**  
 31 **withdrawn for sale.**

32           **(b) A person who transports** an alcoholic beverage on a public  
 33 highway, knowing that any of the taxes due the state on it **are have not**  
 34 **been not paid, commits a Level 6 felony.** ~~This section does not apply~~  
 35 ~~to a permittee, or a duly licensed carrier for a permittee, who is lawfully~~  
 36 ~~entitled to hold or possess an alcoholic beverage without the payment~~  
 37 ~~of the excise tax on it prior to the time that it is withdrawn for sale.~~

38           SECTION 87. IC 7.1-5-11-6 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. ~~Devious~~  
 40 ~~Transportation Prohibited:~~ **(a)** It is unlawful for a person to use or  
 41 employ, or agree to use or employ, a method of transportation, or  
 42 device, or fictitious name, or fictitious routing, or to enter into a  
 43 scheme or method of transportation, or to resort to a trick or device,  
 44 with the intent to evade, avoid, or defeat the collection of a tax imposed  
 45 by this title, or to evade or prevent the enforcement of a provision of  
 46 this title.



1           **(b) A person who violates subsection (a) commits a Class A**  
 2 **misdemeanor. However, the offense is a Level 6 felony if the**  
 3 **amount of tax is seven hundred fifty dollars (\$750) or more.**

4           SECTION 88. IC 7.1-5-11-7 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. ~~False Shipments~~  
 6 ~~Prohibited:~~ **(a)** It is unlawful for a consignee to accept or receive a  
 7 package that contains an alcoholic beverage upon which appears a  
 8 statement, label, address, superscription, shipping direction, legend, or  
 9 design which is ~~known to him to be~~ **the person knows is** false or  
 10 misleading.

11           **(b)** It is unlawful ~~also~~ for a carrier, or other person, to consign, ship,  
 12 transport, or deliver a package that contains an alcoholic beverage  
 13 ~~knowing if the person knows that~~ a statement, label, address,  
 14 superscription, shipping direction, legend, or design on it ~~to be~~ false  
 15 or misleading.

16           **(c) A person who violates subsection (a) or (b) commits a Class**  
 17 **B misdemeanor.**

18           SECTION 89. IC 7.1-5-11-8 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. ~~Delivery to~~  
 20 ~~Non-Consignee Prohibited:~~ **(a)** It is unlawful for a person to present or  
 21 tender for transportation to a carrier or a person acting or assuming to  
 22 act for a carrier an alcoholic beverage:

23           **(1)** for delivery to a person other than the consignee designated by  
 24 the person offering the alcoholic beverage for shipment; or

25           **(2)** for the purpose of effecting a delivery of the alcoholic  
 26 beverage to a person not permitted to receive it as consignee:

27           **(A)** under the provisions of this title; ~~or~~

28           **(B) under the provisions** of a rule ~~and regulation~~ of the  
 29 commission; or

30           **(C) to a because the person is** not the bona fide consignee of  
 31 the shipment.

32           **(b) A person who knowingly or intentionally violates subsection**  
 33 **(a) commits a Class B misdemeanor.**

34           SECTION 90. IC 7.1-5-11-9 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. ~~Violation of~~  
 36 ~~Transportation Contract Prohibited:~~ **(a)** It is unlawful for a carrier or a  
 37 person acting or assuming to act for a carrier, to deliver an alcoholic  
 38 beverage in this state to a person, or at a place, other than the person,  
 39 or place, or both, designated in the bill of lading or transportation  
 40 contract.

41           **(b)** It is unlawful; ~~also~~; for a person to accept for transportation a  
 42 shipment containing an alcoholic beverage, knowing that the shipment  
 43 is intended for a person not permitted to receive it under the provisions  
 44 of this title, or ~~of under~~ a rule ~~or regulation~~ of the commission.

45           **(c) A person who knowingly or intentionally violates subsection**  
 46 **(a), or who violates subsection (b), commits a Class B**



1 **misdemeanor.**

2 SECTION 91. IC 7.1-5-11-10 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. ~~Transportation of~~  
4 ~~Liquor Limited.~~ (a) **This section only applies if the commission has**  
5 **adopted a rule requiring a mark or label of identification to be**  
6 **displayed on the outside of a package containing liquor.**

7 (b) It is unlawful for a person to transport liquor or cause it to be  
8 transported upon a public highway into this state from another state,  
9 territory, or country, or to transport or cause it to be transported along  
10 or over a public highway in this state, unless there is displayed on the  
11 outside of the package, in plain view, a mark or label of identification  
12 as the commission: ~~by rule or regulation; may require:~~ **required by a**  
13 **rule adopted by the commission.**

14 (c) **A person who knowingly or intentionally violates subsection**  
15 **(b) commits a Class B misdemeanor.**

16 SECTION 92. IC 7.1-5-11-11 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. ~~Bill of Lading~~  
18 ~~Required.~~ (a) It is unlawful for a person to transport into this state upon  
19 a public highway of this state, an alcoholic beverage from another state,  
20 territory or country, unless the person accompanying, or in charge of  
21 the shipment, ~~shall have~~ **has** present and available for exhibition:

22 (1) a bill of lading; or

23 (2) other evidence of ownership or shipment ~~as authorized by a~~  
24 **rule adopted by the commission;** ~~by rule or regulation; may~~  
25 ~~require:~~

26 (b) It is unlawful; ~~also:~~ for a person to refuse to exhibit, or permit to  
27 be read or examined, the bill of lading or other evidence of ownership  
28 or shipment upon a lawful demand of the chairman, or of a police  
29 officer of the state, or of a governmental subdivision of it.

30 (c) **A person who knowingly or intentionally violates subsection**  
31 **(a) or (b) commits a Class B misdemeanor.**

32 SECTION 93. IC 7.1-5-11-12 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. ~~Use of Highway for~~  
34 ~~Evasion Prohibited.~~ (a) It is unlawful for a person to use or employ a  
35 public highway in this state ~~for the purpose with the intent~~ of evading  
36 a provision of this title.

37 (b) **A person who violates subsection (a) commits a Class B**  
38 **misdemeanor.**

39 SECTION 94. IC 7.1-5-11-13 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. ~~Keeping of Record~~  
41 ~~Required.~~ (a) A railroad company, an express company, and a common  
42 carrier shall keep in the office at which delivery of an alcoholic  
43 beverage to a consignee is made, a separate record in which shall be  
44 entered the information required by this title for the shipment of an  
45 alcoholic beverage.

46 (b) This record shall be open to the inspection of the chairman.



1           (c) It is ~~unlawful for~~ An agent, officer, or employee of a railroad  
2 company, express company, or common carrier to ~~violate a provision~~  
3 ~~of who knowingly or intentionally violates~~ this section **commits a**  
4 **Class B misdemeanor.**

5           SECTION 95. IC 7.1-5-11-14 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. ~~False Statement~~  
7 ~~Prohibited:~~ (a) It is unlawful for a person to make a false statement to  
8 a railroad, express, or transportation company for the purpose of  
9 obtaining an alcoholic beverage.

10           (b) It is unlawful; ~~also,~~ for a person to make a false statement to a  
11 person engaged in the business of transporting goods, wares, and  
12 merchandise for the purpose of obtaining the shipment, transportation,  
13 or delivery of an alcoholic beverage.

14           (c) **A person who knowingly or intentionally violates subsection**  
15 **(a) or (b) commits a Class B misdemeanor.**

16           SECTION 96. IC 7.1-5-11-15, AS AMENDED BY P.L.165-2006,  
17 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2014]: Sec. 15. ~~It is unlawful for a person to import or~~  
19 ~~transport an alcoholic beverage that is not at that time the absolute~~  
20 ~~property of an authorized permittee under this title:~~ (a) This section  
21 ~~shall does~~ not apply to the shipment of an alcoholic beverage from  
22 another state in continuous transit through this state into another state  
23 unless the shipment is intended to evade a provision of this title.

24           (b) This section ~~shall does~~ not prohibit a person, other than a  
25 permittee, from bringing into this state a quantity of:

26           (1) wine not exceeding eighteen (18) liters; or

27           (2) liquor not exceeding one (1) quart;

28 if the person is a traveler in the ordinary course of travel and if it is not  
29 intended for sale to another person.

30           (c) **It is unlawful for a person to import or transport an**  
31 **alcoholic beverage that is not at that time the absolute property of**  
32 **an authorized permittee under this title.**

33           (d) **A person who knowingly or intentionally violates this section**  
34 **commits a Class B misdemeanor.**

35           SECTION 97. IC 7.1-5-11-16 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. ~~Transportation on~~  
37 ~~Sunday Prohibited:~~ It is a Class C misdemeanor for a person to  
38 **knowingly or intentionally** deliver or transport an alcoholic beverage  
39 to the holder of a retailer's or dealer's permit of any type, except a  
40 temporary beer or wine permit, on Sunday.

41           SECTION 98. IC 35-51-7-1, AS AMENDED BY P.L.6-2012,  
42 SECTION 237, IS AMENDED TO READ AS FOLLOWS  
43 [EFFECTIVE JULY 1, 2014]: Sec. 1. The following statutes define  
44 crimes in IC 7.1:

45           IC 7.1-3-10-10 (Concerning liquor dealer's permits).

46           **IC 7.1-3-26-5 (Concerning direct wine seller's permits).**



- 1 **IC 7.1-3-26-6 (Concerning direct wine seller's permits).**  
 2 **IC 7.1-3-26-10 (Concerning farm winery brandy distiller's**  
 3 **permits).**  
 4 ~~IC 7.1-3-26-15 (Concerning direct wine seller's permits).~~  
 5 **IC 7.1-3-27-3 (Concerning artisan distiller's permits).**  
 6 **IC 7.1-3-27-8 (Concerning artisan distiller's permits).**  
 7 **IC 7.1-3-27-9 (Concerning artisan distiller's permits).**  
 8 **IC 7.1-3-27-10 (Concerning artisan distiller's permits).**  
 9 **IC 7.1-3-27-11 (Concerning artisan distiller's permits).**  
 10 **IC 7.1-3-27-12 (Concerning artisan distiller's permits).**  
 11 **IC 7.1-3-27-13 (Concerning artisan distiller's permits).**  
 12 **IC 7.1-3-27-14 (Concerning artisan distiller's permits).**  
 13 **IC 7.1-3-27-15 (Concerning artisan distiller's permits).**  
 14 **IC 7.1-5-1-1 (Concerning alcohol).**  
 15 IC 7.1-5-1-3 (Concerning public intoxication).  
 16 IC 7.1-5-1-6 (Concerning public intoxication).  
 17 ~~IC 7.1-5-1-8 (Concerning alcohol).~~  
 18 ~~IC 7.1-5-1-9 (Concerning alcohol).~~  
 19 ~~IC 7.1-5-1-9.5 (Concerning alcohol).~~  
 20 IC 7.1-5-1-12 (Concerning alcohol).  
 21 **IC 7.1-5-2-3 (Concerning signs).**  
 22 **IC 7.1-5-2-7 (Concerning signs).**  
 23 **IC 7.1-5-3-1 (Concerning containers).**  
 24 **IC 7.1-5-3-2 (Concerning containers).**  
 25 **IC 7.1-5-3-4 (Concerning containers).**  
 26 IC 7.1-5-4-1 (Concerning alcohol).  
 27 **IC 7.1-5-4-3 (Concerning alcohol).**  
 28 **IC 7.1-5-4-5 (Concerning permits).**  
 29 **IC 7.1-5-4-6 (Concerning alcohol).**  
 30 **IC 7.1-5-5-1 (Concerning permits).**  
 31 **IC 7.1-5-5-2 (Concerning permits).**  
 32 **IC 7.1-5-5-3 (Concerning permits).**  
 33 **IC 7.1-5-5-7 (Concerning discounts).**  
 34 **IC 7.1-5-5-9 (Concerning agreements).**  
 35 **IC 7.1-5-5-10 (Concerning gifts).**  
 36 **IC 7.1-5-5-11 (Concerning rebates).**  
 37 **IC 7.1-5-5-12 (Concerning athletics).**  
 38 IC 7.1-5-6-1 (Concerning alcohol).  
 39 **IC 7.1-5-6-2 (Concerning sales).**  
 40 **IC 7.1-5-6-3 (Concerning sales).**  
 41 **IC 7.1-5-6-4 (Concerning permits).**  
 42 IC 7.1-5-7-1 (Concerning alcohol).  
 43 IC 7.1-5-7-2 (Concerning alcohol).  
 44 IC 7.1-5-7-7 (Concerning alcohol).  
 45 IC 7.1-5-7-8 (Concerning alcohol).  
 46 IC 7.1-5-7-10 (Concerning alcohol).



1	IC 7.1-5-7-12 (Concerning alcohol).
2	IC 7.1-5-7-14 (Concerning alcohol).
3	IC 7.1-5-8-1 (Concerning alcohol and tobacco).
4	IC 7.1-5-8-3 (Concerning alcohol).
5	<b>IC 7.1-5-8-4 (Concerning sales).</b>
6	IC 7.1-5-8-5 (Concerning alcohol).
7	IC 7.1-5-8-6 (Concerning alcohol).
8	<b>IC 7.1-5-8-9 (Concerning sales).</b>
9	<b>IC 7.1-5-9-1 (Concerning interests).</b>
10	<b>IC 7.1-5-9-2 (Concerning interests).</b>
11	<b>IC 7.1-5-9-3 (Concerning interests).</b>
12	<b>IC 7.1-5-9-4 (Concerning interests).</b>
13	<b>IC 7.1-5-9-6 (Concerning interests).</b>
14	<b>IC 7.1-5-9-7 (Concerning interests).</b>
15	<b>IC 7.1-5-9-8 (Concerning permits).</b>
16	<b>IC 7.1-5-9-9 (Concerning interests).</b>
17	<b>IC 7.1-5-9-10 (Concerning interests).</b>
18	<b>IC 7.1-5-9-13 (Concerning interests).</b>
19	<b>IC 7.1-5-9-14 (Concerning sales).</b>
20	<b>IC 7.1-5-9-15 (Concerning questionnaires).</b>
21	<b>IC 7.1-5-10-1 (Concerning sales).</b>
22	<b>IC 7.1-5-10-2 (Concerning sales).</b>
23	<b>IC 7.1-5-10-3 (Concerning sales).</b>
24	<b>IC 7.1-5-10-4 (Concerning sales).</b>
25	<b>IC 7.1-5-10-5 (Concerning sales).</b>
26	<b>IC 7.1-5-10-6 (Concerning sales).</b>
27	<b>IC 7.1-5-10-8 (Concerning solicitation).</b>
28	<b>IC 7.1-5-10-9 (Concerning sales).</b>
29	IC 7.1-5-10-10 (Concerning alcohol).
30	<b>IC 7.1-5-10-11 (Concerning sales).</b>
31	<b>IC 7.1-5-10-12 (Concerning sales).</b>
32	<b>IC 7.1-5-10-13 (Concerning sales).</b>
33	<b>IC 7.1-5-10-15 (Concerning sales).</b>
34	<b>IC 7.1-5-10-17 (Concerning sales).</b>
35	<b>IC 7.1-5-10-18 (Concerning sales).</b>
36	<b>IC 7.1-5-10-20 (Concerning sales).</b>
37	IC 7.1-5-10-21 (Concerning alcohol).
38	<b>IC 7.1-5-10-22 (Concerning sales).</b>
39	IC 7.1-5-10-23 (Concerning alcohol).
40	<b>IC 7.1-5-11-1 (Concerning importation).</b>
41	<b>IC 7.1-5-11-1.5 (Concerning importation).</b>
42	<b>IC 7.1-5-11-2 (Concerning transportation).</b>
43	<b>IC 7.1-5-11-3 (Concerning transportation).</b>
44	<b>IC 7.1-5-11-4 (Concerning delivery).</b>
45	IC 7.1-5-11-5 (Concerning alcohol).
46	<b>IC 7.1-5-11-6 (Concerning transportation).</b>



- 1 **IC 7.1-5-11-7 (Concerning shipments).**
- 2 **IC 7.1-5-11-8 (Concerning transportation).**
- 3 **IC 7.1-5-11-9 (Concerning transportation).**
- 4 **IC 7.1-5-11-10 (Concerning transportation).**
- 5 **IC 7.1-5-11-11 (Concerning transportation).**
- 6 **IC 7.1-5-11-12 (Concerning transportation).**
- 7 **IC 7.1-5-11-13 (Concerning recordkeeping).**
- 8 **IC 7.1-5-11-14 (Concerning false statements).**
- 9 **IC 7.1-5-11-15 (Concerning transportation).**
- 10 **IC 7.1-5-11-16 (Concerning alcohol).**





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**PRELIMINARY DRAFT**  
**No. 3233**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2014 GENERAL ASSEMBLY**

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DIGEST

**Citations Affected:** IC 7.1-5-7; IC 9-24-18.

**Synopsis:** Alcohol offenses and juvenile license suspensions. Removes the requirement that the driver's license of a minor shall be suspended if the minor commits certain offenses related to the unlawful purchase, use, or consumption of an alcoholic beverage.

**Effective:** July 1, 2014.



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 7.1-5-7-1. AS AMENDED BY P.L.125-2012.  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: Sec. 1. ~~(a)~~ It is a Class C misdemeanor for a minor to  
4 knowingly or intentionally make a false statement of the minor's age or  
5 to present or offer false or fraudulent evidence of majority or identity  
6 to a permittee for the purpose of ordering, purchasing, attempting to  
7 purchase, or otherwise procuring or attempting to procure an alcoholic  
8 beverage.

9 (b) In addition to the penalty under subsection (a), a minor who:

10 (1) uses a false or altered driver's license or the driver's license of  
11 another person as evidence of majority under this section; or

12 (2) is convicted of purchasing or procuring an alcoholic beverage  
13 with or without using a false or altered driver's license;

14 shall have the minor's driver's license, permit, or driving privileges  
15 suspended for up to one (1) year in accordance with IC 9-24-18-8 and  
16 IC 9-30-4-9.

17 (c) Upon entering a judgment of conviction for the misdemeanor  
18 under this section, the court shall forward a copy of the judgment to the  
19 bureau of motor vehicles for the purpose of complying with subsection  
20 (b).

21 SECTION 2. IC 7.1-5-7-7. AS AMENDED BY P.L.125-2012.  
22 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2014]: Sec. 7. (a) Subject to IC 7.1-5-1-6.5, it is a Class C  
24 misdemeanor for a minor to knowingly:

25 (1) possess an alcoholic beverage;

26 (2) consume an alcoholic beverage; or

27 (3) transport an alcoholic beverage on a public highway when not  
28 accompanied by at least one (1) of the minor's parents or  
29 guardians.

30 (b) If a minor is found to have violated subsection ~~(a)~~ (a)(3) while  
31 operating a vehicle, the court may order the minor's driving privileges



1 suspended for up to one (1) year. However, if the minor is less than  
2 eighteen (18) years of age, the court shall order the minor's driving  
3 privileges suspended for at least sixty (60) days.

4 (c) The court shall deliver any order suspending a minor's driving  
5 privileges under this section to the bureau of motor vehicles, which  
6 shall suspend the minor's driving privileges under IC 9-24-18-12 for  
7 the period ordered by the court.

