

**Members**

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



# CRIMINAL LAW AND SENTENCING POLICY STUDY COMMITTEE

Legislative Services Agency  
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**LSA Staff:**

Andrew Hedges, Attorney for the Committee  
KC Norwalk, Attorney for the Committee  
Timothy Tyler, Attorney for the Committee  
Mark Goodpaster, Fiscal Analyst for the Committee

**Authority:** IC 2-5-32.5

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

**Meeting Date:** September 10, 2013  
**Meeting Time:** 10:30 A.M.  
**Meeting Place:** State House, 200 W. Washington St., Room 130  
**Meeting City:** Indianapolis, Indiana  
**Meeting Number:** 2

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

**Members Absent:** None.

Senator Young called the meeting to order at 10:35 a.m.

### I. HEA 1006-2013 Reconciliation Draft

Legislative Services Agency attorney Andrew Hedges analyzed PD 3056, a working draft of a bill to resolve conflicts created by HEA 1006-2013. (See Exhibit 1).

Senator Young recessed the Committee for lunch at 12:45 p.m.; the Committee

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

reconvened at 1:45 p.m.

## **II. Title 14 (Natural and Cultural Resources) Criminal Law Draft**

Senator Steele testified that Title 14 currently has numerous criminal provisions which he believes should be made into civil penalties because prosecutors are reluctant to bring criminal charges in many cases filed by the Department of Natural Resources (DNR), especially for minor crimes. Senator Steele explained that the DNR would be able to bring these cases itself if they were converted to civil penalties, and he also believes that DNR should be able to retain the civil penalties.

Legislative Services Agency attorney Andrew Hedges analyzed a working draft for a bill to convert most criminal penalties in Title 14 to civil penalties (LSA document number 20141035; see Exhibit 2).

In response to a question from Senator Young, the Committee discussed the distribution of civil penalty funds as compared to the distribution of funds from a criminal prosecution.

In response to a question from Representative Pierce, Mr. Hedges confirmed that civil penalties would be subject to the Administrative Orders and Procedures Act (AOPA) (IC 4-21.5), and the Committee then discussed the adequacy of due process under AOPA.

## **III. Title 9 (Motor Vehicles) Criminal Law Draft**

Senator Young stated that the Committee was charged with evaluating the criminal penalties in Title 9 and ensuring that they are appropriate in light of the revised criminal penalties in HEA 1006-2013.

Legislative Services Agency attorney K.C. Norwalk discussed a working draft that revised criminal penalties in Title 9. (See Exhibit 3). Mr. Norwalk brought to the Committee's attention certain criminal provisions in Title 9 that are not consistent with: (1) the theft thresholds established in HEA 1006-2013; and (2) the sentences for crimes involving bodily injury in HEA 1006-2013.

## **IV. Remote Substance Abuse Testing and Ignition Interlock**

Danny Koester of Evansville-based ABK testified that his company provides ignition interlock devices as well as various cellular and Internet-based monitoring services to remotely screen for alcohol and controlled substance use. Mr. Koester testified that he supplies ignition interlock services to Vanderburgh County, and that Vanderburgh County requires everyone with an ignition interlock device to blow into the device three times per day, every day, to test for alcohol use, even if the person is not driving. According to Mr. Koester, Vanderburgh County has seen a decrease in second-offense drunk driving cases since introducing the use of interlock devices.

Mr. Koester also testified that his company offers a portable alcohol testing product that a probationer can carry; when directed by ABK or at random, the probationer is required to blow into the device, which photographs the probationer (to prevent another person from using the device) and transmits the results to ABK wirelessly. In addition, ABK offers an Internet-based substance abuse testing service in which equipment is placed in a probationer's home and the results transmitted to ABK. If ABK receives a positive test result, ABK notifies the probation department, which follows up.

In response to Committee discussion, Mr. Koester testified that his company's results are used for prescreening, and that the results would be confirmed by tests conducted by the probation department.

Vanderburgh County Prosecutor Nicolas Hermann testified that he views ABK's remote testing products as "probation on demand" and that he considers it an efficient way

to supervise probationers, particularly in light of changes brought by HEA 1006-2013.

Gary Atkinson of Lafayette-based S&C Ignition Interlock, LLC, testified that ignition interlock devices keep people out of jail and able to pay bills and child support. In addition, ignition interlock devices save lives by keeping drunk drivers off of the streets. Mr. Atkinson provided the Committee with a handout describing the costs and use of an ignition interlock device. (See Exhibit 4).

#### **V. Committee Matters**

Senator Young informed the Committee that any proposed changes to the proposed drafts dealing with criminal law issues in the 1006 Conflict Resolution Draft, Title 7.1, Title 9, or Title 14 should be provided to Mr. Hedges or Mr. Norwalk by Monday, September 23, 2013. The Committee's next meeting, on September 26, 2013, will deal with recidivism, suspended sentences, and advisory sentences, and any revisions to the drafts will be discussed at the following meeting on October 8, 2013.

Senator Young adjourned the Committee at 4:45 p.m.



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**PRELIMINARY DRAFT**  
**No. 3056**

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

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DIGEST

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

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

**Effective:** July 1, 2014.



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

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

5 (1) subscribes the name of another person to an affidavit of  
6 registration, *a petition of nomination, a declaration of candidacy,*  
7 or application for an absentee ballot knowing that the *affidavit,*  
8 *petition, declaration, or application* contains a false statement; or

9 (2) subscribes the name of another person to an affidavit of  
10 registration, *a petition of nomination, a declaration of candidacy,*  
11 or application for an absentee ballot without writing on it the  
12 person's own name and address as an attesting witness;

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

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

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

24 (1) *signing a person's signature on a poll list to affirm false*  
25 *information concerning a voter printed on the poll list; or*

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (1) gallon;

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

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

46 is imposed on all special fuel sold or used in producing or generating



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

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

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

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

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

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

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

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

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

46 (1) violates; or



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

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

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

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

16 (b) A person who:

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

21 (2) either:

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

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

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

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

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

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

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

43 ~~(1) section 3.4(a)(1) or or 3.4(a)(2) of this chapter~~  
 44 ~~commits a Class B misdemeanor; or of this chapter commits a~~  
 45 **Class B misdemeanor; or**

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



chapter commits:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) the person is not more than:

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

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

(C) the sentencing court finds that the person should not be required to register as a sex offender.

(9) Incest (IC 35-46-1-3).



- 1 (10) Sexual battery (IC 35-42-4-8).  
 2 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen  
 3 (18) years of age, and the person who kidnapped the victim is not  
 4 the victim's parent or guardian.  
 5 (12) Criminal confinement (IC 35-42-3-3), if the victim is less  
 6 than eighteen (18) years of age, and the person who confined or  
 7 removed the victim is not the victim's parent or guardian.  
 8 (13) Possession of child pornography (IC 35-42-4-4(c)).  
 9 (14) Promoting prostitution (IC 35-45-4-4) as a Class B *felony*  
 10 *(for a crime committed before July 1, 2014)* or a Level 4 felony  
 11 *(for a crime committed after June 30, 2014)*.  
 12 (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the  
 13 victim is less than eighteen (18) years of age.  
 14 (16) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).  
 15 (17) Human trafficking (IC 35-42-3.5-1(d)(3)) if the victim is less  
 16 than eighteen (18) years of age.  
 17 (18) Sexual misconduct by a service provider with a detained  
 18 child (IC 35-44.1-3-10(c)).  
 19 (19) An attempt or conspiracy to commit a crime listed in  
 20 subdivisions (1) through (18).  
 21 (20) A crime under the laws of another jurisdiction, including a  
 22 military court, that is substantially equivalent to any of the  
 23 offenses listed in subdivisions (1) through (19).  
 24 (b) The term includes:  
 25 (1) a person who is required to register as a sex offender in any  
 26 jurisdiction; and  
 27 (2) a child who has committed a delinquent act and who:  
 28 (A) is at least fourteen (14) years of age;  
 29 (B) is on probation, is on parole, is discharged from a facility  
 30 by the department of correction, is discharged from a secure  
 31 private facility (as defined in IC 31-9-2-115), or is discharged  
 32 from a juvenile detention facility as a result of an adjudication  
 33 as a delinquent child for an act that would be an offense  
 34 described in subsection (a) if committed by an adult; and  
 35 (C) is found by a court by clear and convincing evidence to be  
 36 likely to repeat an act that would be an offense described in  
 37 subsection (a) if committed by an adult.  
 38 (c) In making a determination under subsection (b)(2)(C), the court  
 39 shall consider expert testimony concerning whether a child is likely to  
 40 repeat an act that would be an offense described in subsection (a) if  
 41 committed by an adult.  
 42 SECTION 11. IC 11-8-8-5, AS AMENDED BY P.L.13-2013,  
 43 SECTION 42, AS AMENDED BY P.L.214-2013, SECTION 5, AND  
 44 AS AMENDED BY P.L.158-2013, SECTION 172, IS CORRECTED  
 45 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 46 2014]: Sec. 5. (a) Except as provided in section 22 of this chapter, as



1 used in this chapter, "sex or violent offender" means a person convicted  
2 of any of the following offenses:

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



1 child (IC 35-44.1-3-10(c)).

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

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

7 (b) The term includes:

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

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

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

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

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

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

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

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

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

34 *that contains the offender's current address and current physical*  
35 *description.*

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

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

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

43 *that contains the offender's current address and current physical*  
44 *description.*

45 (c) A person who knowingly or intentionally violates this section  
46 commits failure of a sex or violent offender to possess identification,



1 a Class A misdemeanor. However, the offense is a ~~Class D Level 6~~  
2 felony if the person:

3 (1) is a sexually violent predator; or

4 (2) has a prior unrelated conviction:

5 (A) under this section; or

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

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

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

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

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

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

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

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

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

32 (4) is placed on parole; or

33 (5) is placed on probation;

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

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



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

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

7 is required to register for life.

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

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

19 is required to register for life.

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

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

26 SECTION 14. IC 12-17.2-6-14, AS AMENDED BY P.L.287-2013,  
 27 SECTION 16, AND AS AMENDED BY P.L.158-2013, SECTION  
 28 179, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2014]: Sec. 14. ~~The~~ (a) A child care ministry  
 30 must do the following:

31 (1) ~~Conduct a~~ Subject to subsection (c), require, at no expense to  
 32 the state, an employee or a volunteer who has direct contact with  
 33 a child who is receiving child care from the child care ministry to  
 34 submit fingerprints for a national criminal history background  
 35 check of the child care ministry's employees and volunteers: by  
 36 the Federal Bureau of Investigation.

37 (2) Report to the division any:

- 38 (A) police investigations;  
 39 (B) arrests; and  
 40 (C) criminal convictions;

41 of which the operator or director of the child care ministry is  
 42 aware regarding an employee or volunteer described in  
 43 subdivision (1).

44 (2) (3) Refrain from employing, or allowing to serve as a  
 45 volunteer, an individual who has direct contact with a child who  
 46 is receiving child care from the child care ministry and who:



- 1 (A) has been convicted of *any of the following felonies:*  
 2 *(i) Murder (IC 35-42-1-1).*  
 3 *(ii) Causing suicide (IC 35-42-1-2).*  
 4 *(iii) Assisting suicide (IC 35-42-1-2.5).*  
 5 *(iv) Voluntary manslaughter (IC 35-42-1-3).*  
 6 *(v) Reckless homicide (IC 35-42-1-5).*  
 7 *(vi) Battery (IC 35-42-2-1).*  
 8 *(vii) Aggravated battery (IC 35-42-2-1.5).*  
 9 *(viii) Kidnapping (IC 35-42-3-2).*  
 10 *(ix) Criminal confinement (IC 35-42-3-3).*  
 11 *(x) A felony sex offense under IC 35-42-4.*  
 12 *(xi) Carjacking (IC 35-42-5-2) (repealed) (for a crime*  
 13 *committed before July 1, 2014).*  
 14 *(xii) Arson (IC 35-43-1-1).*  
 15 *(xiii) Incest (IC 35-46-1-3).*  
 16 *(xiv) Neglect of a dependent (IC 35-46-1-4(a)(1) and*  
 17 *IC 35-46-1-4(a)(2)).*  
 18 *(xv) Child selling (IC 35-46-1-4(d)).*  
 19 *(xvi) A felony involving a weapon under IC 35-47 or*  
 20 *IC 35-47.5.*  
 21 *(xvii) A felony relating to controlled substances under*  
 22 *IC 35-48-4.*  
 23 *(xviii) An offense relating to material or a performance that*  
 24 *is harmful to minors or obscene under IC 35-49-3.*  
 25 *(xix) A felony that is substantially equivalent to a felony*  
 26 *listed in items (i) through (xviii) for which the conviction*  
 27 *was entered in another state: a felony:*  
 28 *(i) related to the health or safety of a child;*  
 29 *(ii) that is a sex offense (as defined in IC 11-8-8-5.2);*  
 30 *(iii) that is a dangerous felony; or*  
 31 *(iv) that is not a felony otherwise described in items (i)*  
 32 *through (iii), and less than ten (10) years have elapsed from*  
 33 *the date the person was discharged from probation,*  
 34 *imprisonment, or parole, whichever discharge date is latest;*  
 35 (B) has been convicted of a misdemeanor related to the health  
 36 or safety of a child;  
 37 (C) has been convicted of a misdemeanor under  
 38 IC 12-17.2-4-35 for operating a child care center without a  
 39 license, or of a substantially similar offense committed in  
 40 another jurisdiction if the offense is directly or indirectly  
 41 related to jeopardizing the health or safety of a child;  
 42 (D) has been convicted of a misdemeanor under  
 43 IC 12-17.2-5-35 for operating a child care home without a  
 44 license, or of a substantially similar offense committed in  
 45 another jurisdiction if the offense is directly or indirectly  
 46 related to jeopardizing the health or safety of a child; or



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

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

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

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

13           SECTION 15. IC 12-24-3-2, AS AMENDED BY P.L.214-2013,  
 14           SECTION 14, AND AS AMENDED BY P.L.158-2013, SECTION  
 15           183, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 16           [EFFECTIVE JULY 1, 2014]: Sec. 2. To provide greater security for  
 17           patients, visitors, and employees, the division may not employ in a state  
 18           institution an individual who has been convicted of any of the  
 19           following offenses:

20           (1) Rape (IC 35-42-4-1).

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

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

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

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

29           SECTION 16. IC 16-31-3-14, AS AMENDED BY P.L.196-2013,  
 30           SECTION 4, AND AS AMENDED BY P.L.158-2013, SECTION 234,  
 31           IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 32           [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) A person holding a  
 33           certificate or license issued under this article must comply with the  
 34           applicable standards and rules established under this article. A  
 35           certificate holder or license holder is subject to disciplinary sanctions  
 36           under subsection (b) if the department of homeland security determines  
 37           that the certificate holder or license holder:

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

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

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

44           (4) falsified or knowingly allowed another person to falsify  
 45           attendance records or certificates of completion of continuing  
 46           education courses required under this article or rules adopted



- 1 under this article;
- 2 (5) is convicted of a crime, if the act that resulted in the
- 3 conviction has a direct bearing on determining if the certificate
- 4 holder or license holder should be entrusted to provide emergency
- 5 medical services;
- 6 (6) is convicted of violating IC 9-19-14.5;
- 7 (7) fails to comply and maintain compliance with or violates any
- 8 applicable provision, standard, or other requirement of this article
- 9 or rules adopted under this article;
- 10 (8) continues to practice if the certificate holder or license holder
- 11 becomes unfit to practice due to:
  - 12 (A) professional incompetence that includes the undertaking
  - 13 of professional activities that the certificate holder or license
  - 14 holder is not qualified by training or experience to undertake;
  - 15 (B) failure to keep abreast of current professional theory or
  - 16 practice;
  - 17 (C) physical or mental disability; or
  - 18 (D) addiction to, abuse of, or dependency on alcohol or other
  - 19 drugs that endanger the public by impairing the certificate
  - 20 holder's or license holder's ability to practice safely;
- 21 (9) engages in a course of lewd or immoral conduct in connection
- 22 with the delivery of services to the public;
- 23 (10) allows the certificate holder's or license holder's name or a
- 24 certificate or license issued under this article to be used in
- 25 connection with a person who renders services beyond the scope
- 26 of that person's training, experience, or competence;
- 27 (11) is subjected to disciplinary action in another state or
- 28 jurisdiction on grounds similar to those contained in this chapter.
- 29 For purposes of this subdivision, a certified copy of a record of
- 30 disciplinary action constitutes prima facie evidence of a
- 31 disciplinary action in another jurisdiction;
- 32 (12) assists another person in committing an act that would
- 33 constitute a ground for disciplinary sanction under this chapter;
- 34 or
- 35 (13) allows a certificate or license issued by the commission to
- 36 be:
  - 37 (A) used by another person; or
  - 38 (B) displayed to the public when the certificate or license is
  - 39 expired, inactive, invalid, revoked, or suspended.
- 40 (b) The department of homeland security may issue an order under
- 41 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if
- 42 the department of homeland security determines that a certificate
- 43 holder or license holder is subject to disciplinary sanctions under
- 44 subsection (a):
  - 45 (1) Revocation of a certificate holder's certificate or license
  - 46 holder's license for a period not to exceed seven (7) years.



