



# CRIMINAL CODE EVALUATION COMMISSION

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Sen. Richard Bray, Chairperson  
Sen. Randall Head  
Sen. Greg Taylor  
Sen. Lindel Hume  
Rep. Ralph Foley  
Rep. Greg Steuerwald  
Rep. Matt Pierce  
Rep. Linda Lawson  
Judge John Marnocha  
Judge Lance D. Hamner  
Professor Craig Bradley  
Attorney General Greg Zoeller  
Commissioner Bruce Lemmon  
David Powell  
Larry Landis  
Chief Justice Randall Shepard

## LSA Staff:

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Andrew Hedges, Attorney for the Commission  
K.C. Norwalk, Attorney for the Commission  
Mark Goodpaster, Fiscal Analyst for the Commission

Authority: P.L. 182-2009(ss)

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

Meeting Date: October 19, 2011  
Meeting Time: 10:30 A.M.  
Meeting Place: State House, 200 W. Washington St., Room 431  
Meeting City: Indianapolis, Indiana  
Meeting Number: 7

**Members Present:** Sen. Richard Bray, Chairperson; Sen. Randall Head; Sen. Greg Taylor; Sen. Lindel Hume; Rep. Ralph Foley; Rep. Linda Lawson; Judge Lance D. Hamner; David Miller substituting for Attorney General Greg Zoeller; Tim Brown, substituting for Commissioner Bruce Lemmon; Suzanne O'Malley substituting for David Powell; Larry Landis.

**Members Absent:** Rep. Greg Steuerwald; Rep. Matt Pierce; Judge John Marnocha; Professor Craig Bradley; Chief Justice Randall Shepard.

Senator Bray called the meeting to order at 10:45 a.m.

Representative Foley presented PD 3294 (Exhibit A) for review by the Commission members. This draft includes the following provisions:

- It enhances victim notification by the Department of Correction (DOC).
- It restricts persons convicted of a Class D felony from being committed to DOC unless the person has at least one year of an executed sentence remaining of the offender's sentence at the time of sentencing.
- It establishes a County Offender Fund in each county. It creates the County Offender Deferral Fee and the County Offender Diversion Fee and requires the revenues from

<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.

these fees to be deposited in the County Offender Fund.

- It establishes the Probation Improvement Fund to be administered by DOC. DOC would award grants based on the recommendation by the Judicial Conference of Indiana to county probation departments supervising persons convicted of felonies, to promote the adoption of certain best practices and minimal levels of coordination with other offender supervision agencies operating in the same county.
- It establishes the Substance Abuse Treatment Fund administered by DOC to award grants to probation departments to increase substance abuse treatment access for persons on probation who have substance abuse addictions.
- It requires the Judicial Conference to adopt rules concerning swift and certain sanctions that a probation officer may use in supervising persons on probation and provides procedures that a probation officer would follow to impose sanctions on an offender on probation who violated rules.
- It requires a sentencing court to inform DOC if the person sentenced is a credit-restricted felon.

During Commission discussion, Senator Bray asked staff to prepare a report for the next meeting on fee revenue trends, particularly about diversion and deferral fees.

The Commission members also discussed whether the proposed draft gives courts the flexibility of dealing with offenders who have been revoked from community corrections programs for violating program conditions and standards. Representative Foley indicated that he would address this issue in a subsequent draft.

Tim Brown, Legislative Liason, Department of Correction, distributed two handouts to Commission members. (Exhibit B) The first handout shows DOC releases for CY 2008, 2009, and 2010. The second handout describes issues related to programming short-term offenders.

The members asked Mr. Brown to obtain estimates of the costs of processing these short-term offenders through the Reception Diagnostic Center.

K.C. Norwalk, Senior Staff Attorney, Legislative Services Agency, presented to the Commission members PD 3255, which consolidates criminal law definitions in Title 35. (Exhibit C) Senator Bray told the Commission members that this draft will be reviewed at the next meeting.

Andrew Hedges, Senior Staff Attorney, Legislative Services Agency, presented PD 3281 to the Commission members. This PD has the following provisions:

- It provides that recruiting, harboring, or transporting another person to participate in an obscene performance by force, threat of force, or fraud constitutes human trafficking.
- It provides that a person who recruits, harbors, or transports a child with the intent of engaging the child in forced labor, involuntary servitude, prostitution, or an obscene performance commits promotion of human trafficking of a minor, a Class B felony.
- It prohibits a person who is at least 18 years of age from selling or transferring custody of a child for the purpose of prostitution or participation in an obscene performance.

The members discussed the issues of mens rea and whether this PD conflicts with existing statutes that specify age of consent in Indiana (16 years of age unless the younger person has sex with a person who is a teacher, coach, or another person in a position of authority). Mr. Hedges also noted that the Commission may wish to consider whether recruiting children into prostitution should be classified as a sex crime.

David Miller, substituting for Attorney General Zoeller, told the Commission members that the intent of this PD is to address gaps in existing law. He told the Commission members that the Office of the Attorney General is most concerned about the issue of force and is not intentionally trying to rewrite the human trafficking statute.

Senator Head announced that he would work with concerned parties to develop a bill draft that addresses the issues raised today for the next meeting.

Deborah Daniels distributed documents to the Commission members (Exhibit E) that the legal research team developed to divide drug crimes into six levels, with the idea that the penalties for drug crimes would have narrower ranges than they have under current law.

Senator Bray asked whether the legal group could develop a similar scheme for all other crimes for a future meeting. Ms. Daniels indicated that one of the critical factors that the research group would have to develop is the sentence length for each level.

Senator Bray set the next meeting date for Wednesday, November 2, at 10:30 a.m. The meeting was adjourned at 1:30 p.m.



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**PRELIMINARY DRAFT**  
**No. 3294**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2012 GENERAL ASSEMBLY**

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DIGEST

**Citations Affected:** IC 11-8-7-2; IC 11-13; IC 33-37; IC 35-38;  
IC 36-2-21.

**Synopsis:** Various corrections issues. Requires the department of correction (department) to establish an automated victim notification system. Requires the department to notify a registered crime victim of certain changes affecting the committed offender who committed the crime against the victim. Specifies when the department shall make certain victim notifications. Provides that if a court imposes on a person convicted of a felony a sentence that involves a commitment to the department, the court shall: (1) inform all victims of the crime of; and (2) state in the sentencing order; the minimum and maximum amount of time for which the person could be incarcerated. Provides that a person convicted of a Class D felony may not be committed to the department of correction unless there is at least one year of an executed sentence remaining of the offender's sentence at the time of sentencing. Requires each county to establish a county offender fund. Creates the county offender deferral fee and the county offender diversion fee. Requires the clerk of a circuit court to distribute monthly to the county auditor for deposit in the county offender fund 100% of the county offender deferral fees and the county offender diversion fees. Establishes the probation improvement fund administered by the department of correction to award grants based on the recommendation  
(Continued next page)

**Effective:** July 1, 2012.



Digest Continued

by the judicial conference of Indiana to: (1) county probation departments that supervise persons convicted of a felony to promote the adoption of certain best practices to improve probation administration and services and reduce probation revocations; and (2) counties that supervise persons who have been convicted of a felony to consolidate and improve the efficiency of probation administration and services and community corrections programs contingent on the ability of a county probation department to demonstrate a minimal level of coordination with other offender supervision agencies operating in the same county, including community corrections programs, parole authorities, and other probation agencies. Continuously appropriates money in the fund. Establishes the substance abuse treatment fund administered by the department of correction to award grants to probation departments to increase substance abuse treatment access for persons on probation who have substance abuse addictions. Continuously appropriates money in the fund. Requires the judicial conference to adopt rules concerning swift and certain sanctions that a probation officer may use in supervising persons on probation. Provides procedures for a person on probation to be sanctioned by a probation officer. Requires a sentencing court to inform the department of correction if the person sentenced is a credit restricted felon, and makes a person who commits additional offenses a credit restricted felon. Requires a court that determines that a person sentenced is a credit restricted felon to state in the sentencing order that the person is a credit restricted felon.



A BILL FOR AN ACT to amend the Indiana Code concerning corrections:

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

1 SECTION 1. IC 11-8-7-2, AS ADDED BY P.L.64-2005, SECTION  
2 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 2012]: Sec. 2. (a) The department ~~may~~ **shall** establish an automated  
4 victim notification system that must do the following:

5 (1) Automatically notify a registered crime victim when a  
6 committed offender who committed the crime against the victim:

7 (A) is assigned to a:

8 (i) department facility; or

9 (ii) county jail or any other facility not operated by the  
10 department;

11 (B) is transferred to a:

12 (i) department facility; or

13 (ii) county jail or any other facility not operated by the  
14 department;

15 (C) is given a different security classification;

16 (D) is released on temporary leave;

17 (E) is discharged; or

18 (F) has escaped;

19 (G) **has a change in expected date of release from**  
20 **incarceration;**

21 (H) **is scheduled to have a parole release hearing;**

22 (I) **has requested clemency or pardon consideration;**

23 (J) **is to be placed in a minimum security:**

24 (i) **facility; or**

25 (ii) **work release program;**

26 **or is permitted to participate in another minimum security**  
27 **assignment; or**

28 (K) **dies during the committed offender's period of**  
29 **incarceration.**

30 (2) Allow a registered crime victim to receive the most recent  
31 status report for an offender by calling the automated victim



1 notification system on a toll free telephone number.

2 (3) Allow a crime victim to register or update the victim's  
3 registration for the automated victim notification system by  
4 calling a toll free telephone number.

5 (b) For purposes of subsection (a), if the department establishes an  
6 automated victim notification system, a sheriff responsible for the  
7 operation of a county jail shall immediately notify the department if a  
8 committed offender:

9 (1) is transferred to another county jail or another facility not  
10 operated by the department of correction;

11 (2) is released on temporary leave;

12 (3) is discharged; or

13 (4) has escaped.

14 Sheriffs and other law enforcement officers and prosecuting attorneys  
15 shall cooperate with the department in establishing and maintaining an  
16 automated victim notification system.

17 (c) An automated victim notification system may transmit  
18 information to a person by:

19 (1) telephone;

20 (2) electronic mail; or

21 (3) another method as determined by the department.

22 (d) **The department shall provide the opportunity for a**  
23 **registered crime victim to receive periodic status reports on the**  
24 **committed offender who committed the crime against the**  
25 **registered crime victim, including reports on:**

26 (1) **the committed offender's projected date of release from**  
27 **imprisonment;**

28 (2) **the facility where the committed offender is imprisoned;**  
29 **and**

30 (3) **the current security classification of the committed**  
31 **offender.**

32 (e) **A registered crime victim may choose to receive a status**  
33 **report described in subsection (d):**

34 (1) **annually;**

35 (2) **quarterly;**

36 (3) **monthly; or**

37 (4) **when triggered by an event described in subsection (a)(1).**

38 SECTION 2. IC 11-13-1-8, AS AMENDED BY P.L.1-2007,  
39 SECTION 102, IS AMENDED TO READ AS FOLLOWS  
40 [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) As used in this section,  
41 "board" refers to the board of directors of the judicial conference of  
42 Indiana established by IC 33-38-9-3.

43 (b) The board shall adopt rules consistent with this chapter,  
44 prescribing minimum standards concerning:

45 (1) educational and occupational qualifications for employment  
46 as a probation officer;



- 1 (2) compensation of probation officers;  
 2 (3) protection of probation records and disclosure of information  
 3 contained in those records; and  
 4 (4) presentence investigation reports;  
 5 **(5) a schedule of progressive probation incentives and**  
 6 **violation sanctions, including judicial review procedures; and**  
 7 **(6) qualifications for probation officers to administer**  
 8 **probation violation sanctions under IC 35-38-2-3(e).**

9 (c) The conference shall prepare a written examination to be used  
 10 in establishing lists of persons eligible for appointment as probation  
 11 officers. The conference shall prescribe the qualifications for entrance  
 12 to the examination and establish a minimum passing score and rules for  
 13 the administration of the examination after obtaining recommendations  
 14 on these matters from the probation standards and practices advisory  
 15 committee. The examination must be offered at least once every other  
 16 month.

17 (d) The conference shall, by its rules, establish an effective date for  
 18 the minimum standards and written examination for probation officers.

19 (e) The conference shall provide probation departments with  
 20 training and technical assistance for:

- 21 (1) the implementation and management of probation case  
 22 classification; and  
 23 (2) the development and use of workload information.

24 The staff of the Indiana judicial center may include a probation case  
 25 management coordinator and probation case management assistant.

26 (f) The conference shall, in cooperation with the department of child  
 27 services and the department of education, provide probation  
 28 departments with training and technical assistance relating to special  
 29 education services and programs that may be available for delinquent  
 30 children or children in need of services. The subjects addressed by the  
 31 training and technical assistance must include the following:

- 32 (1) Eligibility standards.  
 33 (2) Testing requirements and procedures.  
 34 (3) Procedures and requirements for placement in programs  
 35 provided by school corporations or special education cooperatives  
 36 under IC 20-35-5.  
 37 (4) Procedures and requirements for placement in residential  
 38 special education institutions or facilities under IC 20-35-6-2 and  
 39 511 IAC 7-27-12.  
 40 (5) Development and implementation of individual education  
 41 programs for eligible children in:  
 42 (A) accordance with applicable requirements of state and  
 43 federal laws and rules; and  
 44 (B) coordination with:  
 45 (i) individual case plans; and  
 46 (ii) informal adjustment programs or dispositional decrees



1 entered by courts having juvenile jurisdiction under  
2 IC 31-34 and IC 31-37.

3 (6) Sources of federal, state, and local funding that is or may be  
4 available to support special education programs for children for  
5 whom proceedings have been initiated under IC 31-34 and  
6 IC 31-37.

7 Training for probation departments may be provided jointly with  
8 training provided to child welfare caseworkers relating to the same  
9 subject matter.

10 (g) The conference shall, in cooperation with the division of mental  
11 health and addiction (IC 12-21) and the division of disability and  
12 rehabilitative services (IC 12-9-1), provide probation departments with  
13 training and technical assistance concerning mental illness, addictive  
14 disorders, mental retardation, and developmental disabilities.

15 (h) The conference shall make recommendations to courts and  
16 probation departments concerning:

17 (1) selection, training, distribution, and removal of probation  
18 officers;

19 (2) methods and procedure for the administration of probation,  
20 including investigation, supervision, workloads, record keeping,  
21 and reporting; and

22 (3) use of citizen volunteers and public and private agencies.

23 (i) The conference may delegate any of the functions described in  
24 this section to the advisory committee or the Indiana judicial center.

25 SECTION 3. IC 11-13-2.5 IS ADDED TO THE INDIANA CODE  
26 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2012]:

28 **Chapter 2.5. Probation Improvement Fund**

29 **Sec. 1. As used in this chapter, "fund" refers to the probation**  
30 **improvement fund established by section 2 of this chapter.**

31 **Sec. 2. (a) The probation improvement fund is established to**  
32 **provide grants under sections 3 and 4 of this chapter. The fund**  
33 **shall be administered by the department of correction.**

34 **(b) Sources of money for the fund consist of the following:**

35 **(1) Appropriations from the general assembly.**

36 **(2) Donations, gifts, and money received from any other**  
37 **source, including transfers from other funds or accounts.**

38 **(c) The expenses of administering the fund shall be paid from**  
39 **money in the fund.**

40 **(d) The treasurer of state shall invest the money in the fund not**  
41 **currently needed to meet the obligations of the fund in the same**  
42 **manner as other public money may be invested. Interest that**  
43 **accrues from these investments shall be deposited in the fund.**

44 **(e) Money in the fund at the end of a state fiscal year does not**  
45 **revert to the state general fund.**

46 **(f) Money in the fund is appropriated continuously for the**



1 purposes stated in sections 3 and 4 of this chapter.

2 Sec. 3. (a) After the judicial conference of Indiana makes a  
3 recommendation to the department, the department of correction  
4 may award a grant from the fund to a county probation  
5 department that supervises persons who have been convicted of a  
6 felony to:

7 (1) promote the county probation department's adoption of  
8 best practices:

9 (A) to:

10 (i) focus supervision resources on persons who pose a  
11 high likelihood of committing another offense, as  
12 determined by a validated risk assessment;

13 (ii) develop and use a progressive sanctions policy to  
14 guide decisions concerning how to respond to violations  
15 of conditions of supervision; and

16 (iii) reduce the risk posed by persons who have been  
17 convicted of a felony and are on probation, through  
18 effective supervision, sanctions, and addressing any  
19 needs the persons have for substance abuse treatment,  
20 mental health services, or other services; and

21 (B) as approved by the department of correction; and

22 (2) reduce the number of probation revocations:

23 (A) involving persons under the supervision of the county  
24 probation department who have been convicted of a  
25 felony; and

26 (B) that result in a person serving a prison sentence.

27 (b) To receive a grant under this section, a county probation  
28 department must submit an application to the department of  
29 correction:

30 (1) on a form; and

31 (2) in the manner;

32 prescribed by the department of correction.

33 (c) The department of correction shall determine the amount of  
34 a grant awarded under this section.

35 Sec. 4. (a) The department of correction:

36 (1) may award a grant from the fund to a county that  
37 supervises persons who have been convicted of a felony to  
38 consolidate and improve the efficiency of:

39 (A) probation administration and services; and

40 (B) community corrections programs;

41 in the county; and

42 (2) shall make the awarding of the grant contingent on the  
43 ability of the county probation department to demonstrate a  
44 minimal level of coordination with other offender supervision  
45 agencies operating in the same county, including community  
46 corrections programs, parole authorities, and other probation



- 1 agencies.
- 2 (b) To receive a grant under this section, a county must submit
- 3 an application to the department of correction:
- 4 (1) on a form; and
- 5 (2) in the manner;
- 6 prescribed by the department of correction.
- 7 (c) The department of correction shall determine the amount of
- 8 a grant awarded under this section.
- 9 Sec. 5. The department of correction shall adopt rules under
- 10 IC 4-22-2 that are necessary to implement this chapter.
- 11 SECTION 4. IC 11-13-2.7 IS ADDED TO THE INDIANA CODE
- 12 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 13 JULY 1, 2012]:
- 14 Chapter 2.7. Substance Abuse Treatment Fund
- 15 Sec. 1. As used in this chapter, "fund" refers to the substance
- 16 abuse treatment fund established by section 2 of this chapter.
- 17 Sec. 2. (a) The substance abuse treatment fund is established to
- 18 provide grants under section 3 of this chapter. The fund shall be
- 19 administered by the department.
- 20 (b) Sources of money for the fund consist of the following:
- 21 (1) Appropriations from the general assembly.
- 22 (2) Donations, gifts, and money received from any other
- 23 source, including transfers from other funds or accounts.
- 24 (c) The expenses of administering the fund shall be paid from
- 25 money in the fund.
- 26 (d) The treasurer of state shall invest the money in the fund not
- 27 currently needed to meet the obligations of the fund in the same
- 28 manner as other public money may be invested. Interest that
- 29 accrues from these investments shall be deposited in the fund.
- 30 (e) Money in the fund at the end of a state fiscal year does not
- 31 revert to the state general fund.
- 32 (f) Money in the fund is appropriated continuously for the
- 33 purposes stated in section 3 of this chapter.
- 34 Sec. 3. (a) The department may award a grant from the fund to
- 35 a probation department to increase substance abuse treatment
- 36 access for persons on probation who have substance abuse
- 37 addictions.
- 38 (b) To receive a grant under this section, a probation
- 39 department must submit an application to the department:
- 40 (1) on a form; and
- 41 (2) in the manner;
- 42 prescribed by the department.
- 43 (c) The department shall determine the amount of a grant
- 44 awarded under this section.
- 45 Sec. 4. The department shall adopt rules under IC 4-22-2 that
- 46 are necessary to implement this chapter.



1 SECTION 5. IC 11-13-3-3, AS AMENDED BY P.L.105-2010,  
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2012]: Sec. 3. (a) A person sentenced under IC 35-50 shall be  
4 released on parole or discharged from the person's term of  
5 imprisonment under IC 35-50 without a parole release hearing.

6 (b) A person sentenced for an offense under laws other than  
7 IC 35-50 who is eligible for release on parole, or a person whose parole  
8 is revoked and is eligible for reinstatement on parole under rules  
9 adopted by the parole board shall, before the date of the person's parole  
10 eligibility, be granted a parole release hearing to determine whether  
11 parole will be granted or denied. The hearing shall be conducted by one  
12 (1) or more of the parole board members. If one (1) or more of the  
13 members conduct the hearing on behalf of the parole board, the final  
14 decision shall be rendered by the full parole board based upon the  
15 record of the proceeding and the hearing conductor's findings. Before  
16 the hearing, the parole board shall order an investigation to include the  
17 collection and consideration of:

- 18 (1) reports regarding the person's medical, psychological,  
19 educational, vocational, employment, economic, and social  
20 condition and history;
- 21 (2) official reports of the person's history of criminality;
- 22 (3) reports of earlier parole or probation experiences;
- 23 (4) reports concerning the person's present commitment that are  
24 relevant to the parole release determination;
- 25 (5) any relevant information submitted by or on behalf of the  
26 person being considered; and
- 27 (6) such other relevant information concerning the person as may  
28 be reasonably available.

29 (c) Unless the victim has requested in writing not to be notified, the  
30 department shall notify a victim of a felony (or the next of kin of the  
31 victim if the felony resulted in the death of the victim) or any witness  
32 involved in the prosecution of an offender imprisoned for the  
33 commission of a felony when the offender is:

- 34 (1) to be discharged from imprisonment;
- 35 (2) to be released on parole under IC 35-50-6-1;
- 36 (3) to have a parole release hearing under this chapter;
- 37 (4) to have a parole violation hearing;
- 38 (5) an escaped committed offender; or
- 39 (6) to be released from departmental custody under any temporary  
40 release program administered by the department, including the  
41 following:
  - 42 (A) Placement on minimum security assignment to a program  
43 authorized by IC 11-10-1-3 or IC 35-38-3-6 and requiring  
44 periodic reporting to a designated official, including a  
45 regulated community assignment program.
  - 46 (B) Assignment to a minimum security work release program.



1 (d) The department shall make the notification required under  
 2 subsection (c) **not later than twenty-four (24) hours after the escape**  
 3 **of a committed offender and:**

4 (1) at least forty (40) days before a discharge, release, or hearing  
 5 occurs; **and or**

6 (2) not later than ~~twenty-four (24) hours after the escape of a~~  
 7 ~~committed offender.~~ **forty-eight (48) hours after any change in**  
 8 **release date that occurs during the forty (40) day notification**  
 9 **period referred to in subdivision (1).**

10 The department shall supply the information to a victim (or a next of  
 11 kin of a victim in the appropriate case) and a witness at the address  
 12 supplied to the department by the victim (or next of kin) or witness. A  
 13 victim (or next of kin) is responsible for supplying the department with  
 14 any change of address or telephone number of the victim (or next of  
 15 kin).

16 (e) The probation officer conducting the presentence investigation  
 17 shall inform the victim and witness described in subsection (c), at the  
 18 time of the interview with the victim or witness, of the right of the  
 19 victim or witness to receive notification from the department under  
 20 subsection (c). The probation department for the sentencing court shall  
 21 forward the most recent list of the addresses or telephone numbers, or  
 22 both, of victims to the department of correction. The probation  
 23 department shall supply the department with the information required  
 24 by this section as soon as possible but not later than five (5) days from  
 25 the receipt of the information from the victim. A victim (or next of kin)  
 26 is responsible for supplying the department with the correct address  
 27 and telephone number of the victim (or next of kin).

28 (f) Notwithstanding IC 11-8-5-2 and IC 4-1-6, an inmate may not  
 29 have access to the name and address of a victim and a witness. Upon  
 30 the filing of a motion by any person requesting or objecting to the  
 31 release of victim information, witness information, or both that is  
 32 retained by the department, the court shall review the information that  
 33 is the subject of the motion in camera before ruling on the motion.

34 (g) The notice required under subsection (c) must specify whether  
 35 the prisoner is being discharged, is being released on parole, is being  
 36 released on lifetime parole, is having a parole release hearing, is having  
 37 a parole violation hearing, or has escaped. The notice must contain the  
 38 following information:

39 (1) The name of the prisoner.

40 (2) The date of the offense.

41 (3) The date of the conviction.

42 (4) The felony of which the prisoner was convicted.

43 (5) The sentence imposed.

44 (6) The amount of time served.

45 (7) The date and location of the interview (if applicable).

46 (h) The parole board shall adopt rules under IC 4-22-2 and make



1 available to offenders the criteria considered in making parole release  
2 determinations. The criteria must include the:

- 3 (1) nature and circumstances of the crime for which the offender  
4 is committed;  
5 (2) offender's prior criminal record;  
6 (3) offender's conduct and attitude during the commitment; and  
7 (4) offender's parole plan.

8 (i) The hearing prescribed by this section may be conducted in an  
9 informal manner without regard to rules of evidence. In connection  
10 with the hearing, however:

- 11 (1) reasonable, advance written notice, including the date, time,  
12 and place of the hearing shall be provided to the person being  
13 considered;  
14 (2) the person being considered shall be given access, in accord  
15 with IC 11-8-5, to records and reports considered by the parole  
16 board in making its parole release decision;  
17 (3) the person being considered may appear, speak in the person's  
18 own behalf, and present documentary evidence;  
19 (4) irrelevant, immaterial, or unduly repetitious evidence shall be  
20 excluded; and  
21 (5) a record of the proceeding, to include the results of the parole  
22 board's investigation, notice of the hearing, and evidence adduced  
23 at the hearing, shall be made and preserved.

24 (j) If parole is denied, the parole board shall give the person written  
25 notice of the denial and the reasons for the denial. The parole board  
26 may not parole a person if it determines that there is substantial reason  
27 to believe that the person:

- 28 (1) will engage in further specified criminal activity; or  
29 (2) will not conform to appropriate specified conditions of parole.

30 (k) If parole is denied, the parole board shall conduct another parole  
31 release hearing not earlier than five (5) years after the date of the  
32 hearing at which parole was denied. However, the board may conduct  
33 a hearing earlier than five (5) years after denial of parole if the board:

- 34 (1) finds that special circumstances exist for the holding of a  
35 hearing; and  
36 (2) gives reasonable notice to the person being considered for  
37 parole.

38 (l) The parole board may parole a person who is outside Indiana on  
39 a record made by the appropriate authorities of the jurisdiction in  
40 which that person is imprisoned.

41 (m) If the board is considering the release on parole of an offender  
42 who is serving a sentence of life in prison, a determinate term of  
43 imprisonment of at least ten (10) years, or an indeterminate term of  
44 imprisonment with a minimum term of at least ten (10) years, in  
45 addition to the investigation required under subsection (b), except as  
46 provided in subsection (n), the board may order and consider a



1 community investigation, which may include an investigation and  
2 report that substantially reflects the attitudes and opinions of:

- 3 (1) the community in which the crime committed by the offender  
4 occurred;
- 5 (2) law enforcement officers who have jurisdiction in the  
6 community in which the crime occurred;
- 7 (3) the victim of the crime committed by the offender, or if the  
8 victim is deceased or incompetent for any reason, the victim's  
9 relatives or friends; and
- 10 (4) friends or relatives of the offender.

11 If the board reconsiders for release on parole an offender who was  
12 previously released on parole and whose parole was revoked under  
13 section 10 of this chapter, the board may use a community investigation  
14 prepared for an earlier parole hearing to comply with this subsection.  
15 However, the board shall accept and consider any supplements or  
16 amendments to any previous statements from the victim or the victim's  
17 relatives or friends.

18 (n) The board shall conduct the community investigation described  
19 in subsection (m) if:

- 20 (1) the person was convicted of a crime of violence (as defined in  
21 IC 35-50-1-2); or
- 22 (2) the person is a sex offender (as defined in IC 11-8-8-4.5).

23 (o) As used in this section, "victim" means a person who has  
24 suffered direct harm as a result of a violent crime (as defined in  
25 IC 5-2-6.1-8).

26 SECTION 6. IC 33-37-4-1, AS AMENDED BY P.L.182-2009(ss),  
27 SECTION 392, IS AMENDED TO READ AS FOLLOWS  
28 [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) For each action that results in  
29 a felony conviction under IC 35-50-2 or a misdemeanor conviction  
30 under IC 35-50-3, the clerk shall collect from the defendant a criminal  
31 costs fee of one hundred twenty dollars (\$120).

32 (b) In addition to the criminal costs fee collected under this section,  
33 the clerk shall collect from the defendant the following fees if they are  
34 required under IC 33-37-5:

- 35 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or  
36 IC 33-37-5-4).
- 37 (2) A marijuana eradication program fee (IC 33-37-5-7).
- 38 (3) An alcohol and drug services program user fee  
39 (IC 33-37-5-8(b)).
- 40 (4) A law enforcement continuing education program fee  
41 (IC 33-37-5-8(c)).
- 42 (5) A drug abuse, prosecution, interdiction, and correction fee  
43 (IC 33-37-5-9).
- 44 (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- 45 (7) A child abuse prevention fee (IC 33-37-5-12).
- 46 (8) A domestic violence prevention and treatment fee



- 1 (IC 33-37-5-13).  
 2 (9) A highway work zone fee (IC 33-37-5-14).  
 3 (10) A deferred prosecution fee (~~IC 33-37-5-17~~).  
 4 **(IC 33-37-5-17(b))**.  
 5 (11) A document storage fee (IC 33-37-5-20).  
 6 (12) An automated record keeping fee (IC 33-37-5-21).  
 7 (13) A late payment fee (IC 33-37-5-22).  
 8 (14) A sexual assault victims assistance fee (IC 33-37-5-23).  
 9 (15) A public defense administration fee (IC 33-37-5-21.2).  
 10 (16) A judicial insurance adjustment fee (IC 33-37-5-25).  
 11 (17) A judicial salaries fee (IC 33-37-5-26).  
 12 (18) A court administration fee (IC 33-37-5-27).  
 13 (19) A DNA sample processing fee (IC 33-37-5-26.2).

14 (c) Instead of the criminal costs fee prescribed by this section,  
 15 except for the automated record keeping fee (IC 33-37-5-21), the clerk  
 16 shall collect a pretrial diversion program fee if an agreement between  
 17 the prosecuting attorney and the accused person entered into under  
 18 IC 33-39-1-8 requires payment of those fees by the accused person.

19 The pretrial diversion program fee is:

- 20 (1) an initial user's fee of fifty dollars (\$50); and  
 21 (2) a monthly user's fee of ten dollars (\$10) for each month that  
 22 the person remains in the pretrial diversion program.

23 **In addition to the pretrial diversion program fee, the clerk shall**  
 24 **collect a county offender diversion fee of thirty dollars (\$30).**

25 (d) The clerk shall transfer to the county auditor or city or town  
 26 fiscal officer the following fees, not later than thirty (30) days after the  
 27 fees are collected:

- 28 (1) the pretrial diversion fee.  
 29 (2) The marijuana eradication program fee.  
 30 (3) The alcohol and drug services program user fee.  
 31 (4) The law enforcement continuing education program fee.

32 The auditor or fiscal officer shall deposit fees transferred under this  
 33 subsection in the appropriate user fee fund established under  
 34 IC 33-37-8.

35 (e) Unless otherwise directed by a court, if a clerk collects only part  
 36 of a criminal costs fee from a defendant under this section, the clerk  
 37 shall distribute the partial payment of the criminal costs fee as follows:

- 38 (1) The clerk shall apply the partial payment to general court  
 39 costs.  
 40 (2) If there is money remaining after the partial payment is  
 41 applied to general court costs under subdivision (1), the clerk  
 42 shall distribute the remainder of the partial payment for deposit in  
 43 the appropriate county user fee fund.  
 44 (3) If there is money remaining after distribution under  
 45 subdivision (2), the clerk shall distribute the remainder of the  
 46 partial payment for deposit in the state user fee fund.



1 (4) If there is money remaining after distribution under  
2 subdivision (3), the clerk shall distribute the remainder of the  
3 partial payment to any other applicable user fee fund.

4 (5) If there is money remaining after distribution under  
5 subdivision (4), the clerk shall apply the remainder of the partial  
6 payment to any outstanding fines owed by the defendant.

7 SECTION 7. IC 33-37-4-2, AS AMENDED BY P.L.182-2009(ss),  
8 SECTION 393, IS AMENDED TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Except as provided in  
10 subsections (d) and (e), for each action that results in a judgment:

11 (1) for a violation constituting an infraction; or

12 (2) for a violation of an ordinance of a municipal corporation (as  
13 defined in IC 36-1-2-10);

14 the clerk shall collect from the defendant an infraction or ordinance  
15 violation costs fee of seventy dollars (\$70).

16 (b) In addition to the infraction or ordinance violation costs fee  
17 collected under this section, the clerk shall collect from the defendant  
18 the following fees, if they are required under IC 33-37-5:

19 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or  
20 IC 33-37-5-4).

21 (2) An alcohol and drug services program user fee  
22 (IC 33-37-5-8(b)).

23 (3) A law enforcement continuing education program fee  
24 (IC 33-37-5-8(c)).

25 (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).

26 (5) A highway work zone fee (IC 33-37-5-14).

27 (6) A deferred prosecution fee (~~IC 33-37-5-17~~).  
28 **(IC 33-37-5-17(b))**.

29 (7) A jury fee (IC 33-37-5-19).

30 (8) A document storage fee (IC 33-37-5-20).

31 (9) An automated record keeping fee (IC 33-37-5-21).

32 (10) A late payment fee (IC 33-37-5-22).

33 (11) A public defense administration fee (IC 33-37-5-21.2).

34 (12) A judicial insurance adjustment fee (IC 33-37-5-25).

35 (13) A judicial salaries fee (IC 33-37-5-26).

36 (14) A court administration fee (IC 33-37-5-27).

37 (15) A DNA sample processing fee (IC 33-37-5-26.2).

38 **(16) A county offender deferral fee (IC 33-37-5-17(c)).**

39 (c) The clerk shall transfer to the county auditor or fiscal officer of  
40 the municipal corporation the following fees, not later than thirty (30)  
41 days after the fees are collected:

42 (1) The alcohol and drug services program user fee  
43 (IC 33-37-5-8(b)).

44 (2) The law enforcement continuing education program fee  
45 (IC 33-37-5-8(c)).

46 (3) The deferral program fee (subsection ~~(e)~~): **(e)(1)**.



1 The auditor or fiscal officer shall deposit the fees in the user fee fund  
2 established under IC 33-37-8.

3 (d) The defendant is not liable for any ordinance violation costs fee  
4 in an action if all the following apply:

5 (1) The defendant was charged with an ordinance violation  
6 subject to IC 33-36.

7 (2) The defendant denied the violation under IC 33-36-3.

8 (3) Proceedings in court against the defendant were initiated  
9 under IC 34-28-5 (or IC 34-4-32 before its repeal).

10 (4) The defendant was tried and the court entered judgment for  
11 the defendant for the violation.

12 (e) Instead of the infraction or ordinance violation costs fee  
13 prescribed by subsection (a), except for the automated record keeping  
14 fee (IC 33-37-5-21), the clerk shall collect a deferral program fee if an  
15 agreement between a prosecuting attorney or an attorney for a  
16 municipal corporation and the person charged with a violation entered  
17 into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires  
18 payment of those fees by the person charged with the violation. The  
19 deferral program fee is:

20 (1) an initial user's fee not to exceed fifty-two dollars (\$52); and

21 (2) a monthly user's fee not to exceed ten dollars (\$10) for each  
22 month the person remains in the deferral program.

23 (f) The fees prescribed by this section are costs for purposes of  
24 IC 34-28-5-5 and may be collected from a defendant against whom  
25 judgment is entered. Any penalty assessed is in addition to costs.

26 SECTION 8. IC 33-37-5-17, AS AMENDED BY P.L.176-2005,  
27 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2012]: Sec. 17. (a) This section applies to actions in which the  
29 court defers prosecution under IC 33-39-1-8.

30 (b) In each action in which prosecution is deferred, the clerk shall  
31 collect from the defendant a deferred prosecution fee of one hundred  
32 twenty dollars (\$120) for court costs.

33 **(c) In each action in which prosecution is deferred, the clerk**  
34 **shall collect from the defendant a county offender deferral fee of**  
35 **fifteen dollars (\$15).**

36 SECTION 9. IC 33-37-5-31 IS ADDED TO THE INDIANA CODE  
37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
38 1, 2012]: **Sec. 31. In each action in which a person is required to**  
39 **pay a pretrial diversion fee, the clerk shall collect a county offender**  
40 **diversion fee of thirty dollars (\$30).**

41 SECTION 10. IC 33-37-7-2, AS AMENDED BY P.L.229-2011,  
42 SECTION 260, IS AMENDED TO READ AS FOLLOWS  
43 [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The clerk of a circuit court  
44 shall distribute semiannually to the auditor of state as the state share for  
45 deposit in the homeowner protection unit account established by  
46 IC 4-6-12-9 one hundred percent (100%) of the automated record



1 keeping fees collected under IC 33-37-5-21 with respect to actions  
 2 resulting in the accused person entering into a pretrial diversion  
 3 program agreement under IC 33-39-1-8 or a deferral program  
 4 agreement under IC 34-28-5-1 and for deposit in the state general fund  
 5 seventy percent (70%) of the amount of fees collected under the  
 6 following:

- 7 (1) IC 33-37-4-1(a) (criminal costs fees).
- 8 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 9 (3) IC 33-37-4-3(a) (juvenile costs fees).
- 10 (4) IC 33-37-4-4(a) (civil costs fees).
- 11 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 12 (6) IC 33-37-4-7(a) (probate costs fees).
- 13 (7) ~~IC 33-37-5-17~~ **IC 33-37-5-17(b) (deferred prosecution fees).**

14 (b) The clerk of a circuit court shall distribute semiannually to the  
 15 auditor of state for deposit in the state user fee fund established in  
 16 IC 33-37-9-2 the following:

- 17 (1) Twenty-five percent (25%) of the drug abuse, prosecution,  
 18 interdiction, and correction fees collected under  
 19 IC 33-37-4-1(b)(5).
- 20 (2) Twenty-five percent (25%) of the alcohol and drug  
 21 countermeasures fees collected under IC 33-37-4-1(b)(6),  
 22 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 23 (3) Fifty percent (50%) of the child abuse prevention fees  
 24 collected under IC 33-37-4-1(b)(7).
- 25 (4) One hundred percent (100%) of the domestic violence  
 26 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 27 (5) One hundred percent (100%) of the highway work zone fees  
 28 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 29 (6) One hundred percent (100%) of the safe schools fee collected  
 30 under IC 33-37-5-18.
- 31 (7) The following:

- 32 (A) For a county operating under the state's automated judicial  
 33 system, one hundred percent (100%) of the automated record  
 34 keeping fee (IC 33-37-5-21) not distributed under subsection  
 35 (a).
- 36 (B) For a county not operating under the state's automated  
 37 judicial system, eighty percent (80%) of the automated record  
 38 keeping fee (IC 33-37-5-21) not distributed under subsection  
 39 (a).

40 (c) The clerk of a circuit court shall distribute monthly to the county  
 41 auditor the following:

- 42 (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
 43 interdiction, and correction fees collected under  
 44 IC 33-37-4-1(b)(5).
- 45 (2) Seventy-five percent (75%) of the alcohol and drug  
 46 countermeasures fees collected under IC 33-37-4-1(b)(6),



1 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).  
 2 The county auditor shall deposit fees distributed by a clerk under this  
 3 subsection into the county drug free community fund established under  
 4 IC 5-2-11.

5 (d) The clerk of a circuit court shall distribute monthly to the county  
 6 auditor fifty percent (50%) of the child abuse prevention fees collected  
 7 under IC 33-37-4-1(b)(7). The county auditor shall deposit fees  
 8 distributed by a clerk under this subsection into the county child  
 9 advocacy fund established under IC 12-17-17.

10 (e) The clerk of a circuit court shall distribute monthly to the county  
 11 auditor one hundred percent (100%) of the late payment fees collected  
 12 under IC 33-37-5-22. The county auditor shall deposit fees distributed  
 13 by a clerk under this subsection as follows:

14 (1) If directed to do so by an ordinance adopted by the county  
 15 fiscal body, the county auditor shall deposit forty percent (40%)  
 16 of the fees in the clerk's record perpetuation fund established  
 17 under IC 33-37-5-2 and sixty percent (60%) of the fees in the  
 18 county general fund.

19 (2) If the county fiscal body has not adopted an ordinance  
 20 described in subdivision (1), the county auditor shall deposit all  
 21 the fees in the county general fund.

22 (f) The clerk of the circuit court shall distribute semiannually to the  
 23 auditor of state for deposit in the sexual assault victims assistance  
 24 account established by IC 5-2-6-23(h) one hundred percent (100%) of  
 25 the sexual assault victims assistance fees collected under  
 26 IC 33-37-5-23.

27 (g) The clerk of a circuit court shall distribute monthly to the county  
 28 auditor the following:

29 (1) One hundred percent (100%) of the support and maintenance  
 30 fees for cases designated as non-Title IV-D child support cases in  
 31 the Indiana support enforcement tracking system (ISETS)  
 32 collected under IC 33-37-5-6.

33 (2) The percentage share of the support and maintenance fees for  
 34 cases designated as **Title** IV-D child support cases in ISETS  
 35 collected under IC 33-37-5-6 that is reimbursable to the county at  
 36 the federal financial participation rate.

37 The county clerk shall distribute monthly to the office of the secretary  
 38 of family and social services the percentage share of the support and  
 39 maintenance fees for cases designated as Title IV-D child support cases  
 40 in ISETS collected under IC 33-37-5-6 that is not reimbursable to the  
 41 county at the applicable federal financial participation rate.

42 (h) The clerk of a circuit court shall distribute monthly to the county  
 43 auditor the following:

44 (1) One hundred percent (100%) of the small claims service fee  
 45 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in  
 46 the county general fund.



1 (2) One hundred percent (100%) of the small claims garnishee  
 2 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for  
 3 deposit in the county general fund.

4 (i) This subsection does not apply to court administration fees  
 5 collected in small claims actions filed in a court described in IC 33-34.  
 6 The clerk of a circuit court shall semiannually distribute to the auditor  
 7 of state for deposit in the state general fund one hundred percent  
 8 (100%) of the following:

9 (1) The public defense administration fee collected under  
 10 IC 33-37-5-21.2.

11 (2) The judicial salaries fees collected under IC 33-37-5-26.

12 (3) The DNA sample processing fees collected under  
 13 IC 33-37-5-26.2.

14 (4) The court administration fees collected under IC 33-37-5-27.

15 (j) The clerk of a circuit court shall semiannually distribute to the  
 16 auditor of state for deposit in the judicial branch insurance adjustment  
 17 account established by IC 33-38-5-8.2 one hundred percent (100%) of  
 18 the judicial insurance adjustment fee collected under IC 33-37-5-25.

19 (k) The proceeds of the service fee collected under  
 20 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as  
 21 follows:

22 (1) The clerk shall distribute one hundred percent (100%) of the  
 23 service fees collected in a circuit, superior, county, or probate  
 24 court to the county auditor for deposit in the county general fund.

25 (2) The clerk shall distribute one hundred percent (100%) of the  
 26 service fees collected in a city or town court to the city or town  
 27 fiscal officer for deposit in the city or town general fund.

28 (l) The proceeds of the garnishee service fee collected under  
 29 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as  
 30 follows:

31 (1) The clerk shall distribute one hundred percent (100%) of the  
 32 garnishee service fees collected in a circuit, superior, county, or  
 33 probate court to the county auditor for deposit in the county  
 34 general fund.

35 (2) The clerk shall distribute one hundred percent (100%) of the  
 36 garnishee service fees collected in a city or town court to the city  
 37 or town fiscal officer for deposit in the city or town general fund.

38 (m) The clerk of the circuit court shall distribute semiannually to the  
 39 auditor of state for deposit in the home ownership education account  
 40 established by IC 5-20-1-27 one hundred percent (100%) of the  
 41 following:

42 (1) The mortgage foreclosure counseling and education fees  
 43 collected under IC 33-37-5-30 (before its expiration on January  
 44 1, 2013).

45 (2) Any civil penalties imposed and collected by a court for a  
 46 violation of a court order in a foreclosure action under



1 IC 32-30-10.5.

2 (n) This subsection applies to a county that is not operating under  
3 the state's automated judicial system. The clerk of a circuit court shall  
4 distribute monthly to the county auditor twenty percent (20%) of the  
5 automated record keeping fee (IC 33-37-5-21) not distributed under  
6 subsection (a) for deposit in the clerk's record perpetuation fund.