8 SECTION 3. IC 7.1-5-7-10, AS AMENDED BY P.L.125-2012,  
9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2014]: Sec. 10. (a) It is a Class C misdemeanor for a minor to  
11 recklessly be in a tavern, bar, or other public place where alcoholic  
12 beverages are sold, bartered, exchanged, given away, provided, or  
13 furnished. ~~In addition to other penalties under this subsection, the~~  
14 ~~minor's driver's license, permit, or driving privileges shall be suspended~~  
15 ~~for up to one (1) year in accordance with IC 9-24-18-8 and IC 9-30-4-9.~~

16 (b) It is a Class C misdemeanor for a permittee to recklessly permit  
17 a minor to be in the prohibited place beyond a reasonable time in which  
18 an ordinary prudent person can check identification to confirm the age  
19 of a patron.

20 SECTION 4. IC 9-24-18-8 IS REPEALED [EFFECTIVE JULY 1,  
21 2014]. Sec. 8: (a) ~~The bureau shall suspend for a mandatory period of~~  
22 ~~at least ninety (90) days the current driving license or permit of a~~  
23 ~~person who:~~

24 (1) ~~uses or has possession of a driving license or permit of another~~  
25 ~~person with the intent to violate or evade or to attempt to violate~~  
26 ~~or evade any provision of law relating to the sale, purchase, use,~~  
27 ~~or possession of alcoholic beverages; or~~

28 (2) ~~is convicted of the offenses listed in IC 7.1-5-7-1(b) or~~  
29 ~~IC 7.1-5-7-10.~~

30 (b) ~~The mandatory suspension provided by this section is in addition~~  
31 ~~to all other sanctions provided by section 7 of this chapter and~~  
32 ~~IC 9-30-4-9.~~

33 SECTION 5. IC 9-24-18-12, AS AMENDED BY P.L.85-2013,  
34 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2014]: Sec. 12. Upon receipt of a court order under  
36 IC 7.1-5-7-7 (minor ~~possessing, consuming, or transporting alcohol,~~  
37 ~~or having alcohol present in a bodily substance);~~ the bureau shall  
38 suspend the minor's driving privileges for the period ordered by the  
39 court. If the court fails to recommend a fixed term of suspension, or  
40 recommends a fixed term that is less than the minimum term required  
41 by statute, the bureau shall impose the minimum period of suspension  
42 required under IC 7.1-5-7.





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**PRELIMINARY DRAFT**  
**No. 3196**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2014 GENERAL ASSEMBLY**

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DIGEST

**Citations Affected:** IC 14-15; IC 14-16-1-29; IC 14-21; IC 14-22;  
IC 14-24; IC 14-25; IC 14-25.5; IC 14-26; IC 14-27-6-52;  
IC 14-29-4-9; IC 14-31-3; IC 14-34; IC 14-35; IC 14-36-1-37;  
IC 14-37; IC 14-38-2; IC 33-37-5-16; IC 35-51-14-1.

**Synopsis:** Misdemeanors and DNR. Makes the penalty for violating certain statutes in IC 14 (natural and cultural resources) an infraction instead of a misdemeanor.

**Effective:** July 1, 2014.



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 14-15-2-15. AS AMENDED BY P.L.137-2007,  
2 SECTION 32. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: Sec. 15. (a) **Except as provided in subsection (b)**; A  
4 person who violates **section 1, 2, 3, 4, 5, 6, 7(b), 9, 10, 12, 13, or 14** of  
5 this chapter commits a Class C infraction.

6 (b) A person who violates section 7(c) or 8 of this chapter commits  
7 a Class A infraction. Notwithstanding IC 34-28-5-4(a), a judgment of  
8 at least one thousand dollars (\$1,000) shall be imposed for each Class  
9 A infraction committed in violation of section 7(c) or 8 of this chapter.

10 SECTION 2. IC 14-15-3-31 AMENDED TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2014]: Sec. 31. (a) **Except as provided in**  
12 **subsection (b)**; A person who violates **section 2, 3, 5, 7, 8, 9, 10, 14,**  
13 **15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, or 30** of this chapter  
14 commits a Class C infraction.

15 (b) A person who **knowingly or intentionally** violates section 6 of  
16 this chapter commits a Class C misdemeanor.

17 SECTION 3. IC 14-15-4-4, AS AMENDED BY P.L.158-2013.  
18 SECTION 199, IS AMENDED TO READ AS FOLLOWS  
19 [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who **knowingly or**  
20 **intentionally** violates **section 1, 2, or 3** of this chapter commits a Class  
21 C misdemeanor. However, the offense is:

22 (1) a Class A misdemeanor if the accident or collision results in  
23 an injury to a person;

24 (2) a Level 6 felony if:

25 (A) the accident or collision results in serious bodily injury to  
26 a person; or

27 (B) within the five (5) years preceding the commission of the  
28 offense, the person had a previous conviction of any of the  
29 offenses listed in IC 9-30-10-4(a), IC 35-46-9-6, or  
30 IC 14-15-8-8 (before its repeal); or

31 (3) a Level 5 felony if the accident or collision results in the death



1 of a person.

2 SECTION 4. IC 14-15-5-3 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who  
4 violates **section 1** of this chapter commits a Class C infraction.

5 SECTION 5. IC 14-15-6-10 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A person who  
7 violates **section 1, 5, 7, 8, or 9** of this chapter commits a Class C  
8 infraction.

9 SECTION 6. IC 14-15-7-6 IS REPEALED [EFFECTIVE JULY 1,  
10 2014]. ~~Sec. 6. A person who violates this chapter commits a Class C~~  
11 ~~infraction.~~

12 SECTION 7. IC 14-15-9-8 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. A person who  
14 violates section 4, 5, 6, or 7(a) of this chapter commits a Class C  
15 ~~misdemeanor.~~ **infraction.**

16 SECTION 8. IC 14-15-13-4, AS ADDED BY P.L.165-2011,  
17 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2014]: Sec. 4. An individual who violates **section 3** of this  
19 chapter commits a Class C infraction.

20 SECTION 9. IC 14-16-1-29, AS AMENDED BY P.L.1-2006,  
21 SECTION 210, IS AMENDED TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) ~~Except as provided in~~  
23 ~~subsections (b), and (c);~~ A person who violates **section 8, 9, 11.5, 13,**  
24 **14, 20, 21, 23(a)(3) through (a)(14), or 27** of this chapter commits a  
25 Class C infraction.

26 (b) A person who **knowingly or intentionally** violates section 17.  
27 18(a), 18(b), 18(c), 23(a)(1), 23(a)(2), or 24 of this chapter commits a  
28 Class B misdemeanor.

29 (c) A person who violates section 18(d) or 18(e) of this chapter  
30 commits a Class A infraction.

31 SECTION 10. IC 14-21-1-16 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. **(a)** Except as  
33 provided in section 18 and sections 25 through 27 of this chapter, a  
34 person who knowingly, without a permit, conducts a field investigation  
35 or alters historic property within the boundaries of property owned or  
36 leased by the state commits a Class A ~~misdemeanor.~~ **infraction.**

37 **(b) Notwithstanding IC 34-28-5-4, a judgment for a Class A**  
38 **infraction imposed under this section may not exceed five thousand**  
39 **dollars (\$5,000).**

40 SECTION 11. IC 14-21-1-26, AS AMENDED BY P.L.158-2013.  
41 SECTION 200, IS AMENDED TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 2014]: Sec. 26.(a) A person who disturbs the  
43 ground for the purpose of discovering, uncovering, or moving artifacts,  
44 burial objects, or human remains must do so in accordance with a plan  
45 approved by the department under section 25 of this chapter or under  
46 IC 14-3-3.4-14 (before its repeal).



1 (b) A person who recklessly, knowingly, or intentionally violates  
2 this section commits the following:

3 (1) A Class A ~~misdemeanor~~ **infraction**, if the violation does not  
4 involve disturbing human remains.

5 (2) A Level 6 felony if the violation involves disturbing human  
6 remains.

7 **(c) Notwithstanding IC 34-28-5-4, a judgment for a Class A**  
8 **infraction imposed under this section may not exceed five thousand**  
9 **dollars (\$5,000).**

10 SECTION 12. IC 14-21-1-26.5, AS AMENDED BY P.L.158-2013.  
11 SECTION 201. IS AMENDED TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2014]: Sec. 26.5. (a) Notwithstanding  
13 IC 23-14-44-1, this section does not apply to the following:

14 (1) A public utility (as defined in IC 8-1-2-1(a)).

15 (2) A corporation organized under IC 8-1-13.

16 (3) A municipally owned utility (as defined in IC 8-1-2-1(h)).

17 (4) A surface coal mining and reclamation operation permitted  
18 under IC 14-34.

19 (b) Except as provided in this subsection and subsections (c) and  
20 (d), a person may not disturb the ground within one hundred (100) feet  
21 of a burial ground for the purpose of excavating or covering over the  
22 ground or erecting, altering, or repairing any structure without having  
23 a development plan approved by the department under section 25 of  
24 this chapter or in violation of a development plan approved by the  
25 department under section 25 of this chapter. The department must  
26 review the development plan as required by section 25(e) of this  
27 chapter.

28 (c) A development plan:

29 (1) must be approved if a person intends to:

30 (A) excavate or cover over the ground; or

31 (B) construct a new structure or alter or repair an existing  
32 structure;

33 that would impact the burial ground or cemetery; and

34 (2) is not required if a person intends to:

35 (A) excavate or cover over the ground; or

36 (B) erect, alter, or repair an existing structure;

37 for an incidental or existing use that would not impact the burial  
38 ground or cemetery.

39 (d) A development plan for a governmental entity to disturb ground  
40 within one hundred (100) feet of a burial ground must be approved as  
41 follows:

42 (1) A development plan of a municipality requires approval of the  
43 executive of the municipality and does not require the approval of  
44 the department. However, if the burial ground or cemetery is  
45 located outside the municipality, approval is also required by the  
46 executive of the county where the burial ground or cemetery is



1 located. A county cemetery commission established under  
 2 IC 23-14-67-2 may advise the executive of the municipality on  
 3 whether to approve a development plan.

4 (2) A development plan of a governmental entity other than:

5 (A) a municipality; or

6 (B) the state:

7 requires the approval of the executive of the county where the  
 8 governmental entity is located and does not require the approval  
 9 of the department. However, if the governmental entity is located  
 10 in more than one (1) county, only the approval of the executive of  
 11 the county where the burial ground or cemetery is located is  
 12 required. A county cemetery commission established under  
 13 IC 23-14-67-2 may advise the county executive on whether to  
 14 approve a development plan.

15 (3) A development plan of the state requires the approval of the  
 16 department.

17 (e) If a burial ground is within an archeological site, an  
 18 archeological plan is required to be part of the development plan.

19 (f) A person who recklessly, knowingly, or intentionally violates this  
 20 section commits a Class A ~~misdemeanor~~ **infraction**. However, the  
 21 offense is a Level 6 felony if the person disturbs buried human remains  
 22 or grave markers while committing the offense.

23 **(g) Notwithstanding IC 34-28-5-4, a judgment for a Class A**  
 24 **infraction imposed under this section may not exceed five thousand**  
 25 **dollars (\$5,000).**

26 SECTION 13. IC 14-21-1-27, AS AMENDED BY P.L.26-2008,  
 27 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2014]: Sec. 27. (a) A person who disturbs buried human  
 29 remains or burial grounds shall do the following:

30 (1) Notify the department within two (2) business days of the time  
 31 of the disturbance.

32 (2) Treat or rebury the human remains in a manner and place  
 33 according to rules adopted by the commission or a court order and  
 34 permit issued by the state department of health under  
 35 IC 23-14-57.

36 (b) A person who recklessly, knowingly, or intentionally violates  
 37 this section commits a Class A ~~misdemeanor~~ **infraction**.

38 **(c) Notwithstanding IC 34-28-5-4, a judgment for a Class A**  
 39 **infraction imposed under this section may not exceed five thousand**  
 40 **dollars (\$5,000).**

41 SECTION 14. IC 14-21-2-5 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A person who  
 43 knowingly violates a ~~provision section 3 or 4~~ of this chapter commits  
 44 a Class C ~~misdemeanor~~ **infraction**.

45 SECTION 15. IC 14-21-3-3 IS AMENDED TO READ AS  
 46 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. ~~Beginning January~~



1 †. 2003: A person who violates section 1 of this chapter commits a  
2 Class C infraction.

3 SECTION 16. IC 14-22-6-15 IS ADDED TO THE INDIANA  
4 CODE AS A NEW SECTION TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2014]: **Sec. 15. A person who violates section**  
6 **1, 2, 3, 4, 6, 7, 8, 9, or 10 of this chapter commits a Class C**  
7 **infraction. Notwithstanding IC 34-28-5-4, a judgment for a Class**  
8 **C infraction imposed under this section may not exceed two**  
9 **hundred fifty dollars (\$250) if the violator does not have a prior**  
10 **unrelated conviction or adjudication for a violation of this article**  
11 **that occurred within the five (5) years immediately preceding the**  
12 **current violation.**

13 SECTION 17. IC 14-22-7-6 IS ADDED TO THE INDIANA CODE  
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
15 1, 2014]: **Sec. 6. A person who violates section 3 of this chapter**  
16 **commits a Class C infraction. Notwithstanding IC 34-28-5-4, a**  
17 **judgment for a Class C infraction imposed under this section may**  
18 **not exceed two hundred fifty dollars (\$250) if the violator does not**  
19 **have a prior unrelated conviction or adjudication for a violation of**  
20 **this article that occurred within the five (5) years immediately**  
21 **preceding the current violation.**

22 SECTION 18. IC 14-22-8-8 IS ADDED TO THE INDIANA CODE  
23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
24 1, 2014]: **Sec. 8. A person who violates section 4 of this chapter**  
25 **commits a Class C infraction. Notwithstanding IC 34-28-5-4, a**  
26 **judgment for a Class C infraction imposed under this section may**  
27 **not exceed two hundred fifty dollars (\$250) if the violator does not**  
28 **have a prior unrelated conviction or adjudication for a violation of**  
29 **this article that occurred within the five (5) years immediately**  
30 **preceding the current violation.**

31 SECTION 19. IC 14-22-9-12 IS ADDED TO THE INDIANA  
32 CODE AS A NEW SECTION TO READ AS FOLLOWS  
33 [EFFECTIVE JULY 1, 2014]: **Sec. 12. A person who violates section**  
34 **1, 2, 3, 4, 5, 6, 7, 8, 9, or 10 of this chapter commits a Class C**  
35 **infraction. Notwithstanding IC 34-28-5-4, a judgment for a Class**  
36 **C infraction imposed under this section may not exceed two**  
37 **hundred fifty dollars (\$250) if the violator does not have a prior**  
38 **unrelated conviction or adjudication for a violation of this article**  
39 **that occurred within the five (5) years immediately preceding the**  
40 **current violation.**

41 SECTION 20. IC 14-22-10-12 IS ADDED TO THE INDIANA  
42 CODE AS A NEW SECTION TO READ AS FOLLOWS  
43 [EFFECTIVE JULY 1, 2014]: **Sec. 12. A person who violates section**  
44 **1, 3, 4, 7, or 8 of this chapter commits a Class C infraction.**  
45 **Notwithstanding IC 34-28-5-4, a judgment for a Class C infraction**  
46 **imposed under this section may not exceed two hundred fifty**



1 dollars (\$250) if the violator does not have a prior unrelated  
2 conviction or adjudication for a violation of this article that  
3 occurred within the five (5) years immediately preceding the  
4 current violation.

5 SECTION 21. IC 14-22-11-17 IS REPEALED [EFFECTIVE JULY  
6 1, 2014]. Sec. 17. A person who violates section 6, 7, or 8 of this  
7 chapter commits a Class E infraction.

8 SECTION 22. IC 14-22-11-19 IS ADDED TO THE INDIANA  
9 CODE AS A NEW SECTION TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 2014]: Sec. 19. A person who violates section  
11 1, 6, 7, 8, 13, or 14 of this chapter commits a Class C infraction.  
12 Notwithstanding IC 34-28-5-4, a judgment for a Class C infraction  
13 imposed under this section may not exceed two hundred fifty  
14 dollars (\$250) if the violator does not have a prior unrelated  
15 conviction or adjudication for a violation of this article that  
16 occurred within the five (5) years immediately preceding the  
17 current violation.

18 SECTION 23. IC 14-22-12-16 IS ADDED TO THE INDIANA  
19 CODE AS A NEW SECTION TO READ AS FOLLOWS  
20 [EFFECTIVE JULY 1, 2014]: Sec. 16. A person who violates section  
21 14 of this chapter commits a Class C infraction. Notwithstanding  
22 IC 34-28-5-4, a judgment for a Class C infraction imposed under  
23 this section may not exceed two hundred fifty dollars (\$250) if the  
24 violator does not have a prior unrelated conviction or adjudication  
25 for a violation of this article that occurred within the five (5) years  
26 immediately preceding the current violation.

27 SECTION 24. IC 14-22-13-11 IS ADDED TO THE INDIANA  
28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2014]: Sec. 11. A person who knowingly or  
30 intentionally violates section 2.5, 5, or 7 of this chapter commits a  
31 Class A infraction. Notwithstanding IC 34-28-5-4, a judgment for  
32 a Class A infraction imposed under this section may not exceed five  
33 thousand dollars (\$5,000).

34 SECTION 25. IC 14-22-14-28 IS ADDED TO THE INDIANA  
35 CODE AS A NEW SECTION TO READ AS FOLLOWS  
36 [EFFECTIVE JULY 1, 2014]: Sec. 28. A person who violates section  
37 5, 17, 18, 19, 22, or 23 of this chapter commits a Class C infraction  
38 Notwithstanding IC 34-28-5-4, a judgment for a Class C infraction  
39 imposed under this section may not exceed two hundred fifty  
40 dollars (\$250) if the violator does not have a prior unrelated  
41 conviction or adjudication for a violation of this article that  
42 occurred within the five (5) years immediately preceding the  
43 current violation.