1 (2) Suspension of a certificate holder's certificate or license  
2 holder's license for a period not to exceed seven (7) years.

3 (3) Censure of a certificate holder or license holder.

4 (4) Issuance of a letter of reprimand.

5 (5) Assessment of a civil penalty against the certificate holder or  
6 license holder in accordance with the following:

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

9 (B) If the certificate holder or license holder fails to pay the  
10 civil penalty within the time specified by the department of  
11 homeland security, the department of homeland security may  
12 suspend the certificate holder's certificate or license holder's  
13 license without additional proceedings.

14 (6) Placement of a certificate holder or license holder on  
15 probation status and requirement of the certificate holder or  
16 license holder to:

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

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

21 (C) continue or renew professional education approved by the  
22 department of homeland security until a satisfactory degree of  
23 skill has been attained in those areas that are the basis of the  
24 probation; or

25 (D) perform or refrain from performing any acts, including  
26 community restitution or service without compensation, that  
27 the department of homeland security considers appropriate to  
28 the public interest or to the rehabilitation or treatment of the  
29 certificate holder or license holder.

30 The department of homeland security may withdraw or modify  
31 this probation if the department of homeland security finds after  
32 a hearing that the deficiency that required disciplinary action is  
33 remedied or that changed circumstances warrant a modification  
34 of the order.

35 (c) If an applicant or a certificate holder or license holder has  
36 engaged in or knowingly cooperated in fraud or material deception to  
37 obtain a certificate or license, including cheating on the certification or  
38 licensure examination, the department of homeland security may  
39 rescind the certificate or license if it has been granted, void the  
40 examination or other fraudulent or deceptive material, and prohibit the  
41 applicant from reapplying for the certificate or license for a length of  
42 time established by the department of homeland security.

43 (d) The department of homeland security may deny certification or  
44 licensure to an applicant who would be subject to disciplinary sanctions  
45 under subsection (b) if that person were a certificate holder or license  
46 holder, has had disciplinary action taken against the applicant or the



1 applicant's certificate or license to practice in another state or  
 2 jurisdiction, or has practiced without a certificate or license in violation  
 3 of the law. A certified copy of the record of disciplinary action is  
 4 conclusive evidence of the other jurisdiction's disciplinary action.

5 (e) The department of homeland security may order a certificate  
 6 holder or license holder to submit to a reasonable physical or mental  
 7 examination if the certificate holder's or license holder's physical or  
 8 mental capacity to practice safely and competently is at issue in a  
 9 disciplinary proceeding. Failure to comply with a department of  
 10 homeland security order to submit to a physical or mental examination  
 11 makes a certificate holder or license holder liable to temporary  
 12 suspension under subsection (i).

13 (f) Except as provided under subsection (a), subsection (g), and  
 14 section 14.5 of this chapter, a certificate or license may not be denied,  
 15 revoked, or suspended because the applicant, certificate holder, or  
 16 license holder has been convicted of an offense. The acts from which  
 17 the applicant's, certificate holder's, or license holder's conviction  
 18 resulted may be considered as to whether the applicant or certificate  
 19 holder or license holder should be entrusted to serve the public in a  
 20 specific capacity.

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

25 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

26 (2) Possession of methamphetamine under IC 35-48-4-6.1.

27 (3) Possession of a controlled substance under IC 35-48-4-7(a).

28 (4) Fraudulently obtaining a controlled substance under  
 29 ~~IC 35-48-4-7(b)~~ IC 35-48-4-7(c).

30 (5) Manufacture of paraphernalia as a Class D felony (for a crime  
 31 committed before July 1, 2014) or Level 6 felony (for a crime  
 32 committed after June 30, 2014) under IC 35-48-4-8.1(b).

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

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

39 (8) Possession of marijuana, hash oil, hashish, or salvia ~~or a~~  
 40 ~~synthetic drug~~ as a Class D felony (for a crime committed before  
 41 July 1, 2014) or Level 6 felony (for a crime committed after June  
 42 30, 2014) under IC 35-48-4-11.

43 (9) Possession of a synthetic drug or synthetic drug lookalike  
 44 substance as a Class D felony (for a crime committed before  
 45 **July 1, 2014) or Level 6 felony (for a crime committed after**  
 46 **June 30, 2014) under IC 35-8-4-11.5 (or under IC 35-48-4-11**



1 *before its amendment in 2013).*

2 ~~(9)~~ (10) Maintaining a common nuisance under IC 35-48-4-13.

3 ~~(10)~~ (11) An offense relating to registration, labeling, and  
4 prescription forms under IC 35-48-4-14.

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

7 ~~(12)~~ (13) Attempt under IC 35-41-5-1 to commit an offense listed  
8 in *subdivisions (1) through (10) this section.*

9 ~~(13)~~ (14) An offense in any other jurisdiction in which the  
10 elements of the offense for which the conviction was entered are  
11 substantially similar to the elements of an offense described by  
12 *subdivisions (1) through (12) in this section.*

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

16 (i) The department of homeland security may temporarily suspend  
17 a certificate holder's certificate or license holder's license under  
18 IC 4-21.5-4 before a final adjudication or during the appeals process if  
19 the department of homeland security finds that a certificate holder or  
20 license holder would represent a clear and immediate danger to the  
21 public's health, safety, or property if the certificate holder or license  
22 holder were allowed to continue to practice.

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

28 (k) The department of homeland security shall conduct a factfinding  
29 investigation as the department of homeland security considers proper  
30 in relation to the complaint.

31 (l) The department of homeland security may reinstate a certificate  
32 or license that has been suspended under this section if the department  
33 of homeland security is satisfied that the applicant is able to practice  
34 with reasonable skill, competency, and safety to the public. As a  
35 condition of reinstatement, the department of homeland security may  
36 impose disciplinary or corrective measures authorized under this  
37 chapter.

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

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

44 (o) A certificate holder may not surrender the certificate holder's  
45 certificate, and a license holder may not surrender the license holder's  
46 license, without the written approval of the department of homeland



1 security, and the department of homeland security may impose any  
 2 conditions appropriate to the surrender or reinstatement of a  
 3 surrendered certificate or license.

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

- 6 (1) an unlimited certificate;
- 7 (2) a limited or probationary certificate; or
- 8 (3) an inactive certificate.

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

- 11 (1) an unlimited license;
- 12 (2) a limited or probationary license; or
- 13 (3) an inactive license.

14 SECTION 17. IC 16-41-12-15, AS AMENDED BY P.L.213-2013,  
 15 SECTION 14, AND AS AMENDED BY P.L.158-2013, SECTION  
 16 243, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A blood center shall require  
 18 a blood donor to provide to the blood center the following information:

- 19 (1) Name.
- 20 (2) Address.
- 21 (3) Date of birth.
- 22 (4) *The blood donor's Social Security number, if the blood donor*  
 23 *is receiving monetary compensation for the donation.*

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

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

30 ~~(d)~~ (c) A blood center shall provide to a blood donor information to  
 31 enable the blood donor to give informed consent to the procedures  
 32 required by this chapter or IC 16-36. The information required by this  
 33 subsection must be in the following form:

34 NOTICE

- 35 (1) This blood center performs a screening test for the human  
 36 immunodeficiency virus (HIV) on every donor's blood.
- 37 (2) This blood center reports to the state department of health the  
 38 name and address of a blood donor when a confirmatory test of  
 39 the blood donor's blood confirms the presence of antibodies to the  
 40 human immunodeficiency virus (HIV).
- 41 (3) A person who recklessly, knowingly, or intentionally donates  
 42 (excluding self-donations for stem cell transplantation, *other*  
 43 *autologous donations, or donations not intended by the blood*  
 44 *center for distribution or use), sells, or transfers blood or a blood*  
 45 *component* that contains antibodies for the human  
 46 immunodeficiency virus (HIV) commits transferring



1 contaminated blood, a ~~Class C~~ Level 5 felony. The offense is a  
 2 ~~Class A~~ Level 4 felony if the offense results in the transmission of  
 3 the virus to another person.

4 SECTION 18. IC 20-28-5-8, AS AMENDED BY P.L.158-2013,  
 5 SECTION 250, AND AS AMENDED BY P.L.214-2013, SECTION  
 6 20, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) This section applies when a  
 8 prosecuting attorney knows that a licensed employee of a public school  
 9 or a nonpublic school has been convicted of an offense listed in  
 10 subsection (c). The prosecuting attorney shall immediately give written  
 11 notice of the conviction to the following:

12 (1) The state superintendent.

13 (2) Except as provided in subdivision (3), the superintendent of  
 14 the school corporation that employs the licensed employee or the  
 15 equivalent authority if a nonpublic school employs the licensed  
 16 employee.

17 (3) The presiding officer of the governing body of the school  
 18 corporation that employs the licensed employee, if the convicted  
 19 licensed employee is the superintendent of the school corporation.

20 (b) The superintendent of a school corporation, presiding officer of  
 21 the governing body, or equivalent authority for a nonpublic school shall  
 22 immediately notify the state superintendent when the individual knows  
 23 that a current or former licensed employee of the public school or  
 24 nonpublic school has been convicted of an offense listed in subsection  
 25 (c), or when the governing body or equivalent authority for a nonpublic  
 26 school takes any final action in relation to an employee who engaged  
 27 in any offense listed in subsection (c).

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

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

32 (2) Criminal confinement (IC 35-42-3-3).

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

34 (4) Criminal deviate conduct (IC 35-42-4-2) (repealed).

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

36 (6) Child exploitation (IC 35-42-4-4(b)).

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

38 (8) Child solicitation (IC 35-42-4-6).

39 (9) Child seduction (IC 35-42-4-7).

40 (10) Sexual misconduct with a minor (IC 35-42-4-9).

41 (11) Incest (IC 35-46-1-3).

42 (12) Dealing in or manufacturing cocaine or a narcotic drug  
 43 (IC 35-48-4-1).

44 (13) Dealing in methamphetamine (IC 35-48-4-1.1).

45 (14) Dealing in a schedule I, II, or III controlled substance  
 46 (IC 35-48-4-2).



- 1 (15) Dealing in a schedule IV controlled substance  
 2 (IC 35-48-4-3).  
 3 (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).  
 4 (17) Dealing in a counterfeit substance (IC 35-48-4-5).  
 5 (18) Dealing in marijuana, hash oil, hashish, or salvia  
 6 (IC 35-48-4-10(b)).  
 7 (19) Dealing in a synthetic drug or synthetic drug lookalike  
 8 substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its  
 9 amendment in 2013).  
 10 (20) Possession of child pornography (IC 35-42-4-4(c)).  
 11 (21) Homicide (IC 35-42-1).  
 12 (22) Voluntary manslaughter (IC 35-42-1-3).  
 13 (23) Reckless homicide (IC 35-42-1-5).  
 14 (24) Battery as any of the following:  
 15 (A) A Class A *felony* (for a crime committed before July 1,  
 16 2014) or a Level 2 *felony* (for a crime committed after June  
 17 30, 2014). ~~(IC 35-42-2-1(a)(5)).~~  
 18 (B) A Class B *felony* (for a crime committed before July 1,  
 19 2014) or a Level 3 *felony* (for a crime committed after June  
 20 30, 2014). ~~(IC 35-42-2-1(a)(4)).~~  
 21 (C) A Class C *felony* (for a crime committed before July 1,  
 22 2014) or a Level 5 *felony* (for a crime committed after June  
 23 30, 2014). ~~(IC 35-42-2-1(a)(3)).~~  
 24 (25) Aggravated battery (IC 35-42-2-1.5).  
 25 (26) Robbery (IC 35-42-5-1).  
 26 (27) Carjacking (IC 35-42-5-2) (*repealed*).  
 27 (28) Arson as a Class A *felony* or ~~a~~ Class B *felony* (for a crime  
 28 committed before July 1, 2014) or as a Level 2, Level 3, or Level  
 29 4 *felony* (for a crime committed after June 30, 2014)  
 30 (IC 35-43-1-1(a)).  
 31 (29) Burglary as a Class A *felony* or ~~a~~ Class B *felony* (for a crime  
 32 committed before July 1, 2014) or as a Level 1, Level 2, Level 3,  
 33 or Level 4 *felony* (for a crime committed after June 30, 2014)  
 34 (IC 35-43-2-1).  
 35 (30) Attempt under IC 35-41-5-1 to commit an offense listed in  
 36 this subsection.  
 37 (31) Conspiracy under IC 35-41-5-2 to commit an offense listed  
 38 in this subsection.  
 39 (d) The department, after holding a hearing on the matter, shall  
 40 permanently revoke the license of a person who is known by the  
 41 department to have been convicted of a federal offense or an offense in  
 42 another state that is comparable to a felony listed in subsection (c).  
 43 (e) A license may be suspended by the state superintendent as  
 44 specified in IC 20-28-7.5.  
 45 (f) The department shall develop a data base of information on  
 46 school corporation employees who have been reported to the



1 department under this section.

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

- 9 (1) engaged in or knowingly cooperated in fraud or material  
10 deception in order to obtain a license to practice, including  
11 cheating on a licensing examination;  
12 (2) engaged in fraud or material deception in the course of  
13 professional services or activities;  
14 (3) advertised services or goods in a false or misleading manner;  
15 (4) falsified or knowingly allowed another person to falsify  
16 attendance records or certificates of completion of continuing  
17 education courses provided under this chapter;  
18 (5) been convicted of a crime that has a direct bearing on the  
19 practitioner's ability to continue to practice competently;  
20 (6) knowingly violated a state statute or rule or federal statute or  
21 regulation regulating the profession for which the practitioner is  
22 licensed;  
23 (7) continued to practice although the practitioner has become  
24 unfit to practice due to:  
25 (A) professional incompetence;  
26 (B) failure to keep abreast of current professional theory or  
27 practice;  
28 (C) physical or mental disability; or  
29 (D) addiction to, abuse of, or severe dependency on alcohol or  
30 other drugs that endanger the public by impairing a  
31 practitioner's ability to practice safely;  
32 (8) engaged in a course of lewd or immoral conduct in connection  
33 with the delivery of services to the public;  
34 (9) allowed the practitioner's name or a license issued under this  
35 chapter to be used in connection with an individual or business  
36 who renders services beyond the scope of that individual's or  
37 business's training, experience, or competence;  
38 (10) had disciplinary action taken against the practitioner or the  
39 practitioner's license to practice in another state or jurisdiction on  
40 grounds similar to those under this chapter;  
41 (11) assisted another person in committing an act that would  
42 constitute a ground for disciplinary sanction under this chapter;  
43 or  
44 (12) allowed a license issued by the department to be:  
45 (A) used by another person; or  
46 (B) displayed to the public when the license has expired, is



1 inactive, is invalid, or has been revoked or suspended.  
 2 For purposes of subdivision (10), a certified copy of a record of  
 3 disciplinary action constitutes prima facie evidence of a disciplinary  
 4 action in another jurisdiction.

5 (b) The department may impose one (1) or more of the following  
 6 sanctions if the department finds that a practitioner is subject to  
 7 disciplinary sanctions under subsection (a):

8 (1) Permanent revocation of a practitioner's license.

9 (2) Suspension of a practitioner's license.

10 (3) Censure of a practitioner.

11 (4) Issuance of a letter of reprimand.

12 (5) Assess a civil penalty against the practitioner in accordance  
 13 with the following:

14 (A) The civil penalty may not be more than one thousand  
 15 dollars (\$1,000) for each violation listed in subsection (a),  
 16 except for a finding of incompetency due to a physical or  
 17 mental disability.