7 (o) **The clerk of a circuit court shall distribute monthly to the**  
8 **county auditor for deposit in the county offender fund established**  
9 **by IC 36-2-21-1 one hundred percent (100%) of the following:**

10 (1) **The county offender deferral fee (IC 33-37-5-17(c)).**

11 (2) **The county offender diversion fee (IC 33-37-5-31).**

12 SECTION 11. IC 33-37-7-8, AS AMENDED BY P.L. 182-2009(ss),  
13 SECTION 396, IS AMENDED TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) The clerk of a city or town  
15 court shall distribute semiannually to the auditor of state as the state  
16 share for deposit in the homeowner protection unit account established  
17 by IC 4-6-12-9 one hundred percent (100%) of the automated record  
18 keeping fees collected under IC 33-37-5-21 with respect to actions  
19 resulting in the accused person entering into a pretrial diversion  
20 program agreement under IC 33-39-1-8 or a deferral program  
21 agreement under IC 34-28-5-1 and for deposit in the state general fund  
22 fifty-five percent (55%) of the amount of fees collected under the  
23 following:

24 (1) IC 33-37-4-1(a) (criminal costs fees).

25 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

26 (3) IC 33-37-4-4(a) (civil costs fees).

27 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

28 (5) ~~IC 33-37-5-17~~ **IC 33-37-5-17(b)** (deferred prosecution fees).

29 (b) The city or town fiscal officer shall distribute monthly to the  
30 county auditor as the county share twenty percent (20%) of the amount  
31 of fees collected under the following:

32 (1) IC 33-37-4-1(a) (criminal costs fees).

33 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

34 (3) IC 33-37-4-4(a) (civil costs fees).

35 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

36 (5) ~~IC 33-37-5-17~~ **IC 33-37-5-17(b)** (deferred prosecution fees).

37 (c) The city or town fiscal officer shall retain twenty-five percent  
38 (25%) as the city or town share of the fees collected under the  
39 following:

40 (1) IC 33-37-4-1(a) (criminal costs fees).

41 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

42 (3) IC 33-37-4-4(a) (civil costs fees).

43 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

44 (5) ~~IC 33-37-5-17~~ **IC 33-37-5-17(b)** (deferred prosecution fees).

45 (d) The clerk of a city or town court shall distribute semiannually to  
46 the auditor of state for deposit in the state user fee fund established in



1 IC 33-37-9 the following:

2 (1) Twenty-five percent (25%) of the drug abuse, prosecution,  
3 interdiction, and correction fees collected under  
4 IC 33-37-4-1(b)(5).

5 (2) Twenty-five percent (25%) of the alcohol and drug  
6 countermeasures fees collected under IC 33-37-4-1(b)(6),  
7 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

8 (3) One hundred percent (100%) of the highway work zone fees  
9 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

10 (4) One hundred percent (100%) of the safe schools fee collected  
11 under IC 33-37-5-18.

12 (5) One hundred percent (100%) of the automated record keeping  
13 fee (IC 33-37-5-21) not distributed under subsection (a).

14 (e) The clerk of a city or town court shall distribute monthly to the  
15 county auditor the following:

16 (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
17 interdiction, and corrections fees collected under  
18 IC 33-37-4-1(b)(5).

19 (2) Seventy-five percent (75%) of the alcohol and drug  
20 countermeasures fees collected under IC 33-37-4-1(b)(6),  
21 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

22 The county auditor shall deposit fees distributed by a clerk under this  
23 subsection into the county drug free community fund established under  
24 IC 5-2-11.

25 (f) The clerk of a city or town court shall distribute monthly to the  
26 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred  
27 percent (100%) of the following:

28 (1) The late payment fees collected under IC 33-37-5-22.

29 (2) The small claims service fee collected under  
30 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).

31 (3) The small claims garnishee service fee collected under  
32 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).

33 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit  
34 fees distributed by a clerk under this subsection in the city or town  
35 general fund.

36 (g) The clerk of a city or town court shall semiannually distribute to  
37 the auditor of state for deposit in the state general fund one hundred  
38 percent (100%) of the following:

39 (1) The public defense administration fee collected under  
40 IC 33-37-5-21.2.

41 (2) The DNA sample processing fees collected under  
42 IC 33-37-5-26.2.

43 (3) The court administration fees collected under IC 33-37-5-27.

44 (h) The clerk of a city or town court shall semiannually distribute to  
45 the auditor of state for deposit in the judicial branch insurance  
46 adjustment account established by IC 33-38-5-8.2 one hundred percent



1 (100%) of the judicial insurance adjustment fee collected under  
2 IC 33-37-5-25.

3 (i) The clerk of a city or town court shall semiannually distribute to  
4 the auditor of state for deposit in the state general fund seventy-five  
5 percent (75%) of the judicial salaries fee collected under  
6 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five  
7 percent (25%) of the judicial salaries fee collected under  
8 IC 33-37-5-26. The funds retained by the city or town shall be  
9 prioritized to fund city or town court operations.

10 (j) **The clerk of a city or town court shall monthly distribute to**  
11 **the county auditor for deposit in the county offender fund**  
12 **(IC 36-2-21-1) one hundred percent (100%) of the following:**

13 (1) **The county offender deferral fee (IC 33-37-5-17(c)).**

14 (2) **The county offender diversion fee (IC 33-37-5-31).**

15 SECTION 12. IC 35-38-1-7.8 IS ADDED TO THE INDIANA  
16 CODE AS A NEW SECTION TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2012]: **Sec. 7.8. (a) At the time of sentencing,**  
18 **a court shall determine whether a person is a credit restricted felon**  
19 **(as defined in IC 35-41-1-5.5).**

20 (b) **A determination under subsection (a) must be based upon:**

21 (1) **evidence introduced at trial; or**

22 (2) **a factual basis provided as part of a guilty plea.**

23 (c) **Upon determining that a defendant is a credit restricted**  
24 **felon, a court shall advise the defendant of the consequences of this**  
25 **determination.**

26 (d) **A judge shall record a determination that a defendant is a**  
27 **credit restricted felon on a form prepared by the division of state**  
28 **court administration.**

29 (e) **If a court determines that a person is a credit restricted**  
30 **felon, the court shall state in the person's sentencing order that the**  
31 **person is a credit restricted felon.**

32 SECTION 13. IC 35-38-1-31 IS ADDED TO THE INDIANA  
33 CODE AS A NEW SECTION TO READ AS FOLLOWS  
34 [EFFECTIVE JULY 1, 2012]: **Sec. 31. If a court imposes on a person**  
35 **convicted of a felony a sentence that involves a commitment to the**  
36 **department of correction, the court shall:**

37 (1) **inform all victims of the crime of; and**

38 (2) **state in the sentencing order;**

39 **the minimum and maximum amount of time for which the person**  
40 **could be incarcerated.**

41 SECTION 14. IC 35-38-2-3, AS AMENDED BY P.L.106-2010,  
42 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
43 JULY 1, 2012]: **Sec. 3. (a) The court may revoke a person's probation**  
44 **if:**

45 (1) **the person has violated a condition of probation during the**  
46 **probationary period; and**



1 (2) the petition to revoke probation is filed during the  
2 probationary period or before the earlier of the following:

3 (A) One (1) year after the termination of probation.

4 (B) Forty-five (45) days after the state receives notice of the  
5 violation.

6 (b) When a petition is filed charging a violation of a condition of  
7 probation, the court may:

8 (1) order a summons to be issued to the person to appear; or

9 (2) order a warrant for the person's arrest if there is a risk of the  
10 person's fleeing the jurisdiction or causing harm to others.

11 (c) The issuance of a summons or warrant tolls the period of  
12 probation until the final determination of the charge.

13 (d) **Except as provided in subsection (e), the court shall conduct**  
14 **a hearing concerning the alleged violation. The court may admit the**  
15 **person to bail pending the hearing. A person who is not admitted to**  
16 **bail pending the hearing may not be held in jail for more than**  
17 **fifteen (15) days without a hearing on the alleged violation of**  
18 **probation.**

19 (e) **A person may admit to a violation of probation and waive**  
20 **the right to a probation violation hearing after being offered the**  
21 **opportunity to consult with an attorney. If the person admits to a**  
22 **violation and requests to waive the probation violation hearing, the**  
23 **probation officer shall advise the person that by waiving the right**  
24 **to a probation violation hearing the person forfeits the rights**  
25 **provided in subsection (f). The sanction administered shall follow**  
26 **the schedule of progressive probation violation sanctions adopted**  
27 **by the judicial conference of Indiana under IC 11-13-1-8.**

28 ~~(e)~~ (f) **Except as provided in subsection (e), the state must prove**  
29 **the violation by a preponderance of the evidence. The evidence shall**  
30 **be presented in open court. The person is entitled to confrontation,**  
31 **cross-examination, and representation by counsel.**

32 ~~(f)~~ (g) Probation may not be revoked for failure to comply with  
33 conditions of a sentence that imposes financial obligations on the  
34 person unless the person recklessly, knowingly, or intentionally fails to  
35 pay.

36 ~~(g)~~ (h) If the court finds that the person has violated a condition at  
37 any time before termination of the period, and the petition to revoke is  
38 filed within the probationary period, the court may impose one (1) or  
39 more of the following sanctions:

40 (1) Continue the person on probation, with or without modifying  
41 or enlarging the conditions.

42 (2) Extend the person's probationary period for not more than one  
43 (1) year beyond the original probationary period.

44 (3) Order execution of all or part of the sentence that was  
45 suspended at the time of initial sentencing.

46 ~~(h)~~ (i) If the court finds that the person has violated a condition of



1 home detention at any time before termination of the period, and the  
 2 petition to revoke probation is filed within the probationary period, the  
 3 court shall:

- 4 (1) order one (1) or more sanctions as set forth in subsection ~~(g)~~;  
 5 ~~(h)~~; and  
 6 (2) provide credit for time served as set forth under  
 7 IC 35-38-2.5-5.

8 ~~(i)~~ **(j)** If the court finds that the person has violated a condition  
 9 during any time before the termination of the period, and the petition  
 10 is filed under subsection (a) after the probationary period has expired,  
 11 the court may:

- 12 (1) reinstate the person's probationary period, with or without  
 13 enlarging the conditions, if the sum of the length of the original  
 14 probationary period and the reinstated probationary period does  
 15 not exceed the length of the maximum sentence allowable for the  
 16 offense that is the basis of the probation; or  
 17 (2) order execution of all or part of the sentence that was  
 18 suspended at the time of the initial sentencing.

19 ~~(j)~~ **(k)** If the court finds that the person has violated a condition of  
 20 home detention during any time before termination of the period, and  
 21 the petition is filed under subsection (a) after the probation period has  
 22 expired, the court shall:

- 23 (1) order a sanction as set forth in subsection ~~(i)~~; ~~(j)~~; and  
 24 (2) provide credit for time served as set forth under  
 25 IC 35-38-2.5-5.

26 ~~(k)~~ **(l)** A judgment revoking probation is a final appealable order.

27 ~~(l)~~ **(m)** Failure to pay fines or costs (including fees) required as a  
 28 condition of probation may not be the sole basis for commitment to the  
 29 department of correction.

30 ~~(m)~~ **(n)** Failure to pay fees or costs assessed against a person under  
 31 IC 33-40-3-6, IC 33-37-2-3(e), or IC 35-33-7-6 is not grounds for  
 32 revocation of probation.

33 SECTION 15. IC 35-38-3-3 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Except as  
 35 provided by subsection (b), a person convicted of a misdemeanor may  
 36 not be committed to the department of correction.

37 (b) Upon a request from the sheriff, the commissioner may agree to  
 38 accept custody of a misdemeanorant:

- 39 (1) if placement in the county jail:  
 40 (A) places the inmate in danger of serious bodily injury or  
 41 death; or  
 42 (B) represents a substantial threat to the safety of others;  
 43 (2) for other good cause shown; or  
 44 (3) if a person has more than five hundred forty-seven (547) days  
 45 remaining before the person's earliest release date as a result of  
 46 consecutive misdemeanor sentences.



1           (c) A person convicted of a Class D felony may not be committed  
2 to the department of correction unless there is at least one (1) year  
3 of an executed sentence remaining of the offender's sentence at the  
4 time of sentencing.

5           SECTION 16. IC 36-2-21 IS ADDED TO THE INDIANA CODE  
6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2012]:

8           **Chapter 21. County Offender Fund**

9           **Sec. 1. (a)** A county shall establish, by resolution, a county  
10 offender fund to receive money that may be used to defray the  
11 expenses of incarcerating, supervising, or treating offenders  
12 housed in the county, in particular those offenders housed locally  
13 who may have previously been transferred to the department of  
14 correction.

15           **(b)** Money in the fund may be spent only under an  
16 appropriation from the county fiscal body. In appropriating money  
17 from the fund, the fiscal body shall give first priority to programs  
18 that defray the expense of housing an offender in jail, second  
19 priority to probation and community corrections programs, and  
20 third priority to problem solving courts and work release  
21 programs.



Requires the department of correction to: (1) determine the average daily marginal cost of incarcerating an offender; (2) determine the average length of stay for a Class D felony offender in the department; and (3) administer an incentive and disincentive program for counties to reduce the number of Class D felony offenders committed to the department.

SECTION 2. IC 11-8-1-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3.1. "Average daily marginal cost of incarcerating an offender" means the average daily cost to the department to commit one (1) additional offender to the department without building additional beds as determined under IC 11-10-13-1(b).**

SECTION 4. IC 11-10-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 1. (a)** The department shall develop a methodology for determining the average daily cost of incarcerating an offender.

**(b) The department shall develop a methodology for determining the average daily marginal cost of incarcerating an offender. The costs must include the additional expenses of providing food, clothing, and health care to a new offender. The costs do not include the costs of new facilities or additional staff.**

**(c) The department shall annually determine the average length of stay for a Class D felony offender in the department.**

SECTION 1. IC 11-10-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

**Chapter 16. County Incentives for Class D Felony Offenders**

**Sec. 1.** The department shall administer a local rehabilitation incentive and disincentive program for counties to reduce the number of Class D felony offenders committed to the department.

**Sec. 2. (a)** Before September 1, 2012, the department shall establish a baseline average number of Class D felony offenders that each county commits annually to the department based on the 2008, 2009, 2010, and 2011 calendar years.

**(b)** The department shall provide a local rehabilitation incentive to each county that commits to the department fewer Class D felony offenders than the baseline average established for that county described in subsection (a) in one (1) calendar year. Each county that has a reduction in Class D felony commitments for a calendar year is entitled to an incentive based on the reduction in incarceration costs attributable to the county's reduction in Class D felony commitments as determined according to the formula set forth in subsection (c).

**(c)** Before March 1 each year, the department shall calculate the incentive described in subsection (b) using the following formula:

**STEP ONE:** Subtract the number of Class D felony offenders a county commits to the department in a calendar year from the baseline average for that county described in subsection (a).

**STEP TWO:** If the STEP ONE amount is not positive, the incentive amount is zero (0). Otherwise, multiply the number of offenders determined under STEP ONE by the average number of days of the length of stay for a Class D felony offender in the department as determined under IC 11-10-13-1(c).

**STEP THREE:** Multiply the amount determined under STEP TWO by the average daily marginal cost of incarcerating an offender determined under IC 11-10-13-1(b).

**STEP FOUR:** Multiply the amount determined under STEP THREE by fifty percent (50%).

**(d)** The department shall not consider a Class D felony offender whose:

- (1)** probation has been revoked;
- (2)** participation in a community corrections program has been terminated as a result of a violation of program requirements; or
- (3)** participation in a problem solving court has been terminated as a result of a violation of program requirements;

in the calculations under this chapter.

**Sec. 3. (a)** Before June 1 each year, the local incentive described in section 2 of this chapter

shall be made from at least fifty percent (50%) of the marginal savings realized by the department as a result of the counties committing fewer Class D felony offenders to the department and shall be distributed to a county's county offender fund under IC 36-2-21. The county fiscal body shall redistribute the incentives as set forth in IC 36-2-21-1.

(b) If a county has a local community corrections advisory board, the local community corrections advisory board shall make a recommendation to the county's fiscal body regarding how local incentive funds should be distributed.

Sec. 4. (a) The department shall create a disincentive to each county that commits to the department more than ten (10) more Class D felony offenders than the baseline average established for that county described in section 2(a) of this chapter in one (1) calendar year.

(b) Before March 1 each year, the department shall calculate the disincentive described in subsection (a) using the following formula:

**STEP ONE:** Subtract the baseline average for that county described in section 2(a) of this chapter from the number of Class D felony offenders a county commits to the department in a calendar year.

**STEP TWO:** If the STEP ONE amount is ten (10) or less, the disincentive amount is zero (0). Otherwise, multiply the number of offenders determined under STEP ONE by the average number of days of the length of stay for a Class D felony offender in the department as determined under IC 11-10-13-1(c).

**STEP THREE:** Multiply the amount determined under STEP TWO by the average daily marginal cost of incarcerating an offender as determined under IC 11-10-13-1(b).

**STEP FOUR:** Multiply the amount determined under STEP THREE by fifty percent (50%).

(c) The department shall not consider a Class D felony offender whose:

- (1) probation has been revoked;
- (2) participation in a community corrections program has been terminated as a result of a violation of program requirements; or
- (3) participation in a problem solving court has been terminated as a result of a violation of program requirements;

in the calculations under this chapter.

Sec. 5. Before June 1 each year, the department shall withhold the amount of the disincentive described in section 4 of this chapter from the amount of money the department is required to deposit in a county's misdemeanor fund under IC 11-12-6.

Sec. 6. The department may adopt rules under IC 4-22-2 to implement this chapter.

**CY 2010 RELEASES**

LENGTH OF STAY	#	%
Less than 1 year	12,835	64.7%
1 - 2 years	3,576	18.0%
> 2 - 5 years	2,564	12.9%
> 5 - 10 years	603	3.0%
> 10 - 15 years	142	0.7%
> 15 - 20 years	78	0.4%
> 20 - 25 years	33	0.2%
25 years of more	14	0.1%

LENGTH OF STAY - Short-term	#	%
30 days or less	1,203	6.1%
31-60 days	1,555	7.8%
61-90 days	1,638	8.3%
91-120 days	1,024	5.2%
121-150 days	1,098	5.5%
151-180 days	1,291	6.5%
181-365 days	5,026	25.3%
366 days or more	7,010	35.3%

DOC SENTENCE LENGTH	#	%
Less than 1 year	5,452	27.5%
1 - 2 years	4,200	21.2%
> 2 - 5 years	5,121	25.8%
> 5 - 10 years	3,136	15.8%
> 10 - 15 years	962	4.8%
> 15 - 20 years	559	2.8%
> 20 - 25 years	119	0.6%
25 years of more	294	1.5%
LIFE	2	0.0%

**CY 2009 RELEASES**

LENGTH OF STAY	#	%
Less than 1 year	12,874	65.7%
1 - 2 years	3,509	17.9%
> 2 - 5 years	2,428	12.4%
> 5 - 10 years	554	2.8%
> 10 - 15 years	117	0.6%
> 15 - 20 years	77	0.4%
> 20 - 25 years	34	0.2%
25 years of more	14	0.1%

LENGTH OF STAY - Short-term	#	%
30 days or less	1,361	6.9%
31-60 days	1,592	8.1%
61-90 days	1,631	8.3%
91-120 days	1,084	5.5%
121-150 days	1,110	5.7%
151-180 days	1,246	6.4%
181-365 days	4,850	24.7%
366 days or more	6,733	34.3%

DOC SENTENCE LENGTH	#	%
Less than 1 year	5,494	28.0%
1 - 2 years	4,429	22.6%
> 2 - 5 years	4,686	23.9%
> 5 - 10 years	3,278	16.7%
> 10 - 15 years	849	4.3%
> 15 - 20 years	503	2.6%
> 20 - 25 years	109	0.6%
25 years of more	252	1.3%
LIFE	7	0.0%

**CY 2008 RELEASES**

LENGTH OF STAY	#	%
Less than 1 year	12,206	66.8%
1 - 2 years	3,267	17.9%
> 2 - 5 years	2,006	11.0%
> 5 - 10 years	560	3.1%
> 10 - 15 years	137	0.8%
> 15 - 20 years	54	0.3%
> 20 - 25 years	23	0.1%
25 years of more	11	0.1%

LENGTH OF STAY - Short-term	#	%
30 days or less	1,185	6.5%
31-60 days	1,550	8.5%
61-90 days	1,662	9.1%
91-120 days	1,007	5.5%
121-150 days	950	5.2%
151-180 days	1,140	6.2%
181-365 days	4,712	25.8%
366 days or more	6,058	33.2%

DOC SENTENCE LENGTH	#	%
Less than 1 year	4,492	24.6%
1 - 2 years	3,454	18.9%
> 2 - 5 years	5,745	31.5%
> 5 - 10 years	3,006	16.5%
> 10 - 15 years	705	3.9%
> 15 - 20 years	506	2.8%
> 20 - 25 years	116	0.6%
25 years of more	237	1.3%
LIFE	3	0.02%

**Exhibit B  
Criminal Code Evaluation  
Commission  
Meeting #7 October 19, 2011**

ALL DOC releases, including parole and probation violators  
DOC incarceration ONLY, does NOT factor in pre-trial jail time credit, or time suspended on parole or probation

## ISSUES RELATED TO PROGRAMMING SHORT TERM OFFENDERS

- Once offenders are received in the Department they must go the Reception and Diagnostic Center. In addition they will go through a facility Assessment and Orientation process once they enter their receiving facility. This process takes a minimum of 1 month.
- Thinking for a Change 3.0 takes a minimum of 12 weeks to complete
- Outpatient Substance Abuse—Offenders need enough time to complete Phase One, Phase Two and at least one segment of Phase Three.
  - Phase One—2-4 weeks
  - Phase 2 --Average of 12 weeks
- Phase 3—Average of 6 weeks for each Phase
- Therapeutic Communities (including CLIFF Units) have a minimum admission time frame of 14 months. These programs take a *minimum* of 8 months to complete.
- Reformative Residential Re-Entry Program (Cognitive/Character based Unit) takes a minimum of 6 months to complete.
- The PLUS Units (Faith and Character Based Unit) are a minimum of 12 months in length.
- Literacy takes an average of 6 months to complete.
- GED takes an average of 6-9 months to complete.
- Associates Degree takes 2 years to complete
- Bachelors Degree takes 4 years to complete
- Department of Labor Apprenticeships 2-4 years to complete.

**National statistics show that 66% of individuals who are released returned to prison, In Indiana the same statistic is 39%. This is because Indiana relies heavily on programs which are based on evidence based practices.**



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**PRELIMINARY DRAFT**  
**No. 3255**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2012 GENERAL ASSEMBLY**

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DIGEST

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

**Synopsis:** Title 35 definitions. Organizes definitions in Title 35.  
Makes technical corrections.

**Effective:** July 1, 2012.



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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 1-1-4-5 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2012]: Sec. 5. The following definitions apply  
3 to the construction of all Indiana statutes, unless the construction is  
4 plainly repugnant to the intent of the general assembly or of the context  
5 of the statute:

6 (1) "Adult", "of full age", and "person in his majority" mean a  
7 person at least eighteen (18) years of age.

8 (2) "Attorney" includes a counselor or other person authorized to  
9 appear and represent a party in an action or special proceeding.

10 (3) "Autism" means a neurological condition as described in the  
11 most recent edition of the Diagnostic and Statistical Manual of  
12 Mental Disorders of the American Psychiatric Association.

13 (4) "Bond" does not necessarily imply a seal.

14 (5) "Clerk" means the clerk of the court or a person authorized to  
15 perform the clerk's duties.

16 (6) "Health record", "hospital record", or "medical record" means  
17 written or printed information possessed by a provider (as defined  
18 in IC 16-18-2-295) concerning any diagnosis, treatment, or  
19 prognosis of the patient, unless otherwise defined. Except as  
20 otherwise provided, the terms include mental health records and  
21 drug and alcohol abuse records.

22 (7) "Highway" includes county bridges and state and county  
23 roads, unless otherwise expressly provided.

24 (8) "Infant" or "minor" means a person less than eighteen (18)  
25 years of age.

26 (9) "Inhabitant" may be construed to mean a resident in any place.

27 (10) "Judgment" means all final orders, decrees, and  
28 determinations in an action and all orders upon which executions  
29 may issue.

30 (11) "Land", "real estate", and "real property" include lands,  
31 tenements, and hereditaments.



- 1 (12) "Mentally incompetent" means of unsound mind.  
 2 (13) "Money demands on contract", when used in reference to an  
 3 action, means an action arising out of contract when the relief  
 4 demanded is a recovery of money.  
 5 (14) "Month" means a calendar month, unless otherwise  
 6 expressed.  
 7 (15) "Noncode statute" means a statute that is not codified as part  
 8 of the Indiana Code.  
 9 (16) "Oath" includes "affirmation", and "to swear" includes to  
 10 affirm.  
 11 (17) "Person" extends to bodies politic and corporate.  
 12 (18) "Personal property" includes goods, chattels, evidences of  
 13 debt, and things in action.  
 14 (19) "Population" has the meaning set forth in IC 1-1-3.5-3.  
 15 (20) "Preceding" and "following", referring to sections in statutes,  
 16 mean the sections next preceding or next following that in which  
 17 the words occur, unless some other section is designated.  
 18 (21) "Property" includes personal and real property.  
 19 (22) "Sheriff" means the sheriff of the county or another person  
 20 authorized to perform sheriff's duties.  
 21 (23) "State", applied to any one of the United States, includes the  
 22 District of Columbia and the commonwealths, possessions, states  
 23 in free association with the United States, and the territories.  
 24 "United States" includes the District of Columbia and the  
 25 commonwealths, possessions, states in free association with the  
 26 United States, and the territories.  
 27 (24) "Under legal disabilities" includes persons less than eighteen  
 28 (18) years of age, mentally incompetent, or out of the United  
 29 States.  
 30 (25) "Verified", when applied to pleadings, means supported by  
 31 oath or affirmation in writing.  
 32 (26) "Will" includes a testament and codicil.  
 33 (27) "Without relief" in any judgment, contract, execution, or  
 34 other instrument of writing or record, means without the benefit  
 35 of valuation laws.  
 36 (28) "Written" and "in writing" include printing, lithographing, or  
 37 other mode of representing words and letters. If the written  
 38 signature of a person is required, the terms mean the proper  
 39 handwriting of the person or the person's mark.  
 40 (29) "Year" means a calendar year, unless otherwise expressed.  
 41 (30) The definitions in ~~IC 35-41-1~~ IC 35-31.5 apply to all statutes  
 42 relating to penal offenses.

43 SECTION 2. IC 3-5-2-15 IS AMENDED TO READ AS FOLLOWS  
 44 [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) "Contribution" means a  
 45 donation (whether characterized as an advance, a deposit, a gift, a loan,  
 46 a subscription, or a contract or promise to make a donation) of property



1 (as defined in ~~IC 35-41-1~~) **IC 35-31.5-2-254**) that satisfies both of the  
 2 following:

3 (1) The donation is made for the purpose of influencing any of the  
 4 following:

5 (A) The nomination or election to office of a candidate.

6 (B) The election of delegates to a state constitutional  
 7 convention.

8 (C) The outcome of a public question.

9 (2) The donation is accepted by any of the following:

10 (A) A candidate.

11 (B) A candidate's committee.

12 (C) A regular party committee.

13 (D) A political action committee.

14 (E) A legislative caucus committee.

15 (b) Whenever funds are transferred from one (1) committee to  
 16 another, the accepting committee is considered to be receiving a  
 17 contribution in the amount of the funds transferred.

18 (c) Whenever a candidate or a committee accepts the personal  
 19 services of a person whose compensation is being paid by a third  
 20 person, the candidate or committee is considered to be receiving a  
 21 contribution from the third person in the amount of the compensation  
 22 paid.

23 (d) Notwithstanding subsection (a), whenever a candidate or a  
 24 committee accepts the personal services of a volunteer who is not being  
 25 compensated, the candidate or committee is not considered to be  
 26 receiving a contribution.

27 (e) Notwithstanding subsection (a), whenever a political action  
 28 committee accepts a donation of:

29 (1) rent;

30 (2) office expenses;

31 (3) management fees;

32 (4) costs of solicitations of contributions; or

33 (5) other administrative costs;

34 the committee is not considered to be receiving a contribution.

35 SECTION 3. IC 3-5-2-23 IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) "Expenditure" means a  
 37 disbursement (whether characterized as an advance, a deposit, a  
 38 distribution, a gift, a loan, a payment, a purchase, or a contract or  
 39 promise to make a disbursement) of property (as defined in ~~IC 35-41-1~~)  
 40 **IC 35-31.5-2-254**) that:

41 (1) is made for the purpose of influencing:

42 (A) the nomination or election to office of a candidate;

43 (B) the election of delegates to a state constitutional  
 44 convention; or

45 (C) the outcome of a public question; and

46 (2) is made by:



- 1 (A) an individual, except that a contribution made by an
- 2 individual is not considered to be an expenditure;
- 3 (B) a candidate's committee;
- 4 (C) a regular party committee; or
- 5 (D) a political action committee.

6 (b) Whenever funds are transferred from one (1) committee to  
 7 another, the disbursing committee is considered to be making an  
 8 expenditure in the amount of the funds transferred.

9 SECTION 4. IC 3-5-2-26.8 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26.8. "Lawful  
 11 detention" has the meaning set forth in ~~IC 35-41-1-18:~~  
 12 **IC 35-31.5-2-187.**

13 SECTION 5. IC 3-6-6-35 IS AMENDED TO READ AS FOLLOWS  
 14 [EFFECTIVE JULY 1, 2012]: Sec. 35. (a) Each election sheriff shall  
 15 do the following:

- 16 (1) Except as provided in subsection (b), attend the polls in the
- 17 appointed precinct from the opening of the polls to the conclusion
- 18 of the count.
- 19 (2) Preserve order at the polls.
- 20 (3) Enforce the election laws under the direction of the precinct
- 21 election board.
- 22 (4) Upon direction from a member of the precinct election board,
- 23 request assistance from a law enforcement officer (as defined in
- 24 ~~IC 35-41-1-17~~) **IC 35-31.5-2-186**) if a violation of law within the
- 25 polls, or within fifty (50) feet of the polls, has occurred or appears
- 26 imminent.

27 (b) The sheriff may leave the polls for the purpose of obtaining  
 28 assistance from a law enforcement officer under subsection (a)(4).

29 SECTION 6. IC 3-14-3-18, AS AMENDED BY P.L.103-2005,  
 30 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2012]: Sec. 18. (a) As used in this section, "candidate"  
 32 includes an individual whom the person knows is considering  
 33 becoming a candidate.

34 (b) A person who, for the purpose of influencing a voter or  
 35 candidate, does any of the following commits a Class D felony:

- 36 (1) Seeks to enforce the payment of a debt by force or threat of
- 37 force.
- 38 (2) Ejects or threatens to eject the voter or candidate from a house
- 39 the voter or candidate occupies.
- 40 (3) Begins a criminal prosecution.
- 41 (4) Damages the business or trade of the voter or candidate.
- 42 (5) Communicates a threat to commit a forcible felony (as defined
- 43 in ~~IC 35-41-1-11~~) **IC 35-31.5-2-138**) against a voter or candidate
- 44 with the intent that the voter or candidate:

- 45 (A) engage in conduct against the voter's or candidate's will;
- 46 or



1 (B) be placed in fear of retaliation for a prior lawful act as a  
2 voter or candidate.

3 SECTION 7. IC 4-2-6-1, AS AMENDED BY P.L.2-2007,  
4 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2012]: Sec. 1. (a) As used in this chapter, and unless the  
6 context clearly denotes otherwise:

7 (1) "Advisory body" means an authority, a board, a commission,  
8 a committee, a task force, or other body designated by any name  
9 of the executive department that is authorized only to make  
10 nonbinding recommendations.

11 (2) "Agency" means an authority, a board, a branch, a bureau, a  
12 commission, a committee, a council, a department, a division, an  
13 office, a service, or other instrumentality of the executive,  
14 including the administrative, department of state government. The  
15 term includes a body corporate and politic set up as an  
16 instrumentality of the state and a private, nonprofit, government  
17 related corporation. The term does not include any of the  
18 following:

19 (A) The judicial department of state government.

20 (B) The legislative department of state government.

21 (C) A state educational institution.

22 (D) A political subdivision.

23 (3) "Appointing authority" means the chief administrative officer  
24 of an agency. The term does not include a state officer.

25 (4) "Assist" means to:

26 (A) help;

27 (B) aid;

28 (C) advise; or

29 (D) furnish information to;

30 a person. The term includes an offer to do any of the actions in  
31 clauses (A) through (D).

32 (5) "Business relationship" includes the following:

33 (A) Dealings of a person with an agency seeking, obtaining,  
34 establishing, maintaining, or implementing:

35 (i) a pecuniary interest in a contract or purchase with the  
36 agency; or

37 (ii) a license or permit requiring the exercise of judgment or  
38 discretion by the agency.

39 (B) The relationship a lobbyist has with an agency.

40 (C) The relationship an unregistered lobbyist has with an  
41 agency.

42 (6) "Commission" refers to the state ethics commission created  
43 under section 2 of this chapter.

44 (7) "Compensation" means any money, thing of value, or financial  
45 benefit conferred on, or received by, any person in return for  
46 services rendered, or for services to be rendered, whether by that



- 1 person or another.
- 2 (8) "Employee" means an individual, other than a state officer,  
3 who is employed by an agency on a full-time, a part-time, a  
4 temporary, an intermittent, or an hourly basis. The term includes  
5 an individual who contracts with an agency for personal services.
- 6 (9) "Employer" means any person from whom a state officer or  
7 employee or the officer's or employee's spouse received  
8 compensation. For purposes of this chapter, a customer or client  
9 of a self-employed individual in a sole proprietorship or a  
10 professional practice is not considered to be an employer.
- 11 (10) "Financial interest" means an interest:
- 12 (A) in a purchase, sale, lease, contract, option, or other  
13 transaction between an agency and any person; or  
14 (B) involving property or services.
- 15 The term includes an interest arising from employment or  
16 prospective employment for which negotiations have begun. The  
17 term does not include an interest of a state officer or employee in  
18 the common stock of a corporation unless the combined holdings  
19 in the corporation of the state officer or the employee, that  
20 individual's spouse, and that individual's unemancipated children  
21 are more than one percent (1%) of the outstanding shares of the  
22 common stock of the corporation. The term does not include an  
23 interest that is not greater than the interest of the general public  
24 or any state officer or any state employee.
- 25 (11) "Information of a confidential nature" means information:
- 26 (A) obtained by reason of the position or office held; and  
27 (B) which:
- 28 (i) a public agency is prohibited from disclosing under  
29 IC 5-14-3-4(a);  
30 (ii) a public agency has the discretion not to disclose under  
31 IC 5-14-3-4(b) and that the agency has not disclosed; or  
32 (iii) is not in a public record, but if it were, would be  
33 confidential.
- 34 (12) "Person" means any individual, proprietorship, partnership,  
35 unincorporated association, trust, business trust, group, limited  
36 liability company, or corporation, whether or not operated for  
37 profit, or a governmental agency or political subdivision.
- 38 (13) "Political subdivision" means a county, city, town, township,  
39 school district, municipal corporation, special taxing district, or  
40 other local instrumentality. The term includes an officer of a  
41 political subdivision.
- 42 (14) "Property" has the meaning set forth in ~~IC 35-41-1-23:~~  
43 **IC 35-31.5-2-254.**
- 44 (15) "Represent" means to do any of the following on behalf of a  
45 person:
- 46 (A) Attend an agency proceeding.



- 1 (B) Write a letter.  
 2 (C) Communicate with an employee of an agency.  
 3 (16) "Special state appointee" means a person who is:  
 4 (A) not a state officer or employee; and  
 5 (B) elected or appointed to an authority, a board, a  
 6 commission, a committee, a council, a task force, or other  
 7 body designated by any name that:  
 8 (i) is authorized by statute or executive order; and  
 9 (ii) functions in a policy or an advisory role in the executive  
 10 (including the administrative) department of state  
 11 government, including a separate body corporate and politic.  
 12 (17) "State officer" means any of the following:  
 13 (A) The governor.  
 14 (B) The lieutenant governor.  
 15 (C) The secretary of state.  
 16 (D) The auditor of state.  
 17 (E) The treasurer of state.  
 18 (F) The attorney general.  
 19 (G) The superintendent of public instruction.  
 20 (18) The masculine gender includes the masculine and feminine.  
 21 (19) The singular form of any noun includes the plural wherever  
 22 appropriate.  
 23 (b) The definitions in IC 4-2-7 apply throughout this chapter.  
 24 SECTION 8. IC 4-31-13-9 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) The definitions  
 26 in IC 3-5-2 apply to this section to the extent they do not conflict with  
 27 the definitions in this article.  
 28 (b) This section applies only to property given after June 30, 1996.  
 29 (c) As used in this section, "officer" refers only to either of the  
 30 following:  
 31 (1) An individual listed as an officer of a corporation in the  
 32 corporation's most recent annual report.  
 33 (2) An individual who is a successor to an individual described in  
 34 subdivision (1).  
 35 (d) For purposes of this section, a person is considered to have an  
 36 interest in a permit holder if the person satisfies any of the following:  
 37 (1) The person holds at least a one percent (1%) interest in the  
 38 permit holder.  
 39 (2) The person is an officer of the permit holder.  
 40 (3) The person is an officer of a person that holds at least a one  
 41 percent (1%) interest in the permit holder.  
 42 (4) The person is a political action committee of the permit  
 43 holder.  
 44 (e) A permit holder or a person with an interest in a permit holder  
 45 may not give any property (as defined in ~~IC 35-41-1-23~~)  
 46 **IC 35-31.5-2-254**) to a member of a precinct committee to induce the



1 member of the precinct committee to do any act or refrain from doing  
2 any act with respect to the approval of a local public question under  
3 IC 4-31-4.

4 (f) A person who knowingly or intentionally violates this section  
5 commits a Class D felony.

6 SECTION 9. IC 4-33-10-2.5 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) This section  
8 applies only to property given after June 30, 1996.

9 (b) The definitions in IC 3-5-2 apply to this section to the extent  
10 they do not conflict with the definitions in this article.

- 11 (c) As used in this section, "license" means:  
12 (1) an owner's license issued under this article;  
13 (2) a supplier's license issued under this article to a supplier of  
14 gaming supplies or equipment, including electronic gaming  
15 equipment; or  
16 (3) an operating agent contract entered into under this article.

17 (d) As used in this section, "licensee" means a person who holds a  
18 license. The term includes an operating agent.

19 (e) As used in this section, "officer" refers only to either of the  
20 following:

- 21 (1) An individual listed as an officer of a corporation in the  
22 corporation's most recent annual report.  
23 (2) An individual who is a successor to an individual described in  
24 subdivision (1).

25 (f) For purposes of this section, a person is considered to have an  
26 interest in a licensee if the person satisfies any of the following:

- 27 (1) The person holds at least a one percent (1%) interest in the  
28 licensee.  
29 (2) The person is an officer of the licensee.  
30 (3) The person is an officer of a person that holds at least a one  
31 percent (1%) interest in the licensee.  
32 (4) The person is a political action committee of the licensee.

33 (g) A licensee or a person with an interest in a licensee may not give  
34 any property (as defined in ~~IC 35-41-1-23~~ IC 35-31.5-2-254) to a  
35 member of a precinct committee to induce the member of the precinct  
36 committee to do any act or refrain from doing any act with respect to  
37 the approval of a local public question under IC 4-33-6-19.

38 (h) A person who knowingly or intentionally violates this section  
39 commits a Class D felony.

40 SECTION 10. IC 4-33-20-9, AS ADDED BY P.L.227-2007,  
41 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2012]: Sec. 9. A gaming control officer:

- 43 (1) is a law enforcement officer under IC 9-13-2-92 and  
44 ~~IC 35-41-1-17~~ IC 35-31.5-2-186 and has the power to enforce  
45 Indiana laws and without warrant to arrest for the violation of any  
46 of those laws when committed in the officer's presence;



- 1 (2) is a police officer under IC 9-13-2-127;  
 2 (3) has the power of law enforcement officers to arrest under  
 3 IC 35-33-1-1; and  
 4 (4) has the power to enforce Indiana laws and may exercise all  
 5 powers granted by law to state police officers, sheriffs, and  
 6 members of police departments.

7 SECTION 11. IC 5-2-6.1-13, AS AMENDED BY P.L.121-2006,  
 8 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2012]: Sec. 13. (a) Subject to subsection (b) and except as  
 10 provided in subsection (c), benefits may not be awarded:

- 11 (1) if the victim sustained the injury as a result of participating or  
 12 assisting in, or attempting to commit or committing a criminal act;  
 13 (2) if the injury occurred while the victim was a resident in a  
 14 county, city, or federal jail or prison or in an institution operated  
 15 by the department of correction;  
 16 (3) if the victim profited or would have profited from the criminal  
 17 act; or  
 18 (4) if, at the time the injury occurred, the victim was intoxicated  
 19 and contributed to the commission of an unrelated felony.

20 (b) If the victim is a dependent child or dependent parent of the  
 21 person who commits a violent crime, compensation may be awarded  
 22 where justice requires.

23 (c) Benefits may be awarded to a person described in subsection  
 24 (a)(4) who is the victim of a sex crime under IC 35-42-4, a crime of  
 25 family violence (as defined in ~~IC 35-41-1-6.5~~, **IC 35-31.5-2-76**), or a  
 26 crime of domestic violence (as defined in ~~IC 35-41-1-6.3~~;  
 27 **IC 35-31.5-2-78**).

28 SECTION 12. IC 5-2-8-1, AS AMENDED BY P.L.34-2010,  
 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2012]: Sec. 1. (a) The following definitions apply in this  
 31 section:

- 32 (1) "Abuse" means:  
 33 (A) conduct that causes bodily injury (as defined in  
 34 ~~IC 35-41-1-4~~ **IC 35-31.5-2-29**) or damage to property; or  
 35 (B) a threat of conduct that would cause bodily injury (as  
 36 defined in ~~IC 35-41-1-4~~ **IC 35-31.5-2-29**) or damage to  
 37 property.  
 38 (2) "County law enforcement agency" includes:  
 39 (A) postsecondary educational institution police officers  
 40 appointed under IC 21-17-5 or IC 21-39-4; and  
 41 (B) school corporation police officers appointed under  
 42 IC 20-26-16.

43 (b) There is established in each county a county law enforcement  
 44 continuing education program. The program is funded by amounts  
 45 appropriated under IC 33-37-8-4 or IC 33-37-8-6.

46 (c) A county law enforcement agency receiving amounts based upon



1 claims for law enforcement continuing education funds under  
2 IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the  
3 county law enforcement continuing education fund.

4 (d) Distribution of money in the county law enforcement continuing  
5 education fund shall be made to a county law enforcement agency  
6 without the necessity of first obtaining an appropriation from the  
7 county fiscal body.

8 (e) Money in excess of one hundred dollars (\$100) that is  
9 unencumbered and remains in a county law enforcement continuing  
10 education fund for at least one (1) entire calendar year from the date of  
11 its deposit shall, at the end of a county's fiscal year, be deposited by the  
12 county auditor in the law enforcement training fund established under  
13 IC 5-2-1-13(b).

14 (f) To make a claim under IC 33-37-8-6, a law enforcement agency  
15 shall submit to the fiscal body a verified statement of cause numbers  
16 for fees collected that are attributable to the law enforcement efforts of  
17 that agency.

18 (g) A law enforcement agency shall submit a claim for fees under  
19 this section in the same county fiscal year in which the fees are  
20 collected under IC 33-37-4.

21 (h) A county law enforcement agency program shall provide to each  
22 law enforcement officer employed by the county and may provide to  
23 each law enforcement officer employed by a city or town law  
24 enforcement agency within the county continuing education concerning  
25 the following:

26 (1) Duties of a law enforcement officer in enforcing restraining  
27 orders, protective orders, temporary injunctions, and permanent  
28 injunctions involving abuse.

29 (2) Guidelines for making felony and misdemeanor arrests in  
30 cases involving abuse.