44 SECTION 26. IC 14-22-15-7. AS AMENDED BY P.L.165-2011.  
45 SECTION 21. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
46 JULY 1, 2014]: Sec. 7. An individual who recklessly, knowingly, or



1 intentionally:

2 (1) fails to keep accurate records in violation of section 4(a) of  
3 this chapter; or

4 (2) fails to report monthly to the department in violation of  
5 section 4(b) of this chapter:

6 commits a Class C ~~misdemeanor~~ **infraction**. **A judgment for a Class**  
7 **C infraction imposed under this section may not exceed two**  
8 **hundred fifty dollars (\$250) if the violator does not have a prior**  
9 **unrelated conviction or adjudication for a violation of this article**  
10 **that occurred within the five (5) years immediately preceding the**  
11 **current violation.**

12 SECTION 27. IC 14-22-16-5 IS ADDED TO THE INDIANA  
13 CODE AS A NEW SECTION TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2014]: **Sec. 5. A person who violates section**  
15 **1 of this chapter commits a Class C infraction. Notwithstanding**  
16 **IC 34-28-5-4, a judgment for a Class C infraction imposed under**  
17 **this section may not exceed two hundred fifty dollars (\$250) if the**  
18 **violator does not have a prior unrelated conviction or adjudication**  
19 **for a violation of this article that occurred within the five (5) years**  
20 **immediately preceding the current violation.**

21 SECTION 28. IC 14-22-17-4 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 4. A person who**  
23 **violates section 2 of this chapter commits a Class A** ~~misdemeanor~~  
24 **infraction. Notwithstanding IC 34-28-5-4, a judgment for a Class**  
25 **A infraction imposed under this section may not exceed five**  
26 **thousand dollars (\$5,000).**

27 SECTION 29. IC 14-22-19-7 IS ADDED TO THE INDIANA  
28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2014]: **Sec. 7. A person who violates section**  
30 **1, 5, or 6 of this chapter commits a Class C infraction.**  
31 **Notwithstanding IC 34-28-5-4, a judgment for a Class C infraction**  
32 **imposed under this section may not exceed two hundred fifty**  
33 **dollars (\$250) if the violator does not have a prior unrelated**  
34 **conviction or adjudication for a violation of this article that**  
35 **occurred within the five (5) years immediately preceding the**  
36 **current violation.**

37 SECTION 30. IC 14-22-20-5 IS ADDED TO THE INDIANA  
38 CODE AS A NEW SECTION TO READ AS FOLLOWS  
39 [EFFECTIVE JULY 1, 2014]: **Sec. 5. A person who violates section**  
40 **2 or 4(c) of this chapter commits a Class C infraction.**  
41 **Notwithstanding IC 34-28-5-4, a judgment for a Class C infraction**  
42 **imposed under this section may not exceed two hundred fifty**  
43 **dollars (\$250) if the violator does not have a prior unrelated**  
44 **conviction or adjudication for a violation of this article that**  
45 **occurred within the five (5) years immediately preceding the**  
46 **current violation.**



1 SECTION 31. IC 14-22-21-6 IS ADDED TO THE INDIANA  
2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2014]: **Sec. 6. A person who violates section**  
4 **2 of this chapter commits a Class C infraction. Notwithstanding**  
5 **IC 34-28-5-4, a judgment for a Class C infraction imposed under**  
6 **this section may not exceed two hundred fifty dollars (\$250) if the**  
7 **violator does not have a prior unrelated conviction or adjudication**  
8 **for a violation of this article that occurred within the five (5) years**  
9 **immediately preceding the current violation.**

10 SECTION 32. IC 14-22-23-6 IS ADDED TO THE INDIANA  
11 CODE AS A NEW SECTION TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2014]: **Sec. 6. A person who violates section**  
13 **1 or 5 of this chapter commits a Class C infraction.**  
14 **Notwithstanding IC 34-28-5-4, a judgment for a Class C infraction**  
15 **imposed under this section may not exceed two hundred fifty**  
16 **dollars (\$250) if the violator does not have a prior unrelated**  
17 **conviction or adjudication for a violation of this article that**  
18 **occurred within the five (5) years immediately preceding the**  
19 **current violation.**

20 SECTION 33. IC 14-22-24-6 IS ADDED TO THE INDIANA  
21 CODE AS A NEW SECTION TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2014]: **Sec. 6. A person who violates section**  
23 **1 or 4 of this chapter commits a Class C infraction.**  
24 **Notwithstanding IC 34-28-5-4, a judgment for a Class C infraction**  
25 **imposed under this section may not exceed two hundred fifty**  
26 **dollars (\$250) if the violator does not have a prior unrelated**  
27 **conviction or adjudication for a violation of this article that**  
28 **occurred within the five (5) years immediately preceding the**  
29 **current violation.**

30 SECTION 34. IC 14-22-25-5 IS ADDED TO THE INDIANA  
31 CODE AS A NEW SECTION TO READ AS FOLLOWS  
32 [EFFECTIVE JULY 1, 2014]: **Sec. 5. A person who violates section**  
33 **2 of this chapter commits a Class C infraction. Notwithstanding**  
34 **IC 34-28-5-4, a judgment for a Class C infraction imposed under**  
35 **this section may not exceed two hundred fifty dollars (\$250) if the**  
36 **violator does not have a prior unrelated conviction or adjudication**  
37 **for a violation of this article that occurred within the five (5) years**  
38 **immediately preceding the current violation.**

39 SECTION 35. IC 14-22-28-6 IS ADDED TO THE INDIANA  
40 CODE AS A NEW SECTION TO READ AS FOLLOWS  
41 [EFFECTIVE JULY 1, 2014]: **Sec. 6. A person who violates section**  
42 **2 of this chapter commits a Class C infraction. Notwithstanding**  
43 **IC 34-28-5-4, a judgment for a Class C infraction imposed under**  
44 **this section may not exceed two hundred fifty dollars (\$250) if the**  
45 **violator does not have a prior unrelated conviction or adjudication**  
46 **for a violation of this article that occurred within the five (5) years**



1 **immediately preceding the current violation.**

2 SECTION 36. IC 14-22-30-3 IS ADDED TO THE INDIANA  
3 CODE AS A NEW SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2014]: **Sec. 3. A person who violates section**  
5 **1 of this chapter commits a Class C infraction. Notwithstanding**  
6 **IC 34-28-5-4, a judgment for a Class C infraction imposed under**  
7 **this section may not exceed two hundred fifty dollars (\$250) if the**  
8 **violator does not have a prior unrelated conviction or adjudication**  
9 **for a violation of this article that occurred within the five (5) years**  
10 **immediately preceding the current violation.**

11 SECTION 37. IC 14-22-31-15 IS ADDED TO THE INDIANA  
12 CODE AS A NEW SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2014]: **Sec. 15. A person who violates section**  
14 **6, 8, 9, 10, 11, 12, 13, or 14 of this chapter commits a Class C**  
15 **infraction. Notwithstanding IC 34-28-5-4, a judgment for a Class**  
16 **C infraction imposed under this section may not exceed two**  
17 **hundred fifty dollars (\$250) if the violator does not have a prior**  
18 **unrelated conviction or adjudication for a violation of this article**  
19 **that occurred within the five (5) years immediately preceding the**  
20 **current violation.**

21 SECTION 38. IC 14-22-32-3 IS REPEALED [EFFECTIVE JULY  
22 1, 2014]. **Sec. 3. A person who knowingly or intentionally violates**  
23 **section 2 of this chapter commits a Class A misdemeanor.**

24 SECTION 39. IC 14-22-32-8 IS ADDED TO THE INDIANA  
25 CODE AS A NEW SECTION TO READ AS FOLLOWS  
26 [EFFECTIVE JULY 1, 2014]: **Sec. 8. A person who knowingly or**  
27 **intentionally violates section 2 of this chapter commits a Class A**  
28 **infraction. Notwithstanding IC 34-28-5-4, a judgment for a Class**  
29 **A infraction imposed under this section may not exceed five**  
30 **thousand dollars (\$5,000).**

31 SECTION 40. IC 14-22-33-6 IS ADDED TO THE INDIANA  
32 CODE AS A NEW SECTION TO READ AS FOLLOWS  
33 [EFFECTIVE JULY 1, 2014]: **Sec. 6. A person who violates section**  
34 **1(b) of this chapter commits a Class C infraction. Notwithstanding**  
35 **IC 34-28-5-4, a judgment for a Class C infraction imposed under**  
36 **this section may not exceed two hundred fifty dollars (\$250) if the**  
37 **violator does not have a prior unrelated conviction or adjudication**  
38 **for a violation of this article that occurred within the five (5) years**  
39 **immediately preceding the current violation.**

40 SECTION 41. IC 14-22-34-12 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 12. (a) Except as**  
42 **otherwise provided in this chapter, a person may not take, possess,**  
43 **transport, export, process, sell or offer for sale, or ship, and a common**  
44 **or contract carrier may not knowingly transport or receive for shipment**  
45 **a species or subspecies of wildlife appearing on any of the following:**

46 (1) The list of wildlife indigenous to Indiana determined to be



1 endangered in Indiana under this chapter.

2 (2) The United States list of endangered wildlife (50 CFR 17.11)  
3 as in effect on January 1, 1979.

4 (3) The list of endangered species developed under section 13 of  
5 this chapter.

6 (b) A species or subspecies of wildlife appearing on a list described  
7 in subsection (a) that:

8 (1) enters Indiana from another state or from a point outside the  
9 territorial limits of the United States; and

10 (2) is transported across Indiana destined for a point beyond  
11 Indiana:

12 may be so entered and transported without restriction in accordance  
13 with the terms of a federal permit or permit issued under the laws of  
14 another state.

15 (c) A person who:

16 (1) violates subsection (a) or (b); or

17 (2) fails to procure or violates the terms of a permit issued under:

18 (A) section 15 of this chapter; or

19 (B) section 16 of this chapter:

20 commits a Class A misdemeanor.

21 SECTION 42. IC 14-22-34-22 IS ADDED TO THE INDIANA  
22 CODE AS A NEW SECTION TO READ AS FOLLOWS  
23 [EFFECTIVE JULY 1, 2014]: **Sec. 22. (a) A person who violates**  
24 **section 9 of this chapter commits a Class C infraction.**  
25 **Notwithstanding IC 34-28-5-4, a judgment for a Class C infraction**  
26 **imposed under this section may not exceed two hundred fifty**  
27 **dollars (\$250) if the violator does not have a prior unrelated**  
28 **conviction or adjudication for a violation of this article that**  
29 **occurred within the five (5) years immediately preceding the**  
30 **current violation.**

31 (b) A person who:

32 (1) violates section 12 of this chapter; or

33 (2) fails to procure or violates the terms of a permit issued  
34 under:

35 (A) section 15 of this chapter; or

36 (B) section 16 of this chapter;

37 commits a Class A infraction. **Notwithstanding IC 34-28-5-4, a**  
38 **judgment for a Class A infraction imposed under this section may**  
39 **not exceed five thousand dollars (\$5,000).**

40 SECTION 43. IC 14-22-37-2 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2. (a) A person who**  
42 **knowingly or intentionally interferes with the legal taking of a game**  
43 **animal by another person with intent to prevent the taking commits a**  
44 **Class C misdemeanor: infraction.**

45 (b) A person who knowingly or intentionally:

46 (1) disturbs a game animal: or



1 (2) engages in an activity or places an object or substance that  
 2 will tend to disturb or otherwise affect the behavior of a game  
 3 animal:

4 with intent to prevent or hinder the legal taking commits a Class C  
 5 ~~misdemeanor~~ **infraction**.

6 (c) A person who knowingly or intentionally enters or remains:

7 (1) upon public land: or

8 (2) upon private land without permission of the owner or the  
 9 owner's agent;

10 with intent to violate this section commits a Class C ~~misdemeanor~~;  
 11 **infraction**.

12 (d) **Notwithstanding IC 34-28-5-4, a judgment for a Class C**  
 13 **infraction imposed under this section may not exceed two hundred**  
 14 **fifty dollars (\$250) if the violator does not have a prior unrelated**  
 15 **conviction or adjudication for a violation of this article that**  
 16 **occurred within the five (5) years immediately preceding the**  
 17 **current violation.**

18 SECTION 44. IC 14-22-38-1 IS REPEALED [EFFECTIVE JULY  
 19 1, 2014]. Sec. 1. ~~Except as otherwise provided in this article, a person~~  
 20 ~~who violates this article commits a Class C misdemeanor.~~

21 SECTION 45. IC 14-22-38-3 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who  
 23 takes a deer or a wild turkey in violation of this article commits a Class  
 24 B ~~misdemeanor~~ **infraction**. However, the ~~offense violation~~ is a Class  
 25 A ~~misdemeanor~~ **infraction** if the person has a prior conviction ~~or~~  
 26 ~~adjudication~~ under:

27 (1) IC 14-2-3-8(c) (repealed); or

28 (2) this section.

29 (b) **Notwithstanding IC 34-28-5-4, a judgment for a Class A**  
 30 **infraction imposed under this section may not exceed five thousand**  
 31 **dollars (\$5,000).**

32 SECTION 46. IC 14-22-38-4, AS AMENDED BY P.L.289-2013,  
 33 SECTION 17. IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2014]: Sec. 4. (a) A person who:

35 (1) unlawfully takes or possesses a deer or wild turkey;

36 (2) takes or possesses a deer or wild turkey by illegal methods or  
 37 with illegal devices: or

38 (3) except as provided in subsections (c) and (d), sells, offers to  
 39 sell, purchases, or offers to purchase a deer or wild turkey or a  
 40 part of a deer or wild turkey;

41 shall reimburse the state five hundred dollars (\$500) for the first  
 42 violation and one thousand dollars (\$1,000) for each subsequent  
 43 violation.

44 (b) The money shall be deposited in the conservation officers fish  
 45 and wildlife fund. This penalty is in addition to any other penalty under  
 46 the law.



1 (c) Notwithstanding section 6 of this chapter, if a properly tagged  
2 deer is brought to a meat processing facility and the owner of the deer:

3 (1) fails to pick up the processed deer within a reasonable time;

4 or

5 (2) notifies the meat processing facility that the owner does not  
6 want the processed deer;

7 the deer meat may be given away by the meat processing facility to  
8 another person. The meat processing facility may charge the person  
9 receiving the deer meat a reasonable and customary processing fee.

10 (d) Notwithstanding section 6 of this chapter, deer meat and  
11 products from farm raised deer that meet the requirements under  
12 IC 15-17 may be sold to the public.

13 (e) In addition to being liable for the reimbursement required under  
14 subsection (a), a person who recklessly, knowingly, or intentionally:  
15 violates subsection (a)(1) or (a)(2):

16 (1) unlawfully takes or possesses a deer or wild turkey;

17 (2) takes or possesses a deer or wild turkey by illegal methods  
18 or with illegal devices; or

19 (3) except as provided in this section, sells, offers to sell,  
20 purchases, or offers to purchase a deer or wild turkey or a  
21 part of a deer or wild turkey;

22 while using or possessing (1) a sound suppressor designed for use with  
23 or on a firearm, commonly called a silencer, or (2) a device used as a  
24 silencer commits unlawful hunting while using or possessing a silencer,  
25 a Class C misdemeanor. commits a Class C infraction.  
26 Notwithstanding IC 34-28-5-4, a judgment for a Class C infraction  
27 imposed under this section may not exceed two hundred fifty  
28 dollars (\$250) if the violator does not have a prior unrelated  
29 conviction or adjudication for a violation of this article that  
30 occurred within the five (5) years immediately preceding the  
31 current violation.

32 SECTION 47. IC 14-24-6-7 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A person may not  
34 remove a label described under section 6 of this chapter from nursery  
35 stock until the nursery stock has been sold for the ultimate use or  
36 purpose of the nursery stock in Indiana.

37 (b) A person who knowingly violates this section commits a  
38 Class C infraction.

39 SECTION 48. IC 14-24-7-6 IS ADDED TO THE INDIANA CODE  
40 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
41 1, 2014]: Sec. 6. A person who knowingly violates section 1 of this  
42 chapter commits a Class C infraction.

43 SECTION 49. IC 14-24-9-4 IS ADDED TO THE INDIANA CODE  
44 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
45 1, 2014]: Sec. 4. A person who knowingly violates section 2 of this  
46 chapter commits a Class C infraction.



1 SECTION 50. IC 14-24-11-4 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Except as  
 3 provided in subsections (b) and (c), a person that knowingly violates  
 4 this article commits a Class E infraction.

5 (b) (a) A person, other than the state or a political subdivision of the  
 6 state, that recklessly disturbs or molests an apiary, a honeybee hive, a  
 7 honeybee colony, or other honeybee habitat, natural or manmade,  
 8 without the permission of the owner commits a Class B misdemeanor.

9 (c) (b) A person who recklessly or knowingly introduces a pest or  
 10 pathogen into Indiana without a permit issued under:

11 (1) IC 14-7-9-2 (before its repeal); or

12 (2) IC 14-24-9-2.

13 commits a Class A infraction.

14 (d) (c) Each day a violation occurs under this section is a separate  
 15 offense.

16 SECTION 51. IC 14-24-12-10 IS ADDED TO THE INDIANA  
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2014]: Sec. 10. A person who knowingly  
 19 violates section 5 or 7 of this chapter commits a Class C infraction.

20 SECTION 52. IC 14-25-3-18 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. A person who  
 22 violates:

23 (1) section 6, 11, or 12 of this chapter; or

24 (2) a rule or order concerning a restricted use area;

25 commits a Class C infraction. Each day of violation constitutes a  
 26 separate infraction.

27 SECTION 53. IC 14-25-4-16 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A person who  
 29 violates:

30 (1) section 12 of this chapter; or

31 (2) a rule or order adopted under this chapter concerning a  
 32 ground water emergency;

33 commits a Class A infraction.

34 (b) The commission may, without proof of irreparable injury,  
 35 maintain an action to enjoin a violation of this chapter.

36 SECTION 54. IC 14-25-5-15 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A person who  
 38 violates an order concerning a freshwater lake emergency adopted  
 39 under section 7 of this chapter commits a Class A infraction.

40 (b) The commission may, without proof of irreparable injury,  
 41 maintain an action to enjoin a violation of this chapter.

42 SECTION 55. IC 14-25-6-6 IS AMENDED TO READ AS  
 43 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. A person who  
 44 violates section 1 or 2 of this chapter, including the violation of an  
 45 order issued under section 1 of this chapter, commits a Class C  
 46 infraction. Each day of violation constitutes a separate infraction.



1 SECTION 56. IC 14-25.5-3-2 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The fund consists of  
 3 the following:

- 4 (1) Accrued interest and other investment earnings of the fund.  
 5 (2) Civil penalties collected ~~under IC 14-25.5-4~~ **for the violation**  
 6 **of a statute in an article described in IC 14-25.5-1-1.**  
 7 (3) Gifts, grants, donations, or appropriations from any source.

8 SECTION 57. IC 14-25.5-4-3 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) **If the**  
 10 **department has authority to assess a civil penalty for the violation**  
 11 **of a statute in an article described in IC 14-25.5-1-1, the**  
 12 **department also has authority to assess a civil penalty for the**  
 13 **violation of a rule adopted in connection with that statute. The**  
 14 **department may assess a civil penalty of not more than ten thousand**  
 15 **dollars (\$10,000) for a violation of an article to which this article**  
 16 **applies or a violation of a rule adopted under an article to which this**  
 17 **article applies:**

18 (b) Each day during which a violation continues may be considered  
 19 a separate violation for purposes of assessing a civil penalty.

20 (c) The department may bring a civil action under section 5 of this  
 21 chapter to recover a **civil penalty under described in** this section and  
 22 to enjoin a person from continuing a violation.

23 SECTION 58. IC 14-25.5-4-4 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A civil penalty  
 25 assessed ~~under for a violation described in~~ section 3 of this chapter  
 26 is subject to IC 4-21.5-3-6 and becomes effective without a proceeding  
 27 under IC 4-21.5-3 unless a person requests an administrative review  
 28 within thirty (30) days after receipt of the notice of assessment.