18 (B) When imposing a civil penalty, the department shall  
 19 consider a practitioner's ability to pay the amount assessed. If  
 20 the practitioner fails to pay the civil penalty within the time  
 21 specified by the department, the department may suspend the  
 22 practitioner's license without additional proceedings. However,  
 23 a suspension may not be imposed if the sole basis for the  
 24 suspension is the practitioner's inability to pay a civil penalty.

25 (6) Place a practitioner on probation status and require the  
 26 practitioner to:

27 (A) report regularly to the department upon the matters that  
 28 are the basis of probation;

29 (B) limit practice to those areas prescribed by the department;

30 (C) continue or renew professional education approved by the  
 31 department until a satisfactory degree of skill has been attained  
 32 in those areas that are the basis of the probation; or

33 (D) perform or refrain from performing any acts, including  
 34 community restitution or service without compensation, that  
 35 the department considers appropriate to the public interest or  
 36 to the rehabilitation or treatment of the practitioner.

37 The department may withdraw or modify this probation if the  
 38 department finds after a hearing that the deficiency that required  
 39 disciplinary action has been remedied or that changed  
 40 circumstances warrant a modification of the order.

41 (c) If an applicant or a practitioner has engaged in or knowingly  
 42 cooperated in fraud or material deception to obtain a license to  
 43 practice, including cheating on the licensing examination, the  
 44 department may rescind the license if it has been granted, void the  
 45 examination or other fraudulent or deceptive material, and prohibit the  
 46 applicant from reapplying for the license for a length of time



1 established by the department.

2 (d) The department may deny licensure to an applicant who has had  
3 disciplinary action taken against the applicant or the applicant's license  
4 to practice in another state or jurisdiction or who has practiced without  
5 a license in violation of the law. A certified copy of the record of  
6 disciplinary action is conclusive evidence of the other jurisdiction's  
7 disciplinary action.

8 (e) The department may order a practitioner to submit to a  
9 reasonable physical or mental examination if the practitioner's physical  
10 or mental capacity to practice safely and competently is at issue in a  
11 disciplinary proceeding. Failure to comply with a department order to  
12 submit to a physical or mental examination makes a practitioner liable  
13 to temporary suspension under subsection (j).

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

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

23 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

24 (2) Possession of methamphetamine under IC 35-48-4-6.1.

25 (3) Possession of a controlled substance under IC 35-48-4-7(a).

26 (4) Fraudulently obtaining a controlled substance under  
27 IC 35-48-4-7(b) *(for a crime committed before July 1, 2014)* or  
28 IC 35-48-4-7(c) *(for a crime committed after June 30, 2014)*.

29 (5) Manufacture of paraphernalia as a Class D felony *(for a crime*  
30 *committed before July 1, 2014)* or a Level 6 felony *(for a crime*  
31 *committed after June 30, 2014)* under IC 35-48-4-8.1(b).

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

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

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

42 (9) Possession of a synthetic drug or synthetic drug lookalike  
43 substance as a:

44 (A) Class D felony ~~under IC 35-48-4-11.5~~ *(or under*  
45 *IC 35-48-4-11 before its amendment in 2013)* for a crime  
46 committed before July 1, 2014 under:



1 (i) IC 35-48-4-11 before its amendment in 2013; or

2 (ii) under IC 35-48-4-11.5; or

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

5 ~~(9)~~ (10) Maintaining a common nuisance under IC 35-48-4-13.

6 ~~(10)~~ (11) An offense relating to registration, labeling, and  
7 prescription forms under IC 35-48-4-14.

8 ~~(11)~~ (12) Conspiracy under IC 35-41-5-2 to commit an offense  
9 listed in *subdivisions (1) through (10): this subsection.*

10 ~~(12)~~ (13) Attempt under IC 35-41-5-1 to commit an offense listed  
11 in *subdivisions (1) through (10): this subsection.*

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

16 (h) The department shall deny, revoke, or suspend a license issued  
17 under this chapter if the individual who holds the license is convicted  
18 of any of the following:

19 (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.

20 (2) Dealing in methamphetamine under IC 35-48-4-1.1.

21 (3) Dealing in a schedule I, II, or III controlled substance under  
22 IC 35-48-4-2.

23 (4) Dealing in a schedule IV controlled substance under  
24 IC 35-48-4-3.

25 (5) Dealing in a schedule V controlled substance under  
26 IC 35-48-4-4.

27 (6) Dealing in a substance represented to be a controlled  
28 substance under IC 35-48-4-4.5.

29 (7) Knowingly or intentionally manufacturing, advertising,  
30 distributing, or possessing with intent to manufacture, advertise,  
31 or distribute a substance represented to be a controlled substance  
32 under IC 35-48-4-4.6.

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

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

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

39 ~~(10)~~ (11) Conspiracy under IC 35-41-5-2 to commit an offense  
40 listed in *subdivisions (1) through (9): this subsection.*

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

43 ~~(12)~~ (13) An offense in any other jurisdiction in which the  
44 elements of the offense for which the conviction was entered are  
45 substantially similar to the elements of an offense described in  
46 *subdivisions (1) through (11): this subsection.*



1           ~~(13)~~ (14) A violation of any federal or state drug law or rule  
2           related to wholesale legend drug distributors licensed under  
3           IC 25-26-14.

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

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

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

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

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

21          (n) The department may reinstate a license that has been suspended  
22          under this section if, after a hearing, the department is satisfied that the  
23          applicant is able to practice with reasonable skill, safety, and  
24          competency to the public. As a condition of reinstatement, the  
25          department may impose disciplinary or corrective measures authorized  
26          under this chapter.

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

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

35          (q) A practitioner may petition the department to accept the  
36          surrender of the practitioner's license instead of having a hearing before  
37          the commission. The practitioner may not surrender the practitioner's  
38          license without the written approval of the department, and the  
39          department may impose any conditions appropriate to the surrender or  
40          reinstatement of a surrendered license.

41          (r) A practitioner who has been subjected to disciplinary sanctions  
42          may be required by the commission to pay the costs of the proceeding.  
43          The practitioner's ability to pay shall be considered when costs are  
44          assessed. If the practitioner fails to pay the costs, a suspension may not  
45          be imposed solely upon the practitioner's inability to pay the amount  
46          assessed. The costs are limited to costs for the following:



- 1 (1) Court reporters.
- 2 (2) Transcripts.
- 3 (3) Certification of documents.
- 4 (4) Photo duplication.
- 5 (5) Witness attendance and mileage fees.
- 6 (6) Postage.
- 7 (7) Expert witnesses.
- 8 (8) Depositions.
- 9 (9) Notarizations.

10 SECTION 20. IC 23-19-5-8, AS AMENDED BY P.L.146-2013,  
 11 SECTION 2, AND AS AMENDED BY P.L.158-2013, SECTION 267,  
 12 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A person who knowingly  
 14 violates this article, or a rule adopted under this article, except *section*  
 15 *sections 4 and 11* of this chapter or the notice filing requirements of  
 16 IC 23-19-3-2 or IC 23-19-4-5, commits a ~~Class C~~ *Level 5* felony.

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

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

- 21 (1) while using or taking advantage of; or
- 22 (2) in connection with;

23 a relationship that is based on religious affiliation or worship commits  
 24 a ~~Class B~~ *Level 4* felony.

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

- 30 (1) the commissioner or a designee empowered by the  
 31 commissioner shall refer the facts drawn from the investigation to  
 32 the prosecuting attorney of the judicial circuit in which the crime  
 33 may have been committed;
- 34 (2) the commissioner and the securities division shall assist the  
 35 prosecuting attorney in prosecuting an action under this section,  
 36 which may include a securities division attorney serving as a  
 37 special deputy prosecutor appointed by the prosecuting attorney;
- 38 (3) a prosecuting attorney to whom facts concerning fraud are  
 39 referred under subdivision (1) may refer the matter to the attorney  
 40 general;
- 41 (4) if a matter has been referred to the attorney general under  
 42 subdivision (3), the attorney general may:
  - 43 (A) file an information in a court with jurisdiction over the  
 44 matter in the county in which the offense is alleged to have  
 45 been committed; and
  - 46 (B) prosecute the alleged offense; and



1 (5) if a matter has been referred to the attorney general under  
 2 subdivision (3), the commissioner and the securities division shall  
 3 assist the attorney general in prosecuting an action under this  
 4 section, which may include a securities division attorney serving  
 5 as a special deputy attorney general appointed by the attorney  
 6 general.

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

10 SECTION 21. IC 24-4-18-6, AS AMENDED BY P.L.112-2013,  
 11 SECTION 4, AND AS AMENDED BY P.L.158-2013, SECTION 273,  
 12 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) *A criminal history provider*  
 14 *may provide only criminal history information that relates to a*  
 15 *conviction.*

16 ~~(b)~~ *Except as provided in subsection (b), a criminal history provider*  
 17 *may not knowingly provide information a criminal history report that*  
 18 *provides criminal history information relating to the following:*

19 ~~(1)~~ *An infraction, an arrest, or a charge that did not result in a*  
 20 *conviction.*

21 ~~(2)~~ (1) A record that has been expunged by:

22 (A) marking the record as expunged; or

23 (B) removing the record from public access.

24 ~~(3)~~ (2) A record that is restricted by a court or the rules of a court  
 25 and is marked as restricted from public disclosure or removed  
 26 from public access.

27 ~~(4)~~ (3) A record indicating a conviction of a Class D felony (for a  
 28 crime committed before July 1, 2014) or a Level 6 felony (for a  
 29 crime committed after June 30, 2014) if the Class D felony or  
 30 Level 6 felony conviction:

31 (A) has been entered as a Class A misdemeanor conviction; or

32 (B) has been converted to a Class A misdemeanor conviction.

33 ~~(5)~~ (4) A record that the criminal history provider knows is  
 34 inaccurate.

35 (b) *A criminal history provider may provide information described*  
 36 *in subsection (a)(1) through (a)(3) if the person requesting the criminal*  
 37 *history report is:*

38 (1) *required by state or federal law to obtain the information; or*

39 (2) *the state or a political subdivision, and the information will be*  
 40 *used solely in connection with the issuance of a public bond.*

41 SECTION 22. IC 25-1-1.1-2, AS AMENDED BY P.L.196-2013,  
 42 SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 277,  
 43 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 44 [EFFECTIVE JULY 1, 2014]: Sec. 2. Notwithstanding IC 25-1-7, a  
 45 board, a commission, or a committee may suspend, deny, or revoke a  
 46 license or certificate issued under this title by the board, the



1 commission, or the committee without an investigation by the office of  
 2 the attorney general if the individual who holds the license or  
 3 certificate is convicted of any of the following and the board,  
 4 commission, or committee determines, after the individual has  
 5 appeared in person, that the offense affects the individual's ability to  
 6 perform the duties of the profession:

7 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

8 (2) Possession of methamphetamine under IC 35-48-4-6.1.

9 (3) Possession of a controlled substance under IC 35-48-4-7(a).

10 (4) Fraudulently obtaining a controlled substance under  
 11 ~~IC 35-48-4-7(b)~~ IC 35-48-4-7(c).

12 (5) Manufacture of paraphernalia as a Class D felony (for a crime  
 13 committed before July 1, 2014) or a Level 6 felony (for a crime  
 14 committed after June 30, 2014) under IC 35-48-4-8.1(b).

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

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

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

25 (9) Possession of a synthetic drug or synthetic drug lookalike  
 26 substance as a:

27 (A) Class D felony under ~~IC 35-48-4-11.5~~ (or under  
 28 ~~IC 35-48-4-11~~ before its amendment in 2013) for a crime  
 29 committed before July 1, 2014 under:

30 (i) IC 35-48-4-11 before its amendment in 2013; or

31 (ii) under IC 35-48-4-11.5; or

32 (B) Level 6 felony for a crime committed after June 30,  
 33 2014 under IC 35-48-4-11.5.

34 ~~(9)~~ (10) Maintaining a common nuisance under IC 35-48-4-13.

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

37 ~~(11)~~ (12) Conspiracy under IC 35-41-5-2 to commit an offense  
 38 listed in subdivisions (1) through (10) of this section.

39 ~~(12)~~ (13) Attempt under IC 35-41-5-1 to commit an offense listed  
 40 in subdivisions (1) through (10) of this section.

41 ~~(13)~~ (14) A sex crime under IC 35-42-4.

42 ~~(14)~~ (15) A felony that reflects adversely on the individual's  
 43 fitness to hold a professional license.

44 ~~(15)~~ (16) An offense in any other jurisdiction in which the  
 45 elements of the offense for which the conviction was entered are  
 46 substantially similar to the elements of an offense described in



1 this section.

2 SECTION 23. IC 25-22.5-8-2, AS AMENDED BY P.L.232-2013,  
3 SECTION 17, AND AS AMENDED BY P.L.158-2013, SECTION  
4 284, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who *knowingly or*  
6 *intentionally* violates this article by unlawfully practicing medicine or  
7 osteopathic medicine commits a ~~Class C~~ *Level 5* felony.

8 (b) A person who, *before January 1, 2014*, practices midwifery  
9 without the license required under this article commits a ~~Class D~~ *Level*  
10 ~~6~~ felony.

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

14 SECTION 24. IC 29-3-7-7, AS AMENDED BY P.L.158-2013,  
15 SECTION 303, AND AS AMENDED BY P.L.214-2013, SECTION  
16 22, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2014]: Sec. 7. A court may not appoint a person  
18 to serve as the guardian or permit a person to continue to serve as a  
19 guardian if the person:

20 (1) is a sexually violent predator (as described in IC 35-38-1-7.5);  
21 (2) was at least eighteen (18) years of age at the time of the  
22 offense and was convicted of child molesting (IC 35-42-4-3) or  
23 sexual misconduct with a minor (IC 35-42-4-9) against a child  
24 less than sixteen (16) years of age:

25 (A) by using or threatening the use of deadly force;

26 (B) while armed with a deadly weapon; or

27 (C) that resulted in serious bodily injury; or

28 (3) was less than eighteen (18) years of age at the time of the  
29 offense and was convicted as an adult of:

30 (A) an offense described in:

31 (i) IC 35-42-4-1;

32 (ii) IC 35-42-4-2 (*repealed*); (~~before its repeal~~);

33 (iii) IC 35-42-4-3 as a Class A or Class B felony (*for crimes*  
34 *committed before July 1, 2014*) or as a Level 2 or Level 4  
35 *felony (for crimes committed after June 30, 2014)*;

36 (iv) IC 35-42-4-5(a)(1);

37 (v) IC 35-42-4-5(a)(2);

38 (vi) IC 35-42-4-5(a)(3);

39 (vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony (*for*  
40 *crimes committed before July 1, 2014*) or as a Level 2, Level  
41 3, or Level 4 felony (*for crimes committed after June 30,*  
42 *2014*);

43 (viii) IC 35-42-4-5(b)(2); or

44 (ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony (*for*  
45 *crimes committed before July 1, 2014*) or as a Level 2, Level  
46 3, or Level 4 felony (*for crimes committed after June 30,*



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



1 (2) the child or the child's sibling, half-blood sibling, or  
 2 step-sibling of the parent's current marriage is the victim of the  
 3 offense; and

4 (3) after notice to the parent and a hearing, the court determines  
 5 that dispensing with the parent's consent to adoption is in the  
 6 child's best interests.