31 (3) Techniques for handling incidents of abuse that:

32 (A) minimize the likelihood of injury to the law enforcement  
33 officer; and

34 (B) promote the safety of a victim.

35 (4) Information about the nature and extent of abuse.

36 (5) Information about the legal rights of and remedies available  
37 to victims of abuse.

38 (6) How to document and collect evidence in an abuse case.

39 (7) The legal consequences of abuse.

40 (8) The impact on children of law enforcement intervention in  
41 abuse cases.

42 (9) Services and facilities available to victims of abuse and  
43 abusers.

44 (10) Verification of restraining orders, protective orders,  
45 temporary injunctions, and permanent injunctions.

46 (11) Policies concerning arrest or release of suspects in abuse



- 1 cases.
- 2 (12) Emergency assistance to victims of abuse and criminal
- 3 justice options for victims of abuse.
- 4 (13) Landlord-tenant concerns in abuse cases.
- 5 (14) The taking of an abused child into protective custody.
- 6 (15) Assessment of a situation in which a child may be seriously
- 7 endangered if the child is left in the child's home.
- 8 (16) Assessment of a situation involving an endangered adult (as
- 9 defined in IC 12-10-3-2).
- 10 (17) Response to a sudden, unexpected infant death.
- 11 (18) Performing cardiopulmonary resuscitation and the Heimlich
- 12 maneuver.

13 (i) A county law enforcement agency may enter into an agreement  
 14 with other law enforcement agencies to provide the continuing  
 15 education required by this section and section 2(f) of this chapter.

16 SECTION 13. IC 5-10-10-1.5, AS AMENDED BY P.L.8-2006,  
 17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2012]: Sec. 1.5. As used in this chapter, "correctional officer"  
 19 includes:

- 20 (1) a county jail officer under IC 11-12-4-4;
- 21 (2) a person who has received a correctional officer training
- 22 certificate under IC 11-8-2-8;
- 23 (3) a prison matron or an assistant prison matron under
- 24 IC 36-8-10-5;
- 25 (4) any other person whose duties include the daily or ongoing
- 26 supervision and care of persons who are lawfully detained (as
- 27 defined in ~~IC 35-41-1-18~~ IC 35-31.5-2-187) in a facility operated
- 28 by the state or a political subdivision of the state; and
- 29 (5) a hazardous duty employee of the department of correction
- 30 who:
  - 31 (A) works within a prison or juvenile facility; or
  - 32 (B) performs parole or emergency response operations and
  - 33 functions.

34 SECTION 14. IC 5-13-4-21.3, AS ADDED BY P.L.107-2011,  
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2012]: Sec. 21.3. "Public servant" has the meaning set forth  
 37 in ~~IC 35-41-1-24~~ IC 35-31.5-2-262.

38 SECTION 15. IC 7.1-6-1-2 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. "Person" has the  
 40 meaning set forth in ~~IC 35-41-1-22~~ IC 35-31.5-2-235.

41 SECTION 16. IC 8-15-3-34, AS ADDED BY P.L.47-2006,  
 42 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 43 JULY 1, 2012]: Sec. 34. The department may arrange for the use and  
 44 employment of police officers to police a tollway. The police officers  
 45 employed under this section are vested with all necessary police  
 46 powers to enforce state laws. A police officer employed under this



1 section has the same powers within the property limits of a tollway as  
 2 a law enforcement officer (as defined in ~~IC 35-41-1-17~~)  
 3 **IC 35-31.5-2-186**) within the law enforcement officer's jurisdiction. A  
 4 warrant of arrest issued by the proper authority of the state may be  
 5 executed within the property limits of the tollway by a police officer  
 6 employed by the department or an operator.

7 SECTION 17. IC 8-15.7-2-7, AS ADDED BY P.L.47-2006,  
 8 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2012]: Sec. 7. "Law enforcement officer" has the meaning set  
 10 forth in ~~IC 35-41-1-17~~. **IC 35-31.5-2-186.**

11 SECTION 18. IC 9-13-2-92, AS AMENDED BY P.L.94-2006,  
 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2012]: Sec. 92. (a) "Law enforcement officer", except as  
 14 provided in subsection (b), includes the following:

- 15 (1) A state police officer.
- 16 (2) A city, town, or county police officer.
- 17 (3) A sheriff.
- 18 (4) A county coroner.
- 19 (5) A conservation officer.
- 20 (6) An individual assigned as a motor carrier inspector under
- 21 IC 10-11-2-26(a).
- 22 (7) A member of a consolidated law enforcement department
- 23 established under IC 36-3-1-5.1.
- 24 (8) An excise police officer of the alcohol and tobacco
- 25 commission.

26 (b) "Law enforcement officer", for purposes of IC 9-30-5, IC 9-30-6,  
 27 IC 9-30-7, IC 9-30-8, and IC 9-30-9, has the meaning set forth in  
 28 ~~IC 35-41-1~~. **IC 35-31.5-2-186.**

29 SECTION 19. IC 9-13-2-165 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 165. "Serious bodily  
 31 injury" has the meaning set forth in ~~IC 35-41-1~~. **IC 35-31.5-2-293.**

32 SECTION 20. IC 9-24-19-3 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A person who  
 34 operates a motor vehicle upon a highway when the person knows that  
 35 the person's driving privilege, license, or permit is suspended or  
 36 revoked, when the person's suspension or revocation was a result of the  
 37 person's conviction of an offense (as defined in ~~IC 35-41-1-19~~)  
 38 **IC 35-31.5-2-216**) commits a Class A misdemeanor.

39 SECTION 21. IC 10-14-3-33.5, AS AMENDED BY P.L.17-2011,  
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2012]: Sec. 33.5. (a) Except as provided in subsection (b), the  
 42 state, a political subdivision, or any other person may not prohibit or  
 43 restrict the lawful possession, transfer, sale, transportation, storage,  
 44 display, or use of firearms or ammunition during:

- 45 (1) a disaster emergency;
- 46 (2) an energy emergency; or



1 (3) a local disaster emergency;  
2 declared under this chapter.

3 (b) Subsection (a) does not authorize the possession, transfer, sale,  
4 transportation, storage, display, or use of firearms or ammunition  
5 during an emergency described in subsection (a):

6 (1) in or on school property, in or on property that is being used  
7 by a school for a school function, or on a school bus in violation  
8 of IC 20-33-8-16 or IC 35-47-9-2;

9 (2) on the property of:

10 (A) a child caring institution;

11 (B) an emergency shelter care child caring institution;

12 (C) a private secure facility;

13 (D) a group home; or

14 (E) an emergency shelter care group home;

15 in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465  
16 IAC 2-11-80, 465 IAC 2-12-78, or 465 IAC 2-13-77;

17 (3) on the property of a penal facility (as defined in  
18 ~~IC 35-41-1-21~~; **IC 35-31.5-2-233**);

19 (4) in violation of federal law;

20 (5) in or on property belonging to an approved postsecondary  
21 educational institution (as defined in IC 21-7-13-6(b));

22 (6) on the property of a domestic violence shelter; or

23 (7) on property owned, operated, controlled, or used by an entity  
24 that:

25 (A) is required to:

26 (i) conduct a vulnerability assessment; and

27 (ii) develop and implement a site security plan;

28 under the United States Department of Homeland Security's  
29 Chemical Facility Anti-Terrorism Standards issued April 9,  
30 2007; or

31 (B) is required to have a security plan under the Maritime  
32 Transportation Security Act of 2002, Public Law 107-295.

33 SECTION 22. IC 10-16-19-1, AS ADDED BY P.L.10-2007,  
34 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2012]: Sec. 1. (a) This section does not apply to an employee  
36 of the state subject to IC 4-15-10-8.

37 (b) This section applies to an employee of a political subdivision  
38 who:

39 (1) is a member of the civil air patrol; and

40 (2) has notified the employee's employer in writing that the  
41 employee is a member of the civil air patrol.

42 (c) A political subdivision employer may not discipline an  
43 employee:

44 (1) for being absent from employment by reason of engaging in an  
45 emergency service operation that began before the time that the  
46 employee was to report to employment; or



1 (2) for leaving the employee's duty station to engage in an  
 2 emergency service operation if the emergency service operation  
 3 began after the employee had reported for work and the employee  
 4 secured authorization from the employee's supervisor to leave the  
 5 employee's duty station before leaving to engage in the emergency  
 6 service operation.

7 (d) A political subdivision employer may require an employee who  
 8 has been absent from employment as set forth in subsection (c)(1) or  
 9 (c)(2) to present a written statement from the commander or other  
 10 officer in charge of the civil air patrol at the time of the absence  
 11 indicating that the employee was engaged in an emergency service  
 12 operation at the time of the absence.

13 (e) An employee who is disciplined by the employee's employer in  
 14 violation of subsection (c) may bring a civil action against the employer  
 15 in the county of employment. In the action, the employee may seek the  
 16 following:

- 17 (1) Payment of back wages.
- 18 (2) Reinstatement to the employee's former position.
- 19 (3) Fringe benefits wrongly denied or withdrawn.
- 20 (4) Seniority rights wrongly denied or withdrawn.

21 An action brought under this subsection must be filed within one (1)  
 22 year after the date of the disciplinary action.

23 (f) A public servant (as defined in ~~IC 35-41-1-24~~)  
 24 **IC 35-31.5-2-262**) who permits or authorizes an employee of a political  
 25 subdivision under the supervision of the public servant to be absent  
 26 from employment as set forth in subsection (c) is not considered to  
 27 have committed a violation of IC 35-44-2-4(b).

28 SECTION 23. IC 11-8-8-7, AS AMENDED BY P.L.119-2008,  
 29 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2012]: Sec. 7. (a) Subject to section 19 of this chapter, the  
 31 following persons must register under this chapter:

32 (1) A sex or violent offender who resides in Indiana. A sex or  
 33 violent offender resides in Indiana if either of the following  
 34 applies:

35 (A) The sex or violent offender spends or intends to spend at  
 36 least seven (7) days (including part of a day) in Indiana during  
 37 a one hundred eighty (180) day period.

38 (B) The sex or violent offender owns real property in Indiana  
 39 and returns to Indiana at any time.

40 (2) A sex or violent offender who works or carries on a vocation  
 41 or intends to work or carry on a vocation full-time or part-time for  
 42 a period:

43 (A) exceeding seven (7) consecutive days; or

44 (B) for a total period exceeding fourteen (14) days;

45 during any calendar year in Indiana regardless of whether the sex  
 46 or violent offender is financially compensated, volunteered, or is



1 acting for the purpose of government or educational benefit.

2 (3) A sex or violent offender who is enrolled or intends to be  
3 enrolled on a full-time or part-time basis in any public or private  
4 educational institution, including any secondary school, trade, or  
5 professional institution, or postsecondary educational institution.

6 (b) Except as provided in subsection (e), a sex or violent offender  
7 who resides in Indiana shall register with the local law enforcement  
8 authority in the county where the sex or violent offender resides. If a  
9 sex or violent offender resides in more than one (1) county, the sex or  
10 violent offender shall register with the local law enforcement authority  
11 in each county in which the sex or violent offender resides. If the sex  
12 or violent offender is also required to register under subsection (a)(2)  
13 or (a)(3), the sex or violent offender shall also register with the local  
14 law enforcement authority in the county in which the offender is  
15 required to register under subsection (c) or (d).

16 (c) A sex or violent offender described in subsection (a)(2) shall  
17 register with the local law enforcement authority in the county where  
18 the sex or violent offender is or intends to be employed or carry on a  
19 vocation. If a sex or violent offender is or intends to be employed or  
20 carry on a vocation in more than one (1) county, the sex or violent  
21 offender shall register with the local law enforcement authority in each  
22 county. If the sex or violent offender is also required to register under  
23 subsection (a)(1) or (a)(3), the sex or violent offender shall also register  
24 with the local law enforcement authority in the county in which the  
25 offender is required to register under subsection (b) or (d).

26 (d) A sex or violent offender described in subsection (a)(3) shall  
27 register with the local law enforcement authority in the county where  
28 the sex or violent offender is enrolled or intends to be enrolled as a  
29 student. If the sex or violent offender is also required to register under  
30 subsection (a)(1) or (a)(2), the sex or violent offender shall also register  
31 with the local law enforcement authority in the county in which the  
32 offender is required to register under subsection (b) or (c).

33 (e) A sex or violent offender described in subsection (a)(1)(B) shall  
34 register with the local law enforcement authority in the county in which  
35 the real property is located. If the sex or violent offender is also  
36 required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex  
37 or violent offender shall also register with the local law enforcement  
38 authority in the county in which the offender is required to register  
39 under subsection (b), (c), or (d).

40 (f) A sex or violent offender committed to the department shall  
41 register with the department before the sex or violent offender is  
42 released from incarceration. The department shall forward the sex or  
43 violent offender's registration information to the local law enforcement  
44 authority of every county in which the sex or violent offender is  
45 required to register.

46 (g) This subsection does not apply to a sex or violent offender who



1 is a sexually violent predator. A sex or violent offender not committed  
 2 to the department shall register not more than seven (7) days after the  
 3 sex or violent offender:

4 (1) is released from a penal facility (as defined in ~~IC 35-41-1-21~~);

5 **IC 35-31.5-2-233**);

6 (2) is released from a secure private facility (as defined in  
 7 IC 31-9-2-115);

8 (3) is released from a juvenile detention facility;

9 (4) is transferred to a community transition program;

10 (5) is placed on parole;

11 (6) is placed on probation;

12 (7) is placed on home detention; or

13 (8) arrives at the place where the sex or violent offender is  
 14 required to register under subsection (b), (c), or (d);

15 whichever occurs first. A sex or violent offender required to register in  
 16 more than one (1) county under subsection (b), (c), (d), or (e) shall  
 17 register in each appropriate county not more than seventy-two (72)  
 18 hours after the sex or violent offender's arrival in that county or  
 19 acquisition of real estate in that county.

20 (h) This subsection applies to a sex or violent offender who is a  
 21 sexually violent predator. A sex or violent offender who is a sexually  
 22 violent predator shall register not more than seventy-two (72) hours  
 23 after the sex or violent offender:

24 (1) is released from a penal facility (as defined in ~~IC 35-41-1-21~~);

25 **IC 35-31.5-2-233**);

26 (2) is released from a secure private facility (as defined in  
 27 IC 31-9-2-115);

28 (3) is released from a juvenile detention facility;

29 (4) is transferred to a community transition program;

30 (5) is placed on parole;

31 (6) is placed on probation;

32 (7) is placed on home detention; or

33 (8) arrives at the place where the sexually violent predator is  
 34 required to register under subsection (b), (c), or (d);

35 whichever occurs first. A sex or violent offender who is a sexually  
 36 violent predator required to register in more than one (1) county under  
 37 subsection (b), (c), (d), or (e) shall register in each appropriate county  
 38 not more than seventy-two (72) hours after the offender's arrival in that  
 39 county or acquisition of real estate in that county.

40 (i) The local law enforcement authority with whom a sex or violent  
 41 offender registers under this section shall make and publish a  
 42 photograph of the sex or violent offender on the Indiana sex and violent  
 43 offender registry web site established under IC 36-2-13-5.5. The local  
 44 law enforcement authority shall make a photograph of the sex or  
 45 violent offender that complies with the requirements of IC 36-2-13-5.5  
 46 at least once per year. The sheriff of a county containing a consolidated



1 city shall provide the police chief of the consolidated city with all  
 2 photographic and computer equipment necessary to enable the police  
 3 chief of the consolidated city to transmit sex or violent offender  
 4 photographs (and other identifying information required by  
 5 IC 36-2-13-5.5) to the Indiana sex and violent offender registry web  
 6 site established under IC 36-2-13-5.5. In addition, the sheriff of a  
 7 county containing a consolidated city shall provide all funding for the  
 8 county's financial obligation for the establishment and maintenance of  
 9 the Indiana sex and violent offender registry web site established under  
 10 IC 36-2-13-5.5.

11 (j) When a sex or violent offender registers, the local law  
 12 enforcement authority shall:

- 13 (1) immediately update the Indiana sex and violent offender  
 14 registry web site established under IC 36-2-13-5.5;
- 15 (2) notify every law enforcement agency having jurisdiction in the  
 16 county where the sex or violent offender resides; and
- 17 (3) update the National Crime Information Center National Sex  
 18 Offender Registry data base via the Indiana data and  
 19 communications system (IDACS).

20 When a sex or violent offender from a jurisdiction outside Indiana  
 21 registers a change of address, electronic mail address, instant  
 22 messaging username, electronic chat room username, social networking  
 23 web site username, employment, vocation, or enrollment in Indiana, the  
 24 local law enforcement authority shall provide the department with the  
 25 information provided by the sex or violent offender during registration.

26 SECTION 24. IC 11-8-8-13, AS AMENDED BY P.L.216-2007,  
 27 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2012]: Sec. 13. (a) To verify a sex or violent offender's current  
 29 residence, the local law enforcement authority having jurisdiction over  
 30 the area of the sex or violent offender's current principal address or  
 31 location shall do the following:

- 32 (1) Mail a form that is approved or prescribed by the department  
 33 to each sex or violent offender in the county at the sex or violent  
 34 offender's listed address at least one (1) time per year, beginning  
 35 seven (7) days after the local law enforcement authority receives  
 36 a notice under section 11 or 20 of this chapter or the date the sex  
 37 or violent offender is:
  - 38 (A) released from a penal facility (as defined in  
 39 ~~IC 35-41-1-21~~; IC 35-31.5-2-233), a secure private facility  
 40 (as defined in IC 31-9-2-115), or a juvenile detention facility;
  - 41 (B) placed in a community transition program;
  - 42 (C) placed in a community corrections program;
  - 43 (D) placed on parole; or
  - 44 (E) placed on probation;
- 45 whichever occurs first.
- 46 (2) Mail a form that is approved or prescribed by the department



1 to each sex or violent offender who is designated a sexually  
 2 violent predator under IC 35-38-1-7.5 at least once every ninety  
 3 (90) days, beginning seven (7) days after the local law  
 4 enforcement authority receives a notice under section 11 or 20 of  
 5 this chapter or the date the sex or violent offender is:

- 6 (A) released from a penal facility (as defined in  
 7 ~~IC 35-41-1-21~~; IC 35-31.5-2-233), a secure private facility  
 8 (as defined in IC 31-9-2-115), or a juvenile detention facility;  
 9 (B) placed in a community transition program;  
 10 (C) placed in a community corrections program;  
 11 (D) placed on parole; or  
 12 (E) placed on probation;

13 whichever occurs first.

14 (3) Personally visit each sex or violent offender in the county at  
 15 the sex or violent offender's listed address at least one (1) time per  
 16 year, beginning seven (7) days after the local law enforcement  
 17 authority receives a notice under section 7 of this chapter or the  
 18 date the sex or violent offender is:

- 19 (A) released from a penal facility (as defined in  
 20 ~~IC 35-41-1-21~~; IC 35-31.5-2-233), a secure private facility  
 21 (as defined in IC 31-9-2-115), or a juvenile detention facility;  
 22 (B) placed in a community transition program;  
 23 (C) placed in a community corrections program;  
 24 (D) placed on parole; or  
 25 (E) placed on probation;

26 whichever occurs first.

27 (4) Personally visit each sex or violent offender who is designated  
 28 a sexually violent predator under IC 35-38-1-7.5 at least once  
 29 every ninety (90) days, beginning seven (7) days after the local  
 30 law enforcement authority receives a notice under section 7 of  
 31 this chapter or the date the sex or violent offender is:

- 32 (A) released from a penal facility (as defined in  
 33 ~~IC 35-41-1-21~~; IC 35-31.5-2-233), a secure private facility  
 34 (as defined in IC 31-9-2-115), or a juvenile detention facility;  
 35 (B) placed in a community transition program;  
 36 (C) placed in a community corrections program;  
 37 (D) placed on parole; or  
 38 (E) placed on probation;

39 whichever occurs first.

40 (b) If a sex or violent offender fails to return a signed form either by  
 41 mail or in person, not later than fourteen (14) days after mailing, or  
 42 appears not to reside at the listed address, the local law enforcement  
 43 authority shall immediately notify the department and the prosecuting  
 44 attorney.

45 SECTION 25. IC 11-8-8-19, AS AMENDED BY P.L.119-2008,  
 46 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2012]: Sec. 19. (a) Except as provided in subsections (b)  
 2 through (e), a sex or violent offender is required to register under this  
 3 chapter until the expiration of ten (10) years after the date the sex or  
 4 violent offender:

- 5 (1) is released from a penal facility (as defined in ~~IC 35-41-1-21~~)  
 6 **IC 35-31.5-2-233**) or a secure juvenile detention facility of a state  
 7 or another jurisdiction;  
 8 (2) is placed in a community transition program;  
 9 (3) is placed in a community corrections program;  
 10 (4) is placed on parole; or  
 11 (5) is placed on probation;

12 for the sex or violent offense requiring registration, whichever occurs  
 13 last. The registration period is tolled during any period that the sex or  
 14 violent offender is incarcerated. The registration period does not restart  
 15 if the offender is convicted of a subsequent offense; however, if the  
 16 subsequent offense is a sex or violent offense, a new registration period  
 17 may be imposed in accordance with this chapter. The department shall  
 18 ensure that an offender who is no longer required to register as a sex or  
 19 violent offender is notified that the obligation to register has expired.

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

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

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

28 is required to register for life.

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

- 31 (1) proximately caused serious bodily injury or death to the  
 32 victim;  
 33 (2) used force or the threat of force against the victim or a  
 34 member of the victim's family, unless the offense is sexual battery  
 35 as a Class D felony; or  
 36 (3) rendered the victim unconscious or otherwise incapable of  
 37 giving voluntary consent;

38 is required to register for life.

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

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

45 SECTION 26. IC 11-13-3-4, AS AMENDED BY P.L.229-2011,  
 46 SECTION 104, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A condition to remaining on  
 2 parole is that the parolee not commit a crime during the period of  
 3 parole.

4 (b) The parole board may also adopt, under IC 4-22-2, additional  
 5 conditions to remaining on parole and require a parolee to satisfy one  
 6 (1) or more of these conditions. These conditions must be reasonably  
 7 related to the parolee's successful reintegration into the community and  
 8 not unduly restrictive of a fundamental right.

9 (c) If a person is released on parole, the parolee shall be given a  
 10 written statement of the conditions of parole. Signed copies of this  
 11 statement shall be:

12 (1) retained by the parolee;

13 (2) forwarded to any person charged with the parolee's  
 14 supervision; and

15 (3) placed in the parolee's master file.

16 (d) The parole board may modify parole conditions if the parolee  
 17 receives notice of that action and had ten (10) days after receipt of the  
 18 notice to express the parolee's views on the proposed modification.  
 19 This subsection does not apply to modification of parole conditions  
 20 after a revocation proceeding under section 10 of this chapter.

21 (e) As a condition of parole, the parole board may require the  
 22 parolee to reside in a particular parole area. In determining a parolee's  
 23 residence requirement, the parole board shall:

24 (1) consider:

25 (A) the residence of the parolee prior to the parolee's  
 26 incarceration; and

27 (B) the parolee's place of employment; and

28 (2) assign the parolee to reside in the county where the parolee  
 29 resided prior to the parolee's incarceration unless assignment on  
 30 this basis would be detrimental to the parolee's successful  
 31 reintegration into the community.

32 (f) As a condition of parole, the parole board may require the  
 33 parolee to:

34 (1) periodically undergo a laboratory chemical test (as defined in  
 35 IC 14-15-8-1) or series of tests to detect and confirm the presence  
 36 of a controlled substance (as defined in IC 35-48-1-9); and

37 (2) have the results of any test under this subsection reported to  
 38 the parole board by the laboratory.

39 The parolee is responsible for any charges resulting from a test  
 40 required under this subsection. However, a person's parole may not be  
 41 revoked on the basis of the person's inability to pay for a test under this  
 42 subsection.

43 (g) As a condition of parole, the parole board:

44 (1) may require a parolee who is a sex offender (as defined in  
 45 IC 11-8-8-4.5) to:

46 (A) participate in a treatment program for sex offenders



1 approved by the parole board; and

2 (B) avoid contact with any person who is less than sixteen (16)  
3 years of age unless the parolee:

4 (i) receives the parole board's approval; or

5 (ii) successfully completes the treatment program referred to  
6 in clause (A); and

7 (2) shall:

8 (A) require a parolee who is a sex or violent offender (as  
9 defined in IC 11-8-8-5) to register with a local law  
10 enforcement authority under IC 11-8-8;

11 (B) prohibit a parolee who is a sex offender from residing  
12 within one thousand (1,000) feet of school property (as defined  
13 in ~~IC 35-41-1-24.7~~ **IC 35-31.5-2-286**) for the period of  
14 parole, unless the sex offender obtains written approval from  
15 the parole board;

16 (C) prohibit a parolee who is a sex offender convicted of a sex  
17 offense (as defined in IC 35-38-2-2.5) from residing within  
18 one (1) mile of the victim of the sex offender's sex offense  
19 unless the sex offender obtains a waiver under IC 35-38-2-2.5;

20 (D) prohibit a parolee who is a sex offender from owning,  
21 operating, managing, being employed by, or volunteering at  
22 any attraction designed to be primarily enjoyed by children  
23 less than sixteen (16) years of age;

24 (E) require a parolee who is a sex offender to consent:

25 (i) to the search of the sex offender's personal computer at  
26 any time; and

27 (ii) to the installation on the sex offender's personal  
28 computer or device with Internet capability, at the sex  
29 offender's expense, of one (1) or more hardware or software  
30 systems to monitor Internet usage; and

31 (F) prohibit the sex offender from:

32 (i) accessing or using certain web sites, chat rooms, or  
33 instant messaging programs frequented by children; and

34 (ii) deleting, erasing, or tampering with information on the  
35 sex offender's personal computer with intent to conceal an  
36 activity prohibited by item (i).

37 The parole board may not grant a sexually violent predator (as defined  
38 in IC 35-38-1-7.5) or a sex offender who is an offender against children  
39 under IC 35-42-4-11 a waiver under subdivision (2)(B) or (2)(C). If the  
40 parole board allows the sex offender to reside within one thousand  
41 (1,000) feet of school property under subdivision (2)(B), the parole  
42 board shall notify each school within one thousand (1,000) feet of the  
43 sex offender's residence of the order.

44 (h) The address of the victim of a parolee who is a sex offender  
45 convicted of a sex offense (as defined in IC 35-38-2-2.5) is  
46 confidential, even if the sex offender obtains a waiver under



1 IC 35-38-2-2.5.

2 (i) As a condition of parole, the parole board may require a parolee  
3 to participate in a reentry court program.

4 (j) As a condition of parole, the parole board:

5 (1) shall require a parolee who is a sexually violent predator  
6 under IC 35-38-1-7.5; and

7 (2) may require a parolee who is a sex or violent offender (as  
8 defined in IC 11-8-8-5);

9 to wear a monitoring device (as described in IC 35-38-2.5-3) that can  
10 transmit information twenty-four (24) hours each day regarding a  
11 person's precise location, subject to the amount appropriated to the  
12 department for a monitoring program as a condition of parole.

13 (k) As a condition of parole, the parole board may prohibit, in  
14 accordance with IC 35-38-2-2.6, a parolee who has been convicted of  
15 stalking from residing within one thousand (1,000) feet of the residence  
16 of the victim of the stalking for a period that does not exceed five (5)  
17 years.

18 (l) As a condition of parole, the parole board may prohibit a parolee  
19 convicted of an offense under IC 35-46-3 from owning, harboring, or  
20 training an animal, and, if the parole board prohibits a parolee  
21 convicted of an offense under IC 35-46-3 from having direct or indirect  
22 contact with an individual, the parole board may also prohibit the  
23 parolee from having direct or indirect contact with any animal  
24 belonging to the individual.

25 (m) A parolee may be responsible for the reasonable expenses, as  
26 determined by the department, of the parolee's participation in a  
27 treatment or other program required as a condition of parole under this  
28 section. However, a person's parole may not be revoked solely on the  
29 basis of the person's inability to pay for a program required as a  
30 condition of parole under this section.

31 SECTION 27. IC 11-13-3-7 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) An employee of  
33 the department assigned to supervise and assist parolees may:

34 (1) execute warrants issued by the parole board;

35 (2) serve orders, subpoenas, and notices issued by the parole  
36 board;

37 (3) conduct investigations necessary to the performance of **his the**  
38 **employee's** duties;

39 (4) visit and confer with any person under **his the employee's**  
40 supervision, even when that person is in custody;

41 (5) act as a probation officer if requested by the appropriate court  
42 and if that request is approved by the department;

43 (6) search a parolee's person or property if **he the employee** has  
44 reasonable cause to believe that the parolee is violating or is in  
45 imminent danger of violating a condition to remaining on parole;

46 (7) arrest a parolee without a warrant if **he the employee** has



1 reasonable cause to believe that the parolee has violated or is  
 2 about to violate a condition to remaining on parole and that an  
 3 emergency situation exists, so that awaiting action by the parole  
 4 board under section 8 of this chapter would create an undue risk  
 5 to the public or to the parolee; and

6 (8) exercise any other power reasonably necessary in discharging  
 7 **his the employee's** duties and powers.

8 (b) An employee of the department assigned to supervise and assist  
 9 parolees is not considered a law enforcement officer under IC 5-2-1 or  
 10 ~~IC 35-41-1~~. **IC 35-31.5-2-186.**

11 SECTION 28. IC 11-13-6-6 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) An employee of  
 13 the department assigned to supervise and assist parolees may:

14 (1) execute warrants issued by the department;

15 (2) serve orders, subpoenas, and notices issued by the department;

16 (3) conduct investigations necessary to the performance of **his the**  
 17 **employee's** duties;

18 (4) visit and confer with any person under **his the employee's**  
 19 supervision, even when that person is in custody;

20 (5) act as a probation officer if requested by the appropriate court  
 21 and if that request is approved by the department;

22 (6) search a parolee's person or property if ~~he the employee~~ has  
 23 reasonable cause to believe that the parolee is violating or is in  
 24 imminent danger of violating a condition of parole;

25 (7) arrest a parolee without a warrant if ~~he the employee~~ has  
 26 reasonable cause to believe that the parolee has violated or is  
 27 about to violate a condition of **his the parolee's** parole and that an  
 28 emergency situation exists, so that awaiting action under section  
 29 7 of this chapter would create an undue risk to the public or to the  
 30 parolee; and

31 (8) exercise any other power reasonably necessary in discharging  
 32 **his the employee's** duties and powers.

33 (b) An employee of the department assigned to supervise and assist  
 34 parolees is not considered a law enforcement officer under IC 5-2-1 or  
 35 ~~IC 35-41-1~~. **IC 35-31.5-2-186.**

36 SECTION 29. IC 12-7-2-88 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 88. "Forcible felony",  
 38 for purposes of IC 12-23, has the meaning set forth in ~~IC 35-41-1~~.  
 39 **IC 35-31.5-2-138.**

40 SECTION 30. IC 12-7-2-147 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 147. "Property", for  
 42 purposes of IC 12-12-1, has the meaning set forth in ~~IC 35-41-1-23~~.  
 43 **IC 35-31.5-2-254.**

44 SECTION 31. IC 12-23-5-7 IS AMENDED TO READ AS  
 45 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. Prosecution may be  
 46 deferred under sections 2 through 5 of this chapter if a defendant has



1 been charged with a misdemeanor or infraction in which the use of  
 2 alcohol or drugs was a contributing factor or material element of the  
 3 offense or the defendant's mental illness was a contributing factor,  
 4 unless at least one (1) of the following exists:

- 5 (1) The offense involves death or serious bodily injury.
- 6 (2) The defendant has a record of at least two (2) prior  
 7 convictions of forcible felonies (as defined in ~~IC 35-41-1~~;  
 8 **IC 35-31.5-2-138**).
- 9 (3) Other criminal proceedings, not arising out of the same  
 10 incident, alleging commission of a felony are pending against the  
 11 defendant.
- 12 (4) The defendant is on probation or parole and the appropriate  
 13 parole or probation authority does not consent to the defendant's  
 14 participation.
- 15 (5) The defendant fails to meet additional eligibility requirements  
 16 imposed by the court.

17 SECTION 32. IC 12-24-12-10, AS AMENDED BY P.L.141-2006,  
 18 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2012]: Sec. 10. (a) Upon admission to a state institution  
 20 administered by the division of mental health and addiction, the  
 21 gatekeeper is one (1) of the following:

- 22 (1) For an individual with a psychiatric disorder, the community  
 23 mental health center that submitted the report to the committing  
 24 court under IC 12-26.
  - 25 (2) For an individual with a developmental disability, a division  
 26 of disability and rehabilitative services service coordinator under  
 27 IC 12-11-2.1.
  - 28 (3) For an individual entering an addictions program, an  
 29 addictions treatment provider that is certified by the division of  
 30 mental health and addiction.
- 31 (b) The division is the gatekeeper for the following:
- 32 (1) An individual who is found to have insufficient  
 33 comprehension to stand trial under IC 35-36-3.
  - 34 (2) An individual who is found to be not guilty by reason of  
 35 insanity under IC 35-36-2-4 and is subject to a civil commitment  
 36 under IC 12-26.
  - 37 (3) An individual who is immediately subject to a civil  
 38 commitment upon the individual's release from incarceration in  
 39 a facility administered by the department of correction or the  
 40 Federal Bureau of Prisons, or upon being charged with or  
 41 convicted of a forcible felony under ~~IC 35-41-1~~;  
 42 **IC 35-31.5-2-138**.
  - 43 (4) An individual placed under the supervision of the division for  
 44 addictions treatment under IC 12-23-7 and IC 12-23-8.
  - 45 (5) An individual transferred from the department of correction  
 46 under IC 11-10-4.



1 SECTION 33. IC 13-11-2-158, AS AMENDED BY P.L.189-2011,  
 2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2012]: Sec. 158. (a) "Person", for purposes of:

- 4 (1) IC 13-21;  
 5 (2) air pollution control laws;  
 6 (3) water pollution control laws; and  
 7 (4) environmental management laws, except as provided in  
 8 subsections (c), (d), (e), and (h);

9 means an individual, a partnership, a copartnership, a firm, a company,  
 10 a corporation, an association, a joint stock company, a trust, an estate,  
 11 a municipal corporation, a city, a school city, a town, a school town, a  
 12 school district, a school corporation, a county, any consolidated unit of  
 13 government, political subdivision, state agency, a contractor, or any  
 14 other legal entity.

15 (b) "Person", for purposes of:

- 16 (1) IC 13-18-10;  
 17 (2) IC 13-18-10.5;  
 18 (3) IC 13-20-10.5; and  
 19 (4) IC 13-20-17;

20 means an individual, a partnership, a copartnership, a firm, a company,  
 21 a corporation, an association, a joint stock company, a trust, an estate,  
 22 a political subdivision, a state agency, or other legal entity, or their  
 23 legal representative, agent, or assigns.

24 (c) "Person", for purposes of:

- 25 (1) IC 13-20-13;  
 26 (2) IC 13-20-14;  
 27 (3) IC 13-20-16; and  
 28 (4) IC 13-25-6;

29 means an individual, a corporation, a limited liability company, a  
 30 partnership, or an unincorporated association.

31 (d) "Person", for purposes of IC 13-23, has the meaning set forth in  
 32 subsection (a). The term includes a consortium, a joint venture, a  
 33 commercial entity, and the United States government.

34 (e) "Person", for purposes of IC 13-20-17.5 and IC 13-25-3, means  
 35 an individual, a corporation, a limited liability company, a partnership,  
 36 a trust, an estate, or an unincorporated association.

37 (f) "Person", for purposes of IC 13-26, means an individual, a firm,  
 38 a partnership, an association, a limited liability company, or a  
 39 corporation other than an eligible entity.

40 (g) "Person", for purposes of IC 13-29-1, means any individual,  
 41 corporation, business enterprise, or other legal entity either public or  
 42 private and any legal successor, representative, agent, or agency of that  
 43 individual, corporation, business enterprise, or legal entity.

44 (h) "Person", for purposes of IC 13-30-8-1, has the meaning set forth  
 45 in ~~IC 35-41-1~~ **IC 35-31.5-2-235**.

46 SECTION 34. IC 14-9-8-17 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. A conservation  
2 officer:

3 (1) is a law enforcement officer under IC 9-13-2-92 and  
4 ~~IC 35-41-1-17~~ **IC 35-31.5-2-186** and has the power to enforce  
5 Indiana laws and without warrant to arrest for the violation of any  
6 of those laws when committed in the officer's presence;

7 (2) is a police officer under IC 9-13-2-127;

8 (3) has the power of law enforcement officers to arrest under  
9 IC 35-33-1-1; and

10 (4) has the power to enforce Indiana laws and may exercise all  
11 powers granted by law to state police officers, sheriffs, and  
12 members of police departments.

13 SECTION 35. IC 14-15-8-4 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. As used in this  
15 chapter, "law enforcement officer" has the meaning set forth in  
16 ~~IC 35-41-1~~ **IC 35-31.5-2-186**. The term includes conservation officers  
17 employed by the department.

18 SECTION 36. IC 14-15-8-7 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. As used in this  
20 chapter, "serious bodily injury" has the meaning set forth in ~~IC 35-41-1~~.  
21 **IC 35-31.5-2-293**.

22 SECTION 37. IC 14-15-11-11 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) Except as  
24 provided in subsection (b), a person who operates a motorboat upon  
25 public waters while the person's Indiana driver's license is suspended  
26 or revoked commits a Class A infraction. However, if:

27 (1) a person knowingly or intentionally violates this subsection;  
28 and

29 (2) less than ten (10) years have elapsed between the date a  
30 judgment was entered against the person for a prior unrelated  
31 violation of this subsection, IC 9-1-4-52 (repealed July 1, 1991),  
32 IC 9-24-18-5 (repealed July 1, 2000), or IC 9-24-19 and the date  
33 the violation described in subdivision (1) was committed;

34 the person commits a Class A misdemeanor.

35 (b) If:

36 (1) a person operates a motorboat upon public waters while the  
37 person's Indiana driver's license is suspended or revoked; and

38 (2) the person's suspension or revocation was a result of the  
39 person's conviction of an offense (as defined in ~~IC 35-41-1-19~~);  
40 **IC 35-31.5-2-216**);

41 the person commits a Class A misdemeanor. However, notwithstanding  
42 IC 35-50-3-2, a person who violates this subsection shall be imprisoned  
43 for a fixed term of not less than sixty (60) days and not more than one  
44 (1) year. Notwithstanding IC 35-50-3-1, the court may not suspend any  
45 part of the sentence except that part of the sentence exceeding sixty  
46 (60) days.



1 (c) In addition to any other penalty imposed for a conviction under  
 2 this section, the court shall recommend that the person's privileges to  
 3 operate a motorboat upon public waters be suspended for a fixed period  
 4 of not less than ninety (90) days and not more than two (2) years.

5 (d) The bureau, upon receiving a record of conviction of a person on  
 6 a charge of operating a motorboat while the person's driver's license  
 7 was suspended, shall extend the period of suspension for a fixed period  
 8 of not less than ninety (90) days and not more than two (2) years. The  
 9 bureau shall fix this period in accordance with the recommendation of  
 10 the court that entered the conviction.

11 (e) In a prosecution under this section, the burden is on the  
 12 defendant to prove by a preponderance of the evidence that, at the time  
 13 of the alleged offense, the defendant held a valid Indiana driver's  
 14 license.

15 SECTION 38. IC 14-22-40-5, AS AMENDED BY P.L.26-2008,  
 16 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2012]: Sec. 5. As used in this chapter, "law enforcement  
 18 officer" has the meaning set forth in ~~IC 35-41-1-17~~: **IC 35-31.5-2-186**.  
 19 The term includes a conservation officer.

20 SECTION 39. IC 15-13-1-16, AS ADDED BY P.L.2-2008,  
 21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2012]: Sec. 16. "Property" has the meaning set forth in  
 23 ~~IC 35-41-1-23~~: **IC 35-31.5-2-254**.

24 SECTION 40. IC 16-18-2-7 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) "Advanced life  
 26 support", for purposes of IC 16-31, means care that is given:

27 (1) at the scene of:

28 (A) an accident;

29 (B) an act of terrorism (as defined in ~~IC 35-41-1-26.5~~);  
 30 **IC 35-31.5-2-329**) if the governor has declared a disaster  
 31 emergency under IC 10-14-3-12 in response to the act of  
 32 terrorism; or

33 (C) an illness;

34 (2) during transport; or

35 (3) at a hospital;

36 by a paramedic or an emergency medical technician-intermediate and  
 37 that is more advanced than the care usually provided by an emergency  
 38 medical technician or an emergency medical technician-basic  
 39 advanced.

40 (b) The term may include any of the following:

41 (1) Defibrillation.

42 (2) Endotracheal intubation.

43 (3) Parenteral injections of appropriate medications.

44 (4) Electrocardiogram interpretation.

45 (5) Emergency management of trauma and illness.

46 SECTION 41. IC 16-31-6-4 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) This section does  
 2 not apply to an act or omission that was a result of gross negligence or  
 3 willful or intentional misconduct.

4 (b) An act or omission of a paramedic, an emergency medical  
 5 technician-intermediate, an emergency medical technician-basic  
 6 advanced, an emergency medical technician, or a person with  
 7 equivalent certification from another state that is performed or made  
 8 while providing advanced life support or basic life support to a patient  
 9 or trauma victim does not impose liability upon the paramedic, the  
 10 emergency medical technician-intermediate, the emergency medical  
 11 technician-basic advanced, an emergency medical technician, the  
 12 person with equivalent certification from another state, a hospital, a  
 13 provider organization, a governmental entity, or an employee or other  
 14 staff of a hospital, provider organization, or governmental entity if the  
 15 advanced life support or basic life support is provided in good faith:

16 (1) in connection with a disaster emergency declared by the  
 17 governor under IC 10-14-3-12 in response to an act that the  
 18 governor in good faith believes to be an act of terrorism (as  
 19 defined in ~~IC 35-41-1-26.5~~; **IC 35-31.5-2-329**); and

20 (2) in accordance with the rules adopted by the Indiana  
 21 emergency medical services commission or the disaster  
 22 emergency declaration of the governor.

23 SECTION 42. IC 16-41-8-1, AS AMENDED BY P.L.125-2009,  
 24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2012]: Sec. 1. (a) As used in this chapter, "potentially disease  
 26 transmitting offense" means any of the following:

27 (1) Battery by body waste (IC 35-42-2-6).

28 (2) An offense relating to a criminal sexual act (as defined in  
 29 ~~IC 35-41-1-19.3~~), **IC 35-31.5-2-218**), if sexual intercourse or  
 30 deviate sexual conduct occurred.

31 The term includes an attempt to commit an offense, if sexual  
 32 intercourse or deviate sexual conduct occurred, and a delinquent act  
 33 that would be a crime if committed by an adult.

34 (b) Except as provided in this chapter, a person may not disclose or  
 35 be compelled to disclose medical or epidemiological information  
 36 involving a communicable disease or other disease that is a danger to  
 37 health (as defined under rules adopted under IC 16-41-2-1). This  
 38 information may not be released or made public upon subpoena or  
 39 otherwise, except under the following circumstances:

40 (1) Release may be made of medical or epidemiologic information  
 41 for statistical purposes if done in a manner that does not identify  
 42 an individual.

43 (2) Release may be made of medical or epidemiologic information  
 44 with the written consent of all individuals identified in the  
 45 information released.

46 (3) Release may be made of medical or epidemiologic information



1 to the extent necessary to enforce public health laws, laws  
 2 described in IC 31-37-19-4 through IC 31-37-19-6, IC 31-37-19-9  
 3 through IC 31-37-19-10, IC 31-37-19-12 through IC 31-37-19-23,  
 4 IC 35-38-1-7.1, and IC 35-42-1-7, or to protect the health or life  
 5 of a named party.

6 (4) Release may be made of the medical information of a person  
 7 in accordance with this chapter.

8 (c) Except as provided in this chapter, a person responsible for  
 9 recording, reporting, or maintaining information required to be reported  
 10 under IC 16-41-2 who recklessly, knowingly, or intentionally discloses  
 11 or fails to protect medical or epidemiologic information classified as  
 12 confidential under this section commits a Class A misdemeanor.

13 (d) In addition to subsection (c), a public employee who violates this  
 14 section is subject to discharge or other disciplinary action under the  
 15 personnel rules of the agency that employs the employee.