29 **(b) A civil penalty that is assessed for a violation described in**  
 30 **section 3 of this chapter shall be deposited in the fund.**

31 SECTION 59. IC 14-25.5-4-5 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. The division director  
 33 may request the attorney general to institute an action in an appropriate  
 34 court for the following:

- 35 (1) The recovery of civil penalties owed ~~under this chapter~~ **for a**  
 36 **violation described in section 3 of this chapter.**  
 37 (2) To restrain a person from commencing to violate or continuing  
 38 to violate any of the following:  
 39 (A) An article to which this article applies or a rule adopted  
 40 under an article to which this article applies.  
 41 (B) An order of the department.

42 SECTION 60. IC 14-25.5-4-6 IS REPEALED [EFFECTIVE JULY  
 43 1, 2014]. Sec. 6: ~~Except as provided in IC 14-26-7-8; IC 14-27-6-52;~~  
 44 ~~IC 14-29-1-3; IC 14-29-7-25; and IC 14-29-8-5; a person who~~  
 45 ~~knowingly violates an article enforced under this article commits a~~  
 46 ~~Class B infraction. Each day a violation occurs is a separate infraction.~~



1 SECTION 61. IC 14-26-2-21 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. A person who  
 3 knowingly violates **section 7 or 23** this chapter commits a Class B  
 4 infraction.

5 SECTION 62. IC 14-26-2-22 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. In addition to other  
 7 penalties prescribed by this chapter or IC 13-2-11.1 (before its repeal),  
 8 the director may impose a civil penalty **of not more than ten thousand**  
 9 **dollars (\$10,000)** under IC 14-25.5-4 **for a violation of section 7 or**  
 10 **23 of this chapter.**

11 SECTION 63. IC 14-26-7-8 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. A person who  
 13 recklessly violates this chapter commits a Class A ~~misdemeanor:~~  
 14 **infraction. Notwithstanding IC 34-28-5-4, a judgment for a Class**  
 15 **A infraction imposed under this section may not exceed five**  
 16 **thousand dollars (\$5,000).**

17 SECTION 64. IC 14-27-6-52 IS REPEALED [EFFECTIVE JULY  
 18 1, 2014]. ~~Sec. 52: A person who recklessly violates this chapter~~  
 19 ~~commits a Class B misdemeanor.~~

20 SECTION 65. IC 14-29-4-9 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) A person who  
 22 knowingly violates **section 3** of this chapter commits a Class B  
 23 infraction.

24 (b) Each day of continuing violation after conviction of the offense  
 25 **or violation** constitutes a separate offense **or violation.**

26 SECTION 66. IC 14-31-3-15 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. A ginseng dealer  
 28 who:

29 (1) purchases ginseng without a license; or

30 (2) obtains a license because of a false or an incorrect statement;

31 commits a Class B ~~misdemeanor:~~ **infraction.**

32 SECTION 67. IC 14-31-3-16 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. A person who  
 34 harvests ginseng out of a harvest season in violation of section 10 of  
 35 this chapter commits a Class B ~~misdemeanor:~~ **infraction.**

36 SECTION 68. IC 14-31-3-17 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. A person who  
 38 possesses unprocessed ginseng out of a harvest season in violation of  
 39 section 10 of this chapter commits a Class B ~~misdemeanor:~~ **infraction.**

40 SECTION 69. IC 14-31-3-19 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. A ginseng dealer  
 42 who buys, sells, or possesses ginseng in violation of section 10 of this  
 43 chapter commits a Class B ~~misdemeanor:~~ **infraction.**

44 SECTION 70. IC 14-31-3-20 IS AMENDED TO READ AS  
 45 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. A person who,  
 46 without written authorization from the department, takes or sends from



1 Indiana ginseng that is harvested in Indiana in violation of ~~section 9~~  
 2 ~~section 10~~ of this chapter commits a Class A ~~misdemeanor~~ **infraction**.  
 3 **Notwithstanding IC 34-28-5-4, a judgment for a Class A infraction**  
 4 **imposed under this section may not exceed five thousand dollars**  
 5 **(\$5,000).**

6 SECTION 71. IC 14-31-3-21 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. A person who  
 8 knowingly or intentionally:

9 (1) takes or sends from Indiana ginseng that was harvested in  
 10 another state for export from the United States; or

11 (2) receives ginseng that was harvested in another state for export  
 12 from the United States;

13 without written authorization to export the ginseng under the laws of  
 14 the state in which the ginseng was harvested commits a Class A  
 15 ~~misdemeanor~~ **infraction**. **Notwithstanding IC 34-28-5-4, a judgment**  
 16 **for a Class A infraction imposed under this section may not exceed**  
 17 **five thousand dollars (\$5,000).**

18 SECTION 72. IC 14-34-3-15 IS ADDED TO THE INDIANA  
 19 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2014]: **Sec. 15. A person who violates section**  
 21 **1 of this chapter is liable for a civil penalty under IC 14-34-16.**

22 SECTION 73. IC 14-34-9-7 IS ADDED TO THE INDIANA CODE  
 23 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 24 1, 2014]: **Sec. 7. A person who conducts a coal exploration**  
 25 **operation without complying with section 1 of this chapter is liable**  
 26 **for a civil penalty under IC 14-34-16.**

27 SECTION 74. IC 14-34-10-6 IS ADDED TO THE INDIANA  
 28 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2014]: **Sec. 6. A person who does not comply**  
 30 **with section 2 or 3 of this chapter is liable for a civil penalty under**  
 31 **IC 14-34-16.**

32 SECTION 75. IC 14-34-12-4 IS ADDED TO THE INDIANA  
 33 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2014]: **Sec. 4. A person who does not comply**  
 35 **with section 2 of this chapter is liable for a civil penalty under**  
 36 **IC 14-34-16.**

37 SECTION 76. IC 14-34-15-17 IS ADDED TO THE INDIANA  
 38 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2014]: **Sec. 17. A person who does not**  
 40 **comply with section 1 or 2 of this chapter, or an order issued under**  
 41 **section 8 of this chapter, is liable for a civil penalty under**  
 42 **IC 14-34-16.**

43 SECTION 77. IC 14-35-1-12 IS ADDED TO THE INDIANA  
 44 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 45 [EFFECTIVE JULY 1, 2014]: **Sec. 12. (a) A person who conducts**  
 46 **mining operations without a permit required by section 1 of this**



1 chapter, or in violation of a condition of a permit issued under  
2 section 1 of this chapter, commits a Class C infraction.

3 (b) Each day that a violation continues constitutes a separate  
4 violation.

5 (c) A civil penalty assessed under this section shall be  
6 transferred to the treasurer of state in accordance with  
7 IC 14-35-3-1 for deposit as described in IC 14-35-3-2.

8 SECTION 78. IC 14-35-2-4 IS ADDED TO THE INDIANA CODE  
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
10 1, 2014]: Sec. 4. (a) A person who conducts geologic investigations  
11 without a permit required by section 1 of this chapter, or in  
12 violation of a condition of a permit issued under section 1 of this  
13 chapter, commits a Class C infraction.

14 (b) Each day that a violation continues constitutes a separate  
15 violation.

16 SECTION 79. IC 14-36-1-37 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 37. (a) A person who  
18 violates or fails to comply with section 14, 26, or 27 of this chapter  
19 (including a person who fails to comply with a rule of the  
20 commission or order of the director adopted or issued in  
21 connection with these sections) commits a Class A infraction.

22 (b) Each day that a violation continues constitutes a separate  
23 violation.

24 (c) Notwithstanding IC 34-28-5-4, a judgment for a Class A  
25 infraction imposed under this section may not exceed five thousand  
26 dollars (\$5,000).

27 SECTION 80. IC 14-37-4-15 IS ADDED TO THE INDIANA  
28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) The department may  
30 assess a civil penalty of not more than ten thousand dollars  
31 (\$10,000) against a person who violates section 1 or 2 of this  
32 chapter.

33 (b) A person who knowingly or intentionally violates section 1  
34 or 2 of this chapter commits a Level 6 felony if the violation relates  
35 to the operation of a Class II well.

36 (c) A civil penalty assessed under this section shall be deposited  
37 in the oil and gas environmental fund established by IC 14-37-10-2.

38 SECTION 81. IC 14-37-7-9 IS ADDED TO THE INDIANA CODE  
39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
40 1, 2014]: Sec. 9. (a) The department may assess a civil penalty of  
41 not more than ten thousand dollars (\$10,000) against an owner or  
42 operator who:

43 (1) violates section 4 or 7 of this chapter; or

44 (2) fails to comply with an order of the division under section  
45 3.5 or 4 of this chapter.

46 (b) An owner or operator who knowingly or intentionally:



1           **(1) violates section 4 or 7 of this chapter; or**  
 2           **(2) fails to comply with an order of the division under section**  
 3           **3.5 or 4 of this chapter;**  
 4           **commits a Level 6 felony if the violation or failure to comply**  
 5           **relates to the operation of a Class II well.**

6           **(c) A civil penalty assessed under this section shall be deposited**  
 7           **in the oil and gas environmental fund established by IC 14-37-10-2.**

8           SECTION 82. IC 14-37-8-1 IS AMENDED TO READ AS  
 9           FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) An owner or  
 10          operator shall plug and abandon a well that:

- 11           (1) is completed as a nonproductive well;  
 12           (2) ceases to produce oil or natural gas; or  
 13           (3) is no longer operated for the purpose for which the well is  
 14           permitted:

15          unless the owner or operator is authorized to delay the plugging and  
 16          abandonment of the well under section 8 of this chapter.

17          **(b) The department may assess a civil penalty of not more than**  
 18          **ten thousand dollars (\$10,000) against an owner or operator of a well**  
 19          **who:**

- 20           (1) ceases to operate the well; and  
 21           (2) knowingly fails to plug and abandon the well in violation of  
 22           subsection (a).

23          is subject to the criminal penalty set forth in IC 14-37-13-6.

24          **(c) An owner or operator who knowingly or intentionally**  
 25          **violates this section commits a Level 6 felony if the violation or**  
 26          **failure to comply relates to the operation of a Class II well.**

27          **(d) A civil penalty assessed under this section shall be deposited**  
 28          **in the oil and gas environmental fund established by IC 14-37-10-2.**

29          **(e) Each day that the well remains not plugged and not abandoned**  
 30          **constitutes a separate violation of subsection (a).**

31          SECTION 83. IC 14-37-8-18 IS ADDED TO THE INDIANA  
 32          CODE AS A NEW SECTION TO READ AS FOLLOWS  
 33          [EFFECTIVE JULY 1, 2014]: Sec. 18. **(a) The department may**  
 34          **assess a civil penalty of not more than ten thousand dollars**  
 35          **(\$10,000) against an owner or operator who:**

36           **(1) violates; or**  
 37           **(2) fails to comply with an order of the division in relation to;**  
 38          **section 3, 4, or 4.2 of this chapter.**

39          **(b) An owner or operator who knowingly or intentionally:**

40           **(1) violates; or**  
 41           **(2) fails to comply with an order of the division in relation to;**  
 42          **section 3, 4, or 4.2 of this chapter commits a Level 6 felony if the**  
 43          **violation or failure to comply relates to the operation of a Class II**  
 44          **well.**

45          **(c) A civil penalty assessed under this section shall be deposited**  
 46          **in the oil and gas environmental fund established by IC 14-37-10-2.**



1 SECTION 84. IC 14-37-10-3, AS AMENDED BY P.L.151-2012,  
2 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: Sec. 3. The following shall be deposited in the fund:

- 4 (1) Annual fees for oil and gas wells received under IC 14-37-5.  
5 (2) Accrued interest and other investment earnings of the fund.  
6 (3) Civil penalties collected under ~~IC 14-37-13-3~~; IC 14-37.  
7 (4) Bonds forfeited under IC 14-37-13-2.  
8 (5) Gifts, grants, donations, or appropriations from any source.

9 SECTION 85. IC 14-37-11-4 IS ADDED TO THE INDIANA  
10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) An owner or operator who  
12 violates section 1 of this chapter commits a Class B infraction.

13 (b) The department may assess a civil penalty of not more than  
14 ten thousand dollars (\$10,000) against an owner or operator who  
15 violates section 1 of this chapter.

16 (c) An owner or operator who knowingly or intentionally  
17 violates section 1 of this chapter commits a Level 6 felony if the  
18 violation concerns the operation of a Class II well.

19 (d) A civil penalty assessed under this section shall be deposited  
20 in the oil and gas environmental fund established by IC 14-37-10-2.

21 SECTION 86. IC 14-37-13-3 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The commission may  
23 assess against a person who violates:

24 (1) this article or IC 13-8 (before its repeal); or

25 (2) a rule adopted under this article (or IC 13-8 before its repeal);  
26 a civil penalty of not more than ten thousand dollars (\$10,000) for each  
27 day the violation occurs. The penalty may be recovered and In  
28 addition to any civil penalty imposed for a violation of this article,  
29 the violator may be enjoined department may bring an action to  
30 enjoin the violator from continuing the violation. in a civil action:

31 SECTION 87. IC 14-37-13-6 IS REPEALED [EFFECTIVE JULY  
32 1, 2014]. Sec. 6: (a) Except as provided in subsection (b), a person who  
33 knowingly violates this article commits a Class B misdemeanor. Each  
34 day a violation occurs is a separate offense:

35 (b) A person who knowingly violates this article with respect to the  
36 operation of a Class II well commits a Level 6 felony:

37 SECTION 88. IC 14-38-2-21 IS REPEALED [EFFECTIVE JULY  
38 1, 2014]. Sec. 21: (a) A person who knowingly violates this chapter  
39 commits a Class C infraction:

40 (b) Each day of violation constitutes a separate infraction:

41 SECTION 89. IC 14-38-2-22 IS ADDED TO THE INDIANA  
42 CODE AS A NEW SECTION TO READ AS FOLLOWS  
43 [EFFECTIVE JULY 1, 2014]: Sec. 22. (a) An owner or operator who  
44 knowingly fails to comply with section 6, 10, or 11 of this chapter  
45 commits a Class C infraction.

46 (b) The department may assess a civil penalty of not more than



1        **ten thousand dollars (\$10,000) against an owner or operator who**  
 2        **knowingly fails to comply with section 6, 10, or 11 of this chapter.**

3        **(c) A civil penalty assessed under this section shall be deposited**  
 4        **in the oil and gas environmental fund established by IC 14-37-10-2.**

5        SECTION 90. IC 33-37-5-16 IS AMENDED TO READ AS  
 6        FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. In addition to any  
 7        other duties, a clerk shall do the following:

8            (1) Collect and transfer additional judgments to a county auditor  
 9            under IC 9-18-2-41.

10          (2) Deposit funds collected as judgments in the state highway  
 11          fund under IC 9-20-18-12.

12          (3) Deposit funds in the conservation officers fish and wildlife  
 13          fund under ~~IC 14-22-38-4, IC 14-22-38-5, and IC 14-22-40-8.~~  
 14          **IC 14-22.**

15          (4) Deposit funds collected as judgments in the state general fund  
 16          under IC 34-28-5-4.

17        SECTION 91. IC 35-51-14-1, AS AMENDED BY P.L.289-2013,  
 18        SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19        JULY 1, 2014]: Sec. 1. The following statutes define crimes in IC 14:

20            IC 14-9-8-19 (Concerning the department of natural resources).

21            ~~IC 14-15-3-31 (Concerning watercraft):~~

22            IC 14-15-4-4 (Concerning watercraft accidents).

23            ~~IC 14-15-9-8 (Concerning divers):~~

24            IC 14-15-11-11 (Concerning motorboat operators).

25            IC 14-15-12-13 (Concerning personal watercraft).

26            IC 14-16-1-29 (Concerning off-road vehicles).

27            IC 14-17-4-8 (Concerning property acquisition).

28            ~~IC 14-21-1-16 (Concerning historic preservation and archeology):~~

29            IC 14-21-1-26 (Concerning historic preservation and archeology).

30            IC 14-21-1-26.5 (Concerning historic preservation and  
 31            archeology).

32            ~~IC 14-21-1-27 (Concerning historic preservation and archeology):~~

33            IC 14-21-1-28 (Concerning historic preservation and archeology).

34            IC 14-21-1-36 (Concerning historic preservation and archeology).

35            ~~IC 14-21-2-5 (Concerning historic preservation and archeology):~~

36            IC 14-22-13-10 (Concerning commercial fishing licenses).

37            ~~IC 14-22-17-4 (Concerning fish and wildlife):~~

38            ~~IC 14-22-32-3 (Concerning fish and wildlife):~~

39            ~~IC 14-22-34-12 (Concerning fish and wildlife):~~

40            ~~IC 14-22-37-2 (Concerning fish and wildlife):~~

41            IC 14-22-37-3 (Concerning fish and wildlife).

42            ~~IC 14-22-38-1 (Concerning fish and wildlife):~~

43            ~~IC 14-22-38-3 (Concerning fish and wildlife):~~

44            ~~IC 14-22-38-4 (Concerning fish and wildlife):~~

45            IC 14-22-38-4.5 (Concerning fish and wildlife).

46            IC 14-22-38-6 (Concerning fish and wildlife).



- 1 IC 14-22-40-6 (Concerning fish and wildlife).
- 2 IC 14-23-7-5 (Concerning forestry).
- 3 IC 14-24-11-4 (Concerning entomology and plant pathology).
- 4 IC 14-26-7-8 (Concerning lakes and reservoirs).
- 5 ~~IC 14-27-6-52 (Concerning levees, dams, and drainage).~~
- 6 IC 14-29-8-5 (Concerning rivers, streams, and waterways).
- 7 ~~IC 14-31-3-15 (Concerning nature preserves).~~
- 8 ~~IC 14-31-3-16 (Concerning nature preserves).~~
- 9 ~~IC 14-31-3-17 (Concerning nature preserves).~~
- 10 ~~IC 14-31-3-19 (Concerning nature preserves).~~
- 11 ~~IC 14-31-3-20 (Concerning nature preserves).~~
- 12 ~~IC 14-31-3-21 (Concerning nature preserves).~~
- 13 IC 14-34-2-6 (Concerning surface coal mining and reclamation).
- 14 IC 14-34-16-6 (Concerning surface coal mining and reclamation).
- 15 IC 14-34-16-7 (Concerning surface coal mining and reclamation).
- 16 **IC 14-37-4-15 (Concerning oil and gas).**
- 17 **IC 14-37-7-9 (Concerning oil and gas).**
- 18 **IC 14-37-8-1 (Concerning oil and gas).**
- 19 **IC 14-37-8-18 (Concerning oil and gas).**
- 20 **IC 14-37-11-4 (Concerning oil and gas).**
- 21 ~~IC 14-37-13-6 (Concerning oil and gas).~~



Exhibit 10 - CLSP - 10/8/13

Makes various changes to criminal provisions in the motor vehicles title.

SECTION 1. IC 9-13-2-75 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 75:  
"Identification number": for purposes of IC 9-17-4-18; has the meaning set forth in IC 9-17-4-18.

SECTION 2. IC 9-13-2-146 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 146:  
"Railroad" does not include street car.