7 SECTION 26. IC 31-30-1-2.5, AS AMENDED BY P.L.158-2013,  
 8 SECTION 314, AND AS AMENDED BY P.L.214-2013, SECTION  
 9 24, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2014]: Sec. 2.5. A juvenile court may not  
 11 appoint a person to serve as the guardian or custodian of a child or  
 12 permit a person to continue to serve as a guardian or custodian of a  
 13 child if the person:

14 (1) is a sexually violent predator (as described in IC 35-38-1-7.5);  
 15 (2) was at least eighteen (18) years of age at the time of the  
 16 offense and committed child molesting (IC 35-42-4-3) or sexual  
 17 misconduct with a minor (IC 35-42-4-9) against a child less than  
 18 sixteen (16) years of age:

19 (A) by using or threatening the use of deadly force;

20 (B) while armed with a deadly weapon; or

21 (C) that resulted in serious bodily injury; or

22 (3) was less than eighteen (18) years of age at the time of the  
 23 offense but was tried and convicted as an adult of:

24 (A) an offense described in:

25 (i) IC 35-42-4-1;

26 (ii) IC 35-42-4-2 (~~before its repeal~~) (~~repealed~~);

27 (iii) IC 35-42-4-3 as a Class A or Class B felony (*for crimes*  
 28 *committed before July 1, 2014*) or as a Level 1, Level 2, or  
 29 *Level 3 felony (for crimes committed after June 30, 2014)*;

30 (iv) IC 35-42-4-5(a)(1);

31 (v) IC 35-42-4-5(a)(2);

32 (vi) IC 35-42-4-5(a)(3);

33 (vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony (*for*  
 34 *crimes committed before July 1, 2014*) or as a Level 2, Level  
 35 *3, or Level 4 felony (for crimes committed after June 30,*  
 36 *2014)*;

37 (viii) IC 35-42-4-5(b)(2); or

38 (ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony (*for*  
 39 *crimes committed before July 1, 2014*) or as a Level 1, Level  
 40 *2, or Level 3 felony (for crimes committed after June 30,*  
 41 *2014)*;

42 (B) an attempt or conspiracy to commit a crime listed in clause  
 43 (A); or

44 (C) a crime under the laws of another jurisdiction, including a  
 45 military court, that is substantially equivalent to any of the  
 46 offenses listed in clauses (A) and (B).



1 SECTION 27. IC 31-30-1-4, AS AMENDED BY P.L.158-2013,  
 2 SECTION 315, AND AS AMENDED BY P.L.214-2013, SECTION  
 3 25, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 4 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The juvenile court does not  
 5 have jurisdiction over an individual for an alleged violation of:

- 6 (1) IC 35-41-5-1(a) (attempted murder);
- 7 (2) IC 35-42-1-1 (murder);
- 8 (3) IC 35-42-3-2 (kidnapping);
- 9 (4) IC 35-42-4-1 (rape);
- 10 (5) IC 35-42-4-2 (criminal deviate conduct) (repealed);
- 11 (6) IC 35-42-5-1 (robbery) if:
  - 12 (A) the robbery was committed while armed with a deadly
  - 13 weapon; or
  - 14 (B) the robbery results in bodily injury or serious bodily
  - 15 injury;
- 16 (7) IC 35-42-5-2 (carjacking) (*repealed*);
- 17 (8) IC 35-45-9-3 (criminal gang activity);
- 18 (9) IC 35-45-9-4 (criminal gang intimidation);
- 19 (10) IC 35-47-2-1 (carrying a handgun without a license), if
- 20 charged as a felony;
- 21 (11) IC 35-47-10 (children and firearms), if charged as a felony;
- 22 (12) IC 35-47-5-4.1 (dealing in a sawed-off shotgun); or
- 23 (13) any offense that may be joined under IC 35-34-1-9(a)(2) with
- 24 any crime listed in subdivisions (1) through (12);

25 if the individual was at least sixteen (16) years of age at the time of the  
 26 alleged violation.

27 (b) The juvenile court does not have jurisdiction for an alleged  
 28 violation of manufacturing or dealing in cocaine or a narcotic drug  
 29 (IC 35-48-4-1), dealing in methamphetamine (IC 35-48-4-1.1), dealing  
 30 in a schedule I, II, or III controlled substance (IC 35-48-4-2), or dealing  
 31 in a schedule IV controlled substance (IC 35-48-4-3), if:

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

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

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

45 SECTION 28. IC 31-34-1-3, AS AMENDED BY P.L.158-2013,  
 46 SECTION 319, AND AS AMENDED BY P.L.214-2013, SECTION



1 26, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A child is a child in need of  
 3 services if, before the child becomes eighteen (18) years of age:

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

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

6 (B) IC 35-42-4-2 (repealed);

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

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

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

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

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

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

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

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

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

18 (A) the child is not receiving; and

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

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

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

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

26 (B) IC 35-42-4-2 (repealed);

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

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

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

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

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

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

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

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

37 (2) the child lives in the same household as the adult who:

38 (A) committed the sex offense under subdivision (1) and the  
 39 sex offense resulted in a conviction or a judgment under  
 40 IC 31-34-11-2; or

41 (B) *has been charged with a sex offense listed in subdivision*  
 42 *(1) and is awaiting trial;*

43 (3) the child needs care, treatment, or rehabilitation that:

44 (A) the child is not receiving; and

45 (B) is unlikely to be provided or accepted without the coercive  
 46 intervention of the court; and



- 1 (4) a caseworker assigned to provide services to the child:  
 2 (A) places the child in a program of informal adjustment or  
 3 other family or rehabilitative services based upon the existence  
 4 of the circumstances described in subdivisions (1) and (2) and  
 5 the assigned caseworker subsequently determines further  
 6 intervention is necessary; or  
 7 (B) determines that a program of informal adjustment or other  
 8 family or rehabilitative services is inappropriate.

9 SECTION 29. IC 31-37-4-3, AS AMENDED BY P.L.172-2013,  
 10 SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 326,  
 11 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) This section applies if a child  
 13 is arrested or taken into custody for allegedly committing an act that  
 14 would be any of the following crimes if committed by an adult:

- 15 (1) Murder (IC 35-42-1-1).  
 16 (2) Attempted murder (IC 35-41-5-1).  
 17 (3) Voluntary manslaughter (IC 35-42-1-3).  
 18 (4) Involuntary manslaughter (IC 35-42-1-4).  
 19 (5) Reckless homicide (IC 35-42-1-5).  
 20 (6) Aggravated battery (IC 35-42-2-1.5).  
 21 (7) Battery (IC 35-42-2-1).  
 22 (8) Kidnapping (IC 35-42-3-2).  
 23 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.  
 24 (10) Sexual misconduct with a minor (IC 35-42-4-9).  
 25 (11) Incest (IC 35-46-1-3).  
 26 (12) Robbery as a *Class A Level 2* felony or a *Class B Level 3*  
 27 *felony* (IC 35-42-5-1).  
 28 (13) Burglary as a *Class A Level 1 felony, Level 2 felony, Level 3*  
 29 *felony, or a Class B Level 4 felony* (IC 35-43-2-1).  
 30 ~~(14) Carjacking (IC 35-42-5-2).~~  
 31 ~~(15)~~ (14) Assisting a criminal as a *Class C Level 5* felony  
 32 (IC 35-44.1-2-5).  
 33 ~~(16)~~ (15) Escape (IC 35-44.1-3-4) as a *Class B Level 4* felony or  
 34 *Class C Level 5* felony.  
 35 ~~(17)~~ (16) Trafficking with an inmate as a *Class C Level 5* felony  
 36 (IC 35-44.1-3-5).  
 37 ~~(18)~~ (17) Causing death when operating a vehicle (IC 9-30-5-5).  
 38 ~~(19)~~ (18) Criminal confinement (IC 35-42-3-3) as a *Class B Level*  
 39 *2 or Level 3* felony.  
 40 ~~(20)~~ (19) Arson (IC 35-43-1-1) as a *Class A or Class B Level 2*  
 41 *felony, Level 3 felony, or Level 4* felony.  
 42 ~~(21)~~ (20) Possession, use, or manufacture of a weapon of mass  
 43 destruction (IC 35-47-12-1).  
 44 ~~(22)~~ (21) Terroristic mischief (IC 35-47-12-3) as a *Class B Level*  
 45 *2 or Level 3* felony.  
 46 ~~(23)~~ (22) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).



1 ~~(24)~~ (23) A violation of IC 35-47.5 (controlled explosives) as a  
 2 ~~Class A or Class B Level 2 felony, Level 3 felony, or Level 4~~  
 3 felony.

4 ~~(25)~~ (24) A controlled substances offense under IC 35-48.

5 ~~(26)~~ (25) A criminal gang offense under IC 35-45-9.

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

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

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

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

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

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

24 SECTION 30. IC 33-37-5-23, AS AMENDED BY P.L.214-2013,  
 25 SECTION 30, AND AS AMENDED BY P.L.158-2013, SECTION  
 26 341, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) This section applies to  
 28 criminal actions.

29 (b) The court shall assess a sexual assault victims assistance fee of  
 30 at least ~~two hundred fifty dollars (\$250)~~ *five hundred dollars (\$500)*  
 31 and not more than ~~one thousand dollars (\$1,000)~~ *five thousand dollars*  
 32 *(\$5,000)* against an individual convicted in Indiana of any of the  
 33 following offenses:

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

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

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

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

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

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

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

42 (8) Sexual battery (IC 35-42-4-8).

43 (9) Sexual misconduct with a minor as a Class A or Class B  
 44 *felony (for a crime committed before July 1, 2014) or a Level 1*  
 45 *felony or Level 4 felony (for a crime committed after June 30,*  
 46 *2014) (IC 35-42-4-9).*



1 (10) Incest (IC 35-46-1-3).

2 (11) *Promotion of human trafficking (IC 35-42-3.5-1(a)).*

3 (12) *Promotion of human trafficking of a minor (IC 35-42-3.5-1(b)).*

4 (13) *Sexual trafficking of a minor (IC 35-42-3.5-1(c)).*

5 (14) *Human trafficking (IC 35-42-3.5-1(d)).*

6 SECTION 31. IC 34-24-1-1, AS AMENDED BY P.L.196-2013,  
7 SECTION 15, AND AS AMENDED BY P.L.293-2013(ts), SECTION  
8 42, AND AS AMENDED BY P.L.158-2013, SECTION 349, IS  
9 CORRECTED AND AMENDED TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 2014]: Sec. (a) The following may be seized:

11 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used  
12 or are intended for use by the person or persons in possession of  
13 them to transport or in any manner to facilitate the transportation  
14 of the following:

15 (A) A controlled substance for the purpose of committing,  
16 attempting to commit, or conspiring to commit any of the  
17 following:

18 (i) Dealing in or manufacturing cocaine or a narcotic drug  
19 (IC 35-48-4-1).

20 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).

21 (iii) Dealing in a schedule I, II, or III controlled substance  
22 (IC 35-48-4-2).

23 (iv) Dealing in a schedule IV controlled substance  
24 (IC 35-48-4-3).

25 (v) Dealing in a schedule V controlled substance  
26 (IC 35-48-4-4).

27 (vi) Dealing in a counterfeit substance (IC 35-48-4-5).

28 (vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).

29 (viii) Possession of methamphetamine (IC 35-48-4-6.1).

30 (ix) Dealing in paraphernalia (IC 35-48-4-8.5).

31 (x) Dealing in marijuana, hash oil, hashish, *or salvia or a*  
32 *synthetic cannabinoid* (IC 35-48-4-10).

33 (xi) *Dealing in a synthetic drug or synthetic drug lookalike*  
34 *substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its*  
35 *amendment in 2013).*

36 (B) Any stolen (IC 35-43-4-2) or converted property  
37 (IC 35-43-4-3) if the retail or repurchase value of that property  
38 is one hundred dollars (\$100) or more.

39 (C) Any hazardous waste in violation of IC 13-30-10-1.5.

40 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of  
41 mass destruction (as defined in IC 35-31.5-2-354) used to  
42 commit, used in an attempt to commit, or used in a conspiracy  
43 to commit an offense under IC 35-47 as part of or in  
44 furtherance of an act of terrorism (as defined by  
45 IC 35-31.5-2-329).

46 (2) All money, negotiable instruments, securities, weapons,



- 1 communications devices, or any property used to commit, used in  
 2 an attempt to commit, or used in a conspiracy to commit an  
 3 offense under IC 35-47 as part of or in furtherance of an act of  
 4 terrorism or commonly used as consideration for a violation of  
 5 IC 35-48-4 (other than items subject to forfeiture under  
 6 IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):
- 7 (A) furnished or intended to be furnished by any person in  
 8 exchange for an act that is in violation of a criminal statute;  
 9 (B) used to facilitate any violation of a criminal statute; or  
 10 (C) traceable as proceeds of the violation of a criminal statute.
- 11 (3) Any portion of real or personal property purchased with  
 12 money that is traceable as a proceed of a violation of a criminal  
 13 statute.
- 14 (4) A vehicle that is used by a person to:
- 15 (A) commit, attempt to commit, or conspire to commit;  
 16 (B) facilitate the commission of; or  
 17 (C) escape from the commission of;  
 18 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal  
 19 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting  
 20 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense  
 21 under IC 35-47 as part of or in furtherance of an act of terrorism.
- 22 (5) Real property owned by a person who uses it to commit any of  
 23 the following as a *Class A felony*, a *Class B felony*, *Level 1*, *Level*  
 24 *2*, *Level 3*, *Level 4*, or a *Class C Level 5 felony*:
- 25 (A) Dealing in or manufacturing cocaine or a narcotic drug  
 26 (IC 35-48-4-1).  
 27 (B) Dealing in methamphetamine (IC 35-48-4-1.1).  
 28 (C) Dealing in a schedule I, II, or III controlled substance  
 29 (IC 35-48-4-2).  
 30 (D) Dealing in a schedule IV controlled substance  
 31 (IC 35-48-4-3).  
 32 (E) Dealing in marijuana, hash oil, hashish, or salvia or a  
 33 *synthetic cannabinoid* (IC 35-48-4-10).  
 34 (F) Dealing in a *synthetic drug* or *synthetic drug lookalike*  
 35 *substance* (IC 35-48-4-10.5, or IC 35-48-4-10 before its  
 36 *amendment in 2013*).
- 37 (6) Equipment and recordings used by a person to commit fraud  
 38 under IC 35-43-5-4(10).
- 39 (7) Recordings sold, rented, transported, or possessed by a person  
 40 in violation of IC 24-4-10.
- 41 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as  
 42 defined by IC 35-45-6-1) that is the object of a corrupt business  
 43 influence violation (IC 35-45-6-2).
- 44 (9) Unlawful telecommunications devices (as defined in  
 45 IC 35-45-13-6) and plans, instructions, or publications used to  
 46 commit an offense under IC 35-45-13.



- 1 (10) Any equipment, including computer equipment and cellular  
 2 telephones, used for or intended for use in preparing,  
 3 photographing, recording, videotaping, digitizing, printing,  
 4 copying, or disseminating matter in violation of IC 35-42-4.  
 5 (11) Destructive devices used, possessed, transported, or sold in  
 6 violation of IC 35-47.5.  
 7 (12) Tobacco products that are sold in violation of IC 24-3-5,  
 8 tobacco products that a person attempts to sell in violation of  
 9 IC 24-3-5, and other personal property owned and used by a  
 10 person to facilitate a violation of IC 24-3-5.  
 11 (13) Property used by a person to commit counterfeiting or  
 12 forgery in violation of IC 35-43-5-2.  
 13 (14) After December 31, 2005, if a person is convicted of an  
 14 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the  
 15 following real or personal property:  
 16 (A) Property used or intended to be used to commit, facilitate,  
 17 or promote the commission of the offense.  
 18 (B) Property constituting, derived from, or traceable to the  
 19 gross proceeds that the person obtained directly or indirectly  
 20 as a result of the offense.  
 21 (15) Except as provided in subsection (e), a vehicle used by a  
 22 person who operates the vehicle:  
 23 (A) while intoxicated, in violation of IC 9-30-5-1 through  
 24 IC 9-30-5-5, if in the previous five (5) years the person has two  
 25 (2) or more prior unrelated convictions:  
 26 (i) for operating a motor vehicle while intoxicated in  
 27 violation of IC 9-30-5-1 through IC 9-30-5-5; or  
 28 (ii) for an offense that is substantially similar to IC 9-30-5-1  
 29 through IC 9-30-5-5 in another jurisdiction; or  
 30 (B) on a highway while the person's driving privileges are  
 31 suspended in violation of IC 9-24-19-2 through IC 9-24-19-4,  
 32 if in the previous five (5) years the person has two (2) or more  
 33 prior unrelated convictions:  
 34 (i) for operating a vehicle while intoxicated in violation of  
 35 IC 9-30-5-1 through IC 9-30-5-5; or  
 36 (ii) for an offense that is substantially similar to IC 9-30-5-1  
 37 through IC 9-30-5-5 in another jurisdiction.  
 38 If a court orders the seizure of a vehicle under this subdivision,  
 39 the court shall transmit an order to the bureau of motor vehicles  
 40 recommending that the bureau not permit a vehicle to be  
 41 registered in the name of the person whose vehicle was seized  
 42 until the person possesses a current driving license (as defined in  
 43 IC 9-13-2-41).  
 44 (16) The following real or personal property:  
 45 (A) Property used or intended to be used to commit, facilitate,  
 46 or promote the commission of an offense specified in



1 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or  
2 IC 30-2-13-38(f).