16 (e) Release shall be made of the medical records concerning an  
 17 individual to:

18 (1) the individual;

19 (2) a person authorized in writing by the individual to receive the  
 20 medical records; or

21 (3) a coroner under IC 36-2-14-21.

22 (f) An individual may voluntarily disclose information about the  
 23 individual's communicable disease.

24 (g) The provisions of this section regarding confidentiality apply to  
 25 information obtained under IC 16-41-1 through IC 16-41-16.

26 SECTION 43. IC 20-33-8-16, AS ADDED BY P.L.1-2005,  
 27 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2012]: Sec. 16. (a) As used in this section, "firearm" has the  
 29 meaning set forth in IC 35-47-1-5.

30 (b) As used in this section, "deadly weapon" has the meaning set  
 31 forth in ~~IC 35-41-1-8~~ **IC 35-31.5-2-86**. The term does not include a  
 32 firearm or destructive device.

33 (c) As used in this section, "destructive device" has the meaning set  
 34 forth in IC 35-47.5-2-4.

35 (d) Notwithstanding section 20 of this chapter, a student who is:

36 (1) identified as bringing a firearm or destructive device to school  
 37 or on school property; or

38 (2) in possession of a firearm or destructive device on school  
 39 property;

40 must be expelled for at least one (1) calendar year, with the return of  
 41 the student to be at the beginning of the first school semester after the  
 42 end of the one (1) year period.

43 (e) The superintendent may, on a case by case basis, modify the  
 44 period of expulsion under subsection (d) for a student who is expelled  
 45 under this section.

46 (f) Notwithstanding section 20 of this chapter, a student who is:



1 (1) identified as bringing a deadly weapon to school or on school  
2 property; or

3 (2) in possession of a deadly weapon on school property;  
4 may be expelled for not more than one (1) calendar year.

5 (g) A superintendent or the superintendent's designee shall  
6 immediately notify the appropriate law enforcement agency having  
7 jurisdiction over the property where the school is located if a student  
8 engages in a behavior described in subsection (d). The superintendent  
9 may give similar notice if the student engages in a behavior described  
10 in subsection (f). Upon receiving notification under this subsection, the  
11 law enforcement agency shall begin an investigation and take  
12 appropriate action.

13 (h) A student with disabilities (as defined in IC 20-35-7-7) who  
14 possesses a firearm on school property is subject to procedural  
15 safeguards under 20 U.S.C. 1415.

16 SECTION 44. IC 21-12-3-13, AS AMENDED BY P.L.229-2011,  
17 SECTION 223, IS AMENDED TO READ AS FOLLOWS  
18 [EFFECTIVE JULY 1, 2012]: Sec. 13. The commission may not  
19 provide assistance under this chapter to a higher education award  
20 applicant or recipient who is:

21 (1) convicted of a felony;

22 (2) sentenced to a term of imprisonment for that felony; and

23 (3) confined for that felony at a penal facility (as defined in  
24 ~~IC 35-41-1-21~~; **IC 35-31.5-2-233**).

25 SECTION 45. IC 22-11-17-4 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. An owner of a public  
27 building commits a Class D felony if:

28 (1) ~~he the owner~~ knowingly or intentionally violates section 2 of  
29 this chapter; and

30 (2) bodily injury (as defined by ~~IC 35-41-1~~ **IC 35-31.5-2-29**) or  
31 a loss of life occurs to a person lawfully in the public building as  
32 a result of a fire in the building.

33 SECTION 46. IC 22-11-18-1, AS AMENDED BY P.L.17-2008,  
34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2012]: Sec. 1. As used in this chapter:

36 "Bodily injury" has the meaning set forth in ~~IC 35-41-1-4~~.  
37 **IC 35-31.5-2-29**.

38 "Dwelling" means a residence with at least one (1) dwelling unit as  
39 set forth in IC 22-12-1-4(a)(1)(B) and IC 22-12-1-5(a)(1).

40 "Hotels and motels" means buildings or structures kept, maintained,  
41 used, advertised, or held out to the public as inns or places where  
42 sleeping accommodations are furnished for hire for transient guests.

43 "Landlord" has the meaning set forth in IC 32-31-3-3.

44 "Owner" means a person having control or custody of any building  
45 covered by this chapter.

46 "Person" means an individual, corporation, partnership, association,



1 or other legal entity.

2 "Rental premises" has the meaning set forth in IC 32-31-7-3.

3 "Rental unit" has the meaning set forth in IC 32-31-3-8.

4 "Smoke detector" means a device which senses visible or invisible  
5 particles of combustion and conforms to the minimum standards for  
6 type, components, and maintenance prescribed by the National Fire  
7 Protection Association.

8 "Seasonally occupied dwellings" means hotels and motels open to  
9 the public for occupancy by guests only during any period of time  
10 between April 15 and October 15 each year.

11 "Single level dwellings" means all single level (no more than one  
12 (1) level above ground) hotels and motels that have no interior  
13 corridors, and whose individual rooms have exterior exits.

14 "Tenant" has the meaning set forth in IC 32-31-3-10.

15 SECTION 47. IC 23-1-55-2, AS ADDED BY P.L.92-2008,  
16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2012]: Sec. 2. A person (as defined in ~~IC 35-41-1-22~~)  
18 **IC 35-31.5-2-235**) that intends to offer for sale or sell sexually explicit  
19 materials shall register with the secretary of state the intent to offer for  
20 sale or sell sexually explicit materials and provide a statement detailing  
21 the types of materials that the person intends to offer for sale or sell.

22 SECTION 48. IC 24-3-4-5 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this  
24 chapter, "law enforcement officer" has the meaning set forth in  
25 ~~IC 35-41-1-17~~. **IC 35-31.5-2-186**.

26 SECTION 49. IC 24-4-16.4-1, AS ADDED BY P.L.92-2008,  
27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2012]: Sec. 1. As used in this chapter, "person" has the  
29 meaning set forth in ~~IC 35-41-1-22~~. **IC 35-31.5-2-235**.

30 SECTION 50. IC 24-8-2-6 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. "Property" has the  
32 meaning set forth in ~~IC 35-41-1-23~~. **IC 35-31.5-2-254**.

33 SECTION 51. IC 25-1-9-3.5 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.5. As used in this  
35 chapter, "sexual contact" means:

36 (1) sexual intercourse (as defined in ~~IC 35-41-1-26~~);  
37 **IC 35-31.5-2-302**);

38 (2) deviate sexual conduct (as defined in ~~IC 35-41-1-9~~);  
39 **IC 35-31.5-2-94**); or

40 (3) any fondling or touching intended to arouse or satisfy the  
41 sexual desires of either the individual performing the fondling or  
42 touching or the individual being fondled or touched.

43 SECTION 52. IC 25-22.5-1-2, AS AMENDED BY P.L.177-2009,  
44 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
45 JULY 1, 2012]: Sec. 2. (a) This article, as it relates to the unlawful or  
46 unauthorized practice of medicine or osteopathic medicine, does not



1 apply to any of the following:

- 2 (1) A student in training in a medical school approved by the  
 3 board, or while performing duties as an intern or a resident in a  
 4 hospital under the supervision of the hospital's staff or in a  
 5 program approved by the medical school.  
 6 (2) A person who renders service in case of emergency where no  
 7 fee or other consideration is contemplated, charged, or received.  
 8 (3) A paramedic (as defined in IC 16-18-2-266), an emergency  
 9 medical technician-basic advanced (as defined in  
 10 IC 16-18-2-112.5), an emergency medical technician-intermediate  
 11 (as defined in IC 16-18-2-112.7), an emergency medical  
 12 technician (as defined in IC 16-18-2-112), or a person with  
 13 equivalent certification from another state who renders advanced  
 14 life support (as defined in IC 16-18-2-7) or basic life support (as  
 15 defined in IC 16-18-2-33.5):  
 16 (A) during a disaster emergency declared by the governor  
 17 under IC 10-14-3-12 in response to an act that the governor in  
 18 good faith believes to be an act of terrorism (as defined in  
 19 ~~IC 35-41-1-26.5~~; **IC 35-31.5-2-329**); and  
 20 (B) in accordance with the rules adopted by the Indiana  
 21 emergency medical services commission or the disaster  
 22 emergency declaration of the governor.  
 23 (4) Commissioned medical officers or medical service officers of  
 24 the armed forces of the United States, the United States Public  
 25 Health Service, and medical officers of the United States  
 26 Department of Veterans Affairs in the discharge of their official  
 27 duties in Indiana.  
 28 (5) An individual who is not a licensee who resides in another  
 29 state or country and is authorized to practice medicine or  
 30 osteopathic medicine there, who is called in for consultation by an  
 31 individual licensed to practice medicine or osteopathic medicine  
 32 in Indiana.  
 33 (6) A person administering a domestic or family remedy to a  
 34 member of the person's family.  
 35 (7) A member of a church practicing the religious tenets of the  
 36 church if the member does not make a medical diagnosis,  
 37 prescribe or administer drugs or medicines, perform surgical or  
 38 physical operations, or assume the title of or profess to be a  
 39 physician.  
 40 (8) A school corporation and a school employee who acts under  
 41 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).  
 42 (9) A chiropractor practicing the chiropractor's profession under  
 43 IC 25-10 or to an employee of a chiropractor acting under the  
 44 direction and supervision of the chiropractor under IC 25-10-1-13.  
 45 (10) A dental hygienist practicing the dental hygienist's profession  
 46 under IC 25-13.



- 1 (11) A dentist practicing the dentist's profession under IC 25-14.  
 2 (12) A hearing aid dealer practicing the hearing aid dealer's  
 3 profession under IC 25-20.  
 4 (13) A nurse practicing the nurse's profession under IC 25-23.  
 5 However, a certified registered nurse anesthetist (as defined in  
 6 IC 25-23-1-1.4) may administer anesthesia if the certified  
 7 registered nurse anesthetist acts under the direction of and in the  
 8 immediate presence of a physician.  
 9 (14) An optometrist practicing the optometrist's profession under  
 10 IC 25-24.  
 11 (15) A pharmacist practicing the pharmacist's profession under  
 12 IC 25-26.  
 13 (16) A physical therapist practicing the physical therapist's  
 14 profession under IC 25-27.  
 15 (17) A podiatrist practicing the podiatrist's profession under  
 16 IC 25-29.  
 17 (18) A psychologist practicing the psychologist's profession under  
 18 IC 25-33.  
 19 (19) A speech-language pathologist or audiologist practicing the  
 20 pathologist's or audiologist's profession under IC 25-35.6.  
 21 (20) An employee of a physician or group of physicians who  
 22 performs an act, a duty, or a function that is customarily within  
 23 the specific area of practice of the employing physician or group  
 24 of physicians, if the act, duty, or function is performed under the  
 25 direction and supervision of the employing physician or a  
 26 physician of the employing group within whose area of practice  
 27 the act, duty, or function falls. An employee may not make a  
 28 diagnosis or prescribe a treatment and must report the results of  
 29 an examination of a patient conducted by the employee to the  
 30 employing physician or the physician of the employing group  
 31 under whose supervision the employee is working. An employee  
 32 may not administer medication without the specific order of the  
 33 employing physician or a physician of the employing group.  
 34 Unless an employee is licensed or registered to independently  
 35 practice in a profession described in subdivisions (9) through  
 36 (18), nothing in this subsection grants the employee independent  
 37 practitioner status or the authority to perform patient services in  
 38 an independent practice in a profession.  
 39 (21) A hospital licensed under IC 16-21 or IC 12-25.  
 40 (22) A health care organization whose members, shareholders, or  
 41 partners are individuals, partnerships, corporations, facilities, or  
 42 institutions licensed or legally authorized by this state to provide  
 43 health care or professional services as:  
 44 (A) a physician;  
 45 (B) a psychiatric hospital;  
 46 (C) a hospital;



- 1 (D) a health maintenance organization or limited service  
 2 health maintenance organization;  
 3 (E) a health facility;  
 4 (F) a dentist;  
 5 (G) a registered or licensed practical nurse;  
 6 (H) a midwife;  
 7 (I) an optometrist;  
 8 (J) a podiatrist;  
 9 (K) a chiropractor;  
 10 (L) a physical therapist; or  
 11 (M) a psychologist.
- 12 (23) A physician assistant practicing the physician assistant  
 13 profession under IC 25-27.5.
- 14 (24) A physician providing medical treatment under  
 15 IC 25-22.5-1-2.1.
- 16 (25) An attendant who provides attendant care services (as  
 17 defined in IC 16-18-2-28.5).
- 18 (26) A personal services attendant providing authorized attendant  
 19 care services under IC 12-10-17.1.
- 20 (b) A person described in subsection (a)(9) through (a)(18) is not  
 21 excluded from the application of this article if:
- 22 (1) the person performs an act that an Indiana statute does not  
 23 authorize the person to perform; and  
 24 (2) the act qualifies in whole or in part as the practice of medicine  
 25 or osteopathic medicine.
- 26 (c) An employment or other contractual relationship between an  
 27 entity described in subsection (a)(21) through (a)(22) and a licensed  
 28 physician does not constitute the unlawful practice of medicine under  
 29 this article if the entity does not direct or control independent medical  
 30 acts, decisions, or judgment of the licensed physician. However, if the  
 31 direction or control is done by the entity under IC 34-30-15 (or  
 32 IC 34-4-12.6 before its repeal), the entity is excluded from the  
 33 application of this article as it relates to the unlawful practice of  
 34 medicine or osteopathic medicine.
- 35 (d) This subsection does not apply to a prescription or drug order for  
 36 a legend drug that is filled or refilled in a pharmacy owned or operated  
 37 by a hospital licensed under IC 16-21. A physician licensed in Indiana  
 38 who permits or authorizes a person to fill or refill a prescription or drug  
 39 order for a legend drug except as authorized in IC 16-42-19-11 through  
 40 IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A  
 41 person who violates this subsection commits the unlawful practice of  
 42 medicine under this chapter.
- 43 (e) A person described in subsection (a)(8) shall not be authorized  
 44 to dispense contraceptives or birth control devices.
- 45 SECTION 53. IC 31-37-19-12, AS AMENDED BY P.L.125-2007,  
 46 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2012]: Sec. 12. (a) This section applies if a child is a  
 2 delinquent child under IC 31-37-1 due to the commission of a  
 3 delinquent act that, if committed by an adult, would be:

4 (1) an offense relating to a criminal sexual act (as defined in  
 5 ~~IC 35-41-1-19.3~~ **IC 35-31.5-2-218**) and the offense created an  
 6 epidemiologically demonstrated risk of transmission of the human  
 7 immunodeficiency virus (HIV); or

8 (2) an offense relating to controlled substances (as defined in  
 9 ~~IC 35-41-1-19.4~~ **IC 35-31.5-2-217**) if the offense involved:

10 (A) the delivery by a person to another person; or

11 (B) the use by a person on another person;

12 of a contaminated sharp (as defined in IC 16-41-16-2) or other  
 13 paraphernalia that creates an epidemiologically demonstrated risk  
 14 of transmission of HIV by involving percutaneous contact.

15 (b) The juvenile court shall, in addition to any other order or decree  
 16 the court makes under this chapter, order the child to undergo a  
 17 screening test for the human immunodeficiency virus (HIV).

18 (c) If the screening test indicates the presence of antibodies to HIV,  
 19 the court shall order the child to undergo a confirmatory test.

20 (d) If the confirmatory test confirms the presence of the HIV  
 21 antibodies, the court shall report the results to the state department of  
 22 health.

23 (e) The state department of health shall do the following:

24 (1) Notify potentially affected victims of the offense relating to a  
 25 criminal sexual act (as defined in ~~IC 35-41-1-19.3~~  
 26 **IC 35-31.5-2-218**) or offense relating to controlled substances (as  
 27 defined in ~~IC 35-41-1-19.4~~ **IC 35-31.5-2-217**) of the HIV  
 28 screening results.

29 (2) Provide counseling regarding HIV and a referral for  
 30 appropriate health care to the victims.

31 SECTION 54. IC 31-37-19-17.4, AS AMENDED BY P.L. 146-2008,  
 32 SECTION 653, IS AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2012]: Sec. 17.4. (a) This section applies if a  
 34 child is a delinquent child under IC 31-37-1 due to the commission of  
 35 a delinquent act that, if committed by an adult, would be an offense  
 36 relating to a criminal sexual act (as defined in ~~IC 35-41-1-19.3~~):  
 37 **IC 35-1.5-2-218**).

38 (b) The juvenile court may, in addition to any other order or decree  
 39 the court makes under this chapter, order:

40 (1) the child; and

41 (2) the child's parent or guardian;

42 to receive psychological counseling as directed by the court, subject to  
 43 the applicable provisions of IC 31-37-17-1.4 and IC 31-37-18-9.

44 SECTION 55. IC 32-30-7-1 IS AMENDED TO READ AS  
 45 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this  
 46 chapter, "indecent nuisance" means a:



- 1 (1) place in or upon which prostitution (as described in  
 2 IC 35-45-4);  
 3 (2) public place in or upon which deviate sexual conduct (as  
 4 defined in ~~IC 35-41-1-9~~ **IC 35-31.5-2-94**) or sexual intercourse  
 5 (as defined in ~~IC 35-41-1-26~~; **IC 35-31.5-2-302**); or  
 6 (3) public place in or upon which the fondling of the genitals of  
 7 a person;  
 8 is conducted, permitted, continued, or exists, and the personal property  
 9 and contents used in conducting and maintaining the place for such a  
 10 purpose.

11 SECTION 56. IC 32-30-7-2 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this  
 13 chapter, "person" has the meaning set forth in ~~IC 35-41-1-22~~.  
 14 **IC 35-31.5-2-235.**

15 SECTION 57. IC 32-31-9-3, AS ADDED BY P.L.22-2007,  
 16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2012]: Sec. 3. As used in this chapter, "applicable offense"  
 18 refers to any of the following:

- 19 (1) A crime involving domestic or family violence (as defined in  
 20 ~~IC 35-41-1-6.5~~; **IC 35-31.5-2-76**).  
 21 (2) A sex offense under IC 35-42-4.  
 22 (3) Stalking under IC 35-45-10.

23 SECTION 58. IC 32-34-9-8 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. A brand adopted in  
 25 accordance with this chapter is the exclusive trademark of the person  
 26 adopting the brand, and the brand constitutes property under  
 27 ~~IC 35-41-1-23~~. **IC 35-31.5-2-254.**

28 SECTION 59. IC 33-39-1-6, AS AMENDED BY P.L.119-2007,  
 29 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2012]: Sec. 6. (a) Special prosecutors may be appointed under  
 31 this section or in accordance with IC 4-2-7-7.

- 32 (b) A circuit or superior court judge:  
 33 (1) shall appoint a special prosecutor if:  
 34 (A) any person other than the prosecuting attorney or the  
 35 prosecuting attorney's deputy files a verified petition  
 36 requesting the appointment of a special prosecutor; and  
 37 (B) the prosecuting attorney agrees that a special prosecutor is  
 38 needed;  
 39 (2) may appoint a special prosecutor if:  
 40 (A) a person files a verified petition requesting the  
 41 appointment of a special prosecutor; and  
 42 (B) the court, after:  
 43 (i) notice is given to the prosecuting attorney; and  
 44 (ii) an evidentiary hearing is conducted at which the  
 45 prosecuting attorney is given an opportunity to be heard;  
 46 finds by clear and convincing evidence that the appointment



- 1 is necessary to avoid an actual conflict of interest or there is  
 2 probable cause to believe that the prosecutor has committed a  
 3 crime;
- 4 (3) may appoint a special prosecutor if:  
 5 (A) the prosecuting attorney files a petition requesting the  
 6 court to appoint a special prosecutor; and  
 7 (B) the court finds that the appointment is necessary to avoid  
 8 the appearance of impropriety;
- 9 (4) may appoint a special prosecutor if:  
 10 (A) an elected public official, who is a defendant in a criminal  
 11 proceeding, files a verified petition requesting a special  
 12 prosecutor within ten (10) days after the date of the initial  
 13 hearing; and  
 14 (B) the court finds that the appointment of a special prosecutor  
 15 is in the best interests of justice; and
- 16 (5) shall appoint a special prosecutor if:  
 17 (A) a previously appointed special prosecutor:  
 18 (i) files a motion to withdraw as special prosecutor; or  
 19 (ii) has become incapable of continuing to represent the  
 20 interests of the state; and  
 21 (B) the court finds that the facts that established the basis for  
 22 the initial appointment of a special prosecutor still exist.
- 23 The elected prosecuting attorney of the appointing jurisdiction  
 24 shall receive notice of all pleadings filed and orders issued under  
 25 this subdivision.
- 26 (c) Each person appointed to serve as a special prosecutor:  
 27 (1) must consent to the appointment; and  
 28 (2) must be:  
 29 (A) the prosecuting attorney or a deputy prosecuting attorney  
 30 in a county other than the county in which the person is to  
 31 serve as special prosecutor; or  
 32 (B) except as provided in subsection (d), a senior prosecuting  
 33 attorney.
- 34 (d) A senior prosecuting attorney may be appointed in the county in  
 35 which the senior prosecuting attorney previously served if the court  
 36 finds that an appointment under this subsection would not create the  
 37 appearance of impropriety.
- 38 (e) A person appointed to serve as a special prosecutor has the same  
 39 powers as the prosecuting attorney of the county. However, the  
 40 appointing judge shall limit scope of the special prosecutor's duties to  
 41 include only the investigation or prosecution of a particular case or  
 42 particular grand jury investigation.
- 43 (f) The court shall establish the length of the special prosecutor's  
 44 term. If the target of an investigation by the special prosecutor is a  
 45 public servant (as defined in ~~IC 35-41-1-24~~; IC 35-31.5-2-262), the  
 46 court shall order the special prosecutor to file a report of the



1 investigation with the court at the conclusion of the investigation. The  
2 report is a public record.

3 (g) If the special prosecutor is not regularly employed as a full-time  
4 prosecuting attorney or full-time deputy prosecuting attorney, the  
5 compensation for the special prosecutor's services:

6 (1) shall be paid to the special prosecutor from the unappropriated  
7 funds of the appointing county; and

8 (2) may not exceed:

9 (A) an hourly rate based upon the regular salary of a full-time  
10 prosecuting attorney of the appointing circuit;

11 (B) travel expenses and reasonable accommodation expenses  
12 actually incurred; and

13 (C) other reasonable expenses actually incurred, including the  
14 costs of investigation, discovery, and secretarial work, if:

15 (i) before incurring the other reasonable expenses described  
16 in this clause, the special prosecutor submits an application  
17 to the court to receive the other reasonable expenses; and

18 (ii) the court approves the expenses.

19 The amount of compensation a special prosecutor receives for services  
20 performed during a calendar day under subdivision (2)(A) may not  
21 exceed the amount of compensation a full-time prosecuting attorney  
22 would receive in salary for the calendar day.

23 (h) If the special prosecutor is regularly employed as a full-time  
24 prosecuting attorney or deputy prosecuting attorney, the compensation  
25 for the special prosecutor's services:

26 (1) shall be paid out of the appointing county's unappropriated  
27 funds to the treasurer of the county in which the special  
28 prosecutor regularly serves; and

29 (2) must include a per diem equal to the regular salary of a  
30 full-time prosecuting attorney of the appointing circuit, travel  
31 expenses, and reasonable accommodation expenses actually  
32 incurred.

33 (i) The combination of:

34 (1) the compensation paid to a senior prosecuting attorney under  
35 this chapter; and

36 (2) retirement benefits that the person appointed as a senior  
37 prosecuting attorney is receiving or entitled to receive;

38 may not exceed the minimum compensation to which a full-time  
39 prosecuting attorney is entitled under IC 33-39-6-5.

40 (j) A senior prosecuting attorney appointed under this chapter may  
41 not be compensated as senior prosecuting attorney for more than one  
42 hundred (100) calendar days in total during a calendar year if the senior  
43 prosecuting attorney receives retirement benefits during the calendar  
44 year. However, if the senior prosecuting attorney does not receive  
45 retirement benefits during a calendar year, the senior prosecuting  
46 attorney may be compensated as a senior prosecuting attorney for not



1 more than two hundred (200) calendar days in total during the calendar  
2 year.

3 SECTION 60. IC 34-6-2-73.3 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 73.3. "Law  
5 enforcement officer", for purposes of IC 34-26-5, has the meaning set  
6 forth in ~~IC 35-41-1-17~~. **IC 35-31.5-2-186.**

7 SECTION 61. IC 34-6-2-103, AS AMENDED BY P.L.154-2011,  
8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2012]: Sec. 103. (a) "Person", for purposes of IC 34-14, has  
10 the meaning set forth in IC 34-14-1-13.

11 (b) "Person", for purposes of IC 34-11-2-11.5 and IC 34-24-4,  
12 means:

- 13 (1) an individual;
- 14 (2) a governmental entity;
- 15 (3) a corporation;
- 16 (4) a firm;
- 17 (5) a trust;
- 18 (6) a partnership; or
- 19 (7) an incorporated or unincorporated association that exists  
20 under or is authorized by the laws of this state, another state, or a  
21 foreign country.

22 (c) "Person", for purposes of section 44.8 of this chapter, means an  
23 adult or a minor.

24 (d) "Person", for purposes of IC 34-26-4, has the meaning set forth  
25 in ~~IC 35-41-1-22~~. **IC 35-31.5-2-235.**

26 (e) "Person", for purposes of IC 34-30-5, means any of the  
27 following:

- 28 (1) An individual.
- 29 (2) A corporation.
- 30 (3) A partnership.
- 31 (4) An unincorporated association.
- 32 (5) The state (as defined in IC 34-6-2-140).
- 33 (6) A political subdivision (as defined in IC 34-6-2-110).
- 34 (7) Any other entity recognized by law.

35 (f) "Person", for purposes of IC 34-30-6, means an individual, a  
36 corporation, a limited liability company, a partnership, an  
37 unincorporated association, or a governmental entity that:

- 38 (1) has qualifications or experience in:
  - 39 (A) storing, transporting, or handling a hazardous substance or  
40 compressed gas;
  - 41 (B) fighting fires;
  - 42 (C) emergency rescue; or
  - 43 (D) first aid care; or
- 44 (2) is otherwise qualified to provide assistance appropriate to  
45 remedy or contribute to the remedy of the emergency.

46 (g) "Person", for purposes of IC 34-30-18, includes:



- 1 (1) an individual;  
 2 (2) an incorporated or unincorporated organization or association;  
 3 (3) the state of Indiana;  
 4 (4) a political subdivision (as defined in IC 36-1-2-13);  
 5 (5) an agency of the state or a political subdivision; or  
 6 (6) a group of such persons acting in concert.
- 7 (h) "Person", for purposes of sections 42, 43, 69, and 95 of this  
 8 chapter, means an individual, an incorporated or unincorporated  
 9 organization or association, or a group of such persons acting in  
 10 concert.
- 11 (i) "Person", for purposes of IC 34-30-10.5, means the following:  
 12 (1) A political subdivision (as defined in IC 36-1-2-13).  
 13 (2) A volunteer fire department (as defined in IC 36-8-12-2).  
 14 (3) An employee of an entity described in subdivision (1) or (2)  
 15 who acts within the scope of the employee's responsibilities.  
 16 (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is  
 17 acting for a volunteer fire department.  
 18 (5) A corporation, a limited liability company, a partnership, an  
 19 unincorporated association, or any other entity recognized by law.
- 20 (j) "Person", for purposes of IC 34-28-7, means:  
 21 (1) an individual;  
 22 (2) a governmental entity;  
 23 (3) a corporation;  
 24 (4) a firm;  
 25 (5) a trust;  
 26 (6) a partnership; or  
 27 (7) an incorporated or unincorporated association that exists  
 28 under or is authorized by the laws of this state, another state, or a  
 29 foreign country.
- 30 SECTION 62. IC 34-6-2-120 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 120. (a) "Property", for  
 32 purposes of IC 34-24-2, has the meaning set forth in ~~IC 35-41-1-23~~.  
 33 **IC 35-31.5-2-254.**
- 34 (b) "Property", for purposes of IC 34-30-9, includes the following:  
 35 (1) Real property.  
 36 (2) Private ways.  
 37 (3) Waters.  
 38 (4) A structure located on property listed in subdivisions (1)  
 39 through (3).
- 40 SECTION 63. IC 34-6-2-148 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 148. "Vehicle", for  
 42 purposes of IC 34-24-3, has the meaning set forth in ~~IC 35-41-1-28~~.  
 43 **IC 35-31.5-2-346.**
- 44 SECTION 64. IC 34-12-3-2 IS AMENDED TO READ AS  
 45 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this  
 46 chapter, "person" has the meaning set forth in ~~IC 35-41-1-22~~.



**IC 35-31.5-2-235.**

SECTION 65. IC 34-24-1-1, AS AMENDED BY P.L.182-2011,  
SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2012]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by ~~IC 35-41-1~~; **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, salvia, or a synthetic cannabinoid (IC 35-48-4-10).

(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 35-41-1-4.3~~) **IC 35-31.5-2-31**) or weapon of mass destruction (as defined in ~~IC 35-41-1-29.4~~) **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 35-41-1-26.5~~). **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



- 1 (C) traceable as proceeds of the violation of a criminal statute.  
 2 (3) Any portion of real or personal property purchased with  
 3 money that is traceable as a proceed of a violation of a criminal  
 4 statute.  
 5 (4) A vehicle that is used by a person to:  
 6 (A) commit, attempt to commit, or conspire to commit;  
 7 (B) facilitate the commission of; or  
 8 (C) escape from the commission of;  
 9 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal  
 10 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting  
 11 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense  
 12 under IC 35-47 as part of or in furtherance of an act of terrorism.  
 13 (5) Real property owned by a person who uses it to commit any of  
 14 the following as a Class A felony, a Class B felony, or a Class C  
 15 felony:  
 16 (A) Dealing in or manufacturing cocaine or a narcotic drug  
 17 (IC 35-48-4-1).  
 18 (B) Dealing in methamphetamine (IC 35-48-4-1.1).  
 19 (C) Dealing in a schedule I, II, or III controlled substance  
 20 (IC 35-48-4-2).  
 21 (D) Dealing in a schedule IV controlled substance  
 22 (IC 35-48-4-3).  
 23 (E) Dealing in marijuana, hash oil, hashish, salvia, or a  
 24 synthetic cannabinoid (IC 35-48-4-10).  
 25 (6) Equipment and recordings used by a person to commit fraud  
 26 under IC 35-43-5-4(10).  
 27 (7) Recordings sold, rented, transported, or possessed by a person  
 28 in violation of IC 24-4-10.  
 29 (8) Property (as defined by ~~IC 35-41-1-23~~ **IC 35-31.5-2-254**) or  
 30 an enterprise (as defined by IC 35-45-6-1) that is the object of a  
 31 corrupt business influence violation (IC 35-45-6-2).  
 32 (9) Unlawful telecommunications devices (as defined in  
 33 IC 35-45-13-6) and plans, instructions, or publications used to  
 34 commit an offense under IC 35-45-13.  
 35 (10) Any equipment, including computer equipment and cellular  
 36 telephones, used for or intended for use in preparing,  
 37 photographing, recording, videotaping, digitizing, printing,  
 38 copying, or disseminating matter in violation of IC 35-42-4.  
 39 (11) Destructive devices used, possessed, transported, or sold in  
 40 violation of IC 35-47.5.  
 41 (12) Tobacco products that are sold in violation of IC 24-3-5,  
 42 tobacco products that a person attempts to sell in violation of  
 43 IC 24-3-5, and other personal property owned and used by a  
 44 person to facilitate a violation of IC 24-3-5.  
 45 (13) Property used by a person to commit counterfeiting or  
 46 forgery in violation of IC 35-43-5-2.



1 (14) After December 31, 2005, if a person is convicted of an  
 2 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the  
 3 following real or personal property:

4 (A) Property used or intended to be used to commit, facilitate,  
 5 or promote the commission of the offense.

6 (B) Property constituting, derived from, or traceable to the  
 7 gross proceeds that the person obtained directly or indirectly  
 8 as a result of the offense.

9 (15) Except as provided in subsection (e), a motor vehicle used by  
 10 a person who operates the motor vehicle:

11 (A) while intoxicated, in violation of IC 9-30-5-1 through  
 12 IC 9-30-5-5, if in the previous five (5) years the person has two

13 (2) or more prior unrelated convictions:

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

16 (ii) for an offense that is substantially similar to IC 9-30-5-1  
 17 through IC 9-30-5-5 in another jurisdiction; or

18 (B) on a highway while the person's driver's license is  
 19 suspended in violation of IC 9-24-19-2 through IC 9-24-19-4,  
 20 if in the previous five (5) years the person has two (2) or more  
 21 prior unrelated convictions:

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

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

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

32 (16) The following real or personal property:

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

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

41 (b) A vehicle used by any person as a common or contract carrier in  
 42 the transaction of business as a common or contract carrier is not  
 43 subject to seizure under this section, unless it can be proven by a  
 44 preponderance of the evidence that the owner of the vehicle knowingly  
 45 permitted the vehicle to be used to engage in conduct that subjects it to  
 46 seizure under subsection (a).



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

5 (d) Money, negotiable instruments, securities, weapons,  
 6 communications devices, or any property commonly used as  
 7 consideration for a violation of IC 35-48-4 found near or on a person  
 8 who is committing, attempting to commit, or conspiring to commit any  
 9 of the following offenses shall be admitted into evidence in an action  
 10 under this chapter as prima facie evidence that the money, negotiable  
 11 instrument, security, or other thing of value is property that has been  
 12 used or was to have been used to facilitate the violation of a criminal  
 13 statute or is the proceeds of the violation of a criminal statute:

14 (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a  
 15 narcotic drug).

16 (2) IC 35-48-4-1.1 (dealing in methamphetamine).

17 (3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled  
 18 substance).

19 (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

20 (5) IC 35-48-4-4 (dealing in a schedule V controlled substance)  
 21 as a Class B felony.

22 (6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a  
 23 Class A felony, Class B felony, or Class C felony.

24 (7) IC 35-48-4-6.1 (possession of methamphetamine) as a Class  
 25 A felony, Class B felony, or Class C felony.

26 (8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, salvia,  
 27 or a synthetic cannabinoid) as a Class C felony.

28 (e) A motor vehicle operated by a person who is not:

29 (1) an owner of the motor vehicle; or

30 (2) the spouse of the person who owns the motor vehicle;

31 is not subject to seizure under subsection (a)(15) unless it can be  
 32 proven by a preponderance of the evidence that the owner of the  
 33 vehicle knowingly permitted the vehicle to be used to engage in  
 34 conduct that subjects it to seizure under subsection (a)(15).

35 SECTION 66. IC 34-28-5-1, AS AMENDED BY P.L.101-2009,  
 36 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2012]: Sec. 1. (a) As used in this section, "probationary  
 38 license" refers to a license described in IC 9-24-11-3(b) or  
 39 IC 9-24-11-3.3(b).

40 (b) An action to enforce a statute defining an infraction shall be  
 41 brought in the name of the state of Indiana by the prosecuting attorney  
 42 for the judicial circuit in which the infraction allegedly took place.  
 43 However, if the infraction allegedly took place on a public highway (as  
 44 defined in IC 9-25-2-4) that runs on and along a common boundary  
 45 shared by two (2) or more judicial circuits, a prosecuting attorney for  
 46 any judicial circuit sharing the common boundary may bring the action.



1 (c) An action to enforce an ordinance shall be brought in the name  
2 of the municipal corporation. The municipal corporation need not  
3 prove that it or the ordinance is valid unless validity is controverted by  
4 affidavit.

5 (d) Actions under this chapter (or IC 34-4-32 before its repeal):  
6 (1) shall be conducted in accordance with the Indiana Rules of  
7 Trial Procedure; and  
8 (2) must be brought within two (2) years after the alleged conduct  
9 or violation occurred.

10 (e) The plaintiff in an action under this chapter must prove the  
11 commission of an infraction or ordinance violation by a preponderance  
12 of the evidence.

13 (f) The complaint and summons described in IC 9-30-3-6 may be  
14 used for any infraction or ordinance violation.

15 (g) Subsection (h) does not apply to an individual holding a  
16 probationary license who is alleged to have committed an infraction  
17 under any of the following when the individual was less than eighteen  
18 (18) years of age at the time of the alleged offense:

- 19 IC 9-19
- 20 IC 9-21
- 21 IC 9-24
- 22 IC 9-25
- 23 IC 9-26
- 24 IC 9-30-5
- 25 IC 9-30-10
- 26 IC 9-30-15.

27 (h) This subsection does not apply to an offense or violation under  
28 IC 9-24-6 involving the operation of a commercial motor vehicle. The  
29 prosecuting attorney or the attorney for a municipal corporation may  
30 establish a deferral program for deferring actions brought under this  
31 section. Actions may be deferred under this section if:

- 32 (1) the defendant in the action agrees to conditions of a deferral  
33 program offered by the prosecuting attorney or the attorney for a  
34 municipal corporation;
- 35 (2) the defendant in the action agrees to pay to the clerk of the  
36 court an initial user's fee and monthly user's fee set by the  
37 prosecuting attorney or the attorney for the municipal corporation  
38 in accordance with IC 33-37-4-2(e);
- 39 (3) the terms of the agreement are recorded in an instrument  
40 signed by the defendant and the prosecuting attorney or the  
41 attorney for the municipal corporation;
- 42 (4) the defendant in the action agrees to pay a fee of seventy  
43 dollars (\$70) to the clerk of court if the action involves a moving  
44 traffic offense (as defined in IC 9-13-2-110);
- 45 (5) the agreement is filed in the court in which the action is  
46 brought; and



1 (6) if the deferral program is offered by the prosecuting attorney,  
 2 the prosecuting attorney electronically transmits information  
 3 required by the prosecuting attorneys council concerning the  
 4 withheld prosecution to the prosecuting attorneys council, in a  
 5 manner and format designated by the prosecuting attorneys  
 6 council.

7 When a defendant complies with the terms of an agreement filed under  
 8 this subsection (or IC 34-4-32-1(f) before its repeal), the prosecuting  
 9 attorney or the attorney for the municipal corporation shall request the  
 10 court to dismiss the action. Upon receipt of a request to dismiss an  
 11 action under this subsection, the court shall dismiss the action. An  
 12 action dismissed under this subsection (or IC 34-4-32-1(f) before its  
 13 repeal) may not be refiled.

14 (i) If a judgment is entered against a defendant in an action to  
 15 enforce an ordinance, the defendant may perform community  
 16 restitution or service (as defined in ~~IC 35-41-1-4.6~~ **IC 35-31.5-2-50**)  
 17 instead of paying a monetary judgment for the ordinance violation as  
 18 described in section 4(e) of this chapter if:

- 19 (1) the:
- 20 (A) defendant; and
- 21 (B) attorney for the municipal corporation;
- 22 agree to the defendant's performance of community restitution or
- 23 service instead of the payment of a monetary judgment;
- 24 (2) the terms of the agreement described in subdivision (1):
- 25 (A) include the amount of the judgment the municipal
- 26 corporation requests that the defendant pay under section 4(e)
- 27 of this chapter for the ordinance violation if the defendant fails
- 28 to perform the community restitution or service provided for
- 29 in the agreement as approved by the court; and
- 30 (B) are recorded in a written instrument signed by the
- 31 defendant and the attorney for the municipal corporation;
- 32 (3) the agreement is filed in the court where the judgment was
- 33 entered; and
- 34 (4) the court approves the agreement.

35 If a defendant fails to comply with an agreement approved by a court  
 36 under this subsection, the court shall require the defendant to pay up to  
 37 the amount of the judgment requested in the action under section 4(e)  
 38 of this chapter as if the defendant had not entered into an agreement  
 39 under this subsection.

40 SECTION 67. IC 34-28-7-2, AS ADDED BY P.L.90-2010,  
 41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2012]: Sec. 2. (a) Notwithstanding any other law and except  
 43 as provided in subsection (b), a person may not adopt or enforce an  
 44 ordinance, a resolution, a policy, or a rule that:

- 45 (1) prohibits; or
- 46 (2) has the effect of prohibiting;



1 an employee of the person, including a contract employee, from  
 2 possessing a firearm or ammunition that is locked in the trunk of the  
 3 employee's vehicle, kept in the glove compartment of the employee's  
 4 locked vehicle, or stored out of plain sight in the employee's locked  
 5 vehicle.

6 (b) Subsection (a) does not prohibit the adoption or enforcement of  
 7 an ordinance, a resolution, a policy, or a rule that prohibits or has the  
 8 effect of prohibiting an employee of the person, including a contract  
 9 employee, from possessing a firearm or ammunition:

10 (1) in or on school property, in or on property that is being used  
 11 by a school for a school function, or on a school bus in violation  
 12 of IC 20-33-8-16 or IC 35-47-9-2;

13 (2) on the property of:

- 14 (A) a child caring institution;
- 15 (B) an emergency shelter care child caring institution;
- 16 (C) a private secure facility;
- 17 (D) a group home;
- 18 (E) an emergency shelter care group home; or
- 19 (F) a child care center;

20 in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465  
 21 IAC 2-11-80, 465 IAC 2-12-78, 465 IAC 2-13-77, or 470  
 22 IAC 3-4.7-19;

23 (3) on the property of a penal facility (as defined in  
 24 ~~IC 35-41-1-21~~; **IC 35-31.5-2-233**);

25 (4) in violation of federal law;

26 (5) in or on property belonging to an approved postsecondary  
 27 educational institution (as defined in IC 21-7-13-6(b));

28 (6) on the property of a domestic violence shelter;

29 (7) at a person's residence;

30 (8) on the property of a person that is:

- 31 (A) subject to the United States Department of Homeland  
 32 Security's Chemical Facility Anti-Terrorism Standards issued  
 33 April 9, 2007; and
- 34 (B) licensed by the United States Nuclear Regulatory  
 35 Commission under Title 10 of the Code of Federal  
 36 Regulations;

37 (9) on property owned by:

- 38 (A) a public utility (as defined in IC 8-1-2-1) that generates  
 39 and transmits electric power; or
  - 40 (B) a department of public utilities created under IC 8-1-11.1;
- 41 or

42 (10) in the employee's personal vehicle if the employee, including  
 43 a contract employee, is a direct support professional who:

- 44 (A) works directly with individuals with developmental  
 45 disabilities to assist the individuals to become integrated into  
 46 the individuals' community or least restrictive environment;



1 and

2 (B) uses the employee's personal vehicle while transporting an  
3 individual with developmental disabilities.

4 SECTION 68. IC 35-31.5 IS ADDED TO THE INDIANA CODE  
5 AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY  
6 1, 2012]:

7 **ARTICLE 31.5. DEFINITIONS**

8 **Chapter 1. General Definitions**

9 **Sec. 1. Except as otherwise provided, the definitions in this**  
10 **article apply throughout this title and to all other statutes relating**  
11 **to penal offenses.**

12 **Chapter 2. Definitions**

13 **Sec. 1. "Abandon", for purposes of IC 35-46-3, has the meaning**  
14 **set forth in IC 35-46-3-0.5(1).**

15 **Sec. 2. "Access", for purposes of IC 35-43-2-3, has the meaning**  
16 **set forth in IC 35-43-2-3(a).**

17 **Sec. 3. "Accused", for purposes of IC 35-40, has the meaning set**  
18 **forth in IC 35-40-4-2.**

19 **Sec. 4. "Administer", for purposes of IC 35-48, has the meaning**  
20 **set forth in IC 35-48-1-3.**

21 **Sec. 5. "Adoption services", for purposes of IC 35-46-1-22, has**  
22 **the meaning set forth in IC 35-46-1-22(a).**

23 **Sec. 6. "Adoptive grandparent", for purposes of IC 35-42-4-7,**  
24 **has the meaning set forth in IC 35-42-4-7(b).**

25 **Sec. 7. "Adoptive parent", for purposes of IC 35-42-4-7, has the**  
26 **meaning set forth in IC 35-42-4-7(a).**

27 **Sec. 8. "Adult", for purposes of IC 35-47-10, has the meaning**  
28 **set forth in IC 35-47-10-2.**

29 **Sec. 9. "Adult employee" means an employee who is eighteen**  
30 **(18) years of age or older.**

31 **Sec. 10. (a) "Advisory sentence", for purposes of IC 35-35-3,**  
32 **means the nonbinding guideline sentence defined in IC 35-50-2-1.3.**

33 **(b) "Advisory sentence", for purposes of IC 35-50-2-3 through**  
34 **IC 35-50-2-7, has the meaning set forth in IC 35-50-2-1.3.**

35 **Sec. 11. (a) "Agency" means any authority, board, bureau,**  
36 **commission, committee, department, division, hospital, military**  
37 **body, or other instrumentality of:**

38 **(1) the state, a county, a township, a city, a town, a separate**  
39 **municipal corporation, a special taxing district, or a public**  
40 **corporation; or**

41 **(2) a state-assisted college or state-assisted university.**

42 **(b) The term does not include any part of the legislative**  
43 **department or the judicial department of state government.**

44 **Sec. 12. (a) Except as provided in subsection (b), "agent" means**  
45 **an operator, a manager, an adult employee, or a security agent**  
46 **employed by a store.**



1 (b) "Agent", for purposes of IC 35-48, has the meaning set forth  
2 in IC 35-48-1-5.