SECTION 3. IC 9-13-2-176 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 176:  
"Street car" means a car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.

SECTION 4. IC 9-13-2-182 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 182. "Traffic" means pedestrians, ridden or herded animals, street cars, vehicles, and other conveyances either singly or together while using any highway for purposes of travel.

SECTION 5. IC 9-17-3-3.2, AS AMENDED BY P.L. 158-2013, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.2. (a) When a certificate of title is available and a vehicle is sold or transferred to a person other than a dealer licensed in Indiana, the seller or transferor shall fill in all blanks on the certificate of title relating to buyer information, including the sale price.

(b) The knowing or intentional failure of the seller or transferor to fill in all buyer information is a Class A misdemeanor for the first offense and a Level 6 felony for the second or subsequent offense under section 7(c)(2) of this chapter: **Class B infraction.**

SECTION 6. IC 9-17-3-3.4, AS ADDED BY P.L. 262-2013, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.4. (a) If a vehicle for which a certificate of title has been issued is sold or if the ownership of the vehicle is transferred in any manner other than by a transfer on death conveyance under section 9 of this chapter, the person who holds the certificate of title must do the following:

(1) Endorse on the certificate of title an assignment of the certificate of title with warranty of title, in a form printed on the certificate of title, with a statement describing all liens or encumbrances on the vehicle.

(2) Deliver the certificate of title to the purchaser or transferee at the time of the sale or delivery to the purchaser or transferee of the vehicle, if the purchaser or transferee has made all agreed upon initial payments for the vehicle, including delivery of a trade-in vehicle without hidden or undisclosed statutory liens.

(3) Unless the vehicle is being sold or transferred to a dealer licensed under IC 9-32, complete all information concerning the purchase on the certificate of title, including, but not limited to:

(A) the name and address of the purchaser; and

(B) the sale price of the vehicle.

(b) If a vehicle for which a certificate of title has been issued by another state is sold or delivered, the person selling or delivering the vehicle must deliver to the purchaser or receiver of the vehicle a proper certificate of title with an assignment of the certificate of title in a form prescribed by the bureau.

(c) The original certificate of title and all assignments and subsequent reissues of the certificate of title shall be retained by the bureau and appropriately classified and indexed in the most convenient manner to trace title to the vehicle described in the certificate of title.

(d) A person who knowingly or intentionally violates subsection (a)(1) or (a)(3) commits a **Class B infraction.**

SECTION 7. IC 9-17-3-7, AS AMENDED BY P.L.262-2013, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) This section does not apply to section 5 of this chapter.

(b) Except as provided in subsection (c), **section 3.4(d) of this chapter**, a person who violates this chapter commits a Class C infraction.

(c) **A person who knowingly or intentionally violates:**

(1) section 3.4(a)(1) or 3.4(a)(2) of this chapter commits a Class B misdemeanor;  
or

(2) section 3.4(a)(3) of this chapter commits:

(A) a Class A misdemeanor for the first violation; or

(B) a Class D felony for the second violation or any subsequent violation.

SECTION 8. IC 9-17-4-7, AS ADDED BY P.L.262-2013, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) Not more than twenty (20) days after a person becomes the owner, custodian, or possessor of a motor vehicle that:

(1) was manufactured after December 31, 1954; and

(2) either:

(A) does not have a manufacturer's identification number installed on the motor vehicle; or

(B) has an original manufacturer's identification number that is altered, destroyed, obliterated, or defaced;

the person shall apply to the bureau for permission to make or stamp a special identification number on the motor vehicle.

(b) The bureau shall prescribe the form of an application under subsection (a). The application must contain the following:

(1) A description of the motor vehicle, including the make, style, and year of model of the motor vehicle.

(2) A description of:

(A) the original manufacturer's identification number, if possible; or

(B) any distinguishing marks on the engine or body of the motor vehicle.

(3) The name and address of the applicant.

(4) The date on which the applicant purchased or took possession of the motor vehicle.

(5) The name and address of the person from whom the applicant purchased or acquired the motor vehicle.

(6) Any application fee required under IC 9-29 for a special identification number.

(7) Any other information the bureau requires.

**(c) A person who owns or possesses a motor vehicle that the person knows violates subsection (a) or (b) commits a Class B infraction.**

SECTION 9. IC 9-17-4-8, AS ADDED BY P.L.262-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The bureau shall review an application submitted under section 7 of this chapter. If the bureau determines the application is complete, the bureau shall issue to the applicant written permission to make or stamp a special identification number on the motor vehicle. The bureau shall designate the special identification number and the location of the special identification number on the motor vehicle.

(b) A new special identification number may not cover or otherwise obscure an original

identification number that is visible on a motor vehicle.

(c) A new special identification number that is stamped or otherwise placed on a motor vehicle under this chapter becomes the lawful identification number of the motor vehicle for all purposes, including for purposes of selling or transferring the motor vehicle.

**(d) A person who knowingly or intentionally covers or obscures an original identification number as described in subsection (b) commits a Class B infraction.**

SECTION 10. IC 9-17-4-14 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 14: A person who owns or possesses a motor vehicle that the person knows violates section 7 or 8 of this chapter commits a Class D felony:

SECTION 11. IC 9-17-4-15 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 15: (a) A person who knowingly:

- (1) damages;
- (2) removes; or
- (3) alters;

an original or a special identification number commits a Class E felony:

(b) A person who, with the intent to conceal evidence of the commission of a crime, covers an original or special identification number commits a Class E felony:

SECTION 12. IC 9-17-4-16 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 16: A person who knowingly sells or offers for sale a motor vehicle with an original or a special identification number that is:

- (1) destroyed;
- (2) removed;
- (3) altered;
- (4) covered; or
- (5) defaced;

commits a Class D felony:

SECTION 13. IC 9-17-4-17 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 17: A person who knowingly or intentionally sells or offers for sale a motor vehicle part with an identification number that is:

- (1) destroyed;
- (2) removed;
- (3) altered;
- (4) covered; or
- (5) defaced;

commits a Class D felony:

SECTION 14. IC 9-17-4-18 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 18: (a) For purposes of this section, "identification number" means a set of numbers, letters, or both numbers and letters that is assigned to a motor vehicle or motor vehicle part by:

- (1) a manufacturer of motor vehicles or motor vehicle parts; or
- (2) a governmental entity to replace an original identification number that is destroyed, removed, altered, or defaced:

(b) Subsection (c) does not apply to a person who manufactures or installs a plate or label containing an identification number:

- (1) in a program authorized by a manufacturer of motor vehicles or motor vehicle parts; or

(2) as authorized by the bureau under this chapter:

(c) A person who knowingly or intentionally possesses a plate or label that:

(1) contains an identification number; and

(2) is not attached to the motor vehicle or motor vehicle part to which the

identification number was assigned by the manufacturer or a governmental entity;

commits a Class D felony:

(d) A person who knowingly or intentionally possesses a plate or label on which the identification number is altered or removed commits a Class D felony:

(e) A person who, with intent to defraud, possesses a plate or label containing a set of numbers, letters, or both numbers and letters that purports to be an identification number commits a Class D felony:

SECTION 15. IC 9-18-2.5-12, AS ADDED BY P.L.259-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) A manufacturer of an off-road vehicle or snowmobile shall stamp an identifying vehicle number into the frame of the off-road vehicle or snowmobile.

(b) The vehicle number shall be stamped where the number may be easily seen with a minimum of physical effort.

(c) Upon request, a manufacturer shall furnish information as to the location of vehicle numbers on off-road vehicles and snowmobiles the manufacturer produces to a police officer or the bureau.

(d) A person may not possess an off-road vehicle or snowmobile with an altered, defaced, or obliterated vehicle number. **A person who knowingly or intentionally violates this subsection commits a Class B misdemeanor.**

SECTION 16. IC 9-18-2.5-16, AS ADDED BY P.L.259-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) Except as provided in subsection (b); **section 12(d) of this chapter**, a person that violates this chapter commits a Class C infraction.

(b) A person that violates section 12(d) of this chapter commits a Class B misdemeanor:

SECTION 17. IC 9-18-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) An application made under section 1 of this chapter must be mailed to:

(1) the preprinted return address contained on the registration application form provided by the bureau; or

(2) if registered under the International Registration Plan, to the department of state revenue under rules adopted under IC 4-22-2.

**(b) A person who knowingly or intentionally violates this section commits a Class B infraction.**

SECTION 18. IC 9-18-4-8 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 8: A person who knowingly violates this chapter commits a Class B misdemeanor:

SECTION 19. IC 9-18-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who operates a recovery vehicle must meet the minimum standards for financial responsibility that are set forth in IC 9-25.

(b) A recovery vehicle may be registered only if proof of financial responsibility in amounts required under IC 9-25 is produced at the time of registration. The bureau shall retain a record of that proof in the bureau's files.

- (c) The bureau may adopt rules under IC 4-22-2 to carry out this section.
- (d) A person may not operate a recovery vehicle on a highway in violation of this section.
- (e) A person who knowingly or intentionally violates this section commits a Class B infraction.**

SECTION 20. IC 9-18-13-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. **(a)** A person may not operate a vehicle:

- (1) that is not qualified to register as a recovery vehicle under this chapter;
- (2) for the purpose of lifting and pulling:
  - (A) a disabled;
  - (B) a wrecked;
  - (C) an abandoned;
  - (D) an improperly parked; or
  - (E) a burnt vehicle; and
- (3) on a highway.

**(b) A person who knowingly or intentionally violates this section commits a Class C infraction.**

SECTION 21. IC 9-18-13-9 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 9: A person who violates section 4 of this chapter commits a Class C misdemeanor.

SECTION 22. IC 9-18-13-10 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 10: A person who violates section 7 of this chapter commits a Class C infraction.

SECTION 23. IC 9-19-9-1 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 1: A person may not:

- (1) advertise for sale;
- (2) sell;
- (3) use; or
- (4) install;

any device that causes an odometer to register mileage other than the mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.

SECTION 24. IC 9-19-9-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 2: A person may not:

- (1) disconnect;
- (2) reset; or
- (3) alter;

the odometer of any motor vehicle with intent to change the number of miles indicated on the odometer.

SECTION 25. IC 9-19-9-3 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 3: **(a)** This section applies to all motor vehicles except the following:

- (1) Motorcycles;
- (2) Trucks the declared gross weight of which exceeds eleven thousand (11,000) pounds;
- (3) Motor vehicles that have a model year on their registration card that is at least five (5) years earlier than the year the vehicle is in operation on a street or highway.

**(b)** A person may not knowingly operate a motor vehicle on a street or highway if the odometer of the vehicle is disconnected or nonfunctional.

SECTION 26. IC 9-19-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) This chapter does not prohibit the service, repair, or replacement of an odometer if the mileage indicated on the odometer remains the same as before the service, repair, or replacement.

(b) If the odometer is incapable of registering the same mileage as before the service, repair, or replacement, the odometer shall be adjusted to read zero (0) and a notice in writing shall be attached to the left door frame of the vehicle by the owner or the owner's agent specifying the mileage before repair or replacement of the odometer and the date on which the odometer was repaired or replaced. A person may not knowingly remove or alter a notice affixed to a motor vehicle under this section.

SECTION 27. IC 9-19-9-5 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 5: A person who, with intent to defraud:

(1) violates this chapter; or

(2) omits to do any act that is required by this chapter;

commits a Level 6 felony.

SECTION 28. IC 9-19-10.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person may not knowingly or intentionally install in a motor vehicle, as part of the motor vehicle's inflatable restraint system, an object that does not comply with Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) for the make, model, and year of the motor vehicle. +

(b) A person who knowingly or intentionally violates subsection (a) commits a Class A misdemeanor. However the offense is a Level 6 felony if a person in a motor vehicle is injured as a result of the inflatable restraint system tampering.

SECTION 29. IC 9-19-10.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person may not knowingly or intentionally:

(1) sell;

(2) lease;

(3) trade; or

(4) transfer;

a motor vehicle in which is installed, as part of the motor vehicle's inflatable restraint system, an object that does not comply with Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) for the make, model, and year of the motor vehicle to an Indiana resident. same

(b) A person who knowingly or intentionally violates subsection (a) commits a Level 6 felony.

SECTION 30. IC 9-19-10.5-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 4: A person who violates section 2 of this chapter commits a Class A misdemeanor. However, the offense is a Level 6 felony if a person in a motor vehicle is injured as a result of the air bag tampering.

SECTION 31. IC 9-19-10.5-5 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 5: A person who violates section 3 of this chapter commits a Level 6 felony.

SECTION 32. IC 9-20-18-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 4: A person who moves a vehicle or combination of vehicles after the vehicle or combination of vehicles is impounded commits a Class B misdemeanor.

SECTION 33. IC 9-21-3-10 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 10: The motorman of a street car shall obey traffic control signals that are applicable to vehicles.

SECTION 34. IC 9-21-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. A person who violates section 7, 8, or 9 or 10 of this chapter commits a Class C infraction.

SECTION 35. IC 9-21-8-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 41. (a) A person who drives a vehicle or street car may not disobey the instructions of an official traffic control device placed in accordance with this article unless otherwise directed by a police officer.

(b) When a traffic control device or flagman is utilized at a worksite on a highway for traffic control, a person who drives a vehicle shall exercise extraordinary care to secure the mutual safety of all persons and vehicles at the worksite.

(c) All traffic shall observe and obey traffic control devices including signals, signs, and warnings, and all directions, signs, or warning devices that may be given or displayed by a police officer or flagman to safely control traffic movement at a worksite and promote safety at a worksite.

SECTION 36. IC 9-21-8-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 43. (a) A person may not drive a vehicle when any of the following conditions exist:

(1) The vehicle:

(A) is loaded in a manner; or

(B) has more than three (3) persons in the front seat;

so as to obstruct the view of the person who drives the vehicle to the front or sides of the vehicle.

(2) The vehicle:

(A) is loaded in a manner; or

(B) has more than three (3) persons in the front seat;

so as to interfere with the person's control over the driving mechanism of the vehicle.

(b) A passenger in a vehicle or street car may not do the following:

(1) Ride in a position that interferes with the view ahead or to the sides of the person who drives the vehicle. or street car:

(2) Interfere with the person's control over the driving mechanism of the vehicle. or street car:

SECTION 37. IC 9-21-8-52, AS AMENDED BY P.L.70-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 52. (a) A person who operates a vehicle and who recklessly:

(1) drives at such an unreasonably high rate of speed or at such an unreasonably low rate of speed under the circumstances as to:

(A) endanger the safety or the property of others; or

(B) block the proper flow of traffic;

(2) passes another vehicle from the rear while on a slope or on a curve where vision is obstructed for a distance of less than five hundred (500) feet ahead;

(3) drives in and out of a line of traffic, except as otherwise permitted; or

(4) speeds up or refuses to give one-half (1/2) of the roadway to a driver overtaking and desiring to pass;

commits a Class B misdemeanor: **infraction.**

(b) A person who operates a vehicle and who recklessly passes a school bus stopped on a roadway when the arm signal device specified in IC 9-21-12-13 is in the device's extended position commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if it causes bodily injury to a person.

(c) If an offense under subsection (a) or (b) results in damage to the property of another person or bodily injury to another person, the court ~~shall~~ **may** recommend the suspension of the current driving license of the person for a fixed period of

(1) not less than thirty (30) days; and

(2) not more than one (1) year.

SECTION 38. IC 9-21-11-5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 5: A person upon a bicycle, a coaster, roller skates, or a toy vehicle may not attach the bicycle, coaster, roller skates, or toy vehicle or the person to a street car or vehicle upon a roadway.~~

SECTION 39. IC 9-21-12-1, AS AMENDED BY P.L.1-2005, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who drives a vehicle that:

(1) meets or overtakes from any direction a school bus stopped on a roadway and is not stopped before reaching the school bus when the arm signal device specified in IC 9-21-12-13 is in the device's extended position; or

(2) proceeds before the arm signal device is no longer extended;

commits the offense described in section 9 of this chapter: **a Class A infraction.**

(b) This section is applicable only if the school bus is in substantial compliance with the markings required by the state school bus committee.

(c) There is a rebuttable presumption that the owner of the vehicle involved in the violation of this section committed the violation. This presumption does not apply to the owner of a vehicle involved in the violation of this section if the owner routinely engages in the business of renting the vehicle for periods of thirty (30) days or less.

SECTION 40. IC 9-21-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Whenever a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or other school related activities, all markings on the school bus indicating "school bus" shall be covered or concealed. **A person who knowingly or intentionally violates this section commits a Class C misdemeanor.**

SECTION 41. IC 9-21-12-5, AS AMENDED BY P.L.8-2010, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) This section does not apply to the following:

(1) A street railway grade crossing within a business or residence district.

(2) Abandoned or unused railroad grade crossings that are:

(A) designated by the Indiana department of transportation under IC 8-6-15-2; and

(B) marked with a "tracks out of service" sign that complies with the requirements of IC 8-6-15-3.

(b) A person who drives:

(1) a motor vehicle carrying passengers for hire;

(2) a school or private bus that is carrying passengers; or

(3) a vehicle carrying explosive substances or flammable liquids as a cargo or part

of a cargo;  
shall, before crossing at grade a track of a railroad, stop the vehicle not more than fifty (50) feet and not less than fifteen (15) feet from the nearest rail of the railroad.

(c) While stopped in accordance with subsection (b), the person shall do the following:

- (1) Listen through an open window or door.
- (2) Look in both directions along the track for an approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment.
- (3) Not proceed until the person can proceed safely.

After stopping, the person shall cross only in a gear of the vehicle so there will be no necessity for changing gears while traversing the crossing. The person who drives the vehicle may not shift gears while crossing the track or tracks.

(d) If a police officer or traffic control signal directs traffic to proceed at a railroad crossing, the person who drives a vehicle subject to this section shall proceed in accordance with the instructions of the police officer or traffic control signal.

**(e) Except as provided in subsection (f), a person who knowingly or intentionally violates this section commits a Class C infraction.**

**(f) A person who knowingly or intentionally violates subsection (b)(2) of this section commits a Class B misdemeanor.**

SECTION 42. IC 9-21-12-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 6: A street car or vehicle may not be driven over an unprotected hose of a fire department when laid down on a street, private driveway, or street car track to be used at a fire or alarm of fire without the consent of the fire department official in command.

SECTION 43. IC 9-21-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A person who drives a vehicle that is not on official business may not do any of the following:

- (1) Follow any fire apparatus traveling in response to a fire alarm at a distance closer than five hundred (500) feet.
- (2) Drive into or park a vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

**(b) A person who knowingly or intentionally violates this section commits a Class C infraction.**

SECTION 44. IC 9-21-12-9 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 9: A person who violates section 1 of this chapter commits a Class A infraction. A person who violates section 2 of this chapter commits a Class C misdemeanor.

SECTION 45. IC 9-21-12-11 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 11: (a) A person who violates section 5, 6, 7, or 19 of this chapter commits a Class C infraction.

(b) A person who knowingly or intentionally violates section 12, 13, 14, 15, 16, or 17 of this chapter commits a Class C misdemeanor.

(c) A person described in section 18(b), 18(c), or 18(d) of this chapter commits a Class B infraction.