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

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

10 (b) A vehicle used by any person as a common or contract carrier in  
11 the transaction of business as a common or contract carrier is not  
12 subject to seizure under this section, unless it can be proven by a  
13 preponderance of the evidence that the owner of the vehicle knowingly  
14 permitted the vehicle to be used to engage in conduct that subjects it to  
15 seizure under subsection (a).

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

20 (d) Money, negotiable instruments, securities, weapons,  
21 communications devices, or any property commonly used as  
22 consideration for a violation of IC 35-48-4 found near or on a person  
23 who is committing, attempting to commit, or conspiring to commit any  
24 of the following offenses shall be admitted into evidence in an action  
25 under this chapter as prima facie evidence that the money, negotiable  
26 instrument, security, or other thing of value is property that has been  
27 used or was to have been used to facilitate the violation of a criminal  
28 statute or is the proceeds of the violation of a criminal statute:

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

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

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

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

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

37 (6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a  
38 ~~Class A felony, Class B Level 3, Level 4, felony,~~ or ~~Class C~~ Level  
39 5 felony.

40 (7) IC 35-48-4-6.1 (possession of methamphetamine) as a ~~Class~~  
41 ~~A felony, Class B felony, Level 3, Level 4,~~ or ~~Class C~~ Level 5  
42 felony.

43 (8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or  
44 salvia) or a ~~synthetic cannabinoid~~ as a ~~Class C~~ Level 5 felony.

45 (9) IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic drug  
46 lookalike substance) as a ~~Class C~~ Level 5 felony or ~~Class D~~



1           **Level 6 felony (or as a Class C felony or Class D felony under**  
 2           **IC 35-48-4-10 before its amendment in 2013).**

3           (e) A vehicle operated by a person who is not:

- 4           (1) an owner of the vehicle; or  
 5           (2) the spouse of the person who owns the vehicle;

6 is not subject to seizure under subsection (a)(15) unless it can be  
 7 proven by a preponderance of the evidence that the owner of the  
 8 vehicle knowingly permitted the vehicle to be used to engage in  
 9 conduct that subjects it to seizure under subsection (a)(15).

10           SECTION 32. IC 35-38-1-1.5, AS AMENDED BY P.L.159-2013,  
 11           SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 393,  
 12           IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 13           [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) A court may enter judgment  
 14           of conviction as a ~~Class D~~ *Level 6* felony with the express provision  
 15           that the conviction will be converted to a conviction as a Class A  
 16           misdemeanor ~~within three (3) years~~ if the person fulfills certain  
 17           conditions. A court may enter a judgment of conviction as a ~~Class D~~  
 18           *Level 6* felony with the express provision that the conviction will be  
 19           converted to a conviction as a Class A misdemeanor only if the person  
 20           pleads guilty to a ~~Class D~~ *Level 6* felony that qualifies for consideration  
 21           as a Class A misdemeanor under IC 35-50-2-7, and the following  
 22           conditions are met:

23           (1) The prosecuting attorney consents.

24           (2) The person agrees to the conditions set by the court.

25           (b) For a judgment of conviction to be entered under subsection (a),  
 26           the court, the prosecuting attorney, and the person must all agree to the  
 27           conditions set by the court under subsection (a).

28           (c) The court is not required to convert a judgment of conviction  
 29           entered as a ~~Class D~~ *Level 6* felony to a Class A misdemeanor if, after  
 30           a hearing, the court finds:

31           (1) the person has violated a condition set by the court under  
 32           subsection (a); or

33           (2) the period that the conditions set by the court under subsection  
 34           (a) are in effect expires before the person successfully completes  
 35           each condition.

36           However, the court may not convert a judgment of conviction entered  
 37           as a ~~Class D~~ *Level 6* felony to a Class A misdemeanor if the person  
 38           commits a new offense before the conditions set by the court under  
 39           subsection (a) expire.

40           (d) The court shall enter judgment of conviction as a Class A  
 41           misdemeanor if the person fulfills the conditions set by the court under  
 42           subsection (a).

43           (e) The entry of a judgment of conviction under this section does not  
 44           affect the application of any statute requiring the suspension of a  
 45           person's driving privileges.

46           (f) This section may not be construed to diminish or alter the rights



1 of a victim (as defined in IC 35-40-4-8) in a sentencing proceeding  
2 under this chapter.

3 SECTION 33. IC 35-38-1-7.5, AS AMENDED BY P.L.214-2013,  
4 SECTION 33, AND AS AMENDED BY P.L.158-2013, SECTION  
5 394, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2014]: Sec. 7.5. (a) As used in this section,  
7 "sexually violent predator" means a person who suffers from a mental  
8 abnormality or personality disorder that makes the individual likely to  
9 repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The  
10 term includes a person convicted in another jurisdiction who is  
11 identified as a sexually violent predator under IC 11-8-8-20. The term  
12 does not include a person no longer considered a sexually violent  
13 predator under subsection (g).

14 (b) A person who:

15 (1) being at least eighteen (18) years of age, commits an offense  
16 described in:

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

18 (B) IC 35-42-4-2 *(before its repeal on July 1, 2014)*  
19 *(repealed);*

20 (C) IC 35-42-4-3 as a Class A or Class B felony *(for a crime*  
21 *committed before July 1, 2014) or a Level 1, Level 2, Level 3,*  
22 *or Level 4 felony (for a crime committed after June 30, 2014);*

23 (D) IC 35-42-4-5(a)(1);

24 (E) IC 35-42-4-5(a)(2);

25 (F) IC 35-42-4-5(a)(3);

26 (G) IC 35-42-4-5(b)(1) as a Class A or Class B felony *(for a*  
27 *crime committed before July 1, 2014) or Level 2, Level 3, or*  
28 *Level 4 felony (for a crime committed after June 30, 2014);*

29 (H) IC 35-42-4-5(b)(2);

30 (I) IC 35-42-4-5(b)(3) as a Class A or Class B felony *(for a*  
31 *crime committed before July 1, 2014) or a Level 2, Level 3, or*  
32 *Level 4 felony (for a crime committed after June 30, 2014);*

33 (J) an attempt or conspiracy to commit a crime listed in  
34 clauses (A) through (I); or

35 (K) a crime under the laws of another jurisdiction, including  
36 a military court, that is substantially equivalent to any of the  
37 offenses listed in clauses (A) through (J);

38 (2) commits a sex offense (as defined in IC 11-8-8-5.2) while  
39 having a previous unrelated conviction for a sex offense for which  
40 the person is required to register as a sex or violent offender under  
41 IC 11-8-8;

42 (3) commits a sex offense (as defined in IC 11-8-8-5.2) while  
43 having had a previous unrelated adjudication as a delinquent child  
44 for an act that would be a sex offense if committed by an adult, if,  
45 after considering expert testimony, a court finds by clear and  
46 convincing evidence that the person is likely to commit an



1 additional sex offense; or

2 (4) commits a sex offense (as defined in IC 11-8-8-5.2) while  
3 having had a previous unrelated adjudication as a delinquent child  
4 for an act that would be a sex offense if committed by an adult, if  
5 the person was required to register as a sex or violent offender  
6 under IC 11-8-8-5(b)(2);

7 is a sexually violent predator. Except as provided in subsection (g) or  
8 (h), a person is a sexually violent predator by operation of law if an  
9 offense committed by the person satisfies the conditions set forth in  
10 subdivision (1) or (2) and the person was released from incarceration,  
11 secure detention, ~~or~~ probation, *or parole* for the offense after June 30,  
12 1994.

13 (c) This section applies whenever a court sentences a person or a  
14 juvenile court issues a dispositional decree for a sex offense (as defined  
15 in IC 11-8-8-5.2) for which the person is required to register with the  
16 local law enforcement authority under IC 11-8-8.

17 (d) At the sentencing hearing, the court shall indicate on the record  
18 whether the person has been convicted of an offense that makes the  
19 person a sexually violent predator under subsection (b).

20 (e) If a person is not a sexually violent predator under subsection  
21 (b), the prosecuting attorney may request the court to conduct a hearing  
22 to determine whether the person (including a child adjudicated to be a  
23 delinquent child) is a sexually violent predator under subsection (a). If  
24 the court grants the motion, the court shall appoint two (2)  
25 psychologists or psychiatrists who have expertise in criminal  
26 behavioral disorders to evaluate the person and testify at the hearing.  
27 After conducting the hearing and considering the testimony of the two  
28 (2) psychologists or psychiatrists, the court shall determine whether the  
29 person is a sexually violent predator under subsection (a). A hearing  
30 conducted under this subsection may be combined with the person's  
31 sentencing hearing.

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

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

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

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

43 (1) the sentencing court or juvenile court makes its determination  
44 under subsection (e); or

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

46 A person may file a petition under this subsection not more than one



1 (1) time per year. A court may dismiss a petition filed under this  
2 subsection or conduct a hearing to determine if the person should no  
3 longer be considered a sexually violent predator. If the court conducts  
4 a hearing, the court shall appoint two (2) psychologists or psychiatrists  
5 who have expertise in criminal behavioral disorders to evaluate the  
6 person and testify at the hearing. After conducting the hearing and  
7 considering the testimony of the two (2) psychologists or psychiatrists,  
8 the court shall determine whether the person should no longer be  
9 considered a sexually violent predator under subsection (a). If a court  
10 finds that the person should no longer be considered a sexually violent  
11 predator, the court shall send notice to the department of correction that  
12 the person is no longer considered a sexually violent predator *or an*  
13 *offender against children*. Notwithstanding any other law, a condition  
14 imposed on a person due to the person's status as a sexually violent  
15 predator, including lifetime parole or GPS monitoring, does not apply  
16 to a person no longer considered a sexually violent predator.

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

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

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

23 (3) The relationship between the person and the victim was a  
24 dating relationship or an ongoing personal relationship. The term  
25 "ongoing personal relationship" does not include a family  
26 relationship.

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

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

30 (B) Criminal deviate conduct (IC 35-42-4-2) (*before its repeal*  
31 *on July 1, 2014*) (*repealed*).

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

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

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

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

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

46 (7) The court finds that the person should not be considered a



- 1 sexually violent predator.
- 2 SECTION 34. IC 35-41-4-2, AS AMENDED BY P.L.44-2013,  
3 SECTION 2, AND AS AMENDED BY P.L.158-2013, SECTION 407,  
4 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as otherwise provided  
6 in this section, a prosecution for an offense is barred unless it is  
7 commenced:
- 8 (1) within five (5) years after the commission of the offense, in  
9 the case of a Class B, Class C, or Class D felony (*for a crime*  
10 *committed before July 1, 2014*) or a Level 3, Level 4, Level 5, or  
11 *Level 6 felony (for a crime committed after June 30, 2014)*; or  
12 (2) within two (2) years after the commission of the offense, in the  
13 case of a misdemeanor.
- 14 (b) A prosecution for a Class B or Class C felony (*for a crime*  
15 *committed before July 1, 2014*) or a Level 3, Level 4, or Level 5 felony  
16 (*for a crime committed after June 30, 2014*) that would otherwise be  
17 barred under this section may be commenced within one (1) year after  
18 the earlier of the date on which the state:
- 19 (1) first discovers evidence sufficient to charge the offender with  
20 the offense through DNA (deoxyribonucleic acid) analysis; or  
21 (2) could have discovered evidence sufficient to charge the  
22 offender with the offense through DNA (deoxyribonucleic acid)  
23 analysis by the exercise of due diligence.
- 24 (c) A prosecution for a Class A felony (*for a crime committed*  
25 *before July 1, 2014*) or a Level 1 felony or Level 2 felony (*for a crime*  
26 *committed after June 30, 2014*) may be commenced at any time.
- 27 (d) A prosecution for murder may be commenced:
- 28 (1) at any time; and  
29 (2) regardless of the amount of time that passes between:  
30 (A) the date a person allegedly commits the elements of  
31 murder; and  
32 (B) the date the alleged victim of the murder dies.
- 33 (e) A prosecution for the following offenses is barred unless  
34 commenced before the date that the alleged victim of the offense  
35 reaches thirty-one (31) years of age:
- 36 (1) IC 35-42-4-3(a) (Child molesting).  
37 (2) IC 35-42-4-5 (Vicarious sexual gratification).  
38 (3) IC 35-42-4-6 (Child solicitation).  
39 (4) IC 35-42-4-7 (Child seduction).  
40 (5) IC 35-46-1-3 (Incest).
- 41 (f) A prosecution for forgery of an instrument for payment of  
42 money, or for the uttering of a forged instrument, under IC 35-43-5-2,  
43 is barred unless it is commenced within five (5) years after the maturity  
44 of the instrument.
- 45 (g) If a complaint, indictment, or information is dismissed because  
46 of an error, defect, insufficiency, or irregularity, a new prosecution may



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 (m) A prosecution for a sex offense listed in IC 11-8-8-4.5 that is  
2 committed against a child and that is not:

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

6 (2) listed in subsection (e);

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

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

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

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

22 (3) kills another human being while committing or attempting to  
23 commit:

24 (A) dealing in or manufacturing cocaine or a narcotic drug  
25 (IC 35-48-4-1);

26 (B) dealing in or manufacturing methamphetamine  
27 (IC 35-48-4-1.1);

28 (C) dealing in a schedule I, II, or III controlled substance  
29 (IC 35-48-4-2);

30 (D) dealing in a schedule IV controlled substance  
31 (IC 35-48-4-3); or

32 (E) dealing in a schedule V controlled substance; or

33 (4) knowingly or intentionally kills a fetus that has attained  
34 viability (as defined in IC 16-18-2-365);

35 commits murder, a felony.

36 SECTION 36. IC 35-42-3.5-1, AS AMENDED BY P.L.55-2013,  
37 SECTION 1, AND AS AMENDED BY P.L.158-2013, SECTION 436,  
38 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
39 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who, by force, threat  
40 of force, or fraud, knowingly or intentionally recruits, harbors, or  
41 transports another person:

42 (1) to engage the other person in:

43 (A) forced labor; or

44 (B) involuntary servitude; or

45 (2) to force the other person into:

46 (A) marriage;



- 1 (B) prostitution; or  
 2 (C) participating in sexual conduct (as defined by  
 3 IC 35-42-4-4);  
 4 commits promotion of human trafficking, a ~~Class B~~ Level 4 felony.  
 5 (b) A person who knowingly or intentionally recruits, harbors, or  
 6 transports a child less than:  
 7 (1) ~~sixteen (16)~~ eighteen (18) years of age with the intent of:  
 8 ~~(A)~~ (A) engaging the child in:  
 9 ~~(A)~~ (i) forced labor; or  
 10 ~~(B)~~ (ii) involuntary servitude; or  
 11 ~~(2)~~ (B) inducing or causing the child to:  
 12 ~~(A)~~ (i) engage in prostitution; or  
 13 (ii) engage in a performance or incident that includes sexual  
 14 conduct in violation of IC 35-42-4-4(b) (child exploitation);  
 15 or  
 16 ~~(B)~~ (2) sixteen (16) years of age with the intent of inducing or  
 17 causing the child to participate in sexual conduct (as defined by  
 18 IC 35-42-4-4);  
 19 commits promotion of human trafficking of a minor, a ~~Class B~~ Level 3  
 20 felony. Except as provided in subsection (e), it is not a defense to a  
 21 prosecution under this subsection that the child consented to engage in  
 22 prostitution or to participate in sexual conduct.  
 23 (c) A person who is at least eighteen (18) years of age who  
 24 knowingly or intentionally sells or transfers custody of a child less than  
 25 ~~sixteen (16)~~ eighteen (18) years of age for the purpose of prostitution  
 26 or participating in sexual conduct (as defined by IC 35-42-4-4)  
 27 commits sexual trafficking of a minor, a ~~Class A~~ Level 2 felony.  
 28 (d) A person who knowingly or intentionally pays, offers to pay, or  
 29 agrees to pay money or other property to another person for an  
 30 individual who the person knows has been forced into:  
 31 (1) forced labor;  
 32 (2) involuntary servitude; or  
 33 (3) prostitution;  
 34 commits human trafficking, a ~~Class E~~ Level 5 felony.  
 35 (e) It is a defense to a prosecution under subsection ~~(b)(2)(B)~~ (b)(2)  
 36 if:  
 37 (1) the child is at least fourteen (14) years of age but less than  
 38 sixteen (16) years of age and the person is less than eighteen (18)  
 39 years of age; or  
 40 (2) all the following apply:  
 41 (A) The person is not more than four (4) years older than the  
 42 victim.  
 43 (B) The relationship between the person and the victim was a  
 44 dating relationship or an ongoing personal relationship. The  
 45 term "ongoing personal relationship" does not include a family  
 46 relationship.