3 Sec. 13. "Agent contract", for purposes of IC 35-46-4 has the  
4 meaning set forth in IC 35-46-4-1.

5 Sec. 14. "Alcohol abuser", for purposes of IC 35-47, has the  
6 meaning set forth in IC 35-47-1-2.

7 Sec. 15. "Alien", for purposes of IC 35-44-5, has the meaning set  
8 forth in IC 35-44-5-2.

9 Sec. 16. "Ammunition", for purposes of IC 35-47, has the  
10 meaning set forth in IC 35-47-1-2.5.

11 Sec. 17. "Animal", for purposes of IC 35-46-3-15, has the  
12 meaning set forth in IC 35-46-3-15(b).

13 Sec. 18. "Animal fighting contest", for purposes of IC 35-46-3  
14 has the meaning set forth in IC 35-46-3-4.

15 Sec. 19. "Animal fighting paraphernalia", for purposes of  
16 IC 35-46-3 has the meaning set forth in IC 35-46-3-4.3.

17 Sec. 20. "Apartment complex" means real property consisting  
18 of at least five (5) units that are regularly used to rent or otherwise  
19 furnish residential accommodations for periods of at least thirty  
20 (30) days.

21 Sec. 21. "Armor-piercing handgun ammunition", for purposes  
22 of IC 35-47-5-11, has the meaning set forth in IC 35-47-5-11(a).

23 Sec. 22. "Attorney", for purposes of IC 35-45-14 has the  
24 meaning set forth in IC 35-45-14-1.

25 Sec. 23. "Audiovisual recording device", for purposes of  
26 IC 35-46-8, has the meaning set forth in IC 35-46-8-2.

27 Sec. 24. "Authorized operator", for purposes of IC 35-43-4-2.7,  
28 has the meaning set forth in IC 35-43-4-2.7(b).

29 Sec. 25. "Bail bond" means a bond executed by a person who  
30 has been arrested for the commission of an offense, for the purpose  
31 of ensuring:

- 32 (1) the person's appearance at the appropriate legal  
33 proceeding;  
34 (2) another person's physical safety; or  
35 (3) the safety of the community.

36 Sec. 26. "Beat", for purposes of IC 35-46-3, has the meaning set  
37 forth in IC 35-46-3-0.5(2).

38 Sec. 27. "Benefit identification card", for purposes of  
39 IC 35-43-4-6, has the meaning set forth in IC 35-43-4-6(a).

40 Sec. 28. "Body armor", for purposes of IC 35-47-5-13, has the  
41 meaning set forth in IC 35-47-5-13(a).

42 Sec. 29. "Bodily injury" means any impairment of physical  
43 condition, including physical pain.

44 Sec. 30. "Body piercing", for purposes of IC 35-42-2-7, has the  
45 meaning set forth in IC 35-42-2-7(b).

46 Sec. 31. (a) "Bomb" means an explosive or incendiary device



1 designed to release:

- 2 (1) destructive materials or force; or  
 3 (2) dangerous gases;

4 that is detonated by impact, proximity to an object, a timing  
 5 mechanism, a chemical reaction, ignition, or other predetermined  
 6 means.

7 (b) The term does not include the following:

- 8 (1) A firearm (as defined in IC 35-47-1-5) or the ammunition  
 9 or components for handloading ammunition for a firearm.  
 10 (2) Fireworks regulated under IC 22-11-14.  
 11 (3) Boating, railroad, and other safety flares.  
 12 (4) Propellants used in model rockets or similar hobby  
 13 activities.  
 14 (5) Commercially manufactured black powder in quantities  
 15 not to exceed fifty (50) pounds, percussion caps, safety and  
 16 pyrotechnic fuses, quills, quick and slow matches, and friction  
 17 primers intended to be used solely for sporting, recreational,  
 18 or cultural purposes in antique firearms or antique devices.

19 Sec. 32. "Booby trap", for purposes of IC 35-47.5, has the  
 20 meaning set forth in IC 35-47.5-2-2.

21 Sec. 33. "Camera", for purposes of IC 35-45-4-5 has the  
 22 meaning set forth in IC 35-45-4-5(a)(1).

23 Sec. 34. "Card skimming device", for purposes of  
 24 IC 35-43-5-4.3, has the meaning set forth in IC 35-43-5-4.3(a).

25 Sec. 35. "Cave", for purposes of IC 35-43-1-3, has the meaning  
 26 set forth in IC 35-43-1-3(a).

27 Sec. 36. "Certified copy of a certificate of title", for purposes of  
 28 IC 35-37-4-9, has the meaning set forth in IC 35-37-4-9(a).

29 Sec. 37. "Charter school", for purposes of IC 35-42-4-7, has the  
 30 meaning set forth in IC 35-42-4-7(c).

31 Sec. 38. "Child", for purposes of IC 35-47-10, has the meaning  
 32 set forth in IC 35-47-10-3.

33 Sec. 39. "Child care provider", for purposes of IC 35-42-1-4, has  
 34 the meaning set forth in IC 35-42-1-4(a).

35 Sec. 40. "Child care worker", for purposes of IC 35-42-4-7, has  
 36 the meaning set forth in IC 35-42-4-7(d).

37 Sec. 41. "Chinese throwing star", for purposes of IC 35-47-5-12,  
 38 has the meaning set forth in IC 35-47-5-12(b).

39 Sec. 42. "Claim statement", for purposes of IC 35-43-5, has the  
 40 meaning set forth in IC 35-43-5-1(b).

41 Sec. 43. "Class D felony conviction", for purposes of IC 35-50-2,  
 42 has the meaning set forth in IC 35-50-2-1(a).

43 Sec. 44. "Cloning", for purposes of IC 35-46-5-2, has the  
 44 meaning set forth in IC 35-46-5-2(b).

45 Sec. 45. "Code grabbing device", for purposes of IC 35-45-12  
 46 has the meaning set forth in IC 35-45-12-1.



1           **Sec. 46. "Coin machine", for purposes of IC 35-43-5 and**  
 2 **IC 35-46-1-11.5, has the meaning set forth in IC 35-43-5-1(c).**

3           **Sec. 47. "Combative fighting", for purposes of IC 35-45-18 has**  
 4 **the meaning set forth in IC 35-45-18-1(a).**

5           **Sec. 48. "Community corrections program", for purposes of**  
 6 **IC 35-38-2.6, has the meaning set forth in IC 35-38-2.6-2.**

7           **Sec. 49. "Community policing volunteer" means a person who**  
 8 **is:**

9           **(1) not a law enforcement officer; and**

10          **(2) actively participating in a plan, system, or strategy:**

11           **(A) established by and conducted under the authority of a**  
 12 **law enforcement agency; and**

13           **(B) in which citizens:**

14            **(i) participate with and are guided by the law**  
 15 **enforcement agency; and**

16            **(ii) work with members of the law enforcement agency to**  
 17 **reduce or prevent crime within a defined geographic**  
 18 **area.**

19          **Sec. 50. "Community restitution or service" means performance**  
 20 **of services directly for a:**

21           **(1) victim;**

22           **(2) nonprofit entity; or**

23           **(3) governmental entity;**

24 **without compensation, including graffiti abatement, park**  
 25 **maintenance, and other community service activities. The term**  
 26 **does not include the reimbursement under IC 35-50-5-3 or another**  
 27 **law of damages or expenses incurred by a victim or another person**  
 28 **as the result of a violation of law**

29          **Sec. 51. "Community transition program" has the meaning set**  
 30 **forth in IC 11-8-1-5.5.**

31          **Sec. 52. "Component", for purposes of IC 35-42-1-7, has the**  
 32 **meaning set forth in IC 35-42-1-7(a).**

33          **Sec. 53. (a) "Computer network", for purposes of IC 35-43-1-4,**  
 34 **has the meaning set forth in IC 35-43-1-4(a).**

35          **(b) "Computer network", for purposes of IC 35-43-2-3, has the**  
 36 **meaning set forth in IC 35-43-2-3(a).**

37          **Sec. 54. "Computer program", for purposes of IC 35-43-1-4, has**  
 38 **the meaning set forth in IC 35-43-1-4(a).**

39          **Sec. 55. (a) "Computer system", for purposes of IC 35-43-1-4,**  
 40 **has the meaning set forth in IC 35-43-1-4(a).**

41          **(b) "Computer system", for purposes of IC 35-43-2-3, has the**  
 42 **meaning set forth in IC 35-43-2-3(a).**

43          **Sec. 56. "Confidential communication", for purposes of**  
 44 **IC 35-37-6, has the meaning set forth in IC 35-37-6-1(a).**

45          **Sec. 57. "Confine", for purposes of IC 35-42-3, has the meaning**  
 46 **set forth in IC 35-42-3-1.**



1           **Sec. 58. "Constant supervision", for purposes of IC 35-38-2.5,**  
 2 **has the meaning set forth in IC 35-38-2.5-2.3.**

3           **Sec. 59. "Consumer, " for purposes of IC 35-43-6, has the**  
 4 **meaning set forth in IC 35-43-6-2.**

5           **Sec. 60. (a) "Consumer product", for purposes of IC 35-44-2-2,**  
 6 **has the meaning set forth in IC 35-44-2-2(a).**

7           **(b) "Consumer product", for purposes of IC 35-45-8 has the**  
 8 **meaning set forth in IC 35-45-8-1.**

9           **Sec. 61. "Constant video monitoring", for purposes of**  
 10 **IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(1).**

11           **Sec. 62. "Contraband", for purposes of IC 35-44-3-9.3, has the**  
 12 **meaning set forth in IC 35-44-3-9.3(a).**

13           **Sec. 63. "Contract agency", for purposes of IC 35-38-2.5, has**  
 14 **the meaning set forth in IC 35-38-2.5-2.5.**

15           **Sec. 64. "Controlled substance", for purposes of IC 35-48, has**  
 16 **the meaning set forth in IC 35-48-1-9.**

17           **Sec. 65. "Controlled substance analog", for purposes of**  
 18 **IC 35-48, has the meaning set forth in IC 35-48-1-9.3.**

19           **Sec. 66. "Convenience package", for purposes of**  
 20 **IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(2).**

21           **Sec. 67. "Correctional professional", for purposes of**  
 22 **IC 35-42-2-1, has the meaning set forth in IC 35-42-2-1(b).**

23           **Sec. 68. "Counterfeit substance", for purposes of IC 35-48, has**  
 24 **the meaning set forth in IC 35-48-1-10.**

25           **Sec. 69. "Credit card", for purposes of IC 35-43-5, has the**  
 26 **meaning set forth in IC 35-43-5-1(d).**

27           **Sec. 70. "Credit card holder", for purposes of IC 35-43-5, has**  
 28 **the meaning set forth in IC 35-43-5-1(e).**

29           **Sec. 71. "Credit institution" means a bank, insurance company,**  
 30 **credit union, savings association, investment trust, industrial loan**  
 31 **and investment company, or other organization held out to the**  
 32 **public as a place of deposit of funds or a medium of savings or**  
 33 **collective investment.**

34           **Sec. 72. "Credit restricted felon" means a person who has been**  
 35 **convicted of at least one (1) of the following offenses:**

36           **(1) Child molesting involving sexual intercourse or deviate**  
 37 **sexual conduct (IC 35-42-4-3(a)), if:**

38           **(A) the offense is committed by a person at least**  
 39 **twenty-one (21) years of age; and**

40           **(B) the victim is less than twelve (12) years of age.**

41           **(2) Child molesting (IC 35-42-4-3) resulting in serious bodily**  
 42 **injury or death.**

43           **(3) Murder (IC 35-42-1-1), if:**

44           **(A) the person killed the victim while committing or**  
 45 **attempting to commit child molesting (IC 35-42-4-3);**

46           **(B) the victim was the victim of a sex crime under**



1 IC 35-42-4 for which the person was convicted; or  
 2 (C) the victim of the murder was listed by the state or  
 3 known by the person to be a witness against the person in  
 4 a prosecution for a sex crime under IC 35-42-4 and the  
 5 person committed the murder with the intent to prevent  
 6 the person from testifying.

7 Sec. 73. "Criminal activity", for purposes of IC 35-45-15 has the  
 8 meaning set forth in IC 35-45-15-1.

9 Sec. 74. (a) "Criminal gang", for purposes of IC 35-45-9 has the  
 10 meaning set forth in IC 35-45-9-1.

11 (b) "Criminal gang", for purposes of IC 35-50-2-15, has the  
 12 meaning set forth in IC 35-50-2-1.4.

13 Sec. 75. (a) Except as provided in subsection (b), "crime" means  
 14 a felony or a misdemeanor.

15 (b) "Crime", for purposes of IC 35-40, has the meaning set forth  
 16 in IC 35-40-4-3.

17 Sec. 76. "Crime involving domestic or family violence" means  
 18 a crime that occurs when a family or household member commits,  
 19 attempts to commit, or conspires to commit any of the following  
 20 against another family or household member:

- 21 (1) A homicide offense under IC 35-42-1.
- 22 (2) A battery offense under IC 35-42-2.
- 23 (3) Kidnapping or confinement under IC 35-42-3.
- 24 (4) Human and sexual trafficking crimes under IC 35-42-3.5.
- 25 (5) A sex offense under IC 35-42-4.
- 26 (6) Robbery under IC 35-42-5.
- 27 (7) Arson or mischief under IC 35-43-1.
- 28 (8) Burglary or trespass under IC 35-43-2.
- 29 (9) Disorderly conduct under IC 35-45-1.
- 30 (10) Intimidation or harassment under IC 35-45-2.
- 31 (11) Voyeurism under IC 35-45-4.
- 32 (12) Stalking under IC 35-45-10.
- 33 (13) An offense against family under IC 35-46-1-2 through
- 34 IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.
- 35 (14) A crime involving animal cruelty and a family or
- 36 household member under IC 35-46-3-12(b)(2) or
- 37 IC 35-46-3-12.5.

38 Sec. 77. "Crime of deception", for purposes of IC 35-38-1, has  
 39 the meaning set forth in IC 35-38-1-2.5(a).

40 Sec. 78. "Crime of domestic violence", for purposes of  
 41 IC 5-2-6.1 and IC 35-47-4-7, means an offense or the attempt to  
 42 commit an offense that:

- 43 (1) has as an element the:
  - 44 (A) use of physical force; or
  - 45 (B) threatened use of a deadly weapon; and
- 46 (2) is committed against a:



- 1 (A) current or former spouse, parent, or guardian of the  
 2 defendant;  
 3 (B) person with whom the defendant shared a child in  
 4 common;  
 5 (C) person who was cohabiting with or had cohabited with  
 6 the defendant as a spouse, parent, or guardian; or  
 7 (D) person who was or had been similarly situated to a  
 8 spouse, parent, or guardian of the defendant.

9 Sec. 79. "Crime of violence", for purposes of IC 35-50-1-2 has  
 10 the meaning set forth in IC 35-50-1-2(a).

11 Sec. 80. "Custodian", for purposes of IC 35-42-4-7, has the  
 12 meaning set forth in IC 35-42-4-7(e).

13 Sec. 81. "Customer", for purposes of IC 35-43-5, has the  
 14 meaning set forth in IC 35-43-5-1(f).

15 Sec. 82. "Dangerous device", for purposes of IC 35-47-6-1.1, has  
 16 the meaning set forth in IC 35-47-6-1.1(a).

17 Sec. 83. "Dangerous gas", for purposes of IC 35-41-1-4.3, means  
 18 a toxic chemical or its precursors that through chemical action or  
 19 properties on life processes cause death or permanent injury to  
 20 human beings. The term does not include the following:

21 (1) Riot control agents, smoke, and obscuration materials or  
 22 medical products that are manufactured, possessed,  
 23 transported, or used in accordance with the laws of the United  
 24 States and of this state.

25 (2) Tear gas devices designed to be carried on or about the  
 26 person that contain not more than one-half (1/2) ounce of the  
 27 chemical.

28 Sec. 84. "Data", for purposes of IC 35-43-1-4, has the meaning  
 29 set forth in IC 35-43-1-4(a).

30 Sec. 85. "Deadly force" means force that creates a substantial  
 31 risk of serious bodily injury.

32 Sec. 86. (a) Except as provided in subsection (b), "deadly  
 33 weapon" means the following:

34 (1) A loaded or unloaded firearm.

35 (2) A destructive device, weapon, device, taser (as defined in  
 36 IC 35-47-8-3) or electronic stun weapon (as defined in  
 37 IC 35-47-8-1), equipment, chemical substance, or other  
 38 material that in the manner it is used, or could ordinarily be  
 39 used, or is intended to be used, is readily capable of causing  
 40 serious bodily injury.

41 (3) An animal (as defined in IC 35-46-3-3) that is:

42 (A) readily capable of causing serious bodily injury; and

43 (B) used in the commission or attempted commission of a  
 44 crime.

45 (4) A biological disease, virus, or organism that is capable of  
 46 causing serious bodily injury.



1 (b) The term does not include:

- 2 (1) a taser (as defined in IC 35-47-8-3);  
 3 (2) an electronic stun weapon (as defined in IC 35-47-8-1);  
 4 (3) a chemical designed to temporarily incapacitate a person;  
 5 or  
 6 (4) another device designed to temporarily incapacitate a  
 7 person;

8 if the device described in subdivisions (1) through (4) is used by a  
 9 law enforcement officer who has been trained in the use of the  
 10 device and who uses the device in accordance with the law  
 11 enforcement officer's training and while lawfully engaged in the  
 12 execution of official duties.

13 Sec. 87. (a) "Dealer", for purposes of IC 35-43-4-2.3, has the  
 14 meaning set forth in IC 35-43-4-2.3(a).

15 (b) "Dealer", for purposes of IC 35-47, has the meaning set  
 16 forth in IC 35-47-1-3.

17 Sec. 88. "Delinquent act", for purposes of IC 35-40, has the  
 18 meaning set forth in IC 35-40-4-4.

19 Sec. 89. "Delivery", for purposes of IC 35-48, has the meaning  
 20 set forth in IC 35-48-1-11.

21 Sec. 90. (a) "Dependent", for purposes of IC 35-44-1-3, has the  
 22 meaning set forth in IC 35-44-1-3(a)(1).

23 (b) "Dependent", for purposes of IC 35-46-1 has the meaning set  
 24 forth in IC 35-46-1-1.

25 Sec. 91. "Designated offense", for purposes of IC 35-33.5, means  
 26 the following:

- 27 (1) A Class A, Class B, or Class C felony that is a controlled  
 28 substance offense (IC 35-48-4).  
 29 (2) Murder (IC 35-42-1-1).  
 30 (3) Kidnapping (IC 35-42-3-2).  
 31 (4) Criminal confinement (IC 35-42-3-3).  
 32 (5) Robbery (IC 35-42-5-1).  
 33 (6) Arson (IC 35-43-1-1).  
 34 (7) Child solicitation (IC 35-42-4-6).  
 35 (8) Human and sexual trafficking crimes under IC 35-42-3.5.  
 36 (9) Escape as a Class B felony or Class C felony  
 37 (IC 35-44-3-5).  
 38 (10) An offense that relates to a weapon of mass destruction  
 39 (as defined in IC 35-41-1-29.4).  
 40 (11) An attempt or conspiracy to commit an offense described  
 41 in subdivisions (1) through (10).  
 42 (12) An offense under the law of the United States or in  
 43 another state or country that is substantially similar to an  
 44 offense described in subdivisions (1) through (11).

45 Sec. 92. "Destructive device" has the meaning set forth in  
 46 IC 35-47.5-2-4.



1       Sec. 93. "Detonator", for purposes of IC 35-47.5, has the  
2 meaning set forth in IC 35-47.5-2-5.

3       Sec. 94. "Deviate sexual conduct" means an act involving:

4           (1) a sex organ of one (1) person and the mouth or anus of  
5 another person; or

6           (2) the penetration of the sex organ or anus of a person by an  
7 object.

8       Sec. 95. "Dispatched firefighter", for purposes of IC 35-44-4,  
9 has the meaning set forth in IC 35-44-4-1.

10       Sec. 96. (a) Except as provided in subsection (b), "dispense", for  
11 purposes of IC 35-48, has the meaning set forth in IC 35-48-1-12.

12       (b) "Dispense", for purposes of IC 35-48-7, has the meaning set  
13 forth in IC 35-48-7-2.9(a).

14       Sec. 97. "Dispenser", for purposes of IC 35-48, has the meaning  
15 set forth in IC 35-48-1-13.

16       Sec. 98. "Disseminate", for purposes of IC 35-42-4-4, has the  
17 meaning set forth in IC 35-42-4-4(a).

18       Sec. 99. "Dissolvable tobacco product", for purposes of  
19 IC 35-46-1 has the meaning set forth in IC 35-46-1-1.3.

20       Sec. 100. (a) "Distribute", for purposes of IC 35-46-1-10 has the  
21 meaning set forth in IC 35-46-1-10(e).

22       (b) "Distribute", for purposes of IC 35-46-1-10.2 has the  
23 meaning set forth in IC 35-46-1-10.2(e).

24       (c) "Distribute", for purposes of IC 35-47.5, has the meaning set  
25 forth in IC 35-47.5-2-6.

26       (d) "Distribute", for purposes of IC 35-48, has the meaning set  
27 forth in IC 35-48-1-14.

28       (e) "Distribute", for purposes of IC 35-49, has the meaning set  
29 forth in IC 35-49-1-2.

30       Sec. 101. "Distributor", for purposes of IC 35-48, has the  
31 meaning set forth in IC 35-48-1-15.

32       Sec. 102. "Documentary material", for purposes of IC 35-45-6  
33 has the meaning set forth in IC 35-45-6-1(b).

34       Sec. 103. "Domestic animal", for purposes of IC 35-46-3-12(d)  
35 has the meaning set forth in IC 35-46-3-12(d).

36       Sec. 104. (a) "Drug", for purposes of IC 35-48, has the meaning  
37 set forth in IC 35-48-1-16.

38       (b) "Drug", for purposes of IC 35-50-2-10, has the meaning set  
39 forth in IC 35-50-2-10(a)(1).

40       Sec. 105. "Drug abuser", for purposes of IC 35-47, has the  
41 meaning set forth in IC 35-47-1-4.

42       Sec. 106. "Drug or alcohol screening test", for purposes of  
43 IC 35-43-5, has the meaning set forth in IC 35-43-5-1(g).

44       Sec. 107. "Dwelling" means a building, structure, or other  
45 enclosed space, permanent or temporary, movable or fixed, that is  
46 a person's home or place of lodging.



1           Sec. 108. "Earliest possible release date", for purposes of  
2 IC 35-38-3, has the meaning set forth in IC 35-38-3-1.

3           Sec. 109. "The effects of battery" refers to a psychological  
4 condition of an individual who has suffered repeated physical or  
5 sexual abuse inflicted by another individual who is the:

6           (1) victim of an alleged crime for which the abused individual  
7 is charged in a pending prosecution; and

8           (2) abused individual's:

9           (A) spouse or former spouse;

10           (B) parent;

11           (C) guardian or former guardian;

12           (D) custodian or former custodian; or

13           (E) cohabitant or former cohabitant.

14           Sec. 110. "Electronic communication", for purposes of  
15 IC 35-33.5, means any transfer of signs, signals, writing, images,  
16 sounds, data, oral communication, digital information, or  
17 intelligence of any nature transmitted in whole or in part by a wire,  
18 a radio, or an electromagnetic, a photoelectronic, or a  
19 photo-optical system.

20           Sec. 111. "Electronic gaming device", for purposes of IC 35-45-5  
21 has the meaning set forth in IC 35-45-5-1(b).

22           Sec. 112. "Electronic stun weapon", for purposes of IC 35-47-8,  
23 has the meaning set forth in IC 35-47-8-1.

24           Sec. 113. "Emergency call", for purposes of IC 35-45-2-3, has  
25 the meaning set forth in IC 35-45-2-3(c).

26           Sec. 114. "Emergency incident area", for purposes of  
27 IC 35-44-4, has the meaning set forth in IC 35-44-4-2.

28           Sec. 115. "Emergency medical person", for purposes of  
29 IC 35-44-3-8.5, has the meaning set forth in IC 35-44-3-8.5(b).

30           Sec. 116. "Endangered adult", for purposes of IC 35-46-1 has  
31 the meaning set forth in IC 35-46-1-1.

32           Sec. 117. "Endorsement contract", for purposes of IC 35-46-4  
33 has the meaning set forth in IC 35-46-4-1.5.

34           Sec. 118. "Enterprise", for purposes of IC 35-45-6 has the  
35 meaning set forth in IC 35-45-6-1(c).

36           Sec. 119. "Entrusted", for purposes of IC 35-43-5, has the  
37 meaning set forth in IC 35-43-5-1(h).

38           Sec. 120. "Ephedrine", for purposes of IC 35-48-4-14.7, has the  
39 meaning set forth in IC 35-48-4-14.7(b)(3).

40           Sec. 121. "Episode of criminal conduct", for purposes of  
41 IC 35-50-1-2, has the meaning set forth in IC 35-50-1-2(b).

42           Sec. 122. "Evidence of a previous battery", for purposes of  
43 IC 35-37-4-14, has the meaning set forth in IC 35-37-4-14(b).

44           Sec. 123. "Exception report", for purposes of IC 35-48-7, has  
45 the meaning set forth in IC 35-48-7-4.

46           Sec. 124. "Exert control over property", for purposes of



1 IC 35-43-4, has the meaning set forth in IC 35-43-4-1(a).

2 Sec. 125. "Explosives", for purposes of IC 35-47.5, has the  
3 meaning set forth in IC 35-47.5-2-7.

4 Sec. 126. "Extension", for purposes of IC 35-33.5, means an  
5 extension of the duration for which a warrant remains effective  
6 under IC 35-33.5.

7 Sec. 127. "Family housing complex" means a building or series  
8 of buildings:

9 (1) that contains at least twelve (12) dwelling units:

10 (A) where children are domiciled or are likely to be  
11 domiciled; and

12 (B) that are owned by a governmental unit or political  
13 subdivision;

14 (2) that is operated as a hotel or motel (as described in  
15 IC 22-11-18-1);

16 (3) that is operated as an apartment complex; or

17 (4) that contains subsidized housing.

18 Sec. 128. (a) An individual is a "family or household member"  
19 of another person if the individual:

20 (1) is a current or former spouse of the other person;

21 (2) is dating or has dated the other person;

22 (3) is or was engaged in a sexual relationship with the other  
23 person;

24 (4) is related by blood or adoption to the other person;

25 (5) is or was related by marriage to the other person;

26 (6) has or previously had an established legal relationship:

27 (A) as a guardian of the other person;

28 (B) as a ward of the other person;

29 (C) as a custodian of the other person;

30 (D) as a foster parent of the other person; or

31 (E) in a capacity with respect to the other person similar to  
32 those listed in clauses (A) through (D); or

33 (7) has a child in common with the other person.

34 (b) An individual is a "family or household member" of both  
35 persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5),  
36 (a)(6), or (a)(7) applies if the individual is a minor child of one (1)  
37 of the persons.

38 Sec. 129. "Federal enforcement officer" means any of the  
39 following:

40 (1) A Federal Bureau of Investigation special agent.

41 (2) A United States Marshals Service marshal or deputy.

42 (3) A United States Secret Service special agent.

43 (4) A United States Fish and Wildlife Service special agent.

44 (5) A United States Drug Enforcement Agency agent.

45 (6) A Bureau of Alcohol, Tobacco, Firearms and Explosives  
46 agent.



- 1 (7) A United States Forest Service law enforcement officer.  
 2 (8) A United States Department of Defense police officer or  
 3 criminal investigator.  
 4 (9) A United States Customs Service agent.  
 5 (10) A United States Postal Service investigator.  
 6 (11) A National Park Service law enforcement commissioned  
 7 ranger.  
 8 (12) United States Department of Agriculture, Office of  
 9 Inspector General special agent.  
 10 (13) A United States Citizenship and Immigration Services  
 11 special agent.  
 12 (14) An individual who is:  
 13 (A) an employee of a federal agency; and  
 14 (B) authorized to make arrests and carry a firearm in the  
 15 performance of the individual's official duties.  
 16 Sec. 130. "Felony conviction", for purposes of IC 35-50-2, has  
 17 the meaning set forth in IC 35-50-2-1(b).  
 18 Sec. 131. "Fetal tissue", for purposes of IC 35-46-5-1, has the  
 19 meaning set forth in IC 35-46-5-1(a).  
 20 Sec. 132. "Fetus", for purposes of IC 35-42-1-4, has the meaning  
 21 set forth in IC 35-42-1-4(b).  
 22 Sec. 133. (a) Except as provided in subsection (b), "firearm", for  
 23 purposes of IC 35-47, has the meaning set forth in IC 35-47-1-5.  
 24 (b) "Firearm", for purposes of IC 35-47-15, has the meaning set  
 25 forth in IC 35-47-15-1.  
 26 (c) "Firearm, for purposes of IC 35-50-2-11, has the meaning set  
 27 forth in IC 35-50-2-11(a).  
 28 Sec. 134. "Firearm accessory", for purposes of IC 35-47, has the  
 29 meaning set forth in IC 35-47-1-5.1.  
 30 Sec. 135. (a) "Firefighter", for purposes of IC 35-42-2-6, has the  
 31 meaning set forth in IC 35-42-2-6(b).  
 32 (b) "Firefighter", for purposes of IC 35-44-4, has the meaning  
 33 set forth in IC 35-44-4-3.  
 34 Sec. 136. "First responder", for purposes of IC 35-42-2-6, has  
 35 the meaning set forth in IC 35-42-2-6(c).  
 36 Sec. 137. "Food processing facility" means a facility used to  
 37 prepare or process animal, plant, or other food ingredients into  
 38 food products intended for sale or distribution to the general public  
 39 for human consumption.  
 40 Sec. 138. "Forcible felony" means a felony that involves the use  
 41 or threat of force against a human being, or in which there is  
 42 imminent danger of bodily injury to a human being.  
 43 Sec. 139. "Forensic DNA analysis", for purposes of  
 44 IC 35-37-4-13, has the meaning set forth in IC 35-37-4-13(a).  
 45 Sec. 140. "Gain", for purposes of IC 35-45-5 has the meaning set  
 46 forth in IC 35-45-5-1(c).



1           Sec. 141. "Gambling", for purposes of IC 35-45-5 has the  
2 meaning set forth in IC 35-45-5-1(d).

3           Sec. 142. "Gambling device", for purposes of IC 35-45-5 has the  
4 meaning set forth in IC 35-45-5-1(e).

5           Sec. 143. "Gambling information", for purposes of IC 35-45-5  
6 has the meaning set forth in IC 35-45-5-1(f).

7           Sec. 144. "Governmental entity" means:

8               (1) the United States or any state, county, township, city,  
9 town, separate municipal corporation, special taxing district,  
10 or public school corporation;

11               (2) any authority, board, bureau, commission, committee,  
12 department, division, hospital, military body, or other  
13 instrumentality of any of those entities; or

14               (3) a state-assisted college or state-assisted university.

15           Sec. 145. "Governmental entity served by the public servant",  
16 for purposes of IC 35-44-1-3, has the meaning set forth in  
17 IC 35-44-1-3(a)(2).

18           Sec. 146. "Graffiti" means any unauthorized inscription, work,  
19 figure, or design that is marked, etched, scratched, drawn, or  
20 painted on a component of any building, structure, or other  
21 facility.

22           Sec. 147. "Gun show", for purposes of IC 35-47, has the  
23 meaning set forth in IC 35-47-1-5.5.

24           Sec. 148. "Handgun", for purposes of IC 35-47, has the meaning  
25 set forth in IC 35-47-1-6.

26           Sec. 149. "Harm" means loss, disadvantage, or injury or  
27 anything so regarded by the person affected, including loss,  
28 disadvantage, or injury to any other person in whose welfare the  
29 person is interested.

30           Sec. 150. "Harassment", for purposes of IC 35-45-10 has the  
31 meaning set forth in IC 35-45-10-2.

32           Sec. 151. "Hazing", for purposes of IC 35-42-2-2, has the  
33 meaning set forth in IC 35-42-2-2(a).

34           Sec. 152. "Health care provider", for purposes of IC 35-46-7,  
35 has the meaning set forth in IC 35-46-7-1.

36           Sec. 153. "Hoarding program", for purposes of IC 35-43-2-3,  
37 has the meaning set forth in IC 35-43-2-3(a).

38           Sec. 154. "Hoax device", for purposes of IC 35-47.5, has the  
39 meaning set forth in IC 35-47.5-2-8.

40           Sec. 155. (a) "Home", for purposes of IC 35-38-2.5, has the  
41 meaning set forth in IC 35-38-2.5-2.

42               (b) "Home", for purposes of IC 35-38-2.6-6, has the meaning set  
43 forth in IC 35-38-2.6-6(a).

44           Sec. 156. "Home improvement", for purposes of IC 35-43-6, has  
45 the meaning set forth in IC 35-43-6-3.

46           Sec. 157. "Home improvement contract", for purposes of



1 IC 35-43-6, has the meaning set forth in IC 35-43-6-4.

2 Sec. 158. "Home improvement contract price", for purposes of  
3 IC 35-43-6, has the meaning set forth in IC 35-43-6-5.

4 Sec. 159. "Home improvement supplier", for purposes of  
5 IC 35-43-6, has the meaning set forth in IC 35-43-6-6.

6 Sec. 160. "Human being" means an individual who has been  
7 born and is alive.

8 Sec. 161. "Human organ", for purposes of IC 35-46-5-1, has the  
9 meaning set forth in IC 35-46-5-1(b).

10 Sec. 162. "Identification number", for purposes of IC 35-43-7,  
11 has the meaning set forth in IC 35-43-7-2.

12 Sec. 163. "Identify theft", for the purposes of IC 35-40-14, has  
13 the meaning set forth in IC 35-40-14-1.

14 Sec. 164. "Identifying information", for purposes of IC 35-43-5,  
15 has the meaning set forth in IC 35-43-5-1(i).

16 Sec. 165. "Individual with mental retardation", for purposes of  
17 IC 35-50-2, has the meaning set forth in IC 35-50-2-1.5.

18 Sec. 166. "Immediate precursor", for purposes of IC 35-48, has  
19 the meaning set forth in IC 35-48-1-17.

20 Sec. 167. "Imprison" means to:

- 21 (1) confine in a penal facility;  
22 (2) commit to the department of correction; or  
23 (3) assign to a community transition program under  
24 IC 11-10-11.5.

25 Sec. 168. "Incendiary", for purposes of IC 35-47.5, has the  
26 meaning set forth in IC 35-47.5-2-9.

27 Sec. 169. "Included offense" means an offense that:

- 28 (1) is established by proof of the same material elements or  
29 less than all the material elements required to establish the  
30 commission of the offense charged;  
31 (2) consists of an attempt to commit the offense charged or an  
32 offense otherwise included therein; or  
33 (3) differs from the offense charged only in the respect that a  
34 less serious harm or risk of harm to the same person,  
35 property, or public interest, or a lesser kind of culpability, is  
36 required to establish its commission.

37 Sec. 170. (a) "Individual with mental retardation", for purposes  
38 of IC 35-36-2-5(e), has the meaning set forth in IC 35-36-2-5(e).

39 (b) "Individual with mental retardation", for purposes of  
40 IC 35-36-9, means an individual who, before becoming twenty-two  
41 (22) years of age, manifests:

- 42 (1) significantly subaverage intellectual functioning; and  
43 (2) substantial impairment of adaptive behavior;

44 that is documented in a court ordered evaluative report.

45 Sec. 171. "Inmate", for purposes of IC 35-43-5-20, has the  
46 meaning set forth in IC 35-43-5-20(a).



1           Sec. 172. "Inmate outside a facility", for purposes of  
2 IC 35-44-3-9.3 has the meaning set forth in IC 35-44-3-9.3(b).

3           Sec. 173. "INSPECT", for purposes of IC 35-48-7, has the  
4 meaning set forth in IC 35-48-7-5.2.

5           Sec. 174. "Instant messaging or chat room program", for  
6 purposes of IC 35-42-4-12, has the meaning set forth in  
7 IC 35-42-4-12(c).

8           Sec. 175. "Insurer", for purposes of IC 35-43-5, has the meaning  
9 set forth in IC 35-43-5-1(k).

10          Sec. 176. "Interactive computer service", for purposes of  
11 IC 35-45-5 has the meaning set forth in IC 35-45-5-1(g).

12          Sec. 177. "Interception", for purposes of IC 35-33.5, means the  
13 intentional recording or acquisition of the contents of an electronic  
14 communication by a person other than a sender or receiver of that  
15 communication, without the consent of the sender or receiver, by  
16 means of any instrument, device, or equipment under this article.  
17 This term includes the intentional recording or acquisition of  
18 communication through the use of a computer or a FAX (facsimile  
19 transmission) machine. The term does not include recording or  
20 acquiring the contents of a radio transmission that is not:

- 21           (1) scrambled or encrypted;  
22           (2) transmitted using modulation techniques whose essential  
23 parameters have been withheld from the public with the  
24 intention of preserving the privacy of the communication;  
25           (3) carried on a subcarrier or other signal subsidiary to a  
26 radio transmission;  
27           (4) transmitted over a communication system provided by a  
28 common carrier, unless the communication is a tone only  
29 paging system communication; or  
30           (5) transmitted on frequencies allocated under part 25,  
31 subpart D, E, or F of part 74, or part 94 of the Rules of the  
32 Federal Communications Commission, unless, in the case of  
33 a communication transmitted on a frequency allocated under  
34 part 74 that is not exclusively allocated to broadcast auxiliary  
35 services, the communication is a two-way voice  
36 communication by radio.

37          Sec. 178. "Item of value", for purposes of IC 35-46-5-1, has the  
38 meaning set forth in IC 35-46-5-1(c).

39          Sec. 179. "Juvenile facility", for purposes of IC 35-44-3-9, has  
40 the meaning set forth in IC 35-44-3-9(a).

41          Sec. 180. "Key facility" means any of the following:

- 42           (1) A chemical manufacturing facility.  
43           (2) A refinery.  
44           (3) An electric utility facility, including:  
45                (A) a power plant;  
46                (B) a power generation facility peaker;



- 1 (C) an electric transmission facility;  
 2 (D) an electric station or substation; or  
 3 (E) any other facility used to support the generation,  
 4 transmission, or distribution of electricity.  
 5 However, the term does not include electric transmission land  
 6 or right-of-way that is not completely enclosed, posted, and  
 7 maintained by the electric utility.  
 8 (4) A water intake structure or water treatment facility.  
 9 (5) A natural gas utility facility, including:  
 10 (A) an age station;  
 11 (B) a compressor station;  
 12 (C) an odorization facility;  
 13 (D) a main line valve;  
 14 (E) a natural gas storage facility; or  
 15 (F) any other facility used to support the acquisition,  
 16 transmission, distribution, or storage of natural gas.  
 17 However, the term does not include gas transmission  
 18 pipeline property that is not completely enclosed, posted,  
 19 and maintained by the natural gas utility.  
 20 (6) A gasoline, propane, liquid natural gas (LNG), or other  
 21 fuel terminal or storage facility.  
 22 (7) A transportation facility, including, but not limited to, a  
 23 port, railroad switching yard, or trucking terminal. However,  
 24 the term does not include a railroad track that is not part of  
 25 a railroad switching yard.  
 26 (8) A pulp or paper manufacturing facility.  
 27 (9) A pharmaceutical manufacturing facility.  
 28 (10) A hazardous waste storage, treatment, or disposal  
 29 facility.  
 30 (11) A telecommunications facility, including a central office  
 31 or cellular telephone tower site.  
 32 (12) A facility:  
 33 (A) that is substantially similar to a facility, structure, or  
 34 station listed in this section; or  
 35 (B) whose owner or operator is required to submit a risk  
 36 management plan under the federal Chemical Safety  
 37 Information, Site Security and Fuels Regulatory Relief Act  
 38 (42 U.S.C. 7412(r)).  
 39 Sec. 181. "Knife", for purposes of IC 35-47-5-2.5, has the  
 40 meaning set forth in IC 35-47-5-2.5(a).  
 41 Sec. 182. "Labeling", for purposes of IC 35-45-8, has the  
 42 meaning set forth in IC 35-45-8-2.  
 43 Sec. 183. "Laser pointer", for purposes of IC 35-47-4.5, has the  
 44 meaning set forth in IC 35-47-4.5-2.  
 45 Sec. 184. "Law enforcement agency", for purposes of  
 46 IC 35-47-15, has the meaning set forth in IC 35-47-15-2.



1           **Sec. 185. "Law enforcement animal", for purposes of IC 35-46-3**  
 2 **has the meaning set forth in IC 35-46-3-4.5.**

3           **Sec. 186. "Law enforcement officer" means:**

- 4           (1) a police officer (including a correctional police officer),  
 5           sheriff, constable, marshal, prosecuting attorney, special  
 6           prosecuting attorney, special deputy prosecuting attorney, the  
 7           securities commissioner, or the inspector general;  
 8           (2) a deputy of any of those persons;  
 9           (3) an investigator for a prosecuting attorney or for the  
 10          inspector general;  
 11          (4) a conservation officer;  
 12          (5) an enforcement officer of the alcohol and tobacco  
 13          commission; or  
 14          (6) an enforcement officer of the securities division of the  
 15          office of the secretary of state.

16          **Sec. 187. (a) "Lawful detention" means:**

- 17          (1) arrest;  
 18          (2) custody following surrender in lieu of arrest;  
 19          (3) detention in a penal facility;  
 20          (4) detention in a facility for custody of persons alleged or  
 21          found to be delinquent children;  
 22          (5) detention under a law authorizing civil commitment in lieu  
 23          of criminal proceedings or authorizing such detention while  
 24          criminal proceedings are held in abeyance;  
 25          (6) detention for extradition or deportation;  
 26          (7) placement in a community corrections program's  
 27          residential facility;  
 28          (8) electronic monitoring;  
 29          (9) custody for purposes incident to any of the above including  
 30          transportation, medical diagnosis or treatment, court  
 31          appearances, work, or recreation; or  
 32          (10) any other detention for law enforcement purposes.

33          (b) Except as provided in subsection (a)(7) and (a)(8), the term  
 34          does not include supervision of a person on probation or parole or  
 35          constraint incidental to release with or without bail.

36          **Sec. 188. "Licensed health professional", for purposes of**  
 37 **IC 35-42-2-8, has the meaning set forth in IC 35-42-2-8(a)(2).**

38          **Sec. 189. "Loaded", for purposes of IC 35-47-10, has the**  
 39 **meaning set forth in IC 35-47-10-4.**

40          **Sec. 190. "Loan", for purposes of IC 35-45-7 has the meaning**  
 41 **set forth in IC 35-45-7-1.**

42          **Sec. 191. "Machine gun" means a weapon that:**

- 43          (1) shoots; or  
 44          (2) can be readily restored to shoot;  
 45          automatically more than one (1) shot, without manual reloading,  
 46          by a single function of the trigger.



1           Sec. 192. "Make", for purposes of IC 35-43-5, has the meaning  
2 set forth in IC 35-43-5-1(m).

3           Sec. 193. "Manufacture", for purposes of IC 35-48, has the  
4 meaning set forth in IC 35-48-1-18.

5           Sec. 194. "Manufacture of an unlawful telecommunications  
6 device", for purposes of IC 35-45-13 has the meaning set forth in  
7 IC 35-45-13-1.

8           Sec. 195. "Manufacturer", for purposes of IC 35-43-5, has the  
9 meaning set forth in IC 35-43-5-1(l).

10          Sec. 196. "Marijuana", for purposes of IC 35-48, has the  
11 meaning set forth in IC 35-48-1-19.

12          Sec. 197. (a) "Matter ", for purposes of IC 35-42-4-4, has the  
13 meaning set forth in IC 35-42-4-4(a).

14          (b) "Matter", for purposes of IC 35-49, has the meaning set  
15 forth in IC 35-49-1-3.