SECTION 46. IC 9-21-12-12 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 12: When a school bus is operated on a highway, the driver shall load and unload a student as close as practical to the right-hand curb or edge of the roadway.

SECTION 47. IC 9-21-12-13, AS ADDED BY P.L.1-2005, SECTION 27, IS

AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) Except:

- (1) as provided in subsection (b); or
- (2) when a school bus is stopped at an intersection or another place where traffic is controlled by a traffic control device or a police officer;

whenever a school bus is stopped on a roadway to load or unload a student, the driver shall use an arm signal device, which must be extended while the bus is stopped.

(b) The governing body of a public school may authorize a school bus driver to load or unload a student at a location off the roadway that the governing body designates as a special school bus loading area. The driver is not required to extend the arm signal device when loading or unloading a student in the designated area.

**(c) A school bus driver who knowingly or intentionally violates subsection (a) commits a Class C misdemeanor.**

SECTION 48. IC 9-21-12-14, AS ADDED BY P.L.1-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. Before a driver changes the direction of a school bus, the driver shall use a directional signal to indicate the change at least one hundred (100) feet before the driver turns. **A school bus driver who knowingly or intentionally violates this section commits a Class C misdemeanor.**

SECTION 49. IC 9-21-12-15, AS ADDED BY P.L.1-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) The driver of a school bus shall use flashing lights as prescribed by the state school bus committee to give adequate warning that the school bus is stopped or about to stop on the roadway to load or unload a student.

**(b) A school bus driver who knowingly or intentionally violates subsection (a) commits a Class C misdemeanor.**

SECTION 50. IC 9-21-12-16, AS ADDED BY P.L.1-2005, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) When a school bus is in motion, students are prohibited from occupying any space forward of a vertical plane drawn through the rear of the driver's seat and perpendicular to the longitudinal axis of the bus. Every school bus must:

- (1) be marked with a line or otherwise equipped in order to indicate the prohibited area to students; and
- (2) have clearly posted, at or near the front of the bus, a sign stating that it is a violation of Indiana law for a school bus to be operated with any students occupying the prohibited area.

**(b) A school bus driver who knowingly or intentionally violates this section commits a Class C misdemeanor.**

SECTION 51. IC 9-21-12-17, AS AMENDED BY P.L.8-2010, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) Except as provided in subsection (b), before crossing any railroad track at grade, the driver of a school bus or special purpose bus shall stop the bus within fifty (50) feet but not less than fifteen (15) feet from the nearest rail. While the bus is stopped, the driver shall:

- (1) listen through an open door;
- (2) look in both directions along the track for an approaching train or other on-track equipment; and
- (3) look for signals indicating the approach of a train or other on-track equipment.

The driver may not proceed until it is safe to proceed. When it is safe to proceed, the driver shall select a gear that will allow the driver to cross the tracks without changing gears. The driver may not shift gears while crossing the tracks.

(b) The driver is not required to stop when a police officer is directing the flow of traffic across railroad tracks.

(c) Upon conviction of a violation of this section, a driver shall have the driver's operator's license suspended for a period of not less than sixty (60) days, in addition to the penalties provided by section H of this chapter.

**(d) A school bus driver who knowingly or intentionally violates this section commits a Class C misdemeanor.**

SECTION 52. IC 9-21-12-18, AS ADDED BY P.L.107-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) Whenever a school bus or special purpose bus is at a place of departure for transporting passengers, the school bus or special purpose bus emergency escape exits, doors, emergency exit windows, roof exits, and service doors must be free of any obstruction that:

- (1) inhibits or obstructs an exit; or
- (2) renders the means of exit hazardous.

(b) A driver who knowingly operates a school bus or special purpose bus in violation of subsection (a) is subject to section H(c) of this chapter: **commits a Class B infraction.**

(c) A person who knowingly directs a driver to operate a school bus or special purpose bus in violation of subsection (a) is subject to section H(c) of this chapter: **commits a Class B infraction.**

(d) A school corporation or an entity that employs:

- (1) a driver who knowingly operates a school bus or special purpose bus in violation of subsection (a); or
- (2) a person who knowingly directs a driver to operate a school bus or special purpose bus in violation of subsection (a);

is subject to section H(c) of this chapter.

SECTION 53. IC 9-22-3-7, AS AMENDED BY P.L.93-2010, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A business that is registered with the secretary of state as a dealer under IC 9-23 may reassign a certificate of salvage title one (1) time without applying to the bureau for the issuance of a new certificate of salvage title.

**(b) A business that violates this section commits a Class A infraction.**

SECTION 54. IC 9-22-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) If a salvage motor vehicle has been flood damaged, extensively burned, vandalized, or severely wrecked so that one (1) or more component parts are required to restore the motor vehicle to an operable condition, the person or business that restored the motor vehicle must furnish, on an affidavit of restoration for a salvage motor vehicle form, the name, identification number, and source of all component parts that were included in the restoration of the vehicle. The affidavit must be attached to the certificate of salvage title and be submitted to the bureau upon application by a person for a certificate of title for the vehicle.

**(b) A person or business that violates this section commits a Class A infraction.**

SECTION 55. IC 9-22-3-18.5, AS ADDED BY P.L.125-2012, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18.5. (a) This

section does not apply to a person who sells, exchanges, or transfers golf carts.

(b) A seller that is:

(1) a dealer; or

(2) another person who sells, exchanges, or transfers at least five (5) vehicles each year;

may not sell, exchange, or transfer a rebuilt vehicle without disclosing in writing to the purchaser, customer, or transferee before consummating the sale, exchange, or transfer, the fact that the vehicle is a rebuilt vehicle if the dealer or other person knows or should reasonably know the vehicle is a rebuilt vehicle.

**(c) A person who knowingly or intentionally violates subsection (b) commits a Class A infraction.**

SECTION 56. IC 9-22-3-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 30. (a) A seller that is:

(1) a dealer; or

(2) any other person who sells, exchanges, or transfers at least five (5) vehicles each year;

may not sell, exchange, or transfer a rebuilt vehicle without disclosing in writing to the purchaser, customer, or transferee before consummating the sale, exchange, or transfer the fact that the vehicle is a rebuilt vehicle if the dealer or other person knows or should reasonably know the vehicle is a rebuilt vehicle.

**(b) A person who knowingly or intentionally violates subsection (b) commits a Class A infraction.**

SECTION 57. IC 9-22-3-31, AS AMENDED BY P.L.158-2013, SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 31. A person who knowingly or intentionally possesses, buys, sells, exchanges, gives away, or offers to buy, sell, exchange or give away a manufacturer's identification plate or serial plate that has been removed from a motor vehicle, motorcycle, semitrailer, or recreational vehicle that is a total loss or salvage commits a Level 6 felony.

SECTION 58. IC 9-22-3-33 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 33: ~~(a) A person who recklessly, knowingly, or intentionally violates section 4, 5, 6, 7, or 8 of this chapter (or section 9 of this chapter before its repeal) commits a Class D Level 6 felony.~~

~~(b) A person who recklessly, knowingly, or intentionally violates section 18.5 or 30 of this chapter commits a Class A misdemeanor.~~

SECTION 59. IC 9-22-5-18, AS ADDED BY P.L.224-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) Before a person sells a vehicle to, gives a vehicle to, or disposes of a vehicle with an automobile scrapyard, the person shall give the automobile scrapyard:

(1) a certificate of authority for the vehicle that:

(A) is issued by the bureau under this chapter; and

(B) authorizes the scrapping or dismantling of the vehicle; or

(2) a certificate of title for the vehicle issued by the bureau under IC 9-17-3.

**(b) A person who knowingly or intentionally violates this section commits a Class C misdemeanor.**

SECTION 60. IC 9-22-5-18.2, AS ADDED BY P.L.92-2013, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18.2. (a) A disposal

facility, a scrap metal processor, or an agent of a disposal facility or scrap metal processor may purchase a motor vehicle without a certificate of title for the motor vehicle if:

- (1) the motor vehicle is at least fifteen (15) model years old;
- (2) the purchase is solely for the purpose of dismantling or wrecking the motor vehicle for the recovery of scrap metal or the sale of parts; and
- (3) the disposal facility or scrap metal processor records all purchase transactions of vehicles as required in subsection (b).

(b) A disposal facility or scrap metal processor shall maintain the following information with respect to each motor vehicle purchase transaction to which the disposal facility or scrap metal processor is a party for at least two (2) years following the date of the purchase transaction:

- (1) The name and address of any secondary metals recycler or salvage yard.
- (2) The name, initials, or other identifying symbol of the person entering the information.
- (3) The date of the purchase transaction.
- (4) A description of the motor vehicle that is the subject of the purchase transaction, including the make and model of the motor vehicle, if practicable.
- (5) The vehicle identification number of the motor vehicle.
- (6) The amount of consideration given for the motor vehicle.
- (7) A written statement, signed by the seller or the seller's agent certifying that the seller or the seller's agent has the lawful right to sell and dispose of the motor vehicle.
- (8) The name and address of the person from whom the motor vehicle is being purchased.
- (9) A photocopy or electronic scan of one (1) of the following forms of identification issued to the seller or the seller's agent:
  - (A) A current and valid driver's license.
  - (B) An identification card issued under IC 9-24-16-1 or a similar card issued under the laws of another state or the federal government.
  - (C) A government issued document bearing an image of the seller or seller's agent, as applicable.

For purposes of complying with this subdivision, a disposal facility or scrap metal processor is not required to make a separate copy of the seller's or seller's agent's identification for each purchase transaction involving the seller or seller's agent but may instead refer to a copy maintained in reference to a particular purchase transaction.

(c) A disposal facility or scrap metal processor may not complete a purchase transaction in the absence of the information required under subsection (b)(9).

(d) A disposal facility, a scrap metal processor, or an agent of a disposal facility or scrap metal processor that knowingly or intentionally or recklessly buys a motor vehicle that is less than fifteen (15) model years old without a certificate of title for the motor vehicle commits a Class B Level 6 felony.

SECTION 61. IC 9-22-5-19, AS ADDED BY P.L.224-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. A person who knowingly or intentionally

- (1) violates section 18 of this chapter; or

(2) purchases or accepts a vehicle with intent to scrap or dismantle the vehicle without obtaining a certificate of authority described in section ~~18(+)~~ 18(a)(1) of this chapter or a certificate of title issued by the bureau under IC 9-17-3 from the person who sells, gives away, or disposes of the vehicle;

commits a Class B misdemeanor.

SECTION 62. IC 9-22-6-1, AS AMENDED BY P.L.262-2013, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) An individual, a firm, a limited liability company, or a corporation engaged in the business of storing, furnishing supplies for, providing towing services for, or repairing motor vehicles, trailers, semitrailers, or recreational vehicles shall obtain the name and address of the person that owns a motor vehicle, trailer, semitrailer, or recreational vehicle that is left in the custody of the individual, firm, limited liability company, or corporation for storage, furnishing of supplies, or repairs at the time the vehicle is left.

(b) The individual, firm, limited liability company, or corporation shall record in a book the following information concerning the vehicle described in subsection (a):

- (1) The name and address of the person that owns the vehicle.
- (2) The license number of the vehicle.
- (3) The date on which the vehicle was left.

(c) The book shall be provided and kept by the individual, firm, limited liability company, or corporation and must be open for inspection by an authorized police officer of the state, a city, or a town or by the county sheriff.

(d) If a motor vehicle, trailer, semitrailer, or recreational vehicle is stored by the week or by the month, only one (1) entry on the book is required for the time during which the vehicle is stored.

**(e) A person who knowingly or intentionally violates this section commits a Class A infraction.**

SECTION 63. IC 9-22-6-2, AS ADDED BY P.L.125-2012, SECTION 158, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) An individual, a firm, a limited liability company, or a corporation that performs labor, furnishes materials or storage, or does repair work on a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person that owns the vehicle has a mechanic's lien on the vehicle for the reasonable value of the charges for the labor, materials, storage, or repairs.

(b) An individual, a firm, a partnership, a limited liability company, or a corporation that provides towing services for a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person that owns the motor vehicle, trailer, semitrailer, or recreational vehicle has a mechanic's lien on the vehicle for the reasonable value of the charges for the towing services and other related costs.

(c) If:

- (1) the charges made under subsection (a) or (b) are not paid; and
  - (2) the motor vehicle, trailer, semitrailer, or recreational vehicle is not claimed;
- not later than thirty (30) days after the date on which the vehicle is left in or comes into the possession of the individual, firm, limited liability company, or corporation for repairs, storage, towing, or the furnishing of materials, the individual, firm, limited liability company, or corporation may advertise the vehicle for sale. The vehicle may not be sold earlier than fifteen (15) days after the date the advertisement required by subsection (d) has been placed or fifteen

(15) days after notice required by subsection (c) has been sent, whichever is later.

(d) Before a vehicle may be sold under subsection (c), an advertisement must be placed in a newspaper that is printed in English and of general circulation in the city or town in which the lienholder's place of business is located. If the lienholder is located outside the corporate limits of a city or a town, the advertisement must be placed in a newspaper of general circulation in the county in which the place of business of the lienholder is located. The advertisement must contain at least the following information:

- (1) A description of the vehicle, including make, type, and manufacturer's identification number.
- (2) The amount of the unpaid charges.
- (3) The time, place, and date of the sale.

(e) In addition to the advertisement required under subsection (d), the person that holds the mechanic's lien must notify the person that owns the vehicle and any other person that holds a lien of record at the person's last known address by certified mail, return receipt requested, that the vehicle will be sold at public auction on a specified date to satisfy the mechanic's lien imposed by this section.

(f) A person that holds a mechanic's lien of record on a vehicle subject to sale under this section may pay the storage, repair, towing, or service charges due. If the person that holds the mechanic's lien of record elects to pay the charges due, the person is entitled to possession of the vehicle and becomes the holder of the mechanic's lien imposed by this section.

(g) If the person that owns a vehicle subject to sale under this section does not claim the vehicle and satisfy the mechanic's lien on the vehicle, the vehicle may be sold at public auction to the highest and best bidder. A person that holds a mechanic's lien under this section may purchase a vehicle subject to sale under this section.

(h) A person that holds a mechanic's lien under this section may deduct and retain the amount of the mechanic's lien and the cost of the advertisement required under subsection (d) from the purchase price received for a vehicle sold under this section. After deducting from the purchase price the amount of the mechanic's lien and the cost of the advertisement, the person shall pay the surplus of the purchase price to the person that owns the vehicle if the person's address or whereabouts are known. If the address or whereabouts of the person that owns the vehicle are not known, the surplus of the purchase price shall be paid over to the clerk of the circuit court of the county in which the person that holds the mechanic's lien has a place of business for the use and benefit of the person that owns the vehicle.

(i) A person that holds a mechanic's lien under this section shall execute and deliver to the purchaser of a vehicle under this section a sales certificate in the form designated by the bureau, setting forth the following information:

- (1) The facts of the sale.
- (2) The vehicle identification number.
- (3) The certificate of title if available.
- (4) A certification from the newspaper showing that the advertisement was made as required under subsection (d).
- (5) Any other information that the bureau requires.

Whenever the bureau receives from the purchaser an application for certificate of title accompanied by these items, the bureau shall issue a certificate of title for the vehicle under IC 9-17.

**(j) A person who knowingly or intentionally violates this section commits a Class A infraction.**

SECTION 64. IC 9-22-6-3 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 3: A person that knowingly, intentionally, or recklessly violates section 1 or 2 of this chapter commits a Class A misdemeanor.~~

SECTION 65. IC 9-24-1-6, AS AMENDED BY P.L.125-2012, SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) Except as provided in subsection (b) or as otherwise provided in this article, an individual must hold a valid commercial driver's license to drive a commercial motor vehicle upon an Indiana highway.

(b) Subsection (a) does not apply if the individual:

- (1) holds a valid driver's license of any type;
- (2) is enrolled in a commercial motor vehicle training course approved by the bureau; and
- (3) is operating a commercial motor vehicle under the direct supervision of a licensed commercial motor vehicle driver.

**(c) A person who knowingly or intentionally violates subsection (a) commits a Class C misdemeanor.**

SECTION 66. IC 9-24-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. ~~(a)~~ Except as provided in subsection (b); **section 6 of this chapter**, a person who violates this chapter commits a Class C infraction.

~~(b) A person who violates section 6 of this chapter commits a Class C misdemeanor.~~

SECTION 67. IC 9-24-6-16 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 16: A person who:~~

- ~~(1) is disqualified under this article from driving a commercial motor vehicle; and~~
- ~~(2) drives a commercial motor vehicle;~~

~~commits a Class C misdemeanor.~~

SECTION 68. IC 9-24-6-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. Except as provided in sections ~~16~~ and **section 17** of this chapter, a person who violates this chapter commits a Class C infraction.

SECTION 69. IC 9-24-11-4, AS AMENDED BY P.L.85-2013, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) An individual may not have more than one (1) driver's license or identification card at a time.

(b) An individual may not hold a driver's license and an identification card at the same time.

**(c) A person who violates subsection (a) or (b) commits a Class C infraction.**

SECTION 70. IC 9-24-11-8, AS AMENDED BY P.L.158-2013, SECTION 153, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. ~~(a)~~ Except as provided in subsections (b) and (c); a person who violates this chapter commits a Class C infraction:

~~(b) (a) A person who:~~

- ~~(1) has been issued a permit or license on which there is a printed or stamped restriction as provided under section 7 of this chapter; and~~
- ~~(2) operates a motor vehicle in violation of the restriction;~~

~~commits a Class C misdemeanor: infraction.~~ The license of a person who violates this subsection may be suspended in the manner provided for the suspension or revocation of an

operator's license:

(e) (b) A person who causes serious bodily injury to or the death of another person when operating a motor vehicle after knowingly or intentionally failing to take prescribed medication, the taking of which was a condition of the issuance of the operator's restricted license under section 7 of this chapter, commits a Class A misdemeanor. However, the offense is a Level 6 felony if, within the five (5) years preceding the commission of the offense, the person had a prior unrelated conviction under this subsection.

(d) (c) A person who violates subsection (e) (b) commits a separate offense for each person whose serious bodily injury or death is caused by the violation of subsection (e) (b).

SECTION 71. IC 9-24-11-10, AS AMENDED BY P.L.85-2013, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) In addition to any other penalty imposed for a conviction under section 8(e) 8(b) of this chapter, the court shall recommend that the person's driving privileges be suspended for a fixed period of at least ninety (90) days and not more than two (2) years.

(b) The court shall specify:

- (1) the length of the fixed period of suspension; and
- (2) the date the fixed period of suspension begins;

whenever the court makes a recommendation under subsection (a). If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this chapter.

SECTION 72. IC 9-24-11-11, AS AMENDED BY P.L.85-2013, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. The bureau shall, upon receiving a record of conviction of a person under section 8(e) 8(b) of this chapter, set a period of suspension for a fixed period of at least ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction, as provided in section 10 of this chapter. If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this chapter.

SECTION 73. IC 9-24-15-11, AS AMENDED BY P.L.85-2013, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person who:

- (1) has been granted restricted driving privileges; and
- (2) operates a motor vehicle:
  - (A) in violation of the terms, limitations, or restrictions set out by the court; and
  - (B) during the period of suspension of the person's current driving driver's license;

commits a Class B misdemeanor.