1 (C) The crime:

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

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

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

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

8 (v) was not facilitated by furnishing the victim, without the  
9 victim's knowledge, with a drug (as defined in  
10 IC 16-42-19-2(1)) or a controlled substance (as defined in  
11 IC 35-48-1-9) or knowing that the victim was furnished with  
12 the drug or controlled substance without the victim's  
13 knowledge; and

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

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

20 SECTION 37. IC 35-42-4-1, AS AMENDED BY P.L.158-2013,  
21 SECTION 437, AND AS AMENDED BY P.L.214-2013, SECTION  
22 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
23 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in  
24 subsection (b), a person who knowingly or intentionally has sexual  
25 intercourse with *a member of the opposite sex another person* or  
26 knowingly or intentionally causes another person to perform or submit  
27 to *deviate sexual conduct other sexual conduct (as defined in*  
28 *IC 35-31.5-2-221.5)* when:

29 (1) the other person is compelled by force or imminent threat of  
30 force;

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

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

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

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

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

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

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

45 (4) the commission of the offense is facilitated by furnishing the  
46 victim, without the victim's knowledge, with a drug (as defined in



1 IC 16-42-19-2(1)) or a controlled substance (as defined in  
2 IC 35-48-1-9) or knowing that the victim was furnished with the  
3 drug or controlled substance without the victim's knowledge.

4 SECTION 38. IC 35-42-4-3, AS AMENDED BY P.L.158-2013,  
5 SECTION 439, AND AS AMENDED BY P.L.247-2013, SECTION 6,  
6 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who, with a child  
8 under fourteen (14) years of age, *knowingly or intentionally* performs  
9 or submits to sexual intercourse or ~~deviate~~ *other* sexual conduct (as  
10 defined in IC 35-31.5-2-221.5) commits child molesting, a ~~Class B~~  
11 *Level 3* felony. However, the offense is a ~~Class A Level 1~~ *Level 1* felony if:

- 12 (1) it is committed by a person at least twenty-one (21) years of  
13 age;
- 14 (2) it is committed by using or threatening the use of deadly force  
15 or while armed with a deadly weapon;
- 16 (3) it results in serious bodily injury; or
- 17 (4) the commission of the offense is facilitated by furnishing the  
18 victim, without the victim's knowledge, with a drug (as defined in  
19 IC 16-42-19-2(1)) or a controlled substance (as defined in  
20 IC 35-48-1-9) or knowing that the victim was furnished with the  
21 drug or controlled substance without the victim's knowledge.

22 (b) A person who, with a child under fourteen (14) years of age,  
23 performs or submits to any fondling or touching, of either the child or  
24 the older person, with intent to arouse or to satisfy the sexual desires of  
25 either the child or the older person, commits child molesting, a ~~Class~~  
26 *Level 4* felony. However, the offense is a ~~Class A Level 2~~ *Level 2* felony if:

- 27 (1) it is committed by using or threatening the use of deadly force;
- 28 (2) it is committed while armed with a deadly weapon; or
- 29 (3) the commission of the offense is facilitated by furnishing the  
30 victim, without the victim's knowledge, with a drug (as defined in  
31 IC 16-42-19-2(1)) or a controlled substance (as defined in  
32 IC 35-48-1-9) or knowing that the victim was furnished with the  
33 drug or controlled substance without the victim's knowledge.

34 (c) *A person may be convicted of attempted child molesting of an*  
35 *individual at least fourteen (14) years of age if the person believed the*  
36 *individual to be a child under fourteen (14) years of age at the time the*  
37 *person attempted to commit the offense.*

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

- 41 (1) the offense is committed by using or threatening the use of  
42 deadly force or while armed with a deadly weapon;
- 43 (2) the offense results in serious bodily injury; or
- 44 (3) the commission of the offense is facilitated by furnishing the  
45 victim, without the victim's knowledge, with a drug (as defined in  
46 IC 16-42-19-2(1)) or a controlled substance (as defined in



1 IC 35-48-1-9) or knowing that the victim was furnished with the  
2 drug or controlled substance without the victim's knowledge.

3 SECTION 39. IC 35-42-4-4, AS AMENDED BY P.L.214-2013,  
4 SECTION 38, AND AS AMENDED BY P.L.158-2013, SECTION  
5 440, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The following definitions  
7 apply throughout this section:

8 (1) "Disseminate" means to transfer possession for free or for a  
9 consideration.

10 (2) "Matter" has the same meaning as in IC 35-49-1-3.

11 (3) "Performance" has the same meaning as in IC 35-49-1-7.

12 (4) "Sexual conduct" means ~~(A)~~ sexual intercourse, ~~(B)~~ *deviate*  
13 *other sexual conduct (as defined in IC 35-31.5-2-221.5 (C)),  
14 exhibition of the ~~(i)~~ uncovered genitals *or (ii) female breast with*  
15 *less than a fully opaque covering of any part of the nipple;*  
16 intended to satisfy or arouse the sexual desires of any person, ~~(D)~~  
17 sadomasochistic abuse, ~~(E)~~ sexual intercourse or *deviate other*  
18 *sexual conduct (as defined in IC 35-31.5-2-221.5)* with an animal,  
19 or ~~(F)~~ any fondling or touching of a child by another person or of  
20 another person by a child intended to arouse or satisfy the sexual  
21 desires of either the child or the other person.*

22 (b) A person who:

23 (1) knowingly or intentionally ~~(H)~~ manages, produces, sponsors,  
24 presents, exhibits, photographs, films, videotapes, or creates a  
25 digitized image of any performance or incident that includes  
26 sexual conduct by a child under eighteen (18) years of age;

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

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

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

38 (A) *knowingly or intentionally:*

39 (i) *manages;*

40 (ii) *produces;*

41 (iii) *sponsors;*

42 (iv) *presents;*

43 (v) *exhibits;*

44 (vi) *photographs;*

45 (vii) *films;*

46 (viii) *videotapes; or*



1                   (i) creates a digitized image of;  
2                   any performance or incident that includes the uncovered  
3                   genitals of a child less than eighteen (18) years of age or the  
4                   exhibition of the female breast with less than a fully opaque  
5                   covering of any part of the nipple by a child less than eighteen  
6                   (18) years of age;

7                   (B) knowingly or intentionally:  
8                   (i) disseminates to another person;  
9                   (ii) exhibits to another person;  
10                  (iii) offers to disseminate or exhibit to another person; or  
11                  (iv) sends or brings into Indiana for dissemination or  
12                  exhibition;

13                  matter that depicts the uncovered genitals of a child less than  
14                  eighteen (18) years of age or the exhibition of the female  
15                  breast with less than a fully opaque covering of any part of the  
16                  nipple by a child less than eighteen (18) years of age; or

17                  (C) makes available to another person a computer, knowing  
18                  that the computer's fixed drive or peripheral device contains  
19                  matter that depicts the uncovered genitals of a child less than  
20                  eighteen (18) years of age or the exhibition of the female  
21                  breast with less than a fully opaque covering of any part of the  
22                  nipple by a child less than eighteen (18) years of age;

23                  commits child exploitation, a *Class C* Level 5 felony.

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

- 25                   (1) a picture;  
26                   (2) a drawing;  
27                   (3) a photograph;  
28                   (4) a negative image;  
29                   (5) undeveloped film;  
30                   (6) a motion picture;  
31                   (7) a videotape;  
32                   (8) a digitized image; or  
33                   (9) any pictorial representation;

34                  that depicts or describes sexual conduct by a child who the person  
35                  knows is less than ~~sixteen (16)~~ eighteen (18) years of age or who  
36                  appears to be less than ~~sixteen (16)~~ eighteen (18) years of age, and that  
37                  lacks serious literary, artistic, political, or scientific value commits  
38                  possession of child pornography, a *Class D* Level 6 felony.

39                  (d) Subsections (b) and (c) do not apply to a bona fide school,  
40                  museum, or public library that qualifies for certain property tax  
41                  exemptions under IC 6-1.1-10, or to an employee of such a school,  
42                  museum, or public library acting within the scope of the employee's  
43                  employment when the possession of the listed materials is for  
44                  legitimate scientific or educational purposes.

45                  (e) It is a defense to a prosecution under this section that:

- 46                   (1) the person is a school employee; and



- 1 (2) the acts constituting the elements of the offense were  
 2 performed solely within the scope of the person's employment as  
 3 a school employee.
- 4 (f) Except as provided in subsection (g), it is a defense to a  
 5 prosecution under *subsection (b) or (c), subsection (b)(1), subsection*  
 6 *(b)(2), or subsection (c)* if all of the following apply:
- 7 (1) A cellular telephone, another wireless or cellular  
 8 communications device, or a social networking web site was used  
 9 to possess, produce, or disseminate the image.
- 10 (2) The defendant is not more than four (4) years older or younger  
 11 than the person who is depicted in the image or who received the  
 12 image.
- 13 (3) The relationship between the defendant and the person who  
 14 received the image or who is depicted in the image was a dating  
 15 relationship or an ongoing personal relationship. For purposes of  
 16 this subdivision, the term "ongoing personal relationship" does  
 17 not include a family relationship.
- 18 (4) The crime was committed by a person less than twenty-two  
 19 (22) years of age.
- 20 (5) The person receiving the image or who is depicted in the  
 21 image acquiesced in the defendant's conduct.
- 22 (g) The defense to a prosecution described in subsection (f) does not  
 23 apply if:
- 24 (1) the person who receives the image disseminates it to a person  
 25 other than the person:
- 26 (A) who sent the image; or  
 27 (B) who is depicted in the image;
- 28 (2) the image is of a person other than the person who sent the  
 29 image or received the image; or
- 30 (3) the dissemination of the image violates:
- 31 (A) a protective order to prevent domestic or family violence  
 32 issued under IC 34-26-5 (or, if the order involved a family or  
 33 household member, under IC 34-26-2 or IC 34-4-5.1-5 before  
 34 their repeal);
- 35 (B) an ex parte protective order issued under IC 34-26-5 (or,  
 36 if the order involved a family or household member, an  
 37 emergency order issued under IC 34-26-2 or IC 34-4-5.1  
 38 before their repeal);
- 39 (C) a workplace violence restraining order issued under  
 40 IC 34-26-6;
- 41 (D) a no contact order in a dispositional decree issued under  
 42 IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or  
 43 IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an  
 44 order issued under IC 31-32-13 (or IC 31-6-7-14 before its  
 45 repeal) that orders the person to refrain from direct or indirect  
 46 contact with a child in need of services or a delinquent child;



- 1 (E) a no contact order issued as a condition of pretrial release,  
 2 including release on bail or personal recognizance, or pretrial  
 3 diversion, and including a no contact order issued under  
 4 IC 35-33-8-3.6;
- 5 (F) a no contact order issued as a condition of probation;
- 6 (G) a protective order to prevent domestic or family violence  
 7 issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2  
 8 before their repeal);
- 9 (H) a protective order to prevent domestic or family violence  
 10 issued under IC 31-14-16-1 in a paternity action;
- 11 (I) a no contact order issued under IC 31-34-25 in a child in  
 12 need of services proceeding or under IC 31-37-25 in a juvenile  
 13 delinquency proceeding;
- 14 (J) an order issued in another state that is substantially similar  
 15 to an order described in clauses (A) through (I);
- 16 (K) an order that is substantially similar to an order described  
 17 in clauses (A) through (I) and is issued by an Indian:
- 18 (i) tribe;
- 19 (ii) band;
- 20 (iii) pueblo;
- 21 (iv) nation; or
- 22 (v) organized group or community, including an Alaska  
 23 Native village or regional or village corporation as defined  
 24 in or established under the Alaska Native Claims Settlement  
 25 Act (43 U.S.C. 1601 et seq.);
- 26 that is recognized as eligible for the special programs and  
 27 services provided by the United States to Indians because of  
 28 their special status as Indians;
- 29 (L) an order issued under IC 35-33-8-3.2; or
- 30 (M) an order issued under IC 35-38-1-30.

31 SECTION 40. IC 35-42-4-6, AS AMENDED BY P.L.158-2013,  
 32 SECTION 442, AND AS AMENDED BY P.L.247-2013, SECTION 7,  
 33 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) As used in this section,  
 35 "solicit" means to command, authorize, urge, incite, request, or advise  
 36 an individual:

- 37 (1) *in person*;
- 38 (2) *by telephone or wireless device*;
- 39 (3) *in writing*;
- 40 (4) *by using a computer network (as defined in IC 35-43-2-3(a))*;
- 41 (5) *by advertisement of any kind*; or
- 42 (6) *by any other means*;

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

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

46 ~~(1) in person~~;



- 1           ~~(2) by telephone;~~  
 2           ~~(3) in writing;~~  
 3           ~~(4) by using a computer network (as defined in IC 35-43-2-3(a));~~  
 4           ~~(5) by advertisement of any kind; or~~  
 5           ~~(6) by any other means;~~

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

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

15           ~~(1) a *Class C felony* if it is committed by using a computer~~  
 16 ~~network (as defined in IC 35-43-2-3(a)); and~~

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

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

27           ~~(B) (2) has a previous unrelated conviction for committing the an~~  
 28 **offense has a pervious unrelated conviction for committing an**  
 29 **offense by using a computer network (as defined in**  
 30 **IC 35-43-2-3(a)) under this section.**

31           (c) A person at least twenty-one (21) years of age who knowingly or  
 32 intentionally solicits a child at least fourteen (14) years of age but less  
 33 than sixteen (16) years of age, or an individual the person believes to  
 34 be a child at least fourteen (14) years of age but less than sixteen (16)  
 35 years of age, to engage in

- 36           ~~(1) sexual intercourse,~~  
 37           ~~(2) deviate other sexual conduct (as defined in~~  
 38 ~~IC 35-31.5-2-221.5), or~~

- 39           ~~(3) any fondling or touching intended to arouse or satisfy the~~  
 40 ~~sexual desires of either the child or the older person,~~

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

42 ~~*However, the offense is a Class C felony if it is committed by using a*~~  
 43 ~~*computer network (as defined in IC 35-43-2-3(a)); and a Class B*~~  
 44 ~~*felony if the person commits the offense by using a computer network*~~  
 45 ~~*(as defined in IC 35-43-2-3(a)) and has a previous unrelated*~~  
 46 ~~*conviction for committing the offense by using a computer network (as*~~



1 *defined in IC 35-43-2-3(a)).*

2 *However, the offense is:*

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

8 *(2) a Class B Level 4 felony if the person solicits the child or*  
 9 *individual the person believes to be a child at least fourteen (14)*  
 10 *but less than sixteen (16) years of age to engage in sexual*  
 11 *intercourse or deviate other sexual conduct (as defined in IC 35-*  
 12 *31.5-2-221.5), and:*

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

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

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

23 SECTION 41. IC 35-42-4-7, AS AMENDED BY P.L.208-2013,  
 24 SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 443,  
 25 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) As used in this section,  
 27 "adoptive parent" has the meaning set forth in IC 31-9-2-6.

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

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

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

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

35 (2) is employed by a:

36 (A) school corporation;

37 (B) charter school;

38 (C) nonpublic school; or

39 (D) special education cooperative;

40 attended by a child who is the victim of a crime under this  
 41 chapter; or

42 (3) is:

43 (A) affiliated with a:

44 (i) school corporation;

45 (ii) charter school;

46 (iii) nonpublic school; or



- 1 (iv) special education cooperative;  
 2 attended by a child who is the victim of a crime under this  
 3 chapter, regardless of how or whether the person is  
 4 compensated;  
 5 (B) in a position of trust in relation to a child who attends the  
 6 school or cooperative;  
 7 (C) engaged in the provision of care or supervision to a child  
 8 who attends the school or cooperative; and  
 9 (D) at least four (4) years older than the child who is the  
 10 victim of a crime under this chapter.