16          Sec. 198. "Mental disease or defect", for purposes of  
17 IC 35-41-3-6, has the meaning set forth in IC 35-41-3-6(b).

18          Sec. 199. "Mentally ill", for purposes of IC 35-36, has the  
19 meaning set forth in IC 35-36-1-1.

20          Sec. 200. "Metering device", for purposes of IC 35-43-5, has the  
21 meaning set forth in IC 35-43-5-1(n).

22          Sec. 201. "Military recruiter", for purposes of IC 35-42-4-7, has  
23 the meaning set forth in IC 35-42-4-7(f).

24          Sec. 202. "Minimum sentence", for purposes of IC 35-50-2, has  
25 the meaning set forth in IC 35-50-2-1(c).

26          Sec. 203. "Minor", for purposes of IC 35-49, has the meaning set  
27 forth in IC 35-49-1-4.

28          Sec. 204. "Misconduct", for purposes of IC 35-44-2-2, has the  
29 meaning set forth in IC 35-44-2-2(b).

30          Sec. 205. "Model glue", for purposes of IC 35-46-6, has the  
31 meaning set forth in IC 35-46-6-1.

32          Sec. 206. "Monitoring device", for purposes of IC 35-38-2.5, has  
33 the meaning set forth in IC 35-38-2.5-3.

34          Sec. 207. "Motion picture exhibition facility" has the meaning  
35 set forth in IC 35-46-8-3.

36          Sec. 208. "Motor vehicle" has the meaning set forth in  
37 IC 9-13-2-105(a).

38          Sec. 209. "Mutilate", for purposes of IC 35-46-3, has the  
39 meaning set forth in IC 35-46-3-0.5(3).

40          Sec. 210. "Narcotic drug", for purposes of IC 35-48, has the  
41 meaning set forth in IC 35-48-1-20.

42          Sec. 211. "Neglect", for purposes of IC 35-46-3, has the meaning  
43 set forth in IC 35-46-3-0.5(4).

44          Sec. 212. "Nonpublic school", for purposes of IC 35-42-4-7, has  
45 the meaning set forth in IC 35-42-4-7(g).

46          Sec. 213. (a) "Nudity", for purposes of IC 35-45-4-1 and



1 IC 35-45-4-1.5, has the meaning set forth in IC 35-45-4-1(d).

2 (b) "Nudity", for purposes of IC 35-49, has the meaning set  
3 forth in IC 35-49-1-5.

4 Sec. 214. (a) "Offender", for purposes of IC 35-38-2-2.5, has the  
5 meaning set forth in IC 35-38-2-2.5(a).

6 (b) "Offender", for purposes of IC 35-38-2.5, has the meaning  
7 set forth in IC 35-38-2.5-4.

8 Sec. 215. (a) "Offender against children", for purposes of  
9 IC 35-42-4-10, has the meaning set forth in IC 35-42-4-10(a).

10 (b) "Offender against children", for purposes of IC 35-42-4-11,  
11 has the meaning set forth in IC 35-42-4-11(a).

12 Sec. 216. (a) Except as provided in subsections (b) and (c),  
13 "offense" means a crime. The term does not include an infraction.

14 (b) "Offense", for purposes of IC 35-38-7, has the meaning set  
15 forth in IC 35-38-7-3.

16 (c) "Offense", for purposes of IC 35-50-2-11, has the meaning  
17 set forth in IC 35-50-2-11(b).

18 Sec. 217. "Offense relating to controlled substances" means the  
19 following:

20 (1) Dealing in or manufacturing cocaine or a narcotic drug  
21 (IC 35-48-4-1).

22 (2) Dealing in methamphetamine (IC 35-48-4-1.1).

23 (3) Dealing in a schedule I, II, or III controlled substance  
24 (IC 35-48-4-2).

25 (4) Dealing in a schedule IV controlled substance  
26 (IC 35-48-4-3).

27 (5) Dealing in a schedule V controlled substance  
28 (IC 35-48-4-4).

29 (6) Possession of cocaine or a narcotic drug (IC 35-48-4-6).

30 (7) Possession of methamphetamine (IC 35-48-4-6.1).

31 (8) Possession of a controlled substance (IC 35-48-4-7).

32 (9) Possession of paraphernalia (IC 35-48-4-8.3).

33 (10) Dealing in paraphernalia (IC 35-48-4-8.5).

34 (11) Offenses relating to registration (IC 35-48-4-14).

35 Sec. 218. "Offense relating to a criminal sexual act" means the  
36 following:

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

38 (2) Criminal deviate conduct (IC 35-42-4-2).

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

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

41 (5) Prostitution (IC 35-45-4-2).

42 (6) Patronizing a prostitute (IC 35-45-4-3).

43 (7) Incest (IC 35-46-1-3).

44 (8) Sexual misconduct with a minor under IC 35-42-4-9(a).

45 Sec. 219. "Official proceeding" means a proceeding held or that  
46 may be held before a legislative, judicial, administrative, or other



1 agency or before an official authorized to take evidence under oath,  
2 including a referee, hearing examiner, commissioner, notary, or  
3 other person taking evidence in connection with a proceeding.

4 Sec. 220. "Operator", for purposes of IC 35-45-5 has the  
5 meaning set forth in IC 35-45-5-1(h).

6 Sec. 221. "Opiate", for purposes of IC 35-48, has the meaning  
7 set forth in IC 35-48-1-21.

8 Sec. 222. "Opium poppy", for purposes of IC 35-48, has the  
9 meaning set forth in IC 35-48-1-22.

10 Sec. 223. "Overpass", for purposes of IC 35-42-2-5, has the  
11 meaning set forth in IC 35-42-2-5(a).

12 Sec. 224. "Overpressure device", for purposes of IC 35-47.5, has  
13 the meaning set forth in IC 35-47.5-2-11.

14 Sec. 225. (a) "Owner", for purposes of IC 35-43-1-3, has the  
15 meaning set forth in IC 35-43-1-3(a).

16 (b) "Owner", for purposes of IC 35-49, has the meaning set  
17 forth in IC 35-49-1-6.

18 Sec. 226. "Panhandling", for purposes of IC 35-45-17 has the  
19 meaning set forth in IC 35-45-17-1.

20 Sec. 227. "Party", for purposes of IC 35-43-9, has the meaning  
21 set forth in IC 35-43-9-1.

22 Sec. 228. "Pattern of racketeering activity", for purposes of  
23 IC 35-45-6 has the meaning set forth in IC 35-45-6-1(d).

24 Sec. 229. "Party line", for purposes of IC 35-45-2-3, has the  
25 meaning set forth in IC 35-45-2-3(b).

26 Sec. 230. "Patient", for purposes of IC 35-48-7, has the meaning  
27 set forth in IC 35-48-7-5.6.

28 Sec. 231. (a) "Pecuniary interest", for purposes of IC 35-44-1-3,  
29 has the meaning set forth in IC 35-44-1-3(a)(3).

30 (b) "Pecuniary interest", for purposes of IC 35-44-1-7, has the  
31 meaning set forth in IC 35-44-1-7(a).

32 Sec. 232. "Peep", for purposes of IC 35-45-4-5 has the meaning  
33 set forth in IC 35-45-4-5(a)(2).

34 Sec. 233. "Penal facility" means state prison, correctional  
35 facility, county jail, penitentiary, house of correction, or any other  
36 facility for confinement of persons under sentence, or awaiting trial  
37 or sentence, for offenses. The term includes a correctional facility  
38 constructed under IC 4-13.5.

39 Sec. 234. (a) "Performance", for purposes of IC 35-42-4-4, has  
40 the meaning set forth in IC 35-42-4-4(a).

41 (b) "Performance", for purposes of IC 35-49, has the meaning  
42 set forth in IC 35-49-1-7.

43 Sec. 235. (a) "Person" means a human being, corporation,  
44 limited liability company, partnership, unincorporated association,  
45 or governmental entity.

46 (b) "Person", for purposes of IC 35-41-1-10.6, means an adult



1 or a minor.

2 (c) "Person", for purposes of IC 35-43-6, has the meaning set  
3 forth in IC 35-43-6-7.

4 (d) "Person", for purposes of IC 35-43-9, has the meaning set  
5 forth in IC 35-43-9-2.

6 Sec. 236. "Personally identifying information", for purposes of  
7 IC 35-37-6, has the meaning set forth in IC 35-37-6-2.5(a).

8 Sec. 237. "Plea agreement", for purposes of IC 35-35-3, means  
9 an agreement between a prosecuting attorney and a defendant  
10 concerning the disposition of a felony or misdemeanor charge.

11 Sec. 238. "Police radio", for purposes of IC 35-44-3-12, has the  
12 meaning set forth in IC 35-44-3-12(c).

13 Sec. 239. "Polygraph" means a device that permanently and  
14 simultaneously records, at a minimum, an individual's:

15 (1) cardiovascular and respiratory patterns; and

16 (2) galvanic skin responses;

17 in order to determine truthfulness.

18 Sec. 240. "Poppy straw", for purposes of IC 35-48, has the  
19 meaning set forth in IC 35-48-1-23.

20 Sec. 241. "Postarrest release", for purposes of IC 35-40, has the  
21 meaning set forth in IC 35-40-4-5.

22 Sec. 242. "Postconviction release", for purposes of IC 35-40, has  
23 the meaning set forth in IC 35-40-4-6.

24 Sec. 243. (a) Except as provided in subsections (b) and (c),  
25 "practitioner", for purposes of IC 35-48, has the meaning set forth  
26 in IC 35-48-1-24.

27 (b) "Practitioner", for purposes of IC 35-42-2-8, has the  
28 meaning set forth in IC 35-42-2-8(a)(3).

29 (c) "Practitioner", for purposes of IC 35-48-7, has the meaning  
30 set forth in IC 35-48-7-5.8.

31 Sec. 244. "Prescription", for purposes of IC 35-45-20 has the  
32 meaning set forth in IC 35-45-20-1.

33 Sec. 245. "Prescription drug", for purposes of IC 35-48, has the  
34 meaning set forth in IC 35-48-1-25.

35 Sec. 246. "Principal", for purposes of IC 35-45-7 has the  
36 meaning set forth in IC 35-45-7-1.

37 Sec. 247. "Private area", for purposes of IC 35-45-4-5 has the  
38 meaning set forth in IC 35-45-4-5(a)(3).

39 Sec. 248. "Proceeds", for purposes of IC 35-45-15 has the  
40 meaning set forth in IC 35-45-15-4.

41 Sec. 249. "Product", for purposes of IC 35-43-7, has the  
42 meaning set forth in IC 35-43-7-3.

43 Sec. 250. "Professional sports services contract", for purposes  
44 of IC 35-46-4 has the meaning set forth in IC 35-46-4-2.

45 Sec. 251. "Profit", for purposes of IC 35-45-5 has the meaning  
46 set forth in IC 35-45-5-1(i).



1           **Sec. 252. "Proper person", for purposes of IC 35-47, has the**  
 2 **meaning set forth in IC 35-47-1-7.**

3           **Sec. 253. "Proper reason", for purposes of IC 35-47, has the**  
 4 **meaning set forth in IC 35-47-1-8.**

5           **Sec. 254. (a) Except as provided in subsection (c), "property"**  
 6 **means anything of value. The term includes:**

7           (1) a gain or advantage or anything that might reasonably be  
 8           regarded as such by the beneficiary;

9           (2) real property, personal property, money, labor, and  
 10           services;

11           (3) intangibles;

12           (4) commercial instruments;

13           (5) written instruments concerning labor, services, or  
 14           property;

15           (6) written instruments otherwise of value to the owner, such  
 16           as a public record, deed, will, credit card, or letter of credit;

17           (7) a signature to a written instrument;

18           (8) extension of credit;

19           (9) trade secrets;

20           (10) contract rights, choses-in-action, and other interests in or  
 21           claims to wealth;

22           (11) electricity, gas, oil, and water;

23           (12) captured or domestic animals, birds, and fish;

24           (13) food and drink; and

25           (14) human remains.

26           **(b) Property is that "of another person" if the other person has**  
 27 **a possessory or proprietary interest in it, even if an accused person**  
 28 **also has an interest in that property.**

29           **(c) "Property", for purposes of IC 35-47.5, has the meaning set**  
 30 **forth in IC 35-47.5-2-12.**

31           **Sec. 255. "Prosecuting attorney", for purposes of IC 35-35-3,**  
 32 **includes a deputy prosecuting attorney.**

33           **Sec. 256. "Protected person", for purposes of IC 35-37-4, has**  
 34 **the meaning set forth in IC 35-37-4-6(c).**

35           **Sec. 257. "Pseudoephedrine", for purposes of IC 35-48-4-14.7,**  
 36 **has the meaning set forth in IC 35-48-4-14.7(b)(4).**

37           **Sec. 258. "Public court proceeding", for purposes of IC 35-40,**  
 38 **has the meaning set forth in IC 35-40-4-7.**

39           **Sec. 259. "Public park" means any property operated by a**  
 40 **political subdivision for park purposes (as defined in IC 36-10-1-2).**

41           **Sec. 260. "Public relief or assistance", for purposes of**  
 42 **IC 35-43-5, has the meaning set forth in IC 35-43-5-1(o).**

43           **Sec. 261. "Public safety officer", for purposes of IC 35-45-19 has**  
 44 **the meaning set forth in IC 35-45-19-2.**

45           **Sec. 262. "Public servant" means a person who:**

46           (1) is authorized to perform an official function on behalf of,



- 1 and is paid by, a governmental entity;  
2 (2) is elected or appointed to office to discharge a public duty  
3 for a governmental entity; or  
4 (3) with or without compensation, is appointed in writing by  
5 a public official to act in an advisory capacity to a  
6 governmental entity concerning a contract or purchase to be  
7 made by the entity.

8 The term does not include a person appointed by the governor to  
9 an honorary advisory or honorary military position.

10 Sec. 263. "Publicly paid costs of representation" means the  
11 portion of all attorney's fees, expenses, or wages incurred by the  
12 county that are:

- 13 (1) directly attributable to the defendant's defense; and  
14 (2) not overhead expenditures made in connection with the  
15 maintenance or operation of a governmental agency.

16 Sec. 264. "Public safety officer", for purposes of IC 35-47-4.5,  
17 has the meaning set forth in IC 35-47-4.5-3.

18 Sec. 265. "Publish", for purposes of IC 35-45-13 has the  
19 meaning set forth in IC 35-45-13-2.

20 Sec. 266. "Racketeering activity", for purposes of IC 35-45-6  
21 has the meaning set forth in IC 35-45-6-1(e).

22 Sec. 267. "Rate", for purposes of IC 35-45-7 has the meaning set  
23 forth in IC 35-45-7-1.

24 Sec. 268. "Rated capacity", for purposes of IC 35-38-3, has the  
25 meaning set forth in IC 35-38-3-1.

26 Sec. 269. "Receiving", for purposes of IC 35-43-4-1, has the  
27 meaning set forth in IC 35-43-4-1(c).

28 Sec. 270. "Receiving authority", for purposes of IC 35-38-3, has  
29 the meaning set forth in IC 35-38-3-1.

30 Sec. 271. "Recipient", for purposes of IC 35-48-7, has the  
31 meaning set forth in IC 35-48-7-6.

32 Sec. 272. "Recipient representative", for purposes of IC 35-48-7,  
33 has the meaning set forth in IC 35-48-7-7.

34 Sec. 273. "Recommendation", for purposes of IC 35-35-3, means  
35 a proposal that is part of a plea agreement made to a court that:

- 36 (1) a felony charge be dismissed; or  
37 (2) a defendant, if the defendant pleads guilty to a felony  
38 charge, receive less than the advisory sentence.

39 Sec. 274. "Recording", for purposes of IC 35-43-5, has the  
40 meaning set forth in IC 35-43-5-1(p).

41 Sec. 275. "Replica", for purposes of IC 35-47.5, has the meaning  
42 set forth in IC 35-47.5-2-8.

43 Sec. 276. "Reside", for purposes of IC 35-42-4-11, has the  
44 meaning set forth in IC 35-42-4-11(b).

45 Sec. 277. "Residential property", for purposes of IC 35-43-6,  
46 has the meaning set forth in IC 35-43-6-1.



1           Sec. 278. "Residential property transaction", for purposes of  
2 IC 35-43-9, has the meaning set forth in IC 35-43-9-3.

3           Sec. 279. "Retail", for purposes of IC 35-47, has the meaning set  
4 forth in IC 35-47-1-9.

5           Sec. 280. "Retailer", for purposes of IC 35-48-4-14.7, has the  
6 meaning set forth in IC 35-48-4-14.7(b)(5).

7           Sec. 281. "Sado-masochistic abuse", for purposes of IC 35-49,  
8 has the meaning set forth in IC 35-49-1-8.

9           Sec. 282. (a) "Salvia" means salvia divinorum or salvinorin A,  
10 including:

- 11           (1) all parts of the plant that are classified botanically as  
12 salvia divinorum, whether growing or not;  
13           (2) the seeds of the plant;  
14           (3) any extract from any part of the plant; and  
15           (4) every compound, manufacture, derivative, mixture, or  
16 preparation of the plant, its seeds, or extracts, including its  
17 salts, isomers, and salts of isomers whenever the existence of  
18 such salts, isomers, and salts of isomers is possible within the  
19 specific chemical designation of the plant, its seeds, or  
20 extracts.

21           (b) The term does not include any other species in the genus  
22 salvia.

23           Sec. 283. "Sawed-off shotgun", for purposes of IC 35-47, has the  
24 meaning set forth in IC 35-47-1-10.

25           Sec. 284. "School bus" means any motor vehicle designed and  
26 constructed for the accommodation of more than ten (10)  
27 passengers, which is used for the transportation of Indiana school  
28 children.

29           Sec. 285. "School corporation", for purposes of IC 35-42-4-7,  
30 has the meaning set forth in IC 35-42-4-7(h).

31           Sec. 286. "School property" means the following:

- 32           (1) A building or other structure owned or rented by:  
33           (A) a school corporation;  
34           (B) an entity that is required to be licensed under  
35 IC 12-17.2 or IC 31-27;  
36           (C) a private school that is not supported and maintained  
37 by funds realized from the imposition of a tax on property,  
38 income, or sales; or  
39           (D) a federal, state, local, or nonprofit program or service  
40 operated to serve, assist, or otherwise benefit children who  
41 are at least three (3) years of age and not yet enrolled in  
42 kindergarten, including the following:  
43           (i) A Head Start program under 42 U.S.C. 9831 et seq.  
44           (ii) A special education preschool program.  
45           (iii) A developmental child care program for preschool  
46 children.



- 1           (2) The grounds adjacent to and owned or rented in common  
2           with a building or other structure described in subdivision (1).
- 3           Sec. 287. "Scientific purposes", for purposes of IC 35-43-1-3,  
4           has the meaning set forth in IC 35-43-1-3(a).
- 5           Sec. 288. "Scientific research facility" means a facility in which  
6           research is conducted.
- 7           Sec. 289. "Search and rescue dog", for purposes of  
8           IC 35-46-3-11.3 has the meaning set forth in IC 35-46-3-11.3(a).
- 9           Sec. 290. "Security agent" means a person who has been  
10          employed by a store to prevent the loss of property due to theft.
- 11          Sec. 291. "Security risk", for purposes of IC 35-38-2.5, has the  
12          meaning set forth in IC 35-38-2.5-4.5.
- 13          Sec. 292. "Self-service display", for purposes of IC 35-46-1-11.8,  
14          has the meaning set forth in IC 35-46-1-11.8.
- 15          Sec. 293. "Serious bodily injury" means bodily injury that  
16          creates a substantial risk of death or that causes:
- 17               (1) serious permanent disfigurement;  
18               (2) unconsciousness;  
19               (3) extreme pain;  
20               (4) permanent or protracted loss or impairment of the  
21               function of a bodily member or organ; or  
22               (5) loss of a fetus.
- 23          Sec. 294. "Serious violent felon", for purposes of IC 35-47-4-5,  
24          has the meaning set forth in IC 35-47-4-5(a).
- 25          Sec. 294.5. "Serious violent felony", for purposes of  
26          IC 35-47-4-5, has the meaning set forth in IC 35-47-4-5(b).
- 27          Sec. 295. "Service animal", for purposes of IC 35-46-3-11.5 has  
28          the meaning set forth in IC 35-46-3-11.5(a).
- 29          Sec. 296. "Service provider", for purposes of IC 35-44-1-5, has  
30          the meaning set forth in IC 35-44-1-5(a).
- 31          Sec. 297. (a) "Sex offense", for purposes of IC 35-38-2-2.5, has  
32          the meaning set forth in IC 35-38-2-2.5(b).
- 33               (b) "Sex offense", for purposes of IC 35-50-2-14, has the  
34          meaning set forth in IC 35-50-2-14(a).
- 35          Sec. 298. "Sex offense against a child", for purposes of  
36          IC 35-50-2, has the meaning set forth in IC 35-50-2-1.8.
- 37          Sec. 299. "Sexual activity", for purposes of IC 35-42-4-13, has  
38          the meaning set forth in IC 35-42-4-13(b).
- 39          Sec. 300. (a) "Sexual conduct", for purposes of IC 35-42-4-4, has  
40          the meaning set forth in IC 35-42-4-4(a).
- 41               (b) "Sexual conduct", for purposes of IC 35-49, has the meaning  
42          set forth in IC 35-49-1-9.
- 43          Sec. 301. "Sexual excitement", for purposes of IC 35-49, has the  
44          meaning set forth in IC 35-49-1-10.
- 45          Sec. 302. "Sexual intercourse" means an act that includes any  
46          penetration of the female sex organ by the male sex organ.



1           **Sec. 303. "Sexually violent predator defendant", for purposes of**  
2 **IC 35-33-8-3.5, has the meaning set forth in IC 35-33-8-3.5(b).**

3           **Sec. 304. (a) "Sexually violent predator", for purposes of**  
4 **IC 35-38-1-7.5, has the meaning set forth in IC 35-38-1-7.5(a).**

5           **(b) "Sexually violent predator, for purposes of IC 35-42-4-10,**  
6 **has the meaning set forth in IC 35-42-4-10(b).**

7           **Sec. 305. "Shotgun", for purposes of IC 35-47, has the meaning**  
8 **set forth in IC 35-47-1-11.**

9           **Sec. 306. "Slug", for purposes of IC 35-43-5, has the meaning set**  
10 **forth in IC 35-43-5-1(q).**

11           **Sec. 307. "Social networking web site" for purposes of**  
12 **IC 35-42-4-12, has the meaning set forth in IC 35-42-4-12(d).**

13           **Sec. 308. "Solicit", for purposes of IC 35-42-4-6, has the**  
14 **meaning set forth in IC 35-42-4-6(a).**

15           **Sec. 309. "Special education cooperative", for purposes of**  
16 **IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(i).**

17           **Sec. 310. "Stalk", for purposes of IC 35-45-10 has the meaning**  
18 **set forth in IC 35-45-10-1.**

19           **Sec. 311. "State", for purposes of IC 35-48-7, has the meaning**  
20 **set forth in IC 35-48-7-7.5.**

21           **Sec. 312. "State or federally chartered or federally insured**  
22 **financial institution", for purposes of IC 35-43-5-8, has the**  
23 **meaning set forth in IC 35-43-5-8(b).**

24           **Sec. 313. "Stepparent", for purposes of IC 35-42-4-7, has the**  
25 **meaning set forth in IC 35-42-4-7(j).**

26           **Sec. 314. "Store" means a place of business where property or**  
27 **service with respect to property is displayed, rented, sold, or**  
28 **offered for sale.**

29           **Sec. 315. "Student athlete", for purposes of IC 35-46-4 has the**  
30 **meaning set forth in IC 35-46-4-3.**

31           **Sec. 316. "Stun gun", for purposes of IC 35-47-8, has the**  
32 **meaning set forth in IC 35-47-8-2.**

33           **Sec. 317. "Substance offense", for purposes of IC 35-50-2-10,**  
34 **has the meaning set forth in IC 35-50-2-10(a)(2).**

35           **Sec. 318. "Superintendent", for purposes of IC 35-47, has the**  
36 **meaning set forth in IC 35-47-1-12.**

37           **Sec. 319. "Support", for purposes of IC 35-46-1 has the meaning**  
38 **set forth in IC 35-46-1-1.**

39           **Sec. 320. "Suspicious order", for purposes of IC 35-48-4-14.7,**  
40 **has the meaning set forth in IC 35-48-4-14.7(b)(6).**

41           **Sec. 321. "Synthetic cannabinoid" means a substance containing**  
42 **one (1) or more of the following chemical compounds:**

43           **(1) JWH-015 ((2-Methyl-1-propyl-1H-**  
44 **indol-3-yl)-1-naphthalenylmethanone).**

45           **(2) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).**

46           **(3) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).**



- 1 (4) JWH-073 (naphthalen-1-yl-(1-butylinol-3-yl)methanone).  
 2 (5) JWH-081 (4-methoxynaphthalen- 1-yl- (1-pentylindol-  
 3 3-yl)methanone).  
 4 (6) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).  
 5 (7) JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-  
 6 naphthalen-1-ylmethanone).  
 7 (8) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).  
 8 (9) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).  
 9 (10) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).  
 10 (11) HU-210 ((6aR,10aR)- 9-(Hydroxymethyl)- 6,6-dimethyl-  
 11 3-(2-methyloctan-2-yl)- 6a,7,10,10a-tetrahydrobenzo  
 12 [c]chromen- 1-ol).  
 13 (12) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)- 6,6-dimethyl-  
 14 3-(2-methyloctan-2-yl)- 6a,7,10,10a-tetrahydrobenzo  
 15 [c]chromen-1-ol).  
 16 (13) HU-308 ([ (1R,2R,5R)-2-[2,6-dimethoxy-4-  
 17 ( 2 - m e t h y l o c t a n - 2 - y l ) p h e n y l ] -  
 18 7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).  
 19 (14) HU-331 ((3-hydroxy-2- [(1R,6R)-3-methyl-6-  
 20 (1-methylethenyl)-2 -cyclohexen-1-yl]-5  
 21 -pentyl-2,5-cyclohexadiene-1,4-dione).  
 22 (15) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-  
 23 2-(3-hydroxypropyl) cyclohexyl]- 5- (2-methyloctan-  
 24 2-yl)phenol).  
 25 (16) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]- 5- (2-  
 26 methyloctan-2-yl)phenol) and its homologues.  
 27 (17) WIN 55212-2 ((R)-(+)-[2,3-Dihydro-  
 28 5-methyl-3-(4-morpholinylmethyl) pyrrolo [1,2,3-de]- 1,4-  
 29 benzoxazin- 6-yl]-1-naphthalenylmethanone).  
 30 (18) RCS-4 ((4-methoxyphenyl)  
 31 (1-pentyl-1H-indol-3-yl)methanone).  
 32 (19) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-  
 33 indol-3-yl)-2-(2-methoxyphenyl)ethanone).  
 34 (20) 4-Methylmethcathinone. Other name: mephedrone.  
 35 (21) 3,4-Methylenedioxy-methcathinone. Other name:  
 36 methylone.  
 37 (22) Fluoromethcathinone.  
 38 (23) 4-Methoxymethcathinone. Other name: methedrone.  
 39 (24) 4-Ethylmethcathinone (4-EMC).  
 40 (25) Methylenedioxypropylvalerone. Other name: MDPV.

41 Sec. 322. "Synthetic identifying information", for purposes of  
 42 IC 35-43-5, has the meaning set forth in IC 35-43-5-1(r).

43 Sec. 323. "Target", for purposes of IC 35-34-2, means a person  
 44 who has been charged by information for an offense the grand jury  
 45 is investigating, or who is a subject of the grand jury investigation.

46 Sec. 324. "Taser", for purposes of IC 35-47-8, has the meaning



1 set forth in IC 35-47-8-3.

2 Sec. 325. "Tattoo", for purposes of IC 35-42-2-7, has the  
3 meaning set forth in IC 35-42-2-7(a).

4 Sec. 326. "Telecommunications device", for purposes of  
5 IC 35-45-13 has the meaning set forth in IC 35-45-13-3.

6 Sec. 327. "Telecommunications service", for purposes of  
7 IC 35-45-13 has the meaning set forth in IC 35-45-13-4.

8 Sec. 328. "Telecommunications service provider", for purposes  
9 of IC 35-45-13 has the meaning set forth in IC 35-45-13-5.

10 Sec. 329. "Terrorism" means the unlawful use of force or  
11 violence or the unlawful threat of force or violence to intimidate or  
12 coerce a government or all or part of the civilian population.

13 Sec. 330. "Threat", for purposes of IC 35-45-2-1, has the  
14 meaning set forth in IC 35-45-2-1(c).

15 Sec. 331. "Title insurance agent", for purposes of IC 35-43-9,  
16 has the meaning set forth in IC 35-43-9-4.

17 Sec. 332. "Title insurance escrow account", for purposes of  
18 IC 35-43-9, has the meaning set forth in IC 35-43-9-5.

19 Sec. 333. "Title insurer", for purposes of IC 35-43-9, has the  
20 meaning set forth in IC 35-43-9-6.

21 Sec. 334. "Tobacco business", for purposes of IC 35-46-1 has the  
22 meaning set forth in IC 35-46-1-1.

23 Sec. 335. "Torture", for purposes of IC 35-46-3, has the  
24 meaning set forth in IC 35-46-3-0.5(5).

25 Sec. 336. "Tournament", for purposes of IC 35-45-5 has the  
26 meaning set forth in IC 35-45-5-1(j).

27 Sec. 337. "Toy crane machine", for purposes of IC 35-45-5 has  
28 the meaning set forth in IC 35-45-5-1(k).

29 Sec. 338. "Tumultuous conduct", for purposes of IC 35-45-1,  
30 has the meaning set forth in IC 35-45-1-1.

31 Sec. 339. "Ultimate user", for purposes of IC 35-48, has the  
32 meaning set forth in IC 35-48-1-27.

33 Sec. 340. "Unit", for purposes of IC 35-40-14, has the meaning  
34 set forth in IC 35-40-14-2.

35 Sec. 341. "Unlawful assembly", for purposes of IC 35-45-1, has  
36 the meaning set forth in IC 35-45-1-1.

37 Sec. 342. "Unlawful telecommunications device", for purposes  
38 of IC 35-45-13 has the meaning set forth in IC 35-45-13-6.

39 Sec. 343. "Unusual theft", for purposes of IC 35-48-4-14.7, has  
40 the meaning set forth in IC 35-48-4-14.7(b)(7).

41 Sec. 344. "Utility", for purposes of IC 35-43-5, has the meaning  
42 set forth in IC 35-43-5-1(s).

43 Sec. 345. "Utter" means to issue, authenticate, transfer, publish,  
44 deliver, sell, transmit, present, or use.

45 Sec. 346. "Vehicle" means a device for transportation by land,  
46 water, or air. The term includes mobile equipment with provision



- 1 for transport of an operator.
- 2 Sec. 347. "Vending machine", for purposes of IC 35-43-4-7, has  
3 the meaning set forth in IC 35-43-4-7(a).
- 4 Sec. 348. (a) "Victim", for purposes of IC 35-38-1-9 and  
5 IC 35-38-1-17, means a person who has suffered harm as a result  
6 of a crime.
- 7 (b) "Victim", for purposes of IC 35-37-6, has the meaning set  
8 forth in IC 35-37-6-3.
- 9 (c) "Victim", for purposes of IC 35-38-7, has the meaning set  
10 forth in IC 35-38-7-4.
- 11 (d) "Victim", for purposes of IC 35-40, has the meaning set  
12 forth in IC 35-40-4-8.
- 13 (e) "Victim", for purposes of IC 35-45-10, has the meaning set  
14 forth in IC 35-45-10-4.
- 15 Sec. 349. "Victim advocate", for purposes IC 35-37-6, has the  
16 meaning set forth in IC 35-37-6-3.5.
- 17 Sec. 350. "Victim representative", for purposes of IC 35-38-1,  
18 has the meaning set forth in IC 35-38-1-2(a).
- 19 Sec. 351. "Victim service provider", for purposes of IC 35-37-6,  
20 has the meaning set forth in IC 35-37-6-5.
- 21 Sec. 352. "Violent offender", for purposes of IC 35-38-2.5, has  
22 the meaning set forth in IC 35-38-2.5-4.7.
- 23 Sec. 353. "Warrant", for purposes of IC 35-33.5, means a  
24 warrant authorizing the interception of electronic communication  
25 under this article.
- 26 Sec. 354. "Weapon of mass destruction" means any chemical  
27 device, biological device or organism, or radiological device that is  
28 capable of being used for terrorism.
- 29 Sec. 355. "Wholesale", for purposes of IC 35-47, has the  
30 meaning set forth in IC 35-47-1-13.
- 31 Sec. 356. "Written instrument", for purposes of IC 35-43-5, has  
32 the meaning set forth in IC 35-43-5-1(t).
- 33 Sec. 357. (a) "Youth program center" means the following:
- 34 (1) A building or structure that on a regular basis provides  
35 recreational, vocational, academic, social, or other programs  
36 or services for persons less than eighteen (18) years of age.
- 37 (2) The real property on which a building or structure  
38 described in subdivision (1) is located.
- 39 (b) The term does not include school property (as defined in  
40 IC 35-41-1-24.7).
- 41 SECTION 69. IC 35-33-1-1.7, AS ADDED BY P.L.44-2008,  
42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
43 JULY 1, 2012]: Sec. 1.7. (a) A facility having custody of a person  
44 arrested for a crime of domestic violence (as described in  
45 ~~IC 35-41-1-6.3~~ IC 35-31.5-2-78) shall keep the person in custody for  
46 at least eight (8) hours from the time of the arrest.



1 (b) A person described in subsection (a) may not be released on bail  
2 until at least eight (8) hours from the time of the person's arrest.

3 SECTION 70. IC 35-33-6-1 IS REPEALED [EFFECTIVE JULY 1,  
4 2012]. Sec. 1: As used in this chapter:

5 "Adult employee" means an employee who is eighteen (18) years  
6 old or older.

7 "Agent" means an operator, a manager, an adult employee, or a  
8 security agent employed by a store:

9 "Motion picture exhibition facility" has the meaning set forth in  
10 IC 35-46-8-3:

11 "Security agent" means a person who has been employed by a store  
12 to prevent the loss of property due to theft.

13 "Store" means a place of business where property or service with  
14 respect to property is displayed, rented, sold, or offered for sale:

15 SECTION 71. IC 35-33-8-1 IS REPEALED [EFFECTIVE JULY 1,  
16 2012]. Sec. 1: As used in this chapter, "bail bond" means a bond  
17 executed by a person who has been arrested for the commission of an  
18 offense, for the purpose of ensuring:

- 19 (1) the person's appearance at the appropriate legal proceeding;  
20 (2) another person's physical safety; or  
21 (3) the safety of the community.

22 SECTION 72. IC 35-33-8-6.5, AS ADDED BY P.L.44-2008,  
23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2012]: Sec. 6.5. The court may not release a person arrested  
25 for a crime of domestic violence (as described in ~~IC 35-41-1-6.3~~)  
26 **IC 35-31.5-2-78**) on bail until at least eight (8) hours from the time of  
27 the person's arrest.

28 SECTION 73. IC 35-33-8-11, AS ADDED BY P.L.94-2010,  
29 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2012]: Sec. 11. (a) A court may require a person who has been  
31 charged with a crime of domestic violence (as described in ~~IC 35-41-1-6.3~~) **IC 35-31.5-2-78**) to wear a GPS tracking device as a  
32 condition of bail.  
33

34 (b) A court may order a person who is required to wear a GPS  
35 tracking device under subsection (a) to pay any costs associated with  
36 the GPS tracking device.

37 SECTION 74. IC 35-33.5-1 IS REPEALED [EFFECTIVE JULY 1,  
38 2012]. (Applicability and Definitions).

39 SECTION 75. IC 35-34-2-1 IS REPEALED [EFFECTIVE JULY 1,  
40 2012]. Sec. 1: As used in this chapter:

41 "Target" means a person who has been charged by information for  
42 an offense the grand jury is investigating, or who is a subject of the  
43 grand jury investigation:

44 SECTION 76. IC 35-35-1-2 IS AMENDED TO READ AS  
45 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The court shall  
46 not accept a plea of guilty or guilty but mentally ill at the time of the



1 crime without first determining that the defendant:

2 (1) understands the nature of the charge against ~~him~~; **the**  
3 **defendant**;

4 (2) has been informed that by ~~his~~ **the defendant's** plea ~~he~~ **the**  
5 **defendant** waives ~~his~~ **the defendant's** rights to:

6 (A) a public and speedy trial by jury;

7 (B) confront and cross-examine the witnesses against ~~him~~; **the**  
8 **defendant**;

9 (C) have compulsory process for obtaining witnesses in ~~his~~ **the**  
10 **defendant's** favor; and

11 (D) require the state to prove ~~his~~ **the defendant's** guilt beyond  
12 a reasonable doubt at a trial at which the defendant may not be  
13 compelled to testify against himself **or herself**;

14 (3) has been informed of the maximum possible sentence and  
15 minimum sentence for the crime charged and any possible  
16 increased sentence by reason of the fact of a prior conviction or  
17 convictions, and any possibility of the imposition of consecutive  
18 sentences;

19 (4) has been informed that the person will lose the right to possess  
20 a firearm if the person is convicted of a crime of domestic  
21 violence (~~IC 35-41-1-6.3~~); **(IC 35-31.5-2-78)**; and

22 (5) has been informed that if:

23 (A) there is a plea agreement as defined by ~~IC 35-35-3-1~~;  
24 **IC 35-31.5-2-237**; and

25 (B) the court accepts the plea;

26 the court is bound by the terms of the plea agreement.

27 (b) A defendant in a misdemeanor case may waive the rights under  
28 subsection (a) by signing a written waiver.

29 (c) Any variance from the requirements of this section that does not  
30 violate a constitutional right of the defendant is not a basis for setting  
31 aside a plea of guilty.

32 SECTION 77. IC 35-35-3-1 IS REPEALED [EFFECTIVE JULY 1,  
33 2012]. Sec. 1. As used in this chapter:

34 "Advisory sentence" means the nonbinding guideline sentence  
35 defined in ~~IC 35-50-2-1.3~~.

36 "Plea agreement" means an agreement between a prosecuting  
37 attorney and a defendant concerning the disposition of a felony or  
38 misdemeanor charge.

39 "Prosecuting attorney" includes a deputy prosecuting attorney.

40 "Recommendation" means a proposal that is part of a plea  
41 agreement made to a court that:

42 (1) a felony charge be dismissed; or

43 (2) a defendant, if the defendant pleads guilty to a felony charge,  
44 receive less than the advisory sentence.

45 "Victim" means a person who has suffered harm as a result of a  
46 crime.



1 SECTION 78. IC 35-36-2-5, AS AMENDED BY P.L.110-2009,  
 2 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2012]: Sec. 5. (a) Except as provided by subsection (e),  
 4 whenever a defendant is found guilty but mentally ill at the time of the  
 5 crime or enters a plea to that effect that is accepted by the court, the  
 6 court shall sentence the defendant in the same manner as a defendant  
 7 found guilty of the offense.

8 (b) Before sentencing the defendant under subsection (a), the court  
 9 shall require the defendant to be evaluated by a physician licensed  
 10 under IC 25-22.5 who practices psychiatric medicine, a licensed  
 11 psychologist, or a community mental health center (as defined in  
 12 IC 12-7-2-38). However, the court may waive this requirement if the  
 13 defendant was evaluated by a physician licensed under IC 25-22.5 who  
 14 practices psychiatric medicine, a licensed psychologist, or a community  
 15 mental health center and the evaluation is contained in the record of the  
 16 defendant's trial or plea agreement hearing.

17 (c) If a defendant who is found guilty but mentally ill at the time of  
 18 the crime is committed to the department of correction, the defendant  
 19 shall be further evaluated and then treated in such a manner as is  
 20 psychiatrically indicated for the defendant's mental illness. Treatment  
 21 may be provided by:

22 (1) the department of correction; or

23 (2) the division of mental health and addiction after transfer under  
 24 IC 11-10-4.

25 (d) If a defendant who is found guilty but mentally ill at the time of  
 26 the crime is placed on probation, the court may, in accordance with  
 27 IC 35-38-2-2.3, require that the defendant undergo treatment.

28 (e) As used in this subsection, "individual with mental retardation"  
 29 has the meaning set forth in ~~IC 35-36-9-2~~ **IC 35-31.5-2-170**. If a court  
 30 determines under IC 35-36-9 that a defendant who is charged with a  
 31 murder for which the state seeks a death sentence is an individual with  
 32 mental retardation, the court shall sentence the defendant under  
 33 IC 35-50-2-3(a).

34 (f) If a defendant is found guilty but mentally ill, the court shall  
 35 transmit any information required by the division of state court  
 36 administration to the division of state court administration for  
 37 transmission to the NICS (as defined in IC 35-47-2.5-2.5) in  
 38 accordance with IC 33-24-6-3.

39 SECTION 79. IC 35-36-9-2 IS REPEALED [EFFECTIVE JULY 1,  
 40 2012]. Sec. 2: As used in this chapter, "individual with mental  
 41 retardation" means an individual who, before becoming twenty-two  
 42 (22) years of age, manifests:

43 (1) significantly subaverage intellectual functioning; and

44 (2) substantial impairment of adaptive behavior;

45 that is documented in a court ordered evaluative report.

46 SECTION 80. IC 35-37-4.5-1 IS REPEALED [EFFECTIVE JULY



1, 2012]. Sec. 1: As used in this chapter, "polygraph" means a device that permanently and simultaneously records, at a minimum, an individual's:

- (1) cardiovascular and respiratory patterns; and
- (2) galvanic skin responses;

in order to determine truthfulness.

SECTION 81. IC 35-38-1-7.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7.7. (a) At the time of sentencing, a court shall determine whether a person has committed a crime of domestic violence (as defined in ~~IC 35-41-1-6.3~~). **IC 35-31.5-2-78**.

(b) A determination under subsection (a) must be based upon:

- (1) evidence introduced at trial; or
- (2) a factual basis provided as part of a guilty plea.

(c) Upon determining that a defendant has committed a crime of domestic violence, a court shall advise the defendant of the consequences of this finding.

(d) A judge shall record a determination that a defendant has committed a crime of domestic violence on a form prepared by the division of state court administration.

SECTION 82. IC 35-38-1-9, AS AMENDED BY P.L.155-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) As used in this chapter, "recommendation" **has the meaning set forth in IC 35-31.5-2-273** and "victim" ~~have~~ **has the meanings meaning set out forth in IC 35-35-3-1**. **IC 35-31.5-2-348**.

(b) The presentence investigation consists of the gathering of information with respect to:

- (1) the circumstances attending the commission of the offense;
- (2) the convicted person's history of delinquency or criminality, social history, employment history, family situation, economic status, education, and personal habits;
- (3) the impact of the crime upon the victim; and
- (4) whether the convicted person is licensed or certified in a profession regulated by IC 25.

(c) The presentence investigation may include any matter that the probation officer conducting the investigation believes is relevant to the question of sentence, and must include:

- (1) any matters the court directs to be included;
- (2) any written statements submitted to the prosecuting attorney by a victim under IC 35-35-3;
- (3) any written statements submitted to the probation officer by a victim; and
- (4) preparation of the victim impact statement required under section 8.5 of this chapter.

(d) If there are no written statements submitted to the probation



1 officer, the probation officer shall certify to the court:

2 (1) that the probation officer has attempted to contact the victim;  
3 and

4 (2) that if the probation officer has contacted the victim, the  
5 probation officer has offered to accept the written statements of  
6 the victim or to reduce the victim's oral statements to writing,  
7 concerning the sentence, including the acceptance of any  
8 recommendation.

9 (e) A presentence investigation report prepared by a probation  
10 officer must include the information and comply with any other  
11 requirements established in the rules adopted under IC 11-13-1-8.