(b) The bureau shall, upon receipt of notice of a conviction for a violation of this section, do the following:

- (1) Revoke the person's restricted driving privileges.
- (2) Suspend the person's current driving license for any additional suspension period designated by the court.

In addition, the bureau may not issue restricted driving privileges to the person during the original existing or any additional period of suspension.

SECTION 74. IC 9-24-16-12, AS AMENDED BY P.L.158-2013, SECTION 155, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) A person who:

- (1) knowingly permits the use of an identification card issued under this chapter by a person other than the person to whom the card was issued;
- (2) knowingly displays or represents as the person's own identification card issued under this chapter an identification card that was not issued to the person displaying the card; or
- (3) does not surrender, upon demand of the proper official, an identification card issued under this chapter that has become invalid or expired; or
- (4) knowingly sells; offers to sell; buys; possesses; or offers a false identification card that could reasonably be mistaken for a valid identification card required by this chapter to be issued by the bureau but that has not been issued by the bureau;

commits a ~~Class B~~ **Class C** misdemeanor.

(b) A person who:

- (1) knowingly or intentionally uses false information in an application:
  - (A) for an identification card issued under this chapter; or
  - (B) for a renewal, amendment, or replacement of an identification card issued under this chapter; or
- (2) knowingly or intentionally makes a false statement or otherwise commits fraud in an application for an identification card issued under this chapter;

commits application fraud; a Level 6 felony.

SECTION 75. IC 9-24-16-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12.5. (a) A person who knowingly sells, offers to sell, buys, ~~possesses~~, produces, forges, counterfeits, or offers a false identification card that could reasonably be mistaken for a valid identification card required by this chapter to be issued by the bureau but that has not been issued by the bureau commits a Class B misdemeanor.

(b) A person who:

- (1) knowingly or intentionally uses false information in an application:
  - (A) for an identification card issued under this chapter; or
  - (B) for a renewal, amendment, or replacement of an identification card issued under this chapter; or
- (2) knowingly or intentionally makes a false statement or otherwise commits fraud in an application for an identification card issued under this chapter;

commits application fraud, a Level 6 felony.

SECTION 76. IC 9-24-16-13 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 13. A person who forges or reproduces an identification card issued under this chapter:

- (1) with intent to use the card; or
- (2) so that the card may be used by another person;

commits a Class B misdemeanor.

SECTION 77. IC 9-24-19-1, AS AMENDED BY P.L.42-2011, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Except as

provided in sections 2 and 3 and 4 of this chapter, a person who operates a motor vehicle upon a highway while the person's driving privilege, license, or permit is suspended or revoked commits a Class A infraction.

SECTION 78. IC 9-24-19-3, AS AMENDED BY P.L.114-2012, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who operates a motor vehicle upon a highway when the person knows that the person's driving privilege, license, or permit is suspended or revoked, when the person's suspension or revocation was a result of the person's conviction of an offense (as defined in IC 35-31.5-2-215) commits a Class A misdemeanor.

(b) However, the offense described in subsection (a) is a:

(1) Level 6 felony ~~is~~ the operation results in bodily injury; or

(2) Level 5 felony if the operation results in the death of another person.

SECTION 79. IC 9-24-19-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec: 4: (a) A person who violates section 3 of this chapter commits a Level 6 felony if the operation results in bodily injury or serious bodily injury:

(b) A person who violates section 3 of this chapter commits a Level 5 felony if the operation results in the death of another person:

SECTION 80. IC 9-25-6-18 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec: 18: A person who:

(1) forges or without authority signs or approves any certificate to serve as proof of financial responsibility as required by the bureau; or

(2) knowingly files or offers for filing a certificate described in subdivision (1);

commits a Class B misdemeanor:

SECTION 81. IC 9-30-4-8, AS AMENDED BY P.L.125-2012, SECTION 332, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A person whose certificate of registration has been suspended or revoked, with restoration or the issuance of a new certificate being contingent upon the furnishing of proof of financial responsibility, and who, during the suspension or revocation or in the absence of full authorization from the bureau, operates the motor vehicle upon a highway or knowingly permits the motor vehicle to be operated by another person upon a highway except as permitted under this chapter commits a Class C misdemeanor.

(b) A person with restricted driving privileges who operates a motor vehicle upon a highway in violation of the terms and conditions specified for the restricted driving privileges commits a Class C ~~misdemeanor~~: **infraction**.

SECTION 82. IC 9-30-4-13, AS AMENDED BY P.L.125-2012, SECTION 334, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) Whenever the bureau is authorized or required to give notice under this chapter or any other law regulating the operation of vehicles, unless a different method of giving notice is otherwise expressly prescribed, the notice may be given either by personal delivery to the person to be notified or by deposit with the United States Postal Service of the notice by first class mail.

(b) A person who: after notification; fails to return or surrender to the bureau upon demand a suspended; revoked; or invalidated driver's license; permit; certificate of registration; or license plate commits a Class C misdemeanor. The bureau may file with the prosecuting attorney of the county in which the person resides an affidavit charging the person with the offense:

SECTION 83. IC 9-31-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2014]: Sec. 2. (a) Except as provided in subsection (b), a watercraft that is required to be registered in Indiana must have a certificate of title issued under this chapter.

(b) A watercraft acquired by the Indiana owner of the watercraft before January 1, 1986, is not required to have a certificate of title until after ownership of the watercraft is transferred to another person.

**(c) A person who knowingly or intentionally violates subsection (a) commits a Class A infraction.**

SECTION 84. IC 9-31-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) Except as provided in section 5 of this chapter, a person may not transfer ownership of a watercraft that was acquired by the person after January 1, 1986, without delivering to the transferee of the watercraft a certificate of title with an assignment on the certificate of title that shows title in the transferee.

(b) A person who acquires ownership of a watercraft after January 1, 1986, must obtain a certificate of title for the watercraft under section 6 of this chapter.

**(c) A person who knowingly or intentionally violates this section commits a Class A infraction.**

SECTION 85. IC 9-31-2-5, AS AMENDED BY P.L.125-2012, SECTION 379, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A manufacturer, importer, dealer, or other person may not sell or otherwise dispose of a new watercraft to a dealer, to be used by the dealer for purposes of display and resale, without delivering to the dealer a manufacturer's or importer's certificate executed under this section and with those assignments on the certificate as are necessary to show title in the purchaser of the watercraft. A dealer may not purchase or acquire a new watercraft without obtaining from the seller of the watercraft the manufacturer's or importer's certificate.

(b) A manufacturer's or importer's certificate of the origin of a watercraft must contain the following information along with any additional information the bureau requires:

- (1) A description of the watercraft, including, if applicable, the make, year, length, dry weight, series or model, horsepower rating, hull type, and hull identification number.
- (2) Certification of the date of transfer of the watercraft to a distributor, dealer, or other transferee and the name and address of the transferee.
- (3) Certification that this is the first transfer of the new watercraft in ordinary trade and commerce.
- (4) The signature and address of a representative of the transferor.

(c) An assignment of a manufacturer's or importer's certificate shall be printed on the reverse side of the manufacturer's or importer's certificate. The assignment form must include the following:

- (1) The name and address of the transferee.
- (2) A certification that the watercraft is new.
- (3) A warranty that the title at the time of delivery is subject only to the liens and encumbrances that are set forth and described in full in the assignment.

**(d) A person who knowingly or intentionally violates this section commits a Class A infraction.**

SECTION 86. IC 9-31-2-6, AS AMENDED BY P.L.125-2012, SECTION 380, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) Except as

provided in subsection (b), an application for a certificate of title shall be filed with the bureau within thirty-one (31) days after the date of purchase or transfer. The application must be accompanied by the fee prescribed in IC 9-29-15-1.

(b) This subsection applies only to a watercraft acquired by a conveyance subject to section 30 of this chapter. An application for a certificate of title shall be filed with the bureau within sixty (60) days after the date of the transfer under section 30 of this chapter. The application must be accompanied by the fee prescribed in IC 9-29-15-1 and any other applicable fees and service charges.

**(c) A person who knowingly or intentionally violates this section commits a Class A infraction.**

SECTION 87. IC 9-31-2-9, AS AMENDED BY P.L.125-2012, SECTION 383, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) If a certificate of title was not previously issued in Indiana for the watercraft, the application must be accompanied by one (1) of the following:

- (1) A manufacturer's or importer's certificate.
- (2) A certificate of registration issued under IC 9-31-3, if purchased by the applicant before January 1, 1986.
- (3) A certificate of title or bill of sale.
- (4) Other evidence of ownership required by the law of another state from which the watercraft is brought into Indiana.

**(b) A person who knowingly or intentionally violates this section commits a Class C infraction.**

SECTION 88. IC 9-31-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) Evidence of ownership of a watercraft for which an Indiana certificate of title was not previously issued and that does not have permanently affixed to the watercraft a hull identification number shall be accompanied by the certificate of hull identification number assigned by the bureau under section 8 of this chapter.

**(b) A person who knowingly or intentionally violates subsection (a) commits a Class A infraction.**

SECTION 89. IC 9-31-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26. A person who does any of the following commits a Class A misdemeanor: **infraction:**

- (1) Operates in Indiana a watercraft for which a certificate of title is required without having a certificate as prescribed by this chapter.
- (2) Operates in Indiana a watercraft for which a certificate of title is required for which the certificate of title is canceled.
- (3) Fails to surrender a certificate of title upon cancellation of the certificate by the bureau and notice of the cancellation as prescribed in this chapter.
- (4) Fails to surrender a certificate of title to the bureau, as provided in this chapter, if the watercraft is destroyed, dismantled, or changed in a manner that the watercraft is not the watercraft described in the certificate of title.

SECTION 90. IC 9-31-2-27, AS AMENDED BY P.L.158-2013, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 27. A person who does any of the following commits a ~~Level 6 felony~~: **Class A infraction:**

- (1) Alters or forges a certificate of title or a manufacturer's or importer's certificate

to a watercraft, an assignment of either, or a cancellation of a lien on a watercraft.  
(2) Holds or uses a certificate, assignment, or cancellation, knowing the document is altered or forged.

(3) Procures or attempts to procure a certificate of title to a watercraft or passes or attempts to pass a certificate of title or an assignment of title to a watercraft knowing or having reason to believe that the watercraft is stolen.

(4) Sells or offers for sale in Indiana a watercraft on which the manufacturer's or assigned hull identification number is destroyed, removed, covered, altered, or defaced, with knowledge of the destruction, removal, covering, alteration, or defacement of the manufacturer's or assigned hull identification number.

(5) Destroys, removes, alters, or defaces the manufacturer's or assigned hull identification number of a watercraft.

(6) Uses a false or fictitious name, gives a false or fictitious address, or makes a false statement in an application or certificate required under this chapter or in a bill of sale or sworn statement of ownership, or otherwise commits fraud in an application.

(7) Sells or transfers a watercraft without delivering to the purchaser or transferee of the watercraft a certificate of title or a manufacturer's or importer's certificate to the watercraft assigned to the purchaser as provided for in this chapter.

SECTION 91. IC 9-31-2-28 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 28: A person who violates section 2, 3, 5, 6, 9, 10, or 11 of this chapter commits a Class C misdemeanor.~~

SECTION 92. IC 9-32-4-1, AS ADDED BY P.L.262-2013, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) If a vehicle for which a certificate of title has been issued is sold or if the ownership of the vehicle is transferred in any manner other than by a transfer on death conveyance under IC 9-17-3-9, in addition to complying with IC 9-17-3-3.4, the person who holds the certificate of title must do the following:

(1) In the case of a sale or transfer between vehicle dealers licensed by this state or another state, deliver the certificate of title within twenty-one (21) days after the date of the sale or transfer.

(2) Deliver the certificate of title to the purchaser or transferee within twenty-one (21) days after the date of sale or transfer to the purchaser or transferee of the vehicle, if all the following conditions exist:

(A) The seller or transferor is a vehicle dealer licensed by the state under this article.

(B) The vehicle dealer is not able to deliver the certificate of title at the time of sale or transfer.

(C) The vehicle dealer provides the purchaser or transferee with an affidavit under section 2 of this chapter.

(D) The purchaser or transferee has made all agreed upon initial payments for the vehicle, including delivery of a trade-in vehicle without hidden or undisclosed statutory liens.

(b) A licensed dealer may offer for sale a vehicle for which the dealer does not possess a certificate of title, if the dealer can comply with subsection (a)(1) or (a)(2) at the time of the sale.

(c) A vehicle dealer who fails to deliver a certificate of title within the time specified

under this section is subject to the following civil penalties:

- (1) One hundred dollars (\$100) for the first violation in a calendar year.
- (2) Two hundred fifty dollars (\$250) for the second violation in a calendar year.
- (3) Five hundred dollars (\$500) for all subsequent violations in a calendar year.

Payment shall be made to the secretary of state and deposited in the dealer enforcement account established under IC 9-32-7-2.

(d) If a purchaser or transferee does not receive a valid certificate of title within the time specified by this section, the purchaser or transferee has the right to return the vehicle to the vehicle dealer ten (10) days after giving the vehicle dealer written notice demanding delivery of a valid certificate of title and the dealer's failure to deliver a valid certificate of title within that ten (10) day period. Upon return of the vehicle to the dealer in the same or similar condition as delivered to the purchaser or transferee under this section, the vehicle dealer shall pay to the purchaser or transferee the purchase price plus sales taxes, finance expenses, insurance expenses, and any other amount paid to the dealer by the purchaser or transferee.

(e) For purposes of this subsection, "timely deliver", with respect to a third party, means to deliver to the purchaser or transferee with a postmark dated or hand delivered not more than ten (10) business days after there is no obligation secured by the vehicle. If the dealer's inability to timely deliver a valid certificate of title results from the acts or omissions of a third party who has failed to timely deliver a valid certificate of title to the dealer, the dealer is entitled to claim against the third party one hundred dollars (\$100). If:

- (1) the dealer's inability to timely deliver a valid certificate of title results from the acts or omissions of a third party who has failed to timely deliver the certificate of title in the third party's possession to the dealer; and
- (2) the failure continues for ten (10) business days after the dealer gives the third party written notice of the failure;

the dealer is entitled to claim against the third party all damages sustained by the dealer in rescinding the dealer's sale with the purchaser or transferee, including the dealer's reasonable attorney's fees.

(f) If a vehicle for which a certificate of title has been issued by another state is sold or delivered, the person selling or delivering the vehicle shall deliver to the purchaser or receiver of the vehicle a proper certificate of title with an assignment of the certificate of title in a form prescribed by the bureau.

(g) A dealer shall make payment to a third party to satisfy any obligation secured by the vehicle within ten (10) days after the date of sale.

**(h) Except as provided in subsection (i), a person who violates this section commits a Class C infraction.**

**(i) A person who knowingly or intentionally violates subsection (a)(1), (a)(2), or (d) commits a Class B misdemeanor.**

SECTION 93. IC 9-32-6-7, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) Except as provided in sections 8 and 9 of this chapter, dealer-new, dealer-used, manufacturer, and wholesale license plates may be used only on motor vehicles in the:

- (1) dealer's inventory being held for sale;
- (2) usual operation of the manufacturer's or dealer's business;
- (3) movement of the manufacturer's or dealer's inventory; or

(4) inventory of a manufacturer or dealer that is unattended by the manufacturer or dealer or the dealer's agent for a maximum of ten (10) days by a prospective buyer or a service customer.

(b) The license plates referenced in subsection (a) must be:

- (1) primarily used or stored at an address within Indiana; or
- (2) displayed on a vehicle being transported for purposes of sale by a licensed Indiana dealer.

**(c) A person who knowingly or intentionally violates this section commits a Class A infraction.**

SECTION 94. IC 9-32-6-10. AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) Dealer-new, dealer-used, manufacturer, and wholesale license plates may not be used on a vehicle that:

- (1) is required to be registered; and
- (2) has a fee charged by dealers to others for the use of the vehicle.

**(b) A person who knowingly or intentionally violates this section commits a Class A infraction.**

SECTION 95. IC 9-32-6-11. AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) The secretary may issue an interim license plate to a dealer or manufacturer who is licensed and has been issued a license plate under section 2 of this chapter.

(b) The secretary shall prescribe the form of an interim license plate issued under this section. However, an interim license plate must bear the assigned registration number and provide sufficient space for the expiration date as provided in subsection (c).

(c) Whenever a dealer or manufacturer sells or leases a motor vehicle, the dealer or manufacturer may provide the buyer or lessee with an interim license plate. The dealer shall, in the manner provided by the secretary, affix on the plate in numerals and letters at least three (3) inches high the date on which the interim license plate expires.

(d) An interim license plate authorizes a motor vehicle owner or lessor to operate the vehicle for a maximum period of thirty-one (31) days after the date of sale or lease of the vehicle to the vehicle's owner or lessor or until a regular license plate is issued, whichever occurs first. **A person who knowingly or intentionally violates this subsection commits a Class A infraction.**

(e) A motor vehicle that is required by law to display license plates on the front and rear of the vehicle is required to display only a single interim license plate.

(f) An interim license plate shall be displayed:

- (1) in the same manner required in IC 9-18-2-26; or
- (2) in a location on the left side of a window facing the rear of the motor vehicle that is clearly visible and unobstructed. The plate must be affixed to the window of the motor vehicle.

(g) The dealer must provide an ownership document to the purchaser at the time of issuance of the interim license plate that must be kept in the motor vehicle during the period an interim license plate is used.

(h) All interim license plates not issued by the dealer must be retained in the possession of the dealer at all times.

SECTION 96. IC 9-32-6-12. AS ADDED BY P.L.92-2013, SECTION 78, IS

AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. A dealer ~~may not~~ **that** knowingly or intentionally ~~issue~~ **issues** an altered interim license plate or an interim license plate with false or fictitious information **commits a Class A infraction.**

SECTION 97. IC 9-32-6-13, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. **(a)** A person ~~may not who~~ knowingly or intentionally ~~operate~~ **operates** a vehicle displaying an altered interim license plate issued under section 11 of this chapter **commits a Class C misdemeanor.**

**(b) A person that knowingly obtains an altered interim license plate, with the intent to defraud, issued under section 11 of this chapter commits a Class C misdemeanor.**

SECTION 98. IC 9-32-9-1, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** A disposal facility, a used parts dealer, or an automotive salvage rebuilder must be licensed by the secretary under this chapter before the facility, dealer, or rebuilder may do any of the following:

- (1) Sell a used major component part of a vehicle.
- (2) Wreck or dismantle a vehicle for resale of the major component parts of the vehicle.
- (3) Rebuild a wrecked or dismantled vehicle.
- (4) Possess more than two (2) inoperable vehicles subject to registration for more than thirty (30) days unless the facility, dealer, or rebuilder holds a mechanic's lien on each vehicle over the quantity of two (2).
- (5) Engage in the business of storing, disposing, salvaging, or recycling of vehicles, vehicle hulks, or parts of vehicles.