11 The term does not include a student who attends the school or  
 12 cooperative.

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

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

- 16 (1) *a mental health counselor licensed under IC 25-23.6-8.5;*  
 17 (2) *a psychologist; or*  
 18 (3) *a psychiatrist.*

19 ~~(f)~~ (g) As used in this section, "military recruiter" means a member  
 20 of the armed forces of the United States (as defined in IC 20-33-10-2)  
 21 or the Indiana National Guard whose primary job function,  
 22 classification, or specialty is recruiting individuals to enlist with the  
 23 armed forces of the United States or the Indiana National Guard.

24 ~~(g)~~ (h) As used in this section, "nonpublic school" has the meaning  
 25 set forth in IC 20-18-2-12.

26 (i) *For purposes of this section, a person has a "professional*  
 27 *relationship" with a child if:*

28 (1) *the person:*

- 29 (A) *has a license issued by the state or a political subdivision*  
 30 *on the basis of the person's training and experience that*  
 31 *authorizes the person to carry out a particular occupation; or*  
 32 (B) *is employed in a position in which counseling, supervising,*  
 33 *instructing, or recruiting children forms a significant part of*  
 34 *the employment; and*

35 (2) *the person has a relationship with a child that is based on the*  
 36 *person's employment or licensed status as described in*  
 37 *subdivision (1).*

38 *The term includes a relationship between a child and a mental health*  
 39 *professional or military recruiter. The term does not include a*  
 40 *coworker relationship between a child and a person described in*  
 41 *subdivision (1)(B).*

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

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

46 ~~(j)~~ (l) As used in this section, "stepparent" means an individual who



1 is married to a child's custodial or noncustodial parent and is not the  
2 child's adoptive parent.

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

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

5 ~~(2) is:~~

6 ~~(A) the:~~

7 ~~(i) guardian, adoptive parent, adoptive grandparent,~~  
8 ~~custodian, or stepparent of; or~~

9 (2) is the:

10 (A) guardian, adoptive parent, adoptive grandparent,  
11 custodian, or stepparent of; or

12 (B) child care worker for;

13 ~~(i) child care worker for; or~~

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

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

17 ~~fondles or touches the child engages with the child in sexual~~  
18 ~~intercourse, deviate other sexual conduct (as defined in~~  
19 ~~IC 35-31.5-2-94 IC 35-31.5-2-221.5), or any fondling or touching with~~  
20 ~~with the intent to arouse or satisfy the sexual desires of either the child~~  
21 ~~or the adult, the person commits child seduction, a felony: a Level 6~~  
22 ~~felony. However, the offense is a Level 5 felony if the person engages~~  
23 ~~in sexual intercourse or other sexual conduct (as defined in IC 35-~~  
24 ~~31.5-2-221.5) with the child.~~

25 (n) A person who:

26 (1) has or had a professional relationship with a child at least  
27 sixteen (16) years of age but less than eighteen (18) years of age  
28 whom the person knows to be at least sixteen (16) years of age  
29 but less than eighteen (18) years of age;

30 (2) may exert undue influence on the child because of the person's

31 current or previous professional relationship with the child; and

32 (3) uses or exerts the person's professional relationship to engage

33 in sexual intercourse, ~~deviate other sexual conduct (as defined~~

34 **in IC 35-31.5-2-221.5)**, or any fondling or touching with the

35 child with the intent to arouse or satisfy the sexual desires of the

36 child or the person;

37 commits child seduction.

38 (o) In determining whether a person used or exerted the person's

39 professional relationship with the child to engage in sexual

40 intercourse, ~~deviate other sexual conduct (as defined in IC 35-31.5-2-~~

41 **221.5)**, or any fondling or touching with the intent to arouse or satisfy

42 the sexual desires of the child or the person under subsection (n), the

43 trier of fact may consider one (1) or more of the following:

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

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



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

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

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

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

8 (p) Child seduction under this section is:

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

12 (2) a ~~Class C~~ **Level 5** felony if the person engaged in sexual  
13 intercourse or ~~deviate~~ **other** sexual conduct (as defined in IC 35-  
14 31.5-2-221.5) with the child.

15 SECTION 42. IC 35-42-4-11, AS AMENDED BY P.L.214-2013,  
16 SECTION 39, AND AS AMENDED BY P.L.158-2013, SECTION  
17 447, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
18 [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) As used in this section, and  
19 except as provided in subsection (d), "offender against children" means  
20 a person required to register as a sex or violent offender under  
21 IC 11-8-8 who has been:

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

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

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

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

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

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

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

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

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

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

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

41 (1) a residence; or

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

44 in any thirty (30) day period.

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

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



- 1 (A) school property, not including property of an institution  
 2 providing post-secondary education;  
 3 (B) a youth program center; or  
 4 (C) a public park; or  
 5 (2) establishes a residence within one (1) mile of the residence of  
 6 the victim of the offender's sex offense;  
 7 commits a sex offender residency offense, a *Class D Level 6* felony.

8 (d) This subsection does not apply to an offender against children  
 9 who has two (2) or more unrelated convictions for an offense described  
 10 in subsection (a). A person who is an offender against children may  
 11 petition the court to consider whether the person should no longer be  
 12 considered an offender against children. The person may file a petition  
 13 under this subsection not earlier than ten (10) years after the person is  
 14 released from incarceration **or parole, whichever occurs last** (*or, if*  
 15 *the person is not incarcerated, not earlier than ten (10) years after the*  
 16 *person is released from probation). ~~or parole, whichever occurs last~~.  
 17 A person may file a petition under this subsection not more than one  
 18 (1) time per year. A court may dismiss a petition filed under this  
 19 subsection or conduct a hearing to determine if the person should no  
 20 longer be considered an offender against children. If the court conducts  
 21 a hearing, the court shall appoint two (2) psychologists or psychiatrists  
 22 who have expertise in criminal behavioral disorders to evaluate the  
 23 person and testify at the hearing. After conducting the hearing and  
 24 considering the testimony of the two (2) psychologists or psychiatrists,  
 25 the court shall determine whether the person should no longer be  
 26 considered an offender against children. If a court finds that the person  
 27 should no longer be considered an offender against children, the court  
 28 shall send notice to the department of correction that the person is no  
 29 longer considered an offender against children.*

30 SECTION 43. IC 35-42-4-12, AS AMENDED BY P.L.247-2013,  
 31 SECTION 8, AND AS AMENDED BY P.L.158-2013, SEC. 448, IS  
 32 CORRECTED AND AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) This section *does not apply*  
 34 *to a person to applies only to a sex offender (as defined in*  
 35 *IC 11-8-8-4.5). whom all of the following apply:*

- 36 *(1) The person is not more than:*  
 37 *(A) four (4) years older than the victim if the offense was*  
 38 *committed after June 30, 2007; or*  
 39 *(B) five (5) years older than the victim if the offense was*  
 40 *committed before July 1, 2007.*  
 41 *(2) The relationship between the person and the victim was a*  
 42 *dating relationship or an ongoing personal relationship. The*  
 43 *term "ongoing personal relationship" does not include a family*  
 44 *relationship.*  
 45 *(3) The crime:*  
 46 *(A) was not committed by a person who is at least twenty-one*



- 1           ~~(21) years of age;~~  
2           ~~(B) was not committed by using or threatening the use of~~  
3           ~~deadly force;~~  
4           ~~(C) was not committed while armed with a deadly weapon;~~  
5           ~~(D) did not result in serious bodily injury;~~  
6           ~~(E) was not facilitated by furnishing the victim, without the~~  
7           ~~victim's knowledge, with a drug (as defined in~~  
8           ~~IC 16-42-19-2(1)) or a controlled substance (as defined in~~  
9           ~~IC 35-48-1-9) or knowing that the victim was furnished with~~  
10           ~~the drug or controlled substance without the victim's~~  
11           ~~knowledge; and~~  
12           ~~(F) was not committed by a person having a position of~~  
13           ~~authority or substantial influence over the victim.~~
- 14           (b) A sex offender who knowingly or intentionally violates a:
- 15               (1) condition of probation;
- 16               (2) condition of parole; or
- 17               (3) rule of a community transition program;
- 18           that prohibits the offender from using a social networking web site or
- 19           an instant messaging or chat room program to communicate, directly
- 20           or through an intermediary, with a child less than sixteen (16) years of
- 21           age commits a sex offender Internet offense, a Class A misdemeanor.
- 22           However, the offense is a Class D felony if the person has a prior
- 23           unrelated conviction under this section.
- 24           (b) This section applies only to a person required to register as a
- 25           sex or violent offender under IC 11-8-8 who has been:
- 26               (1) found to be a sexually violent predator under IC 35-38-1-7.5;
- 27               or
- 28               (2) convicted of one (1) or more of the following offenses:
- 29                   (A) Child molesting (IC 35-42-4-3).
- 30                   (B) Child exploitation (IC 35-42-4-4(b)).
- 31                   (C) Possession of child pornography (IC 35-42-4-4(c)).
- 32                   (D) Vicarious sexual gratification (IC 35-42-4-5(a) or
- 33                   IC 35-42-4-5(b)).
- 34                   (E) Sexual conduct in the presence of a minor
- 35                   (IC 35-42-4-5(c)).
- 36                   (F) Child solicitation (IC 35-42-4-6).
- 37                   (G) Child seduction (IC 35-42-4-7).
- 38                   (H) Kidnapping (IC 35-42-3-2); if the victim is less than
- 39                   eighteen (18) years of age and the person is not the child's
- 40                   parent or guardian.
- 41                   (I) Attempt to commit or conspiracy to commit an offense
- 42                   listed in clauses (A) through (H).
- 43                   (J) An offense in another jurisdiction that is substantially
- 44                   similar to an offense described in clauses (A) through (H).
- 45           (c) As used in this section, "instant messaging or chat room
- 46           program" means a software program that requires a person to register



1 or create an account, a username, or a password to become a member  
 2 or registered user of the program and allows two (2) or more members  
 3 or authorized users to communicate over the Internet in real time using  
 4 typed text. The term does not include an electronic mail program or  
 5 message board program.

6 (d) As used in this section, "social networking web site" means an  
 7 Internet web site that:

8 (1) facilitates the social introduction between two (2) or more  
 9 persons;

10 (2) requires a person to register or create an account, a  
 11 username, or a password to become a member of the web site and  
 12 to communicate with other members;

13 (3) allows a member to create a web page or a personal profile;  
 14 and

15 (4) provides a member with the opportunity to communicate with  
 16 another person.

17 The term does not include an electronic mail program or message  
 18 board program.

19 (e) A person described in subsection (b) who knowingly or  
 20 intentionally uses:

21 (1) a social networking web site; or

22 (2) an instant messaging or chat room program;

23 that the offender knows allows a person who is less than eighteen (18)  
 24 years of age to access or use the web site or program commits a sex  
 25 offender Internet offense, a Class A misdemeanor. However, the  
 26 offense is a Class D Level 6 felony if the person has a prior unrelated  
 27 conviction under this section.

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

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

33 (2) upon discovering that the web site or program allows a  
 34 person who is less than eighteen (18) years of age to access or  
 35 use the web site or program, immediately ceased further use or  
 36 access of the web site or program.

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

40 SECTION 44. IC 35-42-4-13, AS AMENDED BY P.L.247-2013,  
 41 SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 449,  
 42 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 43 [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) This section does not apply  
 44 to the following:

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

46 (2) A person who acts with the permission of a child's parent,



guardian, or custodian.

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

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

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

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

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

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

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

(1) not having a contractual interest in the property, knowingly or intentionally enters the real property of another person after having been denied entry by the other person or that person's agent;

(2) not having a contractual interest in the property, knowingly or intentionally refuses to leave the real property of another person after having been asked to leave by the other person or that person's agent;

(3) accompanies another person in a vehicle, with knowledge that the other person knowingly or intentionally is exerting unauthorized control over the vehicle;

(4) knowingly or intentionally interferes with the possession or use of the property of another person without the person's consent;

(5) not having a contractual interest in the property, knowingly or intentionally enters the dwelling of another person without the person's consent;

(6) knowingly or intentionally:

(A) travels by train without lawful authority or the railroad carrier's consent; and

(B) rides on the outside of a train or inside a passenger car, locomotive, or freight car, including a boxcar, flatbed, or container without lawful authority or the railroad carrier's consent;

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



1 intentionally enters or refuses to leave the property of another  
 2 person after having been prohibited from entering or asked to  
 3 leave the property by a law enforcement officer when the property  
 4 is ~~(A)~~ vacant or designated by a municipality or county  
 5 enforcement authority to be abandoned property *and (B) subject*  
 6 *to abatement under IC 32-30-6, IC 32-30-7, IC 32-30-8,*  
 7 *IC 36-7-9, or IC 36-7-36 or an abandoned structure (as defined*  
 8 *in IC 36-7-36-1); or*

9 (8) knowingly or intentionally enters the property of another  
 10 person after being denied entry by a court order that has been  
 11 issued to the person or issued to the general public by  
 12 conspicuous posting on or around the premises in areas where a  
 13 person can observe the order when the property ~~(A)~~ has been  
 14 designated by a municipality or county enforcement authority to  
 15 be a vacant property, *or an abandoned property, and (B) is subject*  
 16 *to an abatement order under IC 32-30-6, IC 32-30-7, IC 32-30-8,*  
 17 *IC 36-7-9, or IC 36-7-36 or an abandoned structure (as defined*  
 18 *in IC 36-7-36-1);*

19 commits criminal trespass, a Class A misdemeanor. However, the  
 20 offense is a ~~Class D~~ Level 6 felony if it is committed on a scientific  
 21 research facility, on a key facility, on a facility belonging to a public  
 22 utility (as defined in IC 32-24-1-5.9(a)), on school property, or on a  
 23 school bus or the person has a prior unrelated conviction for an offense  
 24 under this section concerning the same property.

25 (b) A person has been denied entry under ~~subdivision~~ subsection  
 26 (a)(1) ~~of this section~~ when the person has been denied entry by means  
 27 of:

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

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

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

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

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

- 45 (1) A passenger on a train.
- 46 (2) An employee of a railroad carrier while engaged in the



- 1 performance of official duties.
- 2 (3) A law enforcement officer, firefighter, or emergency response  
3 personnel while engaged in the performance of official duties.
- 4 (4) A person going on railroad property in an emergency to rescue  
5 a person or animal from harm's way or to remove an object that  
6 the person reasonably believes poses an imminent threat to life or  
7 limb.
- 8 (5) A person on the station grounds or in the depot of a railroad  
9 carrier:
- 10 (A) as a passenger; or  
11 (B) for the purpose of transacting lawful business.
- 12 (6) A:
- 13 (A) person; or  
14 (B) person's:
- 15 (i) family member;  
16 (ii) invitee;  
17 (iii) employee;  
18 (iv) agent; or  
19 (v) independent contractor;
- 20 going on a railroad's right-of-way for the purpose of crossing at a  
21 private crossing site approved by the railroad carrier to obtain  
22 access to land that the person owns, leases, or operates.
- 23 (7) A person having written permission from the railroad carrier  
24 to go on specified railroad property.
- 25 (8) A representative of the Indiana department of transportation  
26 while engaged in the performance of official duties.
- 27 (9) A representative of the federal Railroad Administration while  
28 engaged in the performance of official duties.
- 29 (10) A representative of the National Transportation Safety Board  
30 while engaged in the performance of official duties.
- 31 SECTION 46. IC 35-44.1-2-3, AS AMENDED BY P.L.292-2013,  
32 SECTION 11, AND AS AMENDED BY P.L.158-2013, SECTION 503  
33 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
34 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) As used in this section,  
35 "consumer product" has the meaning set forth in IC 35-45-8-1.
- 36 (b) As used in this section, "misconduct" means a violation of a  
37 departmental rule or procedure of a law enforcement agency.
- 38 (c) A person who reports, by telephone, telegraph, mail, or other  
39 written or oral communication, that:
- 40 (1) the person or another person has placed or intends to place a  
41 explosive, a destructive device, or other destructive substance in  
42 a building or transportation facility;
- 43 (2) there has been or there will be tampering with a consumer  
44 product introduced into commerce; or
- 45 (3) there has been or will be placed or introduced a weapon of  
46 mass destruction in a building or a place of assembly;



1 knowing the report to be false, commits false reporting, a *Class D Level*  
 2 6 felony.