12 SECTION 83. IC 35-38-1-17, AS AMENDED BY P.L.1-2010,  
13 SECTION 141, IS AMENDED TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) Within three hundred  
15 sixty-five (365) days after:

16 (1) a convicted person begins serving the person's sentence;

17 (2) a hearing is held:

18 (A) at which the convicted person is present; and

19 (B) of which the prosecuting attorney has been notified; and

20 (3) the court obtains a report from the department of correction  
21 concerning the convicted person's conduct while imprisoned;

22 the court may reduce or suspend the sentence. The court must  
23 incorporate its reasons in the record.

24 (b) If more than three hundred sixty-five (365) days have elapsed  
25 since the convicted person began serving the sentence and after a  
26 hearing at which the convicted person is present, the court may reduce  
27 or suspend the sentence, subject to the approval of the prosecuting  
28 attorney. However, if in a sentencing hearing for a convicted person  
29 conducted after June 30, 2001, the court could have placed the  
30 convicted person in a community corrections program as an alternative  
31 to commitment to the department of correction, the court may modify  
32 the convicted person's sentence under this section without the approval  
33 of the prosecuting attorney to place the convicted person in a  
34 community corrections program under IC 35-38-2.6.

35 (c) The court must give notice of the order to reduce or suspend the  
36 sentence under this section to the victim (as defined in IC ~~35-35-3-1~~  
37 **IC 35-31.5-2-348**) of the crime for which the convicted person is  
38 serving the sentence.

39 (d) The court may suspend a sentence for a felony under this section  
40 only if suspension is permitted under IC 35-50-2-2.

41 (e) The court may deny a request to suspend or reduce a sentence  
42 under this section without making written findings and conclusions.

43 (f) Notwithstanding subsections (a) and (b), the court is not required  
44 to conduct a hearing before reducing or suspending a sentence if:

45 (1) the prosecuting attorney has filed with the court an agreement  
46 of the reduction or suspension of the sentence; and



1 (2) the convicted person has filed with the court a waiver of the  
 2 right to be present when the order to reduce or suspend the  
 3 sentence is considered.

4 SECTION 84. IC 35-38-2-2.2, AS AMENDED BY P.L.119-2008,  
 5 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2012]: Sec. 2.2. As a condition of probation for a sex offender  
 7 (as defined in IC 11-8-8-4.5), the court shall:

- 8 (1) require the sex offender to register with the local law  
 9 enforcement authority under IC 11-8-8;  
 10 (2) prohibit the sex offender from residing within one thousand  
 11 (1,000) feet of school property (as defined in ~~IC 35-41-1-24.7~~;  
 12 **IC 35-31.5-2-286**), as measured from the property line of the sex  
 13 offender's residence to the property line of the school property, for  
 14 the period of probation, unless the sex offender obtains written  
 15 approval from the court;  
 16 (3) require the sex offender to consent:  
 17 (A) to the search of the sex offender's personal computer at  
 18 any time; and  
 19 (B) to the installation on the sex offender's personal computer  
 20 or device with Internet capability, at the sex offender's  
 21 expense, of one (1) or more hardware or software systems to  
 22 monitor Internet usage; and  
 23 (4) prohibit the sex offender from:  
 24 (A) accessing or using certain web sites, chat rooms, or instant  
 25 messaging programs frequented by children; and  
 26 (B) deleting, erasing, or tampering with information on the sex  
 27 offender's personal computer with intent to conceal an activity  
 28 prohibited by clause (A).

29 If the court allows the sex offender to reside within one thousand  
 30 (1,000) feet of school property under subdivision (2), the court shall  
 31 notify each school within one thousand (1,000) feet of the sex  
 32 offender's residence of the order. However, a court may not allow a sex  
 33 offender who is a sexually violent predator (as defined in  
 34 IC 35-38-1-7.5) or an offender against children under IC 35-42-4-11 to  
 35 reside within one thousand (1,000) feet of school property.

36 SECTION 85. IC 35-41-1-3 IS REPEALED [EFFECTIVE JULY 1,  
 37 2012]. Sec. 3. The definitions in this chapter apply throughout this title  
 38 and to all other statutes relating to penal offenses:

39 SECTION 86. IC 35-41-1-3.2 IS REPEALED [EFFECTIVE JULY  
 40 1, 2012]. Sec. 3:2: (a) "Agency" means any authority, board, bureau,  
 41 commission, committee, department, division, hospital, military body,  
 42 or other instrumentality of:

- 43 (1) the state, a county, a township, a city, a town, a separate  
 44 municipal corporation, a special taxing district, or a public  
 45 corporation; or  
 46 (2) a state-assisted college or state-assisted university.



1 (b) The term does not include any part of the legislative department  
2 or the judicial department of state government.

3 SECTION 87. IC 35-41-1-3.4 IS REPEALED [EFFECTIVE JULY  
4 1, 2012]. Sec. 3.4. "Apartment complex" means real property  
5 consisting of at least five (5) units that are regularly used to rent or  
6 otherwise furnish residential accommodations for periods of at least  
7 thirty (30) days.

8 SECTION 88. IC 35-41-1-4 IS REPEALED [EFFECTIVE JULY 1,  
9 2012]. Sec. 4. "Bodily injury" means any impairment of physical  
10 condition, including physical pain:

11 SECTION 89. IC 35-41-1-4.3 IS REPEALED [EFFECTIVE JULY  
12 1, 2012]. Sec. 4.3. (a) "Bomb" means an explosive or incendiary device  
13 designed to release:

14 (1) destructive materials or force; or

15 (2) dangerous gases;

16 that is detonated by impact, proximity to an object, a timing  
17 mechanism, a chemical reaction, ignition, or other predetermined  
18 means.

19 (b) The term does not include the following:

20 (1) A firearm (as defined in IC 35-47-1-5) or the ammunition or  
21 components for handloading ammunition for a firearm:

22 (2) Fireworks regulated under IC 22-11-14.

23 (3) Boating, railroad, and other safety flares.

24 (4) Propellants used in model rockets or similar hobby activities.

25 (5) Commercially manufactured black powder in quantities not to  
26 exceed fifty (50) pounds; percussion caps; safety and pyrotechnic  
27 fuses; quills; quick and slow matches; and friction primers  
28 intended to be used solely for sporting, recreational, or cultural  
29 purposes in antique firearms or antique devices.

30 SECTION 90. IC 35-41-1-4.4 IS REPEALED [EFFECTIVE JULY  
31 1, 2012]. Sec. 4.4. "Community transition program" has the meaning  
32 set forth in IC 11-8-1-5.5.

33 SECTION 91. IC 35-41-1-4.6 IS REPEALED [EFFECTIVE JULY  
34 1, 2012]. Sec. 4.6. "Community restitution or service" means  
35 performance of services directly for a:

36 (1) victim;

37 (2) nonprofit entity; or

38 (3) governmental entity;

39 without compensation, including graffiti abatement, park maintenance,  
40 and other community service activities. The term does not include the  
41 reimbursement under IC 35-50-5-3 or another law of damages or  
42 expenses incurred by a victim or another person as the result of a  
43 violation of law.

44 SECTION 92. IC 35-41-1-4.7 IS REPEALED [EFFECTIVE JULY  
45 1, 2012]. Sec. 4.7. "Community policing volunteer" means a person  
46 who is:



- 1 (1) not a law enforcement officer; and
- 2 (2) actively participating in a plan, system, or strategy:
  - 3 (A) established by and conducted under the authority of a law
  - 4 enforcement agency; and
  - 5 (B) in which citizens:
    - 6 (i) participate with and are guided by the law enforcement
    - 7 agency; and
    - 8 (ii) work with members of the law enforcement agency to
    - 9 reduce or prevent crime within a defined geographic area.

10 SECTION 93. IC 35-41-1-5 IS REPEALED [EFFECTIVE JULY 1,  
11 2012]. Sec. 5: "Credit institution" means a bank; insurance company;  
12 credit union; savings association; investment trust; industrial loan and  
13 investment company; or other organization held out to the public as a  
14 place of deposit of funds or a medium of savings or collective  
15 investment.

16 SECTION 94. IC 35-41-1-5.5 IS REPEALED [EFFECTIVE JULY  
17 1, 2012]. Sec. 5.5: "Credit restricted felon" means a person who has  
18 been convicted of at least one (1) of the following offenses:

- 19 (1) Child molesting involving sexual intercourse or deviate sexual  
20 conduct (IC 35-42-4-3(a)); if:
  - 21 (A) the offense is committed by a person at least twenty-one  
22 (21) years of age; and
  - 23 (B) the victim is less than twelve (12) years of age.
- 24 (2) Child molesting (IC 35-42-4-3) resulting in serious bodily  
25 injury or death.
- 26 (3) Murder (IC 35-42-1-1); if:
  - 27 (A) the person killed the victim while committing or  
28 attempting to commit child molesting (IC 35-42-4-3);
  - 29 (B) the victim was the victim of a sex crime under IC 35-42-4  
30 for which the person was convicted; or
  - 31 (C) the victim of the murder was listed by the state or known  
32 by the person to be a witness against the person in a  
33 prosecution for a sex crime under IC 35-42-4 and the person  
34 committed the murder with the intent to prevent the person  
35 from testifying.

36 SECTION 95. IC 35-41-1-6 IS REPEALED [EFFECTIVE JULY 1,  
37 2012]. Sec. 6: "Crime" means a felony or a misdemeanor.

38 SECTION 96. IC 35-41-1-6.3 IS REPEALED [EFFECTIVE JULY  
39 1, 2012]. Sec. 6.3: "Crime of domestic violence," for purposes of  
40 IC 5-2-6.1 and IC 35-47-4-7, means an offense or the attempt to  
41 commit an offense that:

- 42 (1) has as an element the:
  - 43 (A) use of physical force; or
  - 44 (B) threatened use of a deadly weapon; and
- 45 (2) is committed against a:
  - 46 (A) current or former spouse; parent; or guardian of the



- 1 defendant;  
 2 (B) person with whom the defendant shared a child in  
 3 common;  
 4 (C) person who was cohabiting with or had cohabited with the  
 5 defendant as a spouse, parent, or guardian; or  
 6 (D) person who was or had been similarly situated to a spouse,  
 7 parent, or guardian of the defendant.

8 SECTION 97. IC 35-41-1-6.5 IS REPEALED [EFFECTIVE JULY  
 9 1, 2012]. Sec. 6-5: "Crime involving domestic or family violence"  
 10 means a crime that occurs when a family or household member  
 11 commits, attempts to commit, or conspires to commit any of the  
 12 following against another family or household member:

- 13 (1) A homicide offense under IC 35-42-1.  
 14 (2) A battery offense under IC 35-42-2.  
 15 (3) Kidnapping or confinement under IC 35-42-3.  
 16 (4) Human and sexual trafficking crimes under IC 35-42-3.5.  
 17 (5) A sex offense under IC 35-42-4.  
 18 (6) Robbery under IC 35-42-5.  
 19 (7) Arson or mischief under IC 35-43-1.  
 20 (8) Burglary or trespass under IC 35-43-2.  
 21 (9) Disorderly conduct under IC 35-45-1.  
 22 (10) Intimidation or harassment under IC 35-45-2.  
 23 (11) Voyeurism under IC 35-45-4.  
 24 (12) Stalking under IC 35-45-10.  
 25 (13) An offense against family under IC 35-46-1-2 through  
 26 IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.  
 27 (14) A crime involving animal cruelty and a family or household  
 28 member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.

29 SECTION 98. IC 35-41-1-6.6 IS REPEALED [EFFECTIVE JULY  
 30 1, 2012]. Sec. 6-6: "Dangerous gas", for purposes of IC 35-41-1-4.3,  
 31 means a toxic chemical or its precursors that through chemical action  
 32 or properties on life processes cause death or permanent injury to  
 33 human beings. The term does not include the following:

- 34 (1) Riot control agents, smoke, and obscuration materials or  
 35 medical products that are manufactured, possessed, transported,  
 36 or used in accordance with the laws of the United States and of  
 37 this state;  
 38 (2) Tear gas devices designed to be carried on or about the person  
 39 that contain not more than one-half (1/2) ounce of the chemical.

40 SECTION 99. IC 35-41-1-7 IS REPEALED [EFFECTIVE JULY 1,  
 41 2012]. Sec. 7: "Deadly force" means force that creates a substantial risk  
 42 of serious bodily injury.

43 SECTION 100. IC 35-41-1-8 IS REPEALED [EFFECTIVE JULY  
 44 1, 2012]. Sec. 8: (a) Except as provided in subsection (b), "deadly  
 45 weapon" means the following:

- 46 (1) A loaded or unloaded firearm.



1 (2) A destructive device, weapon, device, taser (as defined in  
 2 IC 35-47-8-3) or electronic stun weapon (as defined in  
 3 IC 35-47-8-1); equipment, chemical substance, or other material  
 4 that in the manner it is used, or could ordinarily be used, or is  
 5 intended to be used, is readily capable of causing serious bodily  
 6 injury.

7 (3) An animal (as defined in IC 35-46-3-3) that is:

8 (A) readily capable of causing serious bodily injury; and

9 (B) used in the commission or attempted commission of a  
 10 crime.

11 (4) A biological disease, virus, or organism that is capable of  
 12 causing serious bodily injury.

13 (b) The term does not include:

14 (1) a taser (as defined in IC 35-47-8-3);

15 (2) an electronic stun weapon (as defined in IC 35-47-8-1);

16 (3) a chemical designed to temporarily incapacitate a person; or

17 (4) another device designed to temporarily incapacitate a person;

18 if the device described in subdivisions (1) through (4) is used by a law  
 19 enforcement officer who has been trained in the use of the device and  
 20 who uses the device in accordance with the law enforcement officer's  
 21 training and while lawfully engaged in the execution of official duties.

22 SECTION 101. IC 35-41-1-8.5 IS REPEALED [EFFECTIVE JULY  
 23 1, 2012]. Sec. 8.5. "Destructive device" has the meaning set forth in  
 24 IC 35-47.5-2-4.

25 SECTION 102. IC 35-41-1-9 IS REPEALED [EFFECTIVE JULY  
 26 1, 2012]. Sec. 9. "Deviate sexual conduct" means an act involving:

27 (1) a sex organ of one person and the mouth or anus of another  
 28 person; or

29 (2) the penetration of the sex organ or anus of a person by an  
 30 object.

31 SECTION 103. IC 35-41-1-10 IS REPEALED [EFFECTIVE JULY  
 32 1, 2012]. Sec. 10. "Dwelling" means a building, structure, or other  
 33 enclosed space, permanent or temporary, movable or fixed, that is a  
 34 person's home or place of lodging.

35 SECTION 104. IC 35-41-1-10.3 IS REPEALED [EFFECTIVE  
 36 JULY 1, 2012]. Sec. 10.3. "The effects of battery" refers to a  
 37 psychological condition of an individual who has suffered repeated  
 38 physical or sexual abuse inflicted by another individual who is the:

39 (1) victim of an alleged crime for which the abused individual is  
 40 charged in a pending prosecution; and

41 (2) abused individual's:

42 (A) spouse or former spouse;

43 (B) parent;

44 (C) guardian or former guardian;

45 (D) custodian or former custodian; or

46 (E) cohabitant or former cohabitant.



1 SECTION 105. IC 35-41-1-10.5 IS REPEALED [EFFECTIVE  
2 JULY 1, 2012]. Sec. 10.5: "Family housing complex" means a building  
3 or series of buildings:

- 4 (1) that contains at least twelve (12) dwelling units:  
5 (A) where children are domiciled or are likely to be domiciled;  
6 and  
7 (B) that are owned by a governmental unit or political  
8 subdivision;  
9 (2) that is operated as a hotel or motel (as described in  
10 IC 22-11-18-1);  
11 (3) that is operated as an apartment complex; or  
12 (4) that contains subsidized housing:

13 SECTION 106. IC 35-41-1-10.6 IS REPEALED [EFFECTIVE  
14 JULY 1, 2012]. Sec. 10.6: (a) An individual is a "family or household  
15 member" of another person if the individual:

- 16 (1) is a current or former spouse of the other person;  
17 (2) is dating or has dated the other person;  
18 (3) is or was engaged in a sexual relationship with the other  
19 person;  
20 (4) is related by blood or adoption to the other person;  
21 (5) is or was related by marriage to the other person;  
22 (6) has or previously had an established legal relationship:  
23 (A) as a guardian of the other person;  
24 (B) as a ward of the other person;  
25 (C) as a custodian of the other person;  
26 (D) as a foster parent of the other person; or  
27 (E) in a capacity with respect to the other person similar to  
28 those listed in clauses (A) through (D); or  
29 (7) has a child in common with the other person:

30 (b) An individual is a "family or household member" of both  
31 persons to whom subsection (a)(1); (a)(2); (a)(3); (a)(4); (a)(5); (a)(6);  
32 or (a)(7) applies if the individual is a minor child of one (1) of the  
33 persons:

34 SECTION 107. IC 35-41-1-10.8 IS REPEALED [EFFECTIVE  
35 JULY 1, 2012]. Sec. 10.8: "Food processing facility" means a facility  
36 used to prepare or process animal, plant, or other food ingredients into  
37 food products intended for sale or distribution to the general public for  
38 human consumption:

39 SECTION 108. IC 35-41-1-11 IS REPEALED [EFFECTIVE JULY  
40 1, 2012]. Sec. 11: "Foreible felony" means a felony that involves the  
41 use or threat of force against a human being; or in which there is  
42 imminent danger of bodily injury to a human being:

43 SECTION 109. IC 35-41-1-12 IS REPEALED [EFFECTIVE JULY  
44 1, 2012]. Sec. 12: "Governmental entity" means:

- 45 (1) the United States or any state; county; township; city; town;  
46 separate municipal corporation; special taxing district; or public



- 1 school corporation;
- 2 (2) any authority; board; bureau; commission; committee;
- 3 department; division; hospital; military body; or other
- 4 instrumentality of any of those entities; or
- 5 (3) a state-assisted college or state-assisted university.

6 SECTION 110. IC 35-41-1-12.3 IS REPEALED [EFFECTIVE  
 7 JULY 1, 2012]. Sec. 12.3: "Graffiti" means any unauthorized  
 8 inscription; work; figure; or design that is marked; etched; scratched;  
 9 drawn; or painted on a component of any building; structure; or other  
 10 facility.

11 SECTION 111. IC 35-41-1-13 IS REPEALED [EFFECTIVE JULY  
 12 1, 2012]. Sec. 13: "Harm" means loss; disadvantage; or injury or  
 13 anything so regarded by the person affected; including loss;  
 14 disadvantage; or injury to any other person in whose welfare he is  
 15 interested.

16 SECTION 112. IC 35-41-1-14 IS REPEALED [EFFECTIVE JULY  
 17 1, 2012]. Sec. 14: "Human being" means an individual who has been  
 18 born and is alive.

19 SECTION 113. IC 35-41-1-15 IS REPEALED [EFFECTIVE JULY  
 20 1, 2012]. Sec. 15: "Imprison" means to:

- 21 (1) confine in a penal facility;
- 22 (2) commit to the department of correction; or
- 23 (3) assign to a community transition program under
- 24 IC 11-10-11.5.

25 SECTION 114. IC 35-41-1-16 IS REPEALED [EFFECTIVE JULY  
 26 1, 2012]. Sec. 16: "Included offense" means an offense that:

- 27 (1) is established by proof of the same material elements or less
- 28 than all the material elements required to establish the
- 29 commission of the offense charged;
- 30 (2) consists of an attempt to commit the offense charged or an
- 31 offense otherwise included therein; or
- 32 (3) differs from the offense charged only in the respect that a less
- 33 serious harm or risk of harm to the same person; property; or
- 34 public interest; or a lesser kind of culpability; is required to
- 35 establish its commission.

36 SECTION 115. IC 35-41-1-16.5 IS REPEALED [EFFECTIVE  
 37 JULY 1, 2012]. Sec. 16.5: "Key facility" means any of the following:

- 38 (1) A chemical manufacturing facility.
- 39 (2) A refinery.
- 40 (3) An electric utility facility; including:
- 41 (A) a power plant;
- 42 (B) a power generation facility peaker;
- 43 (C) an electric transmission facility;
- 44 (D) an electric station or substation; or
- 45 (E) any other facility used to support the generation;
- 46 transmission; or distribution of electricity.



1 However, the term does not include electric transmission land or  
 2 right-of-way that is not completely enclosed, posted, and  
 3 maintained by the electric utility.

4 (4) A water intake structure or water treatment facility.

5 (5) A natural gas utility facility, including:

6 (A) an age station;

7 (B) a compressor station;

8 (C) an odorization facility;

9 (D) a main line valve;

10 (E) a natural gas storage facility; or

11 (F) any other facility used to support the acquisition,  
 12 transmission, distribution, or storage of natural gas. However,  
 13 the term does not include gas transmission pipeline property  
 14 that is not completely enclosed, posted, and maintained by the  
 15 natural gas utility.

16 (6) A gasoline, propane, liquid natural gas (LNG), or other fuel  
 17 terminal or storage facility.

18 (7) A transportation facility, including, but not limited to, a port,  
 19 railroad switching yard, or trucking terminal. However, the term  
 20 does not include a railroad track that is not part of a railroad  
 21 switching yard.

22 (8) A pulp or paper manufacturing facility.

23 (9) A pharmaceutical manufacturing facility.

24 (10) A hazardous waste storage, treatment, or disposal facility.

25 (11) A telecommunications facility, including a central office or  
 26 cellular telephone tower site.

27 (12) A facility:

28 (A) that is substantially similar to a facility, structure, or  
 29 station listed in this section; or

30 (B) whose owner or operator is required to submit a risk  
 31 management plan under the federal Chemical Safety  
 32 Information, Site Security and Fuels Regulatory Relief Act (42  
 33 U.S.C. 7412(r)).

34 SECTION 116. IC 35-41-1-17 IS REPEALED [EFFECTIVE JULY  
 35 1, 2012]. Sec. 17. (a) "Law enforcement officer" means:

36 (1) a police officer (including a correctional police officer),  
 37 sheriff, constable, marshal, prosecuting attorney, special  
 38 prosecuting attorney, special deputy prosecuting attorney, the  
 39 securities commissioner, or the inspector general;

40 (2) a deputy of any of those persons;

41 (3) an investigator for a prosecuting attorney or for the inspector  
 42 general;

43 (4) a conservation officer;

44 (5) an enforcement officer of the alcohol and tobacco  
 45 commission; or

46 (6) an enforcement officer of the securities division of the office



1 of the secretary of state:

- 2 (b) "Federal enforcement officer" means any of the following:
- 3 (1) A Federal Bureau of Investigation special agent.
- 4 (2) A United States Marshals Service marshal or deputy.
- 5 (3) A United States Secret Service special agent.
- 6 (4) A United States Fish and Wildlife Service special agent.
- 7 (5) A United States Drug Enforcement Agency agent.
- 8 (6) A Bureau of Alcohol, Tobacco, Firearms and Explosives
- 9 agent.
- 10 (7) A United States Forest Service law enforcement officer.
- 11 (8) A United States Department of Defense police officer or
- 12 criminal investigator.
- 13 (9) A United States Customs Service agent.
- 14 (10) A United States Postal Service investigator.
- 15 (11) A National Park Service law enforcement commissioned
- 16 ranger.
- 17 (12) United States Department of Agriculture, Office of Inspector
- 18 General special agent.
- 19 (13) A United States Citizenship and Immigration Services
- 20 special agent.
- 21 (14) An individual who is:
- 22 (A) an employee of a federal agency; and
- 23 (B) authorized to make arrests and carry a firearm in the
- 24 performance of the individual's official duties.

25 SECTION 117. IC 35-41-1-18 IS REPEALED [EFFECTIVE JULY

26 1, 2012]. Sec. 18: (a) "Lawful detention" means:

- 27 (1) arrest;
- 28 (2) custody following surrender in lieu of arrest;
- 29 (3) detention in a penal facility;
- 30 (4) detention in a facility for custody of persons alleged or found
- 31 to be delinquent children;
- 32 (5) detention under a law authorizing civil commitment in lieu of
- 33 criminal proceedings or authorizing such detention while criminal
- 34 proceedings are held in abeyance;
- 35 (6) detention for extradition or deportation;
- 36 (7) placement in a community corrections program's residential
- 37 facility;
- 38 (8) electronic monitoring;
- 39 (9) custody for purposes incident to any of the above including
- 40 transportation, medical diagnosis or treatment, court appearances,
- 41 work, or recreation; or
- 42 (10) any other detention for law enforcement purposes.

43 (b) Except as provided in subsection (a)(7) and (a)(8), the term does

44 not include supervision of a person on probation or parole or constraint

45 incidental to release with or without bail.

46 SECTION 118. IC 35-41-1-18.3 IS REPEALED [EFFECTIVE



1 JULY 1, 2012]. Sec. 18.3: "Machine gun" means a weapon that:

2 (1) shoots; or

3 (2) can be readily restored to shoot;

4 automatically more than one (1) shot, without manual reloading, by a  
5 single function of the trigger.

6 SECTION 119. IC 35-41-1-18.5 IS REPEALED [EFFECTIVE  
7 JULY 1, 2012]. Sec. 18.5: "Motor vehicle" has the meaning set forth in  
8 IC 9-13-2-105(a).

9 SECTION 120. IC 35-41-1-19 IS REPEALED [EFFECTIVE JULY  
10 1, 2012]. Sec. 19: "Offense" means a crime. The term does not include  
11 an infraction.

12 SECTION 121. IC 35-41-1-19.3 IS REPEALED [EFFECTIVE  
13 JULY 1, 2012]. Sec. 19.3: "Offense relating to a criminal sexual act"  
14 means the following:

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

16 (2) Criminal deviate conduct (IC 35-42-4-2).

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

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

19 (5) Prostitution (IC 35-45-4-2).

20 (6) Patronizing a prostitute (IC 35-45-4-3).

21 (7) Incest (IC 35-46-1-3).

22 (8) Sexual misconduct with a minor under IC 35-42-4-9(a).

23 SECTION 122. IC 35-41-1-19.4 IS REPEALED [EFFECTIVE  
24 JULY 1, 2012]. Sec. 19.4: "Offense relating to controlled substances"  
25 means the following:

26 (1) Dealing in or manufacturing cocaine or a narcotic drug (IC  
27 35-48-4-1).

28 (2) Dealing in methamphetamine (IC 35-48-4-1.1).

29 (3) Dealing in a schedule I, II, or III controlled substance (IC  
30 35-48-4-2).

31 (4) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

32 (5) Dealing in a schedule V controlled substance (IC 35-48-4-4).

33 (6) Possession of cocaine or a narcotic drug (IC 35-48-4-6).

34 (7) Possession of methamphetamine (IC 35-48-4-6.1).

35 (8) Possession of a controlled substance (IC 35-48-4-7).

36 (9) Possession of paraphernalia (IC 35-48-4-8.3).

37 (10) Dealing in paraphernalia (IC 35-48-4-8.5).

38 (11) Offenses relating to registration (IC 35-48-4-14).

39 SECTION 123. IC 35-41-1-20 IS REPEALED [EFFECTIVE JULY  
40 1, 2012]. Sec. 20: "Official proceeding" means a proceeding held or  
41 that may be held before a legislative, judicial, administrative, or other  
42 agency or before an official authorized to take evidence under oath,  
43 including a referee, hearing examiner, commissioner, notary, or other  
44 person taking evidence in connection with a proceeding.

45 SECTION 124. IC 35-41-1-21 IS REPEALED [EFFECTIVE JULY  
46 1, 2012]. Sec. 21: "Penal facility" means state prison, correctional



1 facility, county jail, penitentiary, house of correction, or any other  
 2 facility for confinement of persons under sentence, or awaiting trial or  
 3 sentence, for offenses. The term includes a correctional facility  
 4 constructed under IC 4-13-5.

5 SECTION 125. IC 35-41-1-22 IS REPEALED [EFFECTIVE JULY  
 6 1, 2012]. Sec. 22: (a) "Person" means a human being, corporation,  
 7 limited liability company, partnership, unincorporated association, or  
 8 governmental entity.

9 (b) "Person", for purposes of section 10.6 of this chapter, means an  
 10 adult or a minor.

11 SECTION 126. IC 35-41-1-23 IS REPEALED [EFFECTIVE JULY  
 12 1, 2012]. Sec. 23: (a) "Property" means anything of value. The term  
 13 includes:

- 14 (1) a gain or advantage or anything that might reasonably be
- 15 regarded as such by the beneficiary;
- 16 (2) real property, personal property, money, labor, and services;
- 17 (3) intangibles;
- 18 (4) commercial instruments;
- 19 (5) written instruments concerning labor, services, or property;
- 20 (6) written instruments otherwise of value to the owner, such as
- 21 a public record, deed, will, credit card, or letter of credit;
- 22 (7) a signature to a written instrument;
- 23 (8) extension of credit;
- 24 (9) trade secrets;
- 25 (10) contract rights, choses-in-action, and other interests in or
- 26 claims to wealth;
- 27 (11) electricity, gas, oil, and water;
- 28 (12) captured or domestic animals, birds, and fish;
- 29 (13) food and drink; and
- 30 (14) human remains.

31 (b) Property is that "of another person" if the other person has a  
 32 possessory or proprietary interest in it, even if an accused person also  
 33 has an interest in that property.

34 SECTION 127. IC 35-41-1-23.7 IS REPEALED [EFFECTIVE  
 35 JULY 1, 2012]. Sec. 23.7: "Public park" means any property operated  
 36 by a political subdivision for park purposes (as defined in  
 37 IC 36-10-1-2).

38 SECTION 128. IC 35-41-1-24 IS REPEALED [EFFECTIVE JULY  
 39 1, 2012]. Sec. 24: "Public servant" means a person who:

- 40 (1) is authorized to perform an official function on behalf of, and
- 41 is paid by, a governmental entity;
- 42 (2) is elected or appointed to office to discharge a public duty for
- 43 a governmental entity; or
- 44 (3) with or without compensation, is appointed in writing by a
- 45 public official to act in an advisory capacity to a governmental
- 46 entity concerning a contract or purchase to be made by the entity.



1 The term does not include a person appointed by the governor to an  
2 honorary advisory or honorary military position:

3 SECTION 129. IC 35-41-1-24.2 IS REPEALED [EFFECTIVE  
4 JULY 1, 2012]. Sec. 24.2: (a) "Salvia" means salvia divinorum or  
5 salvinatorin A; including:

- 6 (1) all parts of the plant that are classified botanically as salvia  
7 divinorum; whether growing or not;  
8 (2) the seeds of the plant;  
9 (3) any extract from any part of the plant; and  
10 (4) every compound; manufacture; derivative; mixture; or  
11 preparation of the plant; its seeds; or extracts; including its salts;  
12 isomers; and salts of isomers whenever the existence of such salts;  
13 isomers; and salts of isomers is possible within the specific  
14 chemical designation of the plant; its seeds; or extracts.

15 (b) The term does not include any other species in the genus salvia.

16 SECTION 130. IC 35-41-1-24.3 IS REPEALED [EFFECTIVE  
17 JULY 1, 2012]. Sec. 24.3: "School bus" means any motor vehicle  
18 designed and constructed for the accommodation of more than ten (10)  
19 passengers; which is used for the transportation of Indiana school  
20 children:

21 SECTION 131. IC 35-41-1-24.7 IS REPEALED [EFFECTIVE  
22 JULY 1, 2012]. Sec. 24.7: "School property" means the following:

23 (1) A building or other structure owned or rented by:

- 24 (A) a school corporation;  
25 (B) an entity that is required to be licensed under IC 12-17.2  
26 or IC 31-27;  
27 (C) a private school that is not supported and maintained by  
28 funds realized from the imposition of a tax on property;  
29 income; or sales; or  
30 (D) a federal; state; local; or nonprofit program or service  
31 operated to serve; assist; or otherwise benefit children who are  
32 at least three (3) years of age and not yet enrolled in  
33 kindergarten; including the following:  
34 (i) A Head Start program under 42 U.S.C. 9831 et seq.  
35 (ii) A special education preschool program.  
36 (iii) A developmental child care program for preschool  
37 children.

38 (2) The grounds adjacent to and owned or rented in common with  
39 a building or other structure described in subdivision (1):

40 SECTION 132. IC 35-41-1-24.8 IS REPEALED [EFFECTIVE  
41 JULY 1, 2012]. Sec. 24.8: "Scientific research facility" means a facility  
42 in which research is conducted:

43 SECTION 133. IC 35-41-1-25 IS REPEALED [EFFECTIVE JULY  
44 1, 2012]. Sec. 25: "Serious bodily injury" means bodily injury that  
45 creates a substantial risk of death or that causes:

46 (1) serious permanent disfigurement;



- 1 (2) unconsciousness;  
 2 (3) extreme pain;  
 3 (4) permanent or protracted loss or impairment of the function of  
 4 a bodily member or organ; or  
 5 (5) loss of a fetus.

6 SECTION 134. IC 35-41-1-26 IS REPEALED [EFFECTIVE JULY  
 7 1, 2012]. Sec. 26: "Sexual intercourse" means an act that includes any  
 8 penetration of the female sex organ by the male sex organ:

9 SECTION 135. IC 35-41-1-26.3 IS REPEALED [EFFECTIVE  
 10 JULY 1, 2012]. Sec. 26.3: "Synthetic cannabinoid" means a substance  
 11 containing one (1) or more of the following chemical compounds:

- 12 (1) JWH-015 ((2-Methyl-1-propyl-1H-  
 13 indol-3-yl)-1-naphthalenylmethanone).  
 14 (2) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).  
 15 (3) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).  
 16 (4) JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone).  
 17 (5) JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-  
 18 3-yl)methanone).  
 19 (6) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).  
 20 (7) JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-  
 21 naphthalen-1-ylmethanone).  
 22 (8) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).  
 23 (9) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).  
 24 (10) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).  
 25 (11) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-  
 26 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-  
 27 1-ol).  
 28 (12) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-  
 29 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo  
 30 [c]chromen-1-ol).  
 31 (13) HU-308 ((1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-  
 32 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]  
 33 methanol).  
 34 (14) HU-331 ((3-hydroxy-2-[(1R,6R)-3-methyl-6-  
 35 (1-methylethenyl)-2-cyclohexen-1-yl]-5-  
 36 -pentyl-2,5-cyclohexadiene-1,4-dione).  
 37 (15) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)  
 38 cyclohexyl]-5-(2-methyloctan-2-yl)phenol).  
 39 (16) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-  
 40 (2-methyloctan-2-yl)phenol) and its homologues.  
 41 (17) RCS-4 ((1R,6R)-3-methyl-6-(1-methylethenyl)-2-  
 42 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo  
 43 [1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone).  
 44 (18) RCS-4 ((4-methoxyphenyl)-  
 45 (1-pentyl-1H-indol-3-yl)methanone).  
 46 (19) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-



1 indol-3-yl)-2-(2-methoxyphenyl)ethanone):

2 (20) 4-Methylmethcathinone. Other name: mephedrone:

3 (21) 3,4-Methylenedioxyethcathinone. Other name: methylone:

4 (22) Fluoromethcathinone:

5 (23) 4-Methoxymethcathinone. Other name: methedrone:

6 (24) 4-Ethylmethcathinone (4-EMC):

7 (25) Methylenedioxypropylone. Other name: MDPV:

8 SECTION 136. IC 35-41-1-26.5 IS REPEALED [EFFECTIVE  
9 JULY 1, 2012]. Sec. 26.5: "Terrorism" means the unlawful use of force  
10 or violence or the unlawful threat of force or violence to intimidate or  
11 coerce a government or all or part of the civilian population:

12 SECTION 137. IC 35-41-1-27 IS REPEALED [EFFECTIVE JULY  
13 1, 2012]. Sec. 27: "Utter" means to issue, authenticate, transfer,  
14 publish, deliver, sell, transmit, present, or use:

15 SECTION 138. IC 35-41-1-28 IS REPEALED [EFFECTIVE JULY  
16 1, 2012]. Sec. 28: "Vehicle" means a device for transportation by land,  
17 water, or air. The term includes mobile equipment with provision for  
18 transport of an operator:

19 SECTION 139. IC 35-41-1-29 IS REPEALED [EFFECTIVE JULY  
20 1, 2012]. Sec. 29: (a) "Youth program center" means the following:

21 (1) A building or structure that on a regular basis provides  
22 recreational, vocational, academic, social, or other programs or  
23 services for persons less than eighteen (18) years of age:

24 (2) The real property on which a building or structure described  
25 in subdivision (1) is located:

26 (b) The term does not include school property (as defined in section  
27 24.7 of this chapter):

28 SECTION 140. IC 35-41-1-29.4 IS REPEALED [EFFECTIVE  
29 JULY 1, 2012]. Sec. 29.4: "Weapon of mass destruction" means any  
30 chemical device, biological device or organism, or radiological device  
31 that is capable of being used for terrorism:

32 SECTION 141. IC 35-42-2-1, AS AMENDED BY P.L.131-2009,  
33 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2012]: Sec. 1. (a) A person who knowingly or intentionally  
35 touches another person in a rude, insolent, or angry manner commits  
36 battery, a Class B misdemeanor. However, the offense is:

37 (1) a Class A misdemeanor if:

38 (A) it results in bodily injury to any other person;

39 (B) it is committed against a law enforcement officer or  
40 against a person summoned and directed by the officer while  
41 the officer is engaged in the execution of the officer's official  
42 duty;

43 (C) it is committed against an employee of a penal facility or  
44 a juvenile detention facility (as defined in IC 31-9-2-71) while  
45 the employee is engaged in the execution of the employee's  
46 official duty;



- 1 (D) it is committed against a firefighter (as defined in  
 2 IC 9-18-34-1) while the firefighter is engaged in the execution  
 3 of the firefighter's official duty;
- 4 (E) it is committed against a community policing volunteer:  
 5 (i) while the volunteer is performing the duties described in  
 6 ~~IC 35-41-1-4.7~~; **IC 35-31.5-2-49**; or  
 7 (ii) because the person is a community policing volunteer;  
 8 or
- 9 (F) it is committed against the state chemist or the state  
 10 chemist's agent while the state chemist or the state chemist's  
 11 agent is performing a duty under IC 15-16-5;
- 12 (2) a Class D felony if it results in bodily injury to:  
 13 (A) a law enforcement officer or a person summoned and  
 14 directed by a law enforcement officer while the officer is  
 15 engaged in the execution of the officer's official duty;
- 16 (B) a person less than fourteen (14) years of age and is  
 17 committed by a person at least eighteen (18) years of age;
- 18 (C) a person of any age who has a mental or physical disability  
 19 and is committed by a person having the care of the person  
 20 with a mental or physical disability, whether the care is  
 21 assumed voluntarily or because of a legal obligation;
- 22 (D) the other person and the person who commits the battery  
 23 was previously convicted of a battery in which the victim was  
 24 the other person;
- 25 (E) an endangered adult (as defined in IC 12-10-3-2);
- 26 (F) an employee of the department of correction while the  
 27 employee is engaged in the execution of the employee's  
 28 official duty;
- 29 (G) an employee of a school corporation while the employee  
 30 is engaged in the execution of the employee's official duty;
- 31 (H) a correctional professional while the correctional  
 32 professional is engaged in the execution of the correctional  
 33 professional's official duty;
- 34 (I) a person who is a health care provider (as defined in  
 35 IC 16-18-2-163) while the health care provider is engaged in  
 36 the execution of the health care provider's official duty;
- 37 (J) an employee of a penal facility or a juvenile detention  
 38 facility (as defined in IC 31-9-2-71) while the employee is  
 39 engaged in the execution of the employee's official duty;
- 40 (K) a firefighter (as defined in IC 9-18-34-1) while the  
 41 firefighter is engaged in the execution of the firefighter's  
 42 official duty;
- 43 (L) a community policing volunteer:  
 44 (i) while the volunteer is performing the duties described in  
 45 ~~IC 35-41-1-4.7~~; **IC 35-31.5-2-49**; or  
 46 (ii) because the person is a community policing volunteer;



- 1 (M) a family or household member (as defined in  
 2 ~~IC 35-41-1-10.6~~ IC 35-31.5-2-128) if the person who  
 3 committed the offense:  
 4 (i) is at least eighteen (18) years of age; and  
 5 (ii) committed the offense in the physical presence of a child  
 6 less than sixteen (16) years of age, knowing that the child  
 7 was present and might be able to see or hear the offense; or  
 8 (N) a department of child services employee while the  
 9 employee is engaged in the execution of the employee's  
 10 official duty;  
 11 (3) a Class C felony if it results in serious bodily injury to any  
 12 other person or if it is committed by means of a deadly weapon;  
 13 (4) a Class B felony if it results in serious bodily injury to a  
 14 person less than fourteen (14) years of age and is committed by a  
 15 person at least eighteen (18) years of age;  
 16 (5) a Class A felony if it results in the death of a person less than  
 17 fourteen (14) years of age and is committed by a person at least  
 18 eighteen (18) years of age;  
 19 (6) a Class C felony if it results in serious bodily injury to an  
 20 endangered adult (as defined in IC 12-10-3-2);  
 21 (7) a Class B felony if it results in the death of an endangered  
 22 adult (as defined in IC 12-10-3-2); and  
 23 (8) a Class C felony if it results in bodily injury to a pregnant  
 24 woman and the person knew the woman was pregnant.  
 25 (b) For purposes of this section:  
 26 (1) "law enforcement officer" includes an alcoholic beverage  
 27 enforcement officer; and  
 28 (2) "correctional professional" means a:  
 29 (A) probation officer;  
 30 (B) parole officer;  
 31 (C) community corrections worker; or  
 32 (D) home detention officer.  
 33 SECTION 142. IC 35-42-4-7, AS AMENDED BY P.L.125-2009,  
 34 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2012]: Sec. 7. (a) As used in this section, "adoptive parent"  
 36 has the meaning set forth in IC 31-9-2-6.  
 37 (b) As used in this section, "adoptive grandparent" means the parent  
 38 of an adoptive parent.  
 39 (c) As used in this section, "charter school" has the meaning set  
 40 forth in IC 20-18-2-2.5.  
 41 (d) As used in this section, "child care worker" means a person who:  
 42 (1) provides care, supervision, or instruction to a child within the  
 43 scope of the person's employment in a shelter care facility;  
 44 (2) is employed by a:  
 45 (A) school corporation;  
 46 (B) charter school;



- 1 (C) nonpublic school; or  
 2 (D) special education cooperative;  
 3 attended by a child who is the victim of a crime under this  
 4 chapter; or  
 5 (3) is:  
 6 (A) affiliated with a:  
 7 (i) school corporation;  
 8 (ii) charter school;  
 9 (iii) nonpublic school; or  
 10 (iv) special education cooperative;  
 11 attended by a child who is the victim of a crime under this  
 12 chapter, regardless of how or whether the person is  
 13 compensated;  
 14 (B) in a position of trust in relation to a child who attends the  
 15 school or cooperative;  
 16 (C) engaged in the provision of care or supervision to a child  
 17 who attends the school or cooperative; and  
 18 (D) at least four (4) years older than the child who is the  
 19 victim of a crime under this chapter.

20 The term does not include a student who attends the school or  
 21 cooperative.

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

24 (f) As used in this section, "military recruiter" means a member of  
 25 the armed forces of the United States (as defined in IC 20-33-10-2) or  
 26 the Indiana National Guard whose primary job function, classification,  
 27 or specialty is recruiting individuals to enlist with the armed forces of  
 28 the United States or the Indiana National Guard.

29 (g) As used in this section, "nonpublic school" has the meaning set  
 30 forth in IC 20-18-2-12.

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

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

35 (j) As used in this section, "stepparent" means an individual who is  
 36 married to a child's custodial or noncustodial parent and is not the  
 37 child's adoptive parent.

38 (k) If a person who:

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

40 (2) is:

41 (A) the:

42 (i) guardian, adoptive parent, adoptive grandparent,  
 43 custodian, or stepparent of; or

44 (ii) child care worker for; or

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

46 a child at least sixteen (16) years of age but less than eighteen



1 (18) years of age;  
 2 engages with the child in sexual intercourse, deviate sexual conduct (as  
 3 defined in ~~IC 35-41-1-9~~), **IC 35-31.5-2-94**), or any fondling or touching  
 4 with the intent to arouse or satisfy the sexual desires of either the child  
 5 or the adult, the person commits child seduction, a Class D felony.