**(b) A person that knowingly or intentionally violates subsection (a) commits a Class A infraction.**

SECTION 99. IC 9-32-9-2, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a)** A disposal facility, a used parts dealer, or an automotive salvage rebuilder licensed in Indiana must have a principal place of business in Indiana conducting the business that is the basis for the license. A place of business that performs only ministerial tasks is not considered to be conducting business.

**(b) A disposal facility, used parts dealer, or automotive salvage rebuilder who knowingly or intentionally violates subsection (a) commits a Class A infraction.**

SECTION 100. IC 9-32-9-10, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. **(a)** A licensee shall post a license granted to the licensee under this chapter in a conspicuous place at the licensed place of business.

**(b) A licensee that knowingly or intentionally violates this section commits a Class A infraction.**

SECTION 101. IC 9-32-11-1, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** The following persons must be licensed under this article to engage in the business of buying or selling motor vehicles or semitrailers:

- (1) An automobile auctioneer.
- (2) A converter manufacturer.
- (3) A dealer.
- (4) A distributor.

- (5) A distributor representative.
- (6) A factory branch.
- (7) A factory representative.
- (8) A manufacturer.
- (9) A transfer dealer.
- (10) A wholesale dealer.
- (11) An automotive mobility dealer.
- (b) An automotive mobility dealer who engages in the business of:
  - (1) selling, installing, or servicing;
  - (2) offering to sell, install, or service; or
  - (3) soliciting or advertising the sale, installation, or servicing of;

equipment or modifications specifically designed to facilitate use or operation of a vehicle by an individual who is disabled or aged must be licensed under this article.

**(c) An automotive mobility dealer that knowingly or intentionally fails to be licensed under this article and engages in the businesses described in subsection (b) commits a Class ~~C misdemeanor~~ A.**

SECTION 102. IC 9-32-11-12, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. **(a)** A license issued under this chapter is valid for a one (1) year period in accordance with the following schedule:

- (1) A person whose business name begins with the letters A through B, inclusive, shall register before March 1 of each year.
- (2) A person whose business name begins with the letters C through D, inclusive, shall register before April 1 of each year.
- (3) A person whose business name begins with the letters E through G, inclusive, shall register before May 1 of each year.
- (4) A person whose business name begins with the letters H through I, inclusive, shall register before June 1 of each year.
- (5) A person whose business name begins with the letters J through L, inclusive, shall register before July 1 of each year.
- (6) A person whose business name begins with the letters M through O, inclusive, shall register before August 1 of each year.
- (7) A person whose business name begins with the letters P through R, inclusive, shall register before September 1 of each year.
- (8) A person whose business name begins with the letters S through T, inclusive, shall register before October 1 of each year.
- (9) A person whose business name begins with the letters U through Z, inclusive, shall register before November 1 of each year.

**(b)** A sole proprietor shall register based upon the name of the sole proprietorship.

**(c) A sole proprietor who knowingly or intentionally does not register based upon the name of the sole proprietorship commits a Class ~~C misdemeanor~~ A.**

SECTION 103. IC 9-32-13-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 31. **A person that knowingly or intentionally performs an act that is an unfair practice under this chapter commits a Class A infraction.**

SECTION 104. IC 9-32-17-2, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as provided in subsections (b) and (c); a person who violates ~~IC 9-32-4~~ commits a Class E infraction:

(b) A person who knowingly or intentionally violates ~~IC 9-32-4-1(a)(1); IC 9-32-4-1(a)(2); IC 9-32-4-1(a)(4); IC 9-32-4-1(a)(5); or IC 9-32-4-1(d)~~ commits a Class B misdemeanor:

(c) A person who knowingly or intentionally violates ~~IC 9-32-4-1(a)(3)~~ commits at:  
(1) Class A misdemeanor for the first violation; and  
(2) Class D felony for a second or subsequent unrelated violation:

**Penalties for violations of IC 9-32-4-1 are listed in IC 9-32-4-1(h) and IC 9-32-4-1(i).**

SECTION 105. IC 9-32-17-3, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) Except as provided in subsection (b); a person who knowingly or intentionally violates any of the following commits a Class A misdemeanor **Penalties for specific violations of IC 9-32-6 are listed in the following statutes:**

- (1) IC 9-32-6-7.
- (2) IC 9-32-6-10.
- (3) IC 9-32-6-11(d).
- (4) IC 9-32-6-12.
- (5) **IC 9-32-6-13.**

(b) A person who knowingly or intentionally violates ~~IC 9-32-6-13~~ commits a Class A misdemeanor:

SECTION 106. IC 9-32-17-4, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who knowingly or intentionally violates any of the following commits a Class A misdemeanor:

**Penalties for specific violations of IC 9-32-9 are listed in the following statutes:**

- (1) IC 9-32-9-1.
- (2) IC 9-32-9-2.
- (3) IC 9-32-9-10.

SECTION 107. IC 9-32-17-5, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A person who knowingly or intentionally violates: **Penalties for specific violations of IC 9-32-11 are listed in:**

- (1) IC 9-32-11-1; or and
- (2) IC 9-32-11-12.

commits a Class A misdemeanor:

SECTION 108. IC 9-32-17-6, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. A person who knowingly or intentionally violates ~~IC 9-32-13~~ commits a Class A misdemeanor: **Penalties for specific violations of IC 9-32-13 are listed in IC 9-32-13-31.**

SECTION 109. IC 10-11-2-26, AS AMENDED BY P.L.135-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26. (a) The superintendent may assign qualified persons who are not state police officers to supervise or operate permanent or portable weigh stations. A person assigned under this section may stop,

inspect, and issue citations to operators of trucks and trailers having a declared gross weight of at least ten thousand one (10,001) pounds and buses at a permanent or portable weigh station or while operating a clearly marked Indiana state police vehicle for violations of the following:

- (1) IC 6-1.1-7-10.
- (2) IC 6-6-1.1-1202.
- (3) IC 6-6-2.5.
- (4) IC 6-6-4.1-12.
- (5) IC 8-2.1.
- (6) IC 9-18.
- (7) IC 9-19.
- (8) IC 9-20.
- (9) IC 9-21-7-2 through IC 9-21-7-11.
- (10) IC 9-21-8-41 pertaining to the duty to obey an official traffic control device for a weigh station.
- (11) IC 9-21-8-45 through IC 9-21-8-48.
- (12) IC 9-21-9.
- (13) IC 9-21-15.
- (14) IC 9-21-21.
- (15) IC 9-24-1-1 through IC 9-24-1-1.5.
- (16) IC 9-24-1-7.
- (17) Except as provided in subsection (c), IC 9-24-1-6, ~~IC 9-24-6-16~~, IC 9-24-6-17, and IC 9-24-6-18, commercial driver's license.
- (18) IC 9-24-4.
- (19) IC 9-24-5.
- (20) IC 9-24-11-4.
- (21) IC 9-24-13-3.
- (22) IC 9-24-18-1 through IC 9-24-18-2.
- (23) IC 9-25-4-3.
- (24) IC 9-28-4.
- (25) IC 9-28-5.
- (26) IC 9-28-6.
- (27) IC 9-29-5-11 through IC 9-29-5-13.
- (28) IC 9-29-5-42.
- (29) IC 9-29-6-1.
- (30) IC 10-14-8.
- (31) IC 13-17-5-1, IC 13-17-5-2, IC 13-17-5-3, or IC 13-17-5-4.
- (32) IC 13-30-2-1.

(b) For the purpose of enforcing this section, a person assigned under this section may detain a person in the same manner as a law enforcement officer under IC 34-28-5-3.

(c) A person assigned under this section may not enforce IC 9-24-6-14 or IC 9-24-6-15.

(d) Subsection (a)(29) expires on the date that IC 9-29-6-1 expires.

SECTION 110. IC 34-24-1-1, AS AMENDED BY P.L.196-2013, SECTION 15, AND AS AMENDED BY P.L.293-2013(ts), SECTION 42, AND AS AMENDED BY P.L.158-2013, SECTION 349, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. (a) The following may be seized:

(1) All vehicles (as defined by IC 35-31.5-2-346), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:

(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

(i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(ii) Dealing in methamphetamine (IC 35-48-4-1.1).

(iii) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(iv) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(v) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(vi) Dealing in a counterfeit substance (IC 35-48-4-5).

(vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).

(viii) Possession of methamphetamine (IC 35-48-4-6.1).

(ix) Dealing in paraphernalia (IC 35-48-4-8.5).

(x) Dealing in marijuana, hash oil, hashish, or salvia or a synthetic cannabinoid (IC 35-48-4-10).

(xi) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).

(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars (\$100) or more.

(C) Any hazardous waste in violation of IC 13-30-10-1.5.

(D) A bomb (as defined in IC 35-31.5-2-31) or weapon of mass destruction (as defined in IC 35-31.5-2-354) used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-31.5-2-329).

(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):

(A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;

(B) used to facilitate any violation of a criminal statute; or

(C) traceable as proceeds of the violation of a criminal statute.

(3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.

(4) A vehicle that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

- (C) escape from the commission of; murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.
- (5) Real property owned by a person who uses it to commit any of the following as a *Class A felony*, a *Class B felony*, *Level 1*, *Level 2*, *Level 3*, *Level 4*, or a *Class C Level 5 felony*:
- (A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
  - (B) Dealing in methamphetamine (IC 35-48-4-1.1).
  - (C) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
  - (D) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
  - (E) Dealing in marijuana, hash oil, hashish, or salvia or a synthetic cannabinoid (IC 35-48-4-10).
  - (F) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).
- (6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).
- (7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.
- (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).
- (9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.
- (10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.
- (11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.
- (12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.
- (13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.
- (14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:
- (A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.
  - (B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.
- (15) Except as provided in subsection (e), a vehicle used by a person who operates the vehicle:
- (A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior

unrelated convictions:

- (i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or
  - (ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or
- (B) on a highway while the person's driving privileges are suspended in violation of IC 9-24-19-2 through ~~IC 9-24-19-4~~, **IC 9-24-19-3**, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

- (i) for operating a vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or
- (ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.

If a court orders the seizure of a vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a vehicle to be registered in the name of the person whose vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).

(16) The following real or personal property:

- (A) Property used or intended to be used to commit, facilitate, or promote the commission of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).
- (B) Property constituting, derived from, or traceable to the gross proceeds that a person obtains directly or indirectly as a result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

*(17) An automated sales suppression device (as defined in IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in IC 35-43-5-4.6(a)(3)).*

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

- (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).
- (2) IC 35-48-4-1.1 (dealing in methamphetamine).
- (3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).

- (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
- (5) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a ~~Class B Level 4~~ felony.
- (6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a ~~Class A felony, Class B Level 3, Level 4, felony, or Class C Level 5~~ felony.
- (7) IC 35-48-4-6.1 (possession of methamphetamine) as a ~~Class A felony, Class B felony, Level 3, Level 4, or Class C Level 5~~ felony.
- (8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or salvia) ~~or a synthetic cannabinoid~~ as a ~~Class C Level 5~~ felony.
- (9) IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic drug lookalike substance) as a ~~Class C Level 5 felony or Class D Level 6 felony (or as a Class C felony or Class D felony under IC 35-48-4-10 before its amendment in 2013).~~

(e) A vehicle operated by a person who is not:

- (1) an owner of the vehicle; or
- (2) the spouse of the person who owns the vehicle;

is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 111. IC 35-43-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

**Chapter 6.5. Motor Vehicle and Watercraft Fraud**

**Sec. 1. A person who sells or offers for sale a motor vehicle, a motor vehicle part, or a watercraft knowing that an identification number or certificate of title of the motor vehicle, motor vehicle part, or watercraft has been:**

- (1) destroyed;
- (2) removed;
- (3) altered;
- (4) covered; or
- (5) defaced;

commits a Class A misdemeanor.

**Sec. 2. (a) A person who, with the intent to defraud:**

- (1) advertises for sale;
- (2) sells;
- (3) uses; or
- (4) installs;

any device that causes an odometer to register mileage other than the mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance commits a Level 6 felony.

**(b) A person who, with the intent to defraud:**

- (1) disconnects, resets, or alters the odometer of any motor vehicle with intent to change the number of miles indicated on the odometer;
- (2) sells a motor vehicle that has a broken odometer or an odometer that is not displaying correct mileage of the vehicle;

commits a Level 6 felony.

SECTION 112. IC 35-51-9-1, AS AMENDED BY P.L.262-2013, SECTION 143, IS

*add salvage vehicles ?*

AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following statutes define crimes in IC 9:

- IC 9-14-3.5-15 (Concerning bureau of motor vehicles).
- IC 9-14-5-9 (Concerning parking placards for persons with physical disabilities).
- IC 9-17-2-15 (Concerning certificates of title).
- IC 9-17-2-16 (Concerning certificates of title).
- ~~IC 9-17-3-3.2 (Concerning certificates of title):~~
- ~~IC 9-17-3-7 (Concerning certificates of title):~~
- ~~IC 9-17-4-14 (Concerning special identification numbers):~~
- ~~IC 9-17-4-15 (Concerning special identification numbers):~~
- ~~IC 9-17-4-16 (Concerning special identification numbers):~~
- ~~IC 9-17-4-17 (Concerning identification numbers):~~
- ~~IC 9-17-4-18 (Concerning identification numbers):~~
- IC 9-18-2-42 (Concerning motor vehicle registration and license plates).
- IC 9-18-2-44 (Concerning motor vehicle registration and license plates).
- IC 9-18-2-45 (Concerning motor vehicle registration and license plates).
- IC 9-18-2.5-12 (Concerning off-road vehicles and snowmobiles).**
- IC 9-18-2.5-16 (Concerning off-road vehicles and snowmobiles).
- ~~IC 9-18-4-8 (Concerning motor vehicle registration and license plates):~~
- ~~IC 9-18-13-9~~ **IC 9-18-13-4** (Concerning motor vehicle registration and license plates).
- IC 9-18-22-6 (Concerning motor vehicle registration and license plates).
- ~~IC 9-19-9-5~~ **IC 9-19-9-4** (Concerning motor vehicle equipment).
- ~~IC 9-19-10.5-4~~ **IC 9-19-10.5-2** (Concerning motor vehicle equipment).
- ~~IC 9-19-10.5-5~~ **IC 9-19-10.5-3** (Concerning motor vehicle equipment).
- ~~IC 9-20-18-4 (Concerning motor vehicle size and weight regulation):~~
- IC 9-21-5-13 (Concerning traffic regulation).
- IC 9-21-6-3 (Concerning traffic regulation).
- IC 9-21-8-50 (Concerning traffic regulation).
- ~~IC 9-21-8-52 (Concerning traffic regulation):~~
- IC 9-21-8-55 (Concerning traffic regulation).
- IC 9-21-8-56 (Concerning traffic regulation).
- IC 9-21-8-58 (Concerning traffic regulation).
- ~~IC 9-21-12-9 (Concerning traffic regulation):~~
- IC 9-21-12-2 (Concerning traffic regulation).**
- ~~IC 9-21-12-11~~ **IC 9-21-12-5** (Concerning traffic regulation).
- IC 9-21-12-13 (Concerning traffic regulation).**
- IC 9-21-12-14 (Concerning traffic regulation).**
- IC 9-21-12-15 (Concerning traffic regulation).**
- IC 9-21-12-16 (Concerning traffic regulation).**
- IC 9-21-12-17 (Concerning traffic regulation).**
- IC 9-22-3-31 (Concerning abandoned, salvaged, and scrap vehicles).
- ~~IC 9-22-3-32 (Concerning abandoned, salvaged, and scrap vehicles):~~
- ~~IC 9-22-3-33 (Concerning abandoned, salvaged, and scrap vehicles):~~
- IC 9-22-5-18 (Concerning scrapping and dismantling vehicles).**

IC 9-22-5-18.2 (Concerning buying a motor vehicle without a certificate of title).  
IC 9-22-5-19 (Concerning scrapping and dismantling vehicles).  
~~IC 9-22-6-3 (Concerning mechanic's liens for vehicles):~~  
~~IC 9-24-1-8 IC 9-24-1-6 (Concerning driver's licenses).~~  
~~IC 9-24-6-16 (Concerning driver's licenses):~~  
IC 9-24-6-17 (Concerning driver's licenses).  
IC 9-24-11-8 (Concerning driver's licenses).  
IC 9-24-15-11 (Concerning driver's licenses).  
~~IC 9-24-16-12 IC 9-24-16-12.5 (Concerning driver's identification licenses).~~  
~~IC 9-24-16-13 (Concerning driver's licenses):~~  
IC 9-24-18-1 (Concerning driver's licenses).  
IC 9-24-18-2 (Concerning driver's licenses).  
IC 9-24-18-7 (Concerning driver's licenses).  
IC 9-24-19-2 (Concerning driver's licenses).  
IC 9-24-19-3 (Concerning driver's licenses).  
~~IC 9-24-19-4 (Concerning driver's licenses):~~  
~~IC 9-25-6-18 (Concerning financial responsibility):~~  
IC 9-25-8-2 (Concerning financial responsibility).  
IC 9-26-1-8 (Concerning accidents and accident reports).  
IC 9-26-1-9 (Concerning accidents and accident reports).  
~~IC 9-26-6-4 (Concerning accidents and accident reports):~~  
~~IC 9-30-4-7 (Concerning licenses and registrations):~~  
IC 9-30-4-8 (Concerning licenses and registrations).  
~~IC 9-30-4-13 (Concerning licenses and registrations):~~  
IC 9-30-5-1 (Concerning operating a vehicle while intoxicated).  
IC 9-30-5-2 (Concerning operating a vehicle while intoxicated).  
IC 9-30-5-3 (Concerning operating a vehicle while intoxicated).  
IC 9-30-5-4 (Concerning operating a vehicle while intoxicated).  
IC 9-30-5-5 (Concerning operating a vehicle while intoxicated).  
IC 9-30-5-7 (Concerning operating a vehicle while intoxicated).  
IC 9-30-5-8 (Concerning operating a vehicle while intoxicated).  
IC 9-30-6-8.7 (Concerning implied consent).  
IC 9-30-9-7.5 (Concerning alcohol abuse deterrent programs).  
IC 9-30-10-16 (Concerning habitual violator of traffic laws).  
IC 9-30-10-17 (Concerning habitual violator of traffic laws).  
IC 9-30-10-17.5 (Concerning habitual violator of traffic laws).  
~~IC 9-31-2-26 (Concerning watercraft titling and registration):~~  
~~IC 9-31-2-27 (Concerning watercraft titling and registration):~~  
~~IC 9-31-2-28 (Concerning watercraft titling and registration):~~  
IC 9-32-4-1 (Concerning certificates of title).  
IC 9-32-6-13 (Concerning interim license plates).  
IC 9-32-11-1 (Concerning vehicle merchandising).  
IC 9-32-11-12 (Concerning vehicle merchandising).  
~~IC 9-32-17-2 (Concerning certificates of title):~~  
~~IC 9-32-17-3 (Concerning dealer license plates):~~

IC 9-32-17-4 (Concerning licensing of vehicle salvaging):

IC 9-32-17-5 (Concerning regulation of vehicle merchandising):

IC 9-32-17-6 (Concerning unfair practices by dealers):