6 SECTION 143. IC 35-44-4-7 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. A person other than  
 8 a firefighter who, with intent to mislead a firefighter or law  
 9 enforcement officer as to the person's status as a dispatched firefighter,  
 10 knowingly or intentionally enters an emergency incident area while  
 11 wearing, transporting, or otherwise possessing a uniform, fire  
 12 protective clothing, or fire protective gear commits a Class A  
 13 misdemeanor. However, the offense is a Class D felony if, as a  
 14 proximate result of the person entering the emergency incident area, a  
 15 person or firefighter suffers bodily injury (as defined in ~~IC 35-41-1-4~~);  
 16 **IC 35-31.5-2-29**).

17 SECTION 144. IC 35-47-1-7, AS AMENDED BY P.L.127-2011,  
 18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2012]: Sec. 7. "Proper person" means a person who:

- 20 (1) does not have a conviction for resisting law enforcement  
 21 under IC 35-44-3-3 within five (5) years before the person applies  
 22 for a license or permit under this chapter;  
 23 (2) does not have a conviction for a crime for which the person  
 24 could have been sentenced for more than one (1) year;  
 25 (3) does not have a conviction for a crime of domestic violence  
 26 (as defined in ~~IC 35-41-1-6.3~~), **IC 35-31.5-2-78**), unless a court  
 27 has restored the person's right to possess a firearm under  
 28 IC 35-47-4-7;  
 29 (4) is not prohibited by a court order from possessing a handgun;  
 30 (5) does not have a record of being an alcohol or drug abuser as  
 31 defined in this chapter;  
 32 (6) does not have documented evidence which would give rise to  
 33 a reasonable belief that the person has a propensity for violent or  
 34 emotionally unstable conduct;  
 35 (7) does not make a false statement of material fact on the  
 36 person's application;  
 37 (8) does not have a conviction for any crime involving an inability  
 38 to safely handle a handgun;  
 39 (9) does not have a conviction for violation of the provisions of  
 40 this article within five (5) years of the person's application;  
 41 (10) does not have an adjudication as a delinquent child for an act  
 42 that would be a felony if committed by an adult, if the person  
 43 applying for a license or permit under this chapter is less than  
 44 twenty-three (23) years of age;  
 45 (11) has not been involuntarily committed, other than a temporary  
 46 commitment for observation or evaluation, to a mental institution



1 by a court, board, commission, or other lawful authority;

2 (12) has not been the subject of a:

3 (A) ninety (90) day commitment as a result of proceeding  
4 under IC 12-26-6; or

5 (B) regular commitment under IC 12-26-7; or

6 (13) has not been found by a court to be mentally incompetent,  
7 including being found:

8 (A) not guilty by reason of insanity;

9 (B) guilty but mentally ill; or

10 (C) incompetent to stand trial.

11 SECTION 145. IC 35-47-5-2.5, AS ADDED BY P.L.72-2006,  
12 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2012]: Sec. 2.5. (a) As used in this section, "knife" means an  
14 instrument that:

15 (1) consists of a sharp edged or sharp pointed blade capable of  
16 inflicting cutting, stabbing, or tearing wounds; and

17 (2) is intended to be used as a weapon.

18 (b) The term includes a dagger, dirk, poniard, stiletto, switchblade  
19 knife, or gravity knife.

20 (c) A person who recklessly, knowingly, or intentionally possesses  
21 a knife on:

22 (1) school property (as defined in ~~IC 35-41-1-24.7~~;  
23 **IC 35-31.5-2-286**);

24 (2) a school bus (as defined in IC 20-27-2-8); or

25 (3) a special purpose bus (as defined in IC 20-27-2-10);

26 commits a Class B misdemeanor. However, the offense is a Class A  
27 misdemeanor if the person has a previous unrelated conviction under  
28 this section and a Class D felony if the offense results in bodily injury  
29 or serious bodily injury to another person.

30 (d) This section does not apply to a person who possesses a knife:

31 (1) if:

32 (A) the knife is provided to the person by the school  
33 corporation or possession of the knife is authorized by the  
34 school corporation; and

35 (B) the person uses the knife for a purpose authorized by the  
36 school corporation; or

37 (2) if the knife is secured in a motor vehicle.

38 SECTION 146. IC 35-47-6-1.1, AS ADDED BY P.L.50-2005,  
39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2012]: Sec. 1.1. (a) As used in this section, "dangerous  
41 device" means:

42 (1) a firearm;

43 (2) a destructive device (as defined in IC 35-47.5-2-4); or

44 (3) a weapon of mass destruction (~~IC 35-41-1-29.4~~;  
45 **IC 35-31.5-2-354**).

46 (b) A person who checks an item to be transported on a commercial



1 passenger airline and who:

- 2 (1) knows the item contains a dangerous device; and  
 3 (2) knowingly or intentionally fails to disclose orally or in writing  
 4 to the person to whom possession of the item is delivered for  
 5 carriage that the item contains a dangerous device;

6 commits undisclosed transport of a dangerous device, a Class A  
 7 misdemeanor.

8 SECTION 147. IC 35-47-12-3 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A person who  
 10 knowingly or intentionally places or disseminates a device or substance  
 11 with the intent to cause a reasonable person to believe that the device  
 12 or substance is a weapon of mass destruction (as defined in  
 13 ~~IC 35-41-1-29.4~~; **IC 35-31.5-2-354**), commits terroristic mischief, a  
 14 Class C felony. However, the offense is a Class B felony if, as a result  
 15 of the terroristic mischief:

- 16 (1) a physician prescribes diagnostic testing or medical treatment  
 17 for any person other than the person who committed the terroristic  
 18 mischief; or  
 19 (2) a person suffers serious bodily injury.

20 SECTION 148. IC 35-47-15-3, AS ADDED BY P.L.1-2006,  
 21 SECTION 538, IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2012]: Sec. 3. As used in this chapter, "law  
 23 enforcement officer" has the meaning set forth in ~~IC 35-41-1-17(a)~~.  
 24 **IC 35-31.5-2-186**. The term includes an arson investigator employed  
 25 by the office of the state fire marshal.

26 SECTION 149. IC 35-50-2-1.5, AS AMENDED BY P.L.99-2007,  
 27 SECTION 211, IS AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2012]: Sec. 1.5. As used in this chapter,  
 29 "individual with mental retardation" has the meaning set forth in  
 30 ~~IC 35-36-9-2~~; **IC 35-31.5-2-170**.

31 SECTION 150. IC 35-50-5-1.1, AS AMENDED BY P.L.119-2005,  
 32 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2012]: Sec. 1.1. (a) Whenever a person is convicted of a  
 34 misdemeanor under IC 35-44-1, the court may include in the sentence  
 35 an order rendering the person incapable of holding a public office of  
 36 trust or profit for a fixed period of not more than ten (10) years.

37 (b) If any officer of a governmental entity is convicted of a  
 38 misdemeanor under IC 35-44-1, the court may enter an order removing  
 39 the officer from office.

40 (c) This subsection applies whenever:

- 41 (1) the court enters an order under this section that applies to a  
 42 person who is an officer of a governmental entity (as defined in  
 43 ~~IC 35-41-1-12~~; **IC 35-31.5-2-144**); and  
 44 (2) a vacancy occurs in the office held by the person as the result  
 45 of the court's order.

46 The court must file a certified copy of the order with the person who is



1 entitled under IC 5-8-6 to receive notice of the death of an individual  
 2 holding the office. The person receiving the copy of the order must give  
 3 notice of the order in the same manner as if the person had received a  
 4 notice of the death of the officeholder under IC 5-8-6. The person  
 5 required or permitted to fill the vacancy that results from a removal  
 6 under this section must comply with IC 3-13 or IC 20, whichever  
 7 applies, to fill the vacancy.

8 SECTION 151. IC 36-2-13-14 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) As used in this  
 10 section, "accident and sickness insurance policy" means an insurance  
 11 policy that provides one (1) or more of the types of insurance described  
 12 as Class 1(b) or 2(a) insurance under IC 27-1-5-1 on an individual  
 13 basis or a group basis.

14 (b) As used in this section, "enrollee" has the meaning set forth in  
 15 IC 27-13-1-12.

16 (c) As used in this section, "lawful detention" has the meaning set  
 17 forth in ~~IC 35-41-1-18~~. **IC 35-31.5-2-187.**

18 (d) As used in this section, "health maintenance organization" has  
 19 the meaning set forth in IC 27-13-1-19.

20 (e) An individual who is:

- 21 (1) insured under an accident and sickness insurance policy; or
- 22 (2) an enrollee under a health maintenance organization;

23 shall submit a claim under the policy or plan for expenses resulting  
 24 from health care services that are rendered to the individual while the  
 25 individual is subject to lawful detention by a county sheriff.

26 (f) A county sheriff is not obligated to pay for health care services  
 27 rendered to an individual while in the lawful detention of the sheriff to  
 28 the extent that payment for the services is available under:

- 29 (1) an accident and sickness insurance policy under which the
- 30 individual is insured; or
- 31 (2) a health maintenance organization under which the individual
- 32 is an enrollee.

33 (g) If an individual to whom health care services are rendered while  
 34 subject to lawful detention by a county sheriff fails or refuses to file a  
 35 claim for payment of expenses resulting from the health care services,  
 36 a claim for payment of the expenses may be filed by:

- 37 (1) the sheriff; or
- 38 (2) the health care provider that rendered the services;

39 on behalf of the individual with the accident and sickness insurance  
 40 policy under which the individual is insured or the health maintenance  
 41 organization under which the individual is an enrollee.

42 SECTION 152. IC 36-2-13-15 IS AMENDED TO READ AS  
 43 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) As used in this  
 44 section, "lawful detention" has the meaning set forth in ~~IC 35-41-1-18~~.  
 45 **IC 35-31.5-2-187.**

46 (b) This section applies to a county only if the legislative body for



1 the county elects by ordinance to implement this section.

2 (c) A person who is:

- 3 (1) sentenced under this article for a felony or a misdemeanor;  
 4 (2) subject to lawful detention in a county jail for a period of more  
 5 than seventy-two (72) hours;  
 6 (3) not a member of a family that makes less than 150% of the  
 7 federal income poverty level; and  
 8 (4) not detained as a child subject to the jurisdiction of a juvenile  
 9 court;

10 shall reimburse the county for the costs described in subsection (d).

11 (d) A person described in subsection (c) shall reimburse the county  
 12 for the sum of the following amounts:

13 (1) The lesser of:

- 14 (A) the per diem amount specified under subsection (e); or  
 15 (B) thirty dollars (\$30);

16 multiplied by each day or part of a day that the person is lawfully  
 17 detained in a county jail or lawfully detained under IC 35-33-11-3  
 18 for more than six (6) hours.

19 (2) The direct cost of investigating whether the person is indigent.

20 (3) The cost of collecting the amount for which the person is  
 21 liable under this section.

22 (e) The county fiscal body shall fix the per diem described in  
 23 subsection (d)(1)(A) in an amount that is reasonably related to the  
 24 average daily cost of housing a person in the county jail. If the county  
 25 transfers the person to another county or the department of correction  
 26 under IC 35-33-11-3, the per diem is equal to the per diem charged to  
 27 the county under IC 35-33-11-5.

28 (f) The county sheriff shall collect the amounts due from a person  
 29 under this section in conformity with the procedures specified in the  
 30 ordinance adopted under subsection (b). If the county sheriff does not  
 31 collect the amount due to the county, the county attorney may collect  
 32 the amount due.

33 SECTION 153. IC 36-2-13-15.3 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15.3. (a) As used in this  
 35 section, "lawful detention" has the meaning set forth in ~~IC 35-41-1-18.~~  
 36 **IC 35-31.5-2-187.**

37 (b) This section applies only:

- 38 (1) to a county having a population of less than six thousand  
 39 (6,000); and  
 40 (2) if the legislative body for the county elects by ordinance to  
 41 implement this section.

42 (c) A person who is:

- 43 (1) sentenced under this article for a felony or a misdemeanor;  
 44 (2) subject to lawful detention in a county jail for a period of more  
 45 than six (6) hours;  
 46 (3) not a member of a family that makes less than **one hundred**



1           **fifty percent** (150%) of the federal income poverty level; and  
2           (4) not detained as a child subject to the jurisdiction of a juvenile  
3           court;

4 shall reimburse the county for the costs described in subsection (d).

5           (d) A person described in subsection (c) shall reimburse the county  
6 for the sum of the following amounts:

7           (1) The lesser of:

8                 (A) the per diem amount specified under subsection (e); or

9                 (B) fifty dollars (\$50);

10           multiplied by each day or part of a day that the person is lawfully  
11           detained in a county jail or lawfully detained under IC 35-33-11-3  
12           for more than six (6) hours.

13           (2) The direct cost of investigating whether the person is indigent.

14           (3) The cost of collecting the amount for which the person is  
15           liable under this section.

16           (e) The county fiscal body shall fix the per diem described in  
17           subsection (d)(1)(A) in an amount that is reasonably related to the  
18           average daily cost of housing a person in the county jail. If the county  
19           transfers the person to another county or the department of correction  
20           under IC 35-33-11-3, the per diem is equal to the per diem charged to  
21           the county under IC 35-33-11-5.

22           (f) The county sheriff shall collect the amounts due from a person  
23           under this section in conformity with the procedures specified in the  
24           ordinance adopted under subsection (b). If the county sheriff does not  
25           collect the amount due to the county, the county attorney may collect  
26           the amount due.

27           SECTION 154. IC 36-8-10-10.6 IS AMENDED TO READ AS  
28           FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10.6. (a) The sheriff  
29           may appoint as a special deputy any person who is employed by a  
30           governmental entity as defined in ~~IC 35-41-1~~ **IC 35-31.5-2-144** or  
31           private employer, the nature of which employment necessitates that the  
32           person have the powers of a law enforcement officer. During the term  
33           of ~~his~~ **the special deputy's** appointment and while ~~he~~ **the special**  
34           **deputy** is fulfilling the specific responsibilities for which the  
35           appointment is made, a special deputy has the powers, privileges, and  
36           duties of a county police officer under this chapter, subject to any  
37           written limitations and specific requirements imposed by the sheriff  
38           and signed by the special deputy. A special deputy is subject to the  
39           direction of the sheriff and shall obey the rules and orders of the  
40           department. A special deputy may be removed by the sheriff at any  
41           time, without notice and without assigning any cause.

42           (b) The sheriff shall fix the prerequisites of training, education, and  
43           experience for special deputies, subject to the minimum requirements  
44           prescribed by this subsection. Applicants must:

45                 (1) be twenty-one (21) years of age or older;

46                 (2) never have been convicted of a felony, or a misdemeanor



- 1 involving moral turpitude;  
 2 (3) be of good moral character; and  
 3 (4) have sufficient training to insure the proper performance of  
 4 their authorized duties.

5 (c) Except as provided in subsection (d), a special deputy shall wear  
 6 a uniform the design and color of which is easily distinguishable from  
 7 the uniforms of the Indiana state police, the regular county police force,  
 8 and all municipal police and fire forces located in the county.

9 (d) The sheriff may permit a special deputy to wear the uniform of  
 10 the regular county police force if the special deputy:

- 11 (1) has successfully completed the minimum basic training  
 12 requirements under IC 5-2-1;  
 13 (2) is periodically assigned by the sheriff to duties of a regular  
 14 county police officer; and  
 15 (3) is an employee of the department.

16 The sheriff may revoke permission for the special deputy to wear the  
 17 uniform of the regular county police force at any time without cause or  
 18 notice.

19 (e) The sheriff may also appoint one (1) legal deputy, who must be  
 20 a member of the Indiana bar. The legal deputy does not have police  
 21 powers. The legal deputy may continue to practice law. However,  
 22 neither the legal deputy nor any attorney in partnership with **him the**  
 23 **legal deputy** may represent a defendant in a criminal case.

24 (f) The sheriff, for the purpose of guarding prisoners in the county  
 25 jail:

- 26 (1) in counties not having a consolidated city, may appoint special  
 27 deputies to serve as county jail guards; and  
 28 (2) in counties having a consolidated city, shall appoint only  
 29 special deputies to serve as county jail guards.

30 This subsection does not affect the rights or liabilities accrued by any  
 31 county police officer assigned to guard the jail before August 31, 1982.

32 SECTION 155. IC 36-8-12-2, AS AMENDED BY P.L.174-2009,  
 33 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2012]: Sec. 2. As used in this chapter:

35 "Emergency medical services personnel" means individuals certified  
 36 by the emergency medical services commission established by  
 37 IC 16-31-2-1 who:

- 38 (1) as a result of a written application, have been elected or  
 39 appointed to membership in a volunteer fire department; and  
 40 (2) have executed a pledge to faithfully perform, with or without  
 41 nominal compensation, the work related duties assigned and  
 42 orders given to the individuals by the chief of the volunteer fire  
 43 department or an officer of the volunteer fire department,  
 44 including orders or duties involving education and training.

45 "Employee" means a person in the service of another person under  
 46 a written or implied contract of hire or apprenticeship.



- 1 "Employer" means:  
 2 (1) a political subdivision;  
 3 (2) an individual or the legal representative of a deceased  
 4 individual;  
 5 (3) a firm;  
 6 (4) an association;  
 7 (5) a limited liability company;  
 8 (6) an employer that provides on-the-job training under the  
 9 federal School to Work Opportunities Act (20 U.S.C. 6101 et  
 10 seq.) to the extent set forth in IC 22-3-2-2.5(a); or  
 11 (7) a corporation or its receiver or trustee;  
 12 that uses the services of another person for pay.
- 13 "Essential employee" means an employee:  
 14 (1) who the employer has determined to be essential to the  
 15 operation of the employer's daily enterprise; and  
 16 (2) without whom the employer is likely to suffer economic injury  
 17 as a result of the absence of the essential employee.
- 18 "Nominal compensation" means annual compensation of not more  
 19 than twenty thousand dollars (\$20,000).
- 20 "Public servant" has the meaning set forth in ~~IC 35-41-1-24.~~  
 21 **IC 35-31.5-2-262.**
- 22 "Responsible party" has the meaning set forth in IC 13-11-2-191(e).
- 23 "Volunteer fire department" means a department or association  
 24 organized for the purpose of answering fire alarms, extinguishing fires,  
 25 and providing other emergency services, the majority of members of  
 26 which receive no compensation or nominal compensation for their  
 27 services.
- 28 "Volunteer firefighter" means a firefighter:  
 29 (1) who, as a result of a written application, has been elected or  
 30 appointed to membership in a volunteer fire department;  
 31 (2) who has executed a pledge to faithfully perform, with or  
 32 without nominal compensation, the work related duties assigned  
 33 and orders given to the firefighter by the chief of the volunteer  
 34 fire department or an officer of the volunteer fire department,  
 35 including orders or duties involving education and training as  
 36 prescribed by the volunteer fire department or the state; and  
 37 (3) whose name has been entered on a roster of volunteer  
 38 firefighters that is kept by the volunteer fire department and that  
 39 has been approved by the proper officers of the unit.
- 40 "Volunteer member" means a member of a volunteer emergency  
 41 medical services association connected with a unit as set forth in  
 42 IC 16-31-5-1(6).



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**PRELIMINARY DRAFT  
No. 3281**

**PREPARED BY  
LEGISLATIVE SERVICES AGENCY  
2012 GENERAL ASSEMBLY**

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DIGEST

**Citations Affected:** IC 11-8-8; IC 35-42-3.5-1.

**Synopsis:** Human trafficking. Provides that recruiting, harboring, or transporting another person to participate in an obscene performance by force, threat of force, or fraud constitutes human trafficking. Provides that a person who recruits, harbors, or transports a child with the intent of engaging the child in forced labor, involuntary servitude, prostitution, or an obscene performance commits promotion of human trafficking of a minor, a Class B felony. Prohibits a person at least 18 years of age from selling or transferring custody of a child for the purpose of prostitution or participation in an obscene performance.

**Effective:** Upon passage.



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 11-8-8-4.5, AS ADDED BY P.L.216-2007,  
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 4.5. (a) Except as provided in section 22 of  
4 this chapter, as used in this chapter, "sex offender" means a person  
5 convicted of any of the following offenses:

- 6 (1) Rape (IC 35-42-4-1).
- 7 (2) Criminal deviate conduct (IC 35-42-4-2).
- 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 as a Class A, Class B, or  
15 Class C felony (IC 35-42-4-9), unless:
  - 16 (A) the person is convicted of sexual misconduct with a minor  
17 as a Class C felony;
  - 18 (B) the person is not more than:
    - 19 (i) four (4) years older than the victim if the offense was  
20 committed after June 30, 2007; or
    - 21 (ii) five (5) years older than the victim if the offense was  
22 committed before July 1, 2007; and
  - 23 (C) the sentencing court finds that the person should not be  
24 required to register as a sex offender.
- 25 (9) Incest (IC 35-46-1-3).
- 26 (10) Sexual battery (IC 35-42-4-8).
- 27 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen  
28 (18) years of age, and the person who kidnapped the victim is not  
29 the victim's parent or guardian.
- 30 (12) Criminal confinement (IC 35-42-3-3), if the victim is less  
31 than eighteen (18) years of age, and the person who confined or



- 1 removed the victim is not the victim's parent or guardian.  
 2 (13) Possession of child pornography (IC 35-42-4-4(c)).  
 3 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.  
 4 (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the  
 5 victim is less than eighteen (18) years of age.  
 6 (16) Sexual trafficking of a minor (~~IC 35-42-3.5-1(b)~~).  
 7 **(IC 35-42-3.5-1(c))**.  
 8 (17) Human trafficking (~~IC 35-42-3.5-1(c)(3)~~)  
 9 **(IC 35-42-3.5-1(d)(3))** if the victim is less than eighteen (18)  
 10 years of age.  
 11 (18) An attempt or conspiracy to commit a crime listed in  
 12 subdivisions (1) through (17).  
 13 (19) A crime under the laws of another jurisdiction, including a  
 14 military court, that is substantially equivalent to any of the  
 15 offenses listed in subdivisions (1) through (18).  
 16 (b) The term includes:  
 17 (1) a person who is required to register as a sex offender in any  
 18 jurisdiction; and  
 19 (2) a child who has committed a delinquent act and who:  
 20 (A) is at least fourteen (14) years of age;  
 21 (B) is on probation, is on parole, is discharged from a facility  
 22 by the department of correction, is discharged from a secure  
 23 private facility (as defined in IC 31-9-2-115), or is discharged  
 24 from a juvenile detention facility as a result of an adjudication  
 25 as a delinquent child for an act that would be an offense  
 26 described in subsection (a) if committed by an adult; and  
 27 (C) is found by a court by clear and convincing evidence to be  
 28 likely to repeat an act that would be an offense described in  
 29 subsection (a) if committed by an adult.  
 30 (c) In making a determination under subsection (b)(2)(C), the court  
 31 shall consider expert testimony concerning whether a child is likely to  
 32 repeat an act that would be an offense described in subsection (a) if  
 33 committed by an adult.  
 34 SECTION 2. IC 11-8-8-5, AS AMENDED BY P.L.216-2007,  
 35 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 UPON PASSAGE]: Sec. 5. (a) Except as provided in section 22 of this  
 37 chapter, as used in this chapter, "sex or violent offender" means a  
 38 person convicted of any of the following offenses:  
 39 (1) Rape (IC 35-42-4-1).  
 40 (2) Criminal deviate conduct (IC 35-42-4-2).  
 41 (3) Child molesting (IC 35-42-4-3).  
 42 (4) Child exploitation (IC 35-42-4-4(b)).  
 43 (5) Vicarious sexual gratification (including performing sexual  
 44 conduct in the presence of a minor) (IC 35-42-4-5).  
 45 (6) Child solicitation (IC 35-42-4-6).  
 46 (7) Child seduction (IC 35-42-4-7).



- 1 (8) Sexual misconduct with a minor as a Class A, Class B, or  
 2 Class C felony (IC 35-42-4-9), unless:  
 3 (A) the person is convicted of sexual misconduct with a minor  
 4 as a Class C felony;  
 5 (B) the person is not more than:  
 6 (i) four (4) years older than the victim if the offense was  
 7 committed after June 30, 2007; or  
 8 (ii) five (5) years older than the victim if the offense was  
 9 committed before July 1, 2007; and  
 10 (C) the sentencing court finds that the person should not be  
 11 required to register as a sex offender.  
 12 (9) Incest (IC 35-46-1-3).  
 13 (10) Sexual battery (IC 35-42-4-8).  
 14 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen  
 15 (18) years of age, and the person who kidnapped the victim is not  
 16 the victim's parent or guardian.  
 17 (12) Criminal confinement (IC 35-42-3-3), if the victim is less  
 18 than eighteen (18) years of age, and the person who confined or  
 19 removed the victim is not the victim's parent or guardian.  
 20 (13) Possession of child pornography (IC 35-42-4-4(c)).  
 21 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.  
 22 (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the  
 23 victim is less than eighteen (18) years of age.  
 24 (16) Sexual trafficking of a minor (~~IC 35-42-3.5-1(b)~~;  
 25 **IC 35-42-3.5-1(c)**).  
 26 (17) Human trafficking (~~IC 35-42-3.5-1(c)(3)~~)  
 27 **(IC 35-42-3.5-1(d)(3))** if the victim is less than eighteen (18)  
 28 years of age.  
 29 (18) Murder (IC 35-42-1-1).  
 30 (19) Voluntary manslaughter (IC 35-42-1-3).  
 31 (20) An attempt or conspiracy to commit a crime listed in  
 32 subdivisions (1) through (19).  
 33 (21) A crime under the laws of another jurisdiction, including a  
 34 military court, that is substantially equivalent to any of the  
 35 offenses listed in subdivisions (1) through (20).  
 36 (b) The term includes:  
 37 (1) a person who is required to register as a sex or violent  
 38 offender in any jurisdiction; and  
 39 (2) a child who has committed a delinquent act and who:  
 40 (A) is at least fourteen (14) years of age;  
 41 (B) is on probation, is on parole, is discharged from a facility  
 42 by the department of correction, is discharged from a secure  
 43 private facility (as defined in IC 31-9-2-115), or is discharged  
 44 from a juvenile detention facility as a result of an adjudication  
 45 as a delinquent child for an act that would be an offense  
 46 described in subsection (a) if committed by an adult; and



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

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

8 SECTION 3. IC 35-42-3.5-1, AS ADDED BY P.L.173-2006,  
 9 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 UPON PASSAGE]: Sec. 1. (a) A person who, **by force, threat of  
 11 force, or fraud**, knowingly or intentionally recruits, harbors, or  
 12 transports another person: ~~by force; threat of force; or fraud:~~

13 (1) to engage the other person in:

14 (A) forced labor; or

15 (B) involuntary servitude; or

16 (2) to force the other person into:

17 (A) marriage; ~~or~~

18 (B) prostitution; ~~or~~

19 **(C) participating in an obscene performance (as defined by  
 20 IC 35-49-2-1);**

21 commits promotion of human trafficking, a Class B felony.

22 **(b) A person who recruits, harbors, or transports a child with  
 23 the intent of:**

24 **(1) engaging the child in:**

25 **(A) forced labor; or**

26 **(B) involuntary servitude; or**

27 **(2) inducing or causing the child to:**

28 **(A) engage in prostitution; or**

29 **(B) participate in an obscene performance (as defined by  
 30 IC 35-49-2-1);**

31 **commits promotion of human trafficking of a minor, a Class B  
 32 felony. It is not a defense to a prosecution under this subsection  
 33 that the child consented to engage in prostitution or to participate  
 34 in an obscene performance.**

35 ~~(b) A parent, guardian, or custodian of~~ **(c) A person who is at least  
 36 a child less than eighteen (18) years of age who knowingly or  
 37 intentionally sells or transfers custody of the a child for the purpose of  
 38 prostitution or participating in an obscene performance (as defined  
 39 by IC 35-49-2-1) commits sexual trafficking of a minor, a Class A  
 40 felony.**

41 ~~(c)~~ **(d)** A person who knowingly or intentionally pays, offers to pay,  
 42 or agrees to pay money or other property to another person for an  
 43 individual who the person knows has been forced into:

44 (1) forced labor;

45 (2) involuntary servitude; or

46 (3) prostitution;



1 commits human trafficking, a Class C felony.  
2 SECTION 4. **An emergency is declared for this act.**



### IC 35-48-4 (Drug Crimes) Current Scheme

Prepared by the Criminal Code Evaluation Commission Staff Work Group for consideration by the Commission

A Felony	B Felony	C Felony	D Felony
<i>Dealing</i> in Coke/Narcotic >3 grams <u>OR</u> to a person <18 and 3 years junior, or within 1000 feet of a protected zone	<i>Dealing</i> in Coke/Narcotic		
<i>Possession</i> > 3 grams Coke/Narcotic within 1000 feet of a protected zone	<i>Possession</i> < 3 grams Coke/Narcotic within 1000 feet of a protected zone	<i>Possession</i> > 3 grams Coke/Narcotic <u>OR</u> while also in possession of a firearm	<i>Possession</i> of Coke/Narcotic
<i>Dealing</i> in Meth >3 grams <u>OR</u> to a person <18 and 3 years junior, or within 1000 feet of the protected zones	<i>Dealing</i> in Meth		
<i>Possession</i> > 3 grams Meth within 1000 feet of a protected zone	<i>Possession</i> < 3 grams Meth within 1000 feet of a protected zone	<i>Possession</i> > 3 grams Meth <u>OR</u> while also in possession of a firearm	<i>Possession</i> of Meth
<i>Dealing</i> in Sched I, II, III >3 grams <u>OR</u> to a person <18 and 3 years junior, or within 1000 feet of a protected zone	<i>Dealing</i> in Schedule I, II, III		
	<i>Dealing</i> in Schedule IV >3 grams <u>OR</u> to a person <18 and 3 years junior, or within 1000 feet of a protected zone	<i>Dealing</i> in Schedule IV	
		<i>Possession</i> of Schedule I, II, III, IV within 1000 feet of a protected zone	<i>Possession</i> of Schedule I, II, III, IV
	<i>Dealing</i> in Schedule V >3 grams <u>OR</u> to a person <18 and 3 years junior, or within 1000 feet of a protected zone		<i>Dealing</i> in Schedule V
			<i>Possession</i> of certain Schedule V

**Exhibit E**  
**Criminal Code Evaluation**  
**Commission**  
**Meeting #7 October 19, 2011**

## IC 35-48-4 (Controlled Substances) Felony Proportionality Proposal

Prepared by the Criminal Code Evaluation Commission Staff Work Group for consideration by the Commission

Level 1	Level 2	Level 3	Level 4	Level 5	Level 6
	<i>Dealing</i> > 28 grams of Coke/Narc <b>OR</b> dealing > 10 but < 28 grams <b>AND</b> manufacturing, to person < 18, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Dealing</i> > 10 but < 28 grams of Coke/Narc <b>OR</b> dealing > 3 but < 10 grams <b>AND</b> manufacturing, to person < 18, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Dealing</i> > 3 but < 10 grams of Coke/Narc <b>OR</b> dealing < 3 grams <b>AND</b> manufacturing, to person < 18, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Dealing</i> < 3 grams of Cocaine	
		<i>Possession</i> of > 28 grams of Coke/Narc <b>OR</b> possess > 10 but < 28 grams <b>AND</b> manufacturing, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Possession</i> > 10 but < 28 grams of Coke/Narc <b>OR</b> possess > 3 but < 10 grams <b>AND</b> manufacturing, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Possession</i> > 3 but < 10 grams of Coke/Narc <b>OR</b> possess < 3 grams <b>AND</b> manufacturing, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Possession</i> < 3 grams of Coke/Narc
<i>Manufacturing</i> - Meth Lab explosion causing serious bodily injury to someone other than the manufacturer <b>OR</b> causing property damage > \$10,000	<i>Dealing</i> > 28 grams of Meth <b>OR</b> dealing > 10 but < 28 grams <b>AND</b> manufacturing, to person < 18, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Dealing</i> > 10 but < 28 grams of Meth <b>OR</b> dealing > 3 but < 10 grams <b>AND</b> manufacturing, to person < 18, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Dealing</i> > 3 but < 10 grams of Meth <b>OR</b> deal < 3 grams <b>AND</b> manufacturing, to person < 18, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Dealing</i> < 3 grams of Meth	
		<i>Possession</i> > 28 grams of Meth <b>OR</b> possess > 10 but < 28 grams <b>AND</b> manufacturing, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Possession</i> > 10 but < 28 grams of Meth <b>OR</b> possess > 3 but < 10 grams <b>AND</b> manufacturing, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Possession</i> > 3 but < 10 grams of Meth <b>OR</b> possess < 3 grams <b>AND</b> manufacturing, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Possession</i> < 3 grams of Meth

Note: The basic definition of dealing would have to change to account for the change of "manufacturing" from an element of the offense to an aggravator

## IC 35-48-4 (Controlled Substances) Felony Proportionality Proposal

*Prepared by the Criminal Code Evaluation Commission Staff Work Group for consideration by the Commission*

Level 1	Level 2	Level 3	Level 4	Level 5	Level 6
	<i>Dealing</i> > 28 grams or > 560 pills of Sched I,II, or III <b>OR</b> dealing > 10 but < 28 grams or < 560 pills but > 200 pills <b>AND</b> manufacturing, to person < 18, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Dealing</i> > 10 but < 28 grams or < 560 but > 200 pills of Sched I,II, or III <b>OR</b> dealing > 3 but < 10 grams or > 60 but < 200 pills <b>AND</b> manufacturing, to person < 18, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Dealing</i> > 3 but < 10 grams or > 60 but < 200 pills of Sched I,II, or III <b>OR</b> dealing < 3 grams or < 60 pills <b>AND</b> manufacturing, to person < 18, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Dealing</i> < 3 grams <b>OR</b> < 60 pills of Sched I,II, or III	
		<i>Possession</i> of > 28 grams or > 560 pills of Sched I,II, or III <b>OR</b> possess > 10 but < 28 grams or < 560 but > 200 pills <b>AND</b> manufacturing, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Possession</i> > 10 but < 28 grams or < 560 but > 200 pills of Sched I,II, or III <b>OR</b> possess > 3 but < 10 grams or > 60 but < 200 pills <b>AND</b> manufacturing, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Possession</i> > 3 but < 10 grams or > 60 but < 200 pills of Sched I,II, or III <b>OR</b> possess < 3 grams or < 60 pills but <b>AND</b> manufacturing, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Possession</i> < 3 grams <b>OR</b> < 60 pills of Sched I, II, or III
		<i>Dealing</i> > 28 grams of Sched IV or V <b>OR</b> dealing > 10 but < 28 grams <b>AND</b> manufacturing, to person < 18, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Dealing</i> > 10 but < 28 grams of Sched IV or V <b>OR</b> dealing > 3 but < 10 grams <b>AND</b> manufacturing, to person < 18, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Dealing</i> > 3 but < 10 grams of Sched IV or V <b>OR</b> deal < 3 grams <b>AND</b> manufacturing, to person < 18, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Dealing</i> < 3 grams of Sched IV, or V
			<i>Possession</i> of > 28 grams of Sched IV or V <b>OR</b> possess > 10 but < 28 grams <b>AND</b> manufacturing, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Possession</i> > 10 but < 28 grams of Sched IV or V <b>OR</b> possess > 3 but < 10 grams <b>AND</b> manufacturing, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]	<i>Possession</i> > 3 grams of Sched IV or V <b>OR</b> possess < 3 grams <b>AND</b> manufacturing, within 1,000 ft of protected zone, with a gun, or prior conviction of dealing in any controlled substance [excluding marijuana]

IC 35-50-2-2

Suspension of sentence; limitations

Sec. 2. (a) The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.

(b) Except as provided in subsection (i), with respect to the following crimes listed in this subsection, the court may suspend only that part of the sentence that is in excess of the minimum sentence, unless the court has approved placement of the offender in a forensic diversion program under IC 11-12-3.7: **or the underlying offense did not cause serious bodily injury or death, involve the use of a deadly weapon, involve a violation of IC 35-42-4, or involve the distribution or manufacture of a controlled substance.**

(1) The crime committed was a ~~Class A felony or~~ **Level 1, 2, 3, or 4 Class B** felony and the person has a prior unrelated felony conviction, **other than a Level 6 felony conviction.**

(2) The crime committed was a ~~Class C~~ **Level 5** felony and less than seven (7) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction **other than a Level 6 felony conviction** and the date the person committed the ~~Class C~~ **Level 5** felony for which the person is being sentenced.

~~(3) The crime committed was a Class D felony and less than three (3) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class D felony for which the person is being sentenced. However, the court may suspend the minimum sentence for the crime only if the court orders home detention under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum sentence specified for the crime under this chapter.~~

(4) **Notwithstanding the other provisions of this subsection,** the felony committed was:

(A) murder (IC 35-42-1-1);

(B) ~~battery (IC 35-42-2-1) with a deadly weapon or battery causing death~~ **attempted murder (IC 35-41-5-1, IC 35-42-1-1);**

(C) ~~sexual battery (IC 35-42-4-8) with a deadly weapon~~ **conspiracy to commit murder (IC 35-41-5-2, IC 35-42-1-1);**

(D) **voluntary manslaughter (IC 35-42-1-3)**

(E) **battery (IC 35-42-2-1 causing death;**

~~(F)(D)~~ kidnapping (IC 35-42-3-2);

~~(G)(E)~~ confinement (IC 35-42-3-3) with a deadly weapon;

~~(H)(F)~~ rape (IC 35-42-4-1) as a ~~Class A~~ **Level 1** felony;

~~(I)(G)~~ criminal deviate conduct (IC 35-42-4-2) as a ~~Class A~~ **Level 1** felony;

~~(J)~~ **neglect of a dependent (IC 35-46-1-4) as a Level 1 or 2 felony;**

~~(K)(H)~~ except as provided in subsection (i), child molesting (IC 35-42-4-3) as a ~~Class A or Class B~~ **Level 1, Level 2, or Level 3** felony, unless:

(i) the felony committed was child molesting as a ~~Class B~~ **Level 3** felony;

(ii) the victim was not less than twelve (12) years old at the time the offense was committed;

(iii) the person is not more than four (4) years older than the victim, or more than five (5) years

older than the victim if the relationship between the person and the victim was a dating relationship or an ongoing personal relationship (not including a family relationship);

(iv) the person did not have a position of authority or substantial influence over the victim; and

(v) the person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person;

~~(L)(I)~~ robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon;

~~(M)(J)~~ arson (IC 35-43-1-1) for hire or resulting in serious bodily injury;

~~(N)(K)~~ burglary (IC 35-43-2-1) resulting in serious bodily injury or with a deadly weapon;

~~(O)(L)~~ resisting law enforcement (IC 35-44-3-3) with a deadly weapon;

~~(P)(M)~~ escape (IC 35-44-3-5) with a deadly weapon;

~~(Q)(N)~~ rioting (IC 35-45-1-2) with a deadly weapon

~~(O) dealing in cocaine or a narcotic drug (IC 35-48-4-1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:~~

~~(i) school property;~~

~~(ii) a public park;~~

~~(iii) a family housing complex; or~~

~~(iv) a youth program center;~~

~~(P) dealing in methamphetamine (IC 35-48-4-1.1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver the methamphetamine pure or adulterated to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:~~

~~(i) school property;~~

~~(ii) a public park;~~

~~(iii) a family housing complex; or~~

~~(iv) a youth program center;~~

~~(Q) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:~~

~~(i) school property;~~

~~(ii) a public park;~~

~~(iii) a family housing complex; or~~

~~(iv) a youth program center;~~

(R) an offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5;

(S) an offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death);

(T) aggravated battery (IC 35-42-2-1.5); or

(U) disarming a law enforcement officer (IC 35-44-3-3.5) **as a Level 1, 2, 3, or 4 felony.**

(c) Except as provided in subsection (e), whenever the court suspends a sentence for a felony, it shall

place the person on probation under IC 35-38-2 for a fixed period to end not later than the date that the maximum sentence that may be imposed for the felony will expire.

~~(d) The minimum sentence for a person convicted of voluntary manslaughter may not be suspended unless the court finds at the sentencing hearing that the crime was not committed by means of a deadly weapon.~~

(e) Whenever the court suspends that part of the sentence of a sex or violent offender (as defined in IC 11-8-8-5) that is suspendible under subsection (b), the court shall place the sex or violent offender on probation under IC 35-38-2 for not more than ten (10) years.

~~(f) An additional term of imprisonment imposed under IC 35-50-2-11 may not be suspended.~~

~~(g) A term of imprisonment imposed under IC 35-47-10-6 or IC 35-47-10-7 may not be suspended if the commission of the offense was knowing or intentional.~~

~~(h) A term of imprisonment imposed for an offense under IC 35-48-4-6(b)(1)(B) or IC 35-48-4-6.1(b)(1)(B) may not be suspended.~~

(i) If a person is:

(1) convicted of child molesting (IC 35-42-4-3) as a Class A felony against a victim less than twelve (12) years of age; and

(2) at least twenty-one (21) years of age;

the court may suspend only that part of the sentence that is in excess of thirty (30) years.

#### **NOTES:**

##### **A. The entirety of this draft was not unanimously agreed to by the research team:**

- There was some disagreement by at least one of the IPAC representatives with regard to striking Battery with a Deadly Weapon and Sexual Battery with a Deadly Weapon from the nonsuspendible list. The theory of those who proposed the striking was that:
  - Aggravated Battery remains on the list of nonsuspendibles. If a person batters another person with a deadly weapon sufficiently to injure him seriously, the crime will fall into the category of aggravated battery.
  - If a sexual battery with a weapon results in rape or criminal deviate conduct, it will be nonsuspendible under this section. If it is a lesser offense, while it remains a serious offense, it need not be nonsuspendible.
- There was disagreement by the IPDC representatives that any crime should, by its nature, be nonsuspendible as represented in the current subsection (b)(4).

##### **B. For the sake of clarity, the current subsection (b)(4) probably ought to become a new subsection (c), in order to make it clear that the crimes listed in (b)(4) are nonsuspendible regardless of the earlier language in subsection (b).**

10-20-20

**C. Subsection (d), prohibiting the suspension of a voluntary manslaughter sentence in certain circumstances, would be deleted per this draft because voluntary manslaughter would be made nonsuspendible in all cases (see subsection (b)(4)(d)).**

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Potential Marijuana Changes (changes in red)

In DOC as of 8/9/10	Crime	Aggravator/Mitigator	Suspendible/Enhancement	IC Cite	2010 Class of Offense	1977 Class of Offense	PROPOSAL
54	Dealing in Marijuana, Hash Oil, or Hashish	>10 pounds	Suspendible/DL	35-48-4-10	C Felony	D Felony	6 Felony
	Dealing in Marijuana, Hash Oil, or Hashish	<1000' of school, park, housing, youth ctr, or bus recipient or intended recipient <18 years	Suspendible/DL	35-48-4-10	C Felony	none	Misd - A
35	Dealing in Marijuana, Hash Oil, or Hashish	>30 grams but <10 pounds	Suspendible/DL	35-48-4-10	D Felony	D Felony	Misd - A
	Dealing in Marijuana, Hash Oil, or Hashish	prior conviction (any conviction re: Marijuana)	Suspendible/DL	35-48-4-10	D Felony	D Felony	Misd - A
	Dealing in Marijuana, Hash Oil, or Hashish	2 prior convictions	Suspendible	new			6 Felony
	Manufacturing in Marijuana, Hash Oil	> 10 pounds	Suspendible	new			5 Felony
	Dealing in Marijuana, Hash Oil, or Hashish		Suspendible/DL	35-48-4-10	Misd - A	Misd - A	Misd - C
199	Possession of Marijuana, Hash Oil, or Hashish	> 30 grams	Suspendible/DL	35-48-4-11	D Felony	D Felony	Misd - B
	Possession of Marijuana, Hash Oil, or Hashish	prior conviction (any conviction re: Marijuana)	Suspendible/DL	35-48-4-11	D Felony	D Felony	Misd - C
43	Possession of Paraphernalia	prior conviction for knowing & intentional	Suspendible	35-48-4-8.3	D Felony	D Felony	Misd - A
	Possession of Paraphernalia	prior conviction for recklessly	Suspendible	35-48-4-8.3	D Felony	none	DELETE
	Possession of Paraphernalia	knowing & intentional (otherwise A Infraction)	Suspendible	35-48-4-8.3	Misd - A	Misd - A	Misd - C
	Possession of Paraphernalia	recklessly (otherwise A Infraction)	Suspendible	35-48-4-8.3	Misd - B	none	DELETE
331	<b>TOTAL IN DOC (SNAPSHOT)</b>						
	Eliminate drivers license suspension						
	Remove the "bath salts" from the synthetic cannabinoids definition and place them in the Schedule 3 definition						

*impairment?*