3 (d) A person who:

4 (1) gives a false report of the commission of a crime or gives false  
 5 information in the official investigation of the commission of a  
 6 crime, knowing the report or information to be false;

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

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

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

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

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

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

22 (6) makes a false report of a missing person, knowing the report  
 23 or information is false; *or*

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

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

32 SECTION 47. IC 35-44.1-3-1, AS AMENDED BY P.L.172-2013,  
 33 SECTION 11, AND AS AMENDED BY P.L.158-2013, SECTION  
 34 509, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who knowingly or  
 36 intentionally:

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

40 (2) forcibly resists, obstructs, or interferes with the authorized  
 41 service or execution of a civil or criminal process or order of a  
 42 court; or

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



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

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

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

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

7 (B) while committing any offense described in subsection (a),  
8 the person draws or uses a deadly weapon, inflicts bodily  
9 injury on or otherwise causes bodily injury to another person,  
10 or operates a vehicle in a manner that creates a substantial risk  
11 of bodily injury to another person;

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

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

18 (4) ~~Class A Level 2~~ felony if, while committing any offense  
19 described in subsection (a), the person operates a vehicle in a  
20 manner that causes the death of a law enforcement officer while  
21 the law enforcement officer is engaged in the officer's official  
22 duties.

23 ~~(c) For purposes of this section, a law enforcement officer includes~~  
24 ~~an enforcement officer of the alcohol and tobacco commission and a~~  
25 ~~conservation officer of the department of natural resources.~~

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

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

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

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

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

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

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

43 (2) subsection (b)(2); or

44 (3) subsection (b)(3);

45 the court may notify the bureau of motor vehicles to suspend or revoke  
46 the person's driver's license and all certificates of registration and



1 license plates issued or registered in the person's name in accordance  
 2 with IC 9-30-4-6(b)(3) for the period described in IC 9-30-4-6(d)(4) or  
 3 IC 9-30-4-6(d)(5). The court shall inform the bureau whether the  
 4 person has been sentenced to a term of incarceration. At the time of  
 5 conviction, the court may obtain the person's current driver's license  
 6 and return the license to the bureau of motor vehicles.

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

10 SECTION 48. IC 35-44.1-3-5, AS AMENDED BY P.L.5-2013,  
 11 SECTION 1, AND AS AMENDED BY P.L.158-2013, SECTION 512,  
 12 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As used in this section,  
 14 "juvenile facility" means the following:

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

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

23 (b) *Except as provided in subsection (d),* A person who, without the  
 24 prior authorization of the person in charge of a penal facility or juvenile  
 25 facility knowingly or intentionally:

26 (1) delivers, or carries into the penal facility or juvenile facility  
 27 with intent to deliver, an article to an inmate or child of the  
 28 facility;

29 (2) carries, or receives with intent to carry out of the penal facility  
 30 or juvenile facility, an article from an inmate or child of the  
 31 facility; *or*

32 (3) delivers, or carries to a worksite with the intent to deliver,  
 33 alcoholic beverages to an inmate or child of a jail work crew or  
 34 community work crew;

35 commits trafficking with an inmate, a Class A misdemeanor. *However,*  
 36 *the offense is a ~~Class C~~ Level 5 felony under subdivision (1) or (2) if*  
 37 *the article is a controlled substance, a deadly weapon, or a cellular*  
 38 *telephone or other wireless or cellular communications device.*

39 (c) If:

40 (1) the person who committed the offense under subsection (b) is  
 41 an employee of:

42 ~~(1)~~ (A) the department of correction; or

43 ~~(2)~~ (B) a penal facility;

44 and the article is a cigarette or tobacco product (as defined in  
 45 IC 6-7-2-5), the court shall ~~impose a mandatory~~ order the person  
 46 to pay a fine of at least five hundred dollars (\$500) and not more



1 than five thousand dollar (\$5,000) ~~fine~~ under IC 35-50-3-2, in  
 2 addition to any term of imprisonment imposed under  
 3 IC 35-50-3-2; or

4 (2) a person is convicted of committing a ~~Class C~~ Level 5 felony  
 5 under subsection (b)(1) or (b)(2) because the article was a  
 6 cellular telephone or other wireless or cellular communication  
 7 device, the court shall order the person to pay a fine of at least  
 8 five hundred dollars (\$500) and not more than ten thousand  
 9 dollars (\$10,000) under IC 35-50-2-6(a) in addition to any term  
 10 of imprisonment imposed on the person under IC 35-50-2-6(a).

11 (d) A person who without the prior authorization of the person in  
 12 charge of a penal facility or juvenile facility, knowingly or  
 13 intentionally possesses in, or carries or causes to be brought into, a  
 14 penal facility or juvenile facility:

15 ~~(1) a controlled substance;~~

16 (1) is not an inmate of a penal facility or a child of a juvenile  
 17 facility; and

18 (2) knowingly or intentionally possesses in, or carries or causes  
 19 to be brought into, the penal facility or juvenile facility a deadly  
 20 weapon without the prior authorization of the person in charge  
 21 of the penal facility or juvenile facility; or

22 ~~(3) a cellular telephone or other wireless or cellular  
 23 communications device;~~

24 commits a ~~class D~~ felony trafficking with an inmate, a Level 5 felony.

25 SECTION 49. IC 35-45-2-1, AS AMENDED BY P.L.123-2013,  
 26 SECTION 3, AND AS AMENDED BY P.L.158-2013, SECTION 523,  
 27 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who communicates  
 29 a threat to another person, with the intent:

30 (1) that the other person engage in conduct against the other  
 31 person's will;

32 (2) that the other person be placed in fear of retaliation for a prior  
 33 lawful act; or

34 (3) of:

35 (A) causing:

36 ~~(A) (i) a dwelling, a building, or another other structure; or~~

37 ~~(B) (ii) a vehicle;~~

38 to be evacuated; or

39 (B) interfering with the occupancy of:

40 (i) a dwelling, building, or other structure; or

41 (ii) a vehicle;

42 commits intimidation, a Class A misdemeanor.

43 (b) However, the offense is a:

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

45 (A) the threat is to commit a forcible felony;

46 (B) the person to whom the threat is communicated:



- 1 (i) is a law enforcement officer;  
 2 ~~(ii) is a judge or bailiff of any court;~~  
 3 ~~(iii) (ii)~~ is a witness (or the spouse or child of a witness) in  
 4 any pending criminal proceeding against the person making  
 5 the threat;  
 6 ~~(iv) (iii)~~ is an employee of a school or school corporation;  
 7 ~~(v) (iv)~~ is a community policing volunteer;  
 8 ~~(vi) (v)~~ is an employee of a court;  
 9 ~~(vii) (vi)~~ is an employee of a probation department; ~~or~~  
 10 ~~(viii) (vii)~~ is an employee of a community corrections  
 11 program;  
 12 ~~(viii) is an employee of a hospital, church, or religious~~  
 13 ~~organization; or~~  
 14 ~~(ix) is a person that owns a building or structure that is~~  
 15 ~~open to the public or is an employee of the person;~~  
 16 and, except as provided in item (ii), the threat is  
 17 communicated to the person because of the occupation,  
 18 profession, employment status, or ownership status of the  
 19 person as described in items (i) through (ix) or based on an  
 20 act taken by the person within the scope of the occupation,  
 21 profession, employment status, or ownership status of the  
 22 person;  
 23 (C) the person has a prior unrelated conviction for an offense  
 24 under this section concerning the same victim; or  
 25 (D) the threat is communicated using property, including  
 26 electronic equipment or systems, of a school corporation or  
 27 other governmental entity; and  
 28 (2) ~~Class C~~ Level 5 felony if:  
 29 (A) while committing it, the person draws or uses a deadly  
 30 weapon; or  
 31 (B) the person to whom the threat is communicated:  
 32 (i) is a judge or bailiff of any court; or  
 33 (ii) is a prosecuting attorney or a deputy prosecuting  
 34 attorney.  
 35 (c) "Communicates" includes posting a message electronically,  
 36 including on a social networking web site (as defined in  
 37 IC 35-42-4-12(d)).  
 38 ~~(e) (d)~~ "Threat" means an expression, by words or action, of an  
 39 intention to:  
 40 (1) unlawfully injure the person threatened or another person, or  
 41 damage property;  
 42 (2) unlawfully subject a person to physical confinement or  
 43 restraint;  
 44 (3) commit a crime;  
 45 (4) unlawfully withhold official action, or cause such withholding;  
 46 (5) unlawfully withhold testimony or information with respect to



1 another person's legal claim or defense, except for a reasonable  
2 claim for witness fees or expenses;

3 (6) expose the person threatened to hatred, contempt, disgrace, or  
4 ridicule;

5 (7) falsely harm the credit or business reputation of the person  
6 threatened; or

7 (8) cause the evacuation of a dwelling, a building, another  
8 structure, or a vehicle.

9 SECTION 50. IC 35-45-6-1, AS AMENDED BY P.L.196-2013,  
10 SECTION 18, AND AS AMENDED BY P.L.158-2013, SECTION  
11 534, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The definitions in this section  
13 apply throughout this chapter.

14 (b) "Documentary material" means any document, drawing,  
15 photograph, recording, or other tangible item containing compiled data  
16 from which information can be either obtained or translated into a  
17 usable form.

18 (c) "Enterprise" means:

19 (1) a sole proprietorship, corporation, limited liability company,  
20 partnership, business trust, or governmental entity; or

21 (2) a union, an association, or a group, whether a legal entity or  
22 merely associated in fact.

23 (d) "Pattern of racketeering activity" means engaging in at least two  
24 (2) incidents of racketeering activity that have the same or similar  
25 intent, result, accomplice, victim, or method of commission, or that are  
26 otherwise interrelated by distinguishing characteristics that are not  
27 isolated incidents. However, the incidents are a pattern of racketeering  
28 activity only if at least one (1) of the incidents occurred after August  
29 31, 1980, and if the last of the incidents occurred within five (5) years  
30 after a prior incident of racketeering activity.

31 (e) "Racketeering activity" means to commit, to attempt to commit,  
32 to conspire to commit a violation of, or aiding and abetting in a  
33 violation of any of the following:

34 (1) A provision of IC 23-19, or of a rule or order issued under  
35 IC 23-19.

36 (2) A violation of IC 35-45-9.

37 (3) A violation of IC 35-47.

38 (4) A violation of IC 35-49-3.

39 (5) Murder (IC 35-42-1-1).

40 (6) Battery as a Class C *felony before July 1, 2014, or a Level 5*  
41 *felony after June 30, 2014* (IC 35-42-2-1).

42 (7) Kidnapping (IC 35-42-3-2).

43 (8) Human and sexual trafficking crimes (IC 35-42-3.5).

44 (9) Child exploitation (IC 35-42-4-4).

45 (10) Robbery (IC 35-42-5-1).

46 (11) Carjacking (IC 35-42-5-2) (*repealed*).



- 1 (12) Arson (IC 35-43-1-1).  
 2 (13) Burglary (IC 35-43-2-1).  
 3 (14) Theft (IC 35-43-4-2).  
 4 (15) Receiving stolen property (IC 35-43-4-2).  
 5 (16) Forgery (IC 35-43-5-2).  
 6 (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).  
 7 (18) Bribery (IC 35-44.1-1-2).  
 8 (19) Official misconduct (IC 35-44.1-1-1).  
 9 (20) Conflict of interest (IC 35-44.1-1-4).  
 10 (21) Perjury (IC 35-44.1-2-1).  
 11 (22) Obstruction of justice (IC 35-44.1-2-2).  
 12 (23) Intimidation (IC 35-45-2-1).  
 13 (24) Promoting prostitution (IC 35-45-4-4).  
 14 (25) Professional gambling (IC 35-45-5-3).  
 15 (26) Maintaining a professional gambling site  
 16 (IC 35-45-5-3.5(b)).  
 17 (27) Promoting professional gambling (IC 35-45-5-4).  
 18 (28) Dealing in or manufacturing cocaine or a narcotic drug  
 19 (IC 35-48-4-1).  
 20 (29) Dealing in or manufacturing methamphetamine  
 21 (IC 35-48-4-1.1).  
 22 (30) Dealing in a schedule I, II, or III controlled substance  
 23 (IC 35-48-4-2).  
 24 (31) Dealing in a schedule IV controlled substance  
 25 (IC 35-48-4-3).  
 26 (32) Dealing in a schedule V controlled substance (IC 35-48-4-4).  
 27 (33) Dealing in marijuana, hash oil, hashish, ~~or salvia or a~~  
 28 ~~synthetic cannabinoid~~ (IC 35-48-4-10).  
 29 (34) Money laundering (IC 35-45-15-5).  
 30 (35) A violation of IC 35-47.5-5.  
 31 (36) A violation of any of the following:  
 32 (A) IC 23-14-48-9.  
 33 (B) IC 30-2-9-7(b).  
 34 (C) IC 30-2-10-9(b).  
 35 (D) IC 30-2-13-38(f).  
 36 (37) Practice of law by a person who is not an attorney  
 37 (IC 33-43-2-1).  
 38 (38) *Dealing in a synthetic drug or synthetic drug lookalike*  
 39 *substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its*  
 40 *amendment in 2013).*  
 41 SECTION 51. IC 35-46-1-4, AS AMENDED BY P.L.193-2013,  
 42 SECTION 6, AND AS AMENDED BY P.L.158-2013, SECTION 550,  
 43 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 44 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person having the care of  
 45 a dependent, whether assumed voluntarily or because of a legal  
 46 obligation, who knowingly or intentionally:



- 1 (1) places the dependent in a situation that endangers the  
 2 dependent's life or health;  
 3 (2) abandons or cruelly confines the dependent;  
 4 (3) deprives the dependent of necessary support; or  
 5 (4) deprives the dependent of education as required by law;  
 6 commits neglect of a dependent, a *Class D Level 6* felony.  
 7 (b) However, the offense is:  
 8 (1) a *Class E Level 5* felony if it is committed under subsection  
 9 (a)(1), (a)(2), or (a)(3) and:  
 10 (A) results in bodily injury; or  
 11 (B) is:  
 12 (i) committed in a location where a person is violating  
 13 IC 35-48-4-1 ~~(delivery, financing, or manufacture of~~  
 14 ~~(dealing in cocaine or a narcotic drug) or IC 35-48-4-1.1~~  
 15 ~~(delivery, financing, or manufacture of (dealing in~~  
 16 ~~methamphetamine); or~~  
 17 (ii) the result of a violation of IC 35-48-4-1 ~~(delivery,~~  
 18 ~~financing, or manufacture of~~ (dealing in cocaine or a  
 19 narcotic drug) ~~or IC 35-48-4-1.1 (delivery, financing, or~~  
 20 ~~manufacture of (dealing in methamphetamine);~~  
 21 (2) a *Class B Level 3* felony if it is committed under subsection  
 22 (a)(1), (a)(2), or (a)(3) and results in serious bodily injury;  
 23 (3) a *Class A Level 1* felony if it is committed under subsection  
 24 (a)(1), (a)(2), or (a)(3) by a person at least eighteen (18) years of  
 25 age and results in the death of a dependent who is less than  
 26 fourteen (14) years of age; and  
 27 (4) a *Class E Level 5* felony if it is committed under subsection  
 28 (a)(2) and consists of cruel confinement or abandonment that:  
 29 (A) deprives a dependent of necessary food, water, or sanitary  
 30 facilities;  
 31 (B) consists of confinement in an area not intended for human  
 32 habitation; or  
 33 (C) involves the unlawful use of handcuffs, a rope, a cord,  
 34 tape, or a similar device to physically restrain a dependent.  
 35 (c) It is a defense to a prosecution based on an alleged act under this  
 36 section that:  
 37 (1) the accused person left a dependent child who was, at the time  
 38 the alleged act occurred, not more than thirty (30) days of age  
 39 with an emergency medical provider who took custody of the  
 40 child under IC 31-34-2.5 when:  
 41 (A) the prosecution is based solely on the alleged act of  
 42 leaving the child with the emergency medical services  
 43 provider; and  
 44 (B) the alleged act did not result in bodily injury or serious  
 45 bodily injury to the child; or  
 46 (2) the accused person, in the legitimate practice of the accused



1 person's religious belief, provided treatment by spiritual means  
 2 through prayer, in lieu of medical care, to the accused person's  
 3 dependent.

4 (d) Except for property transferred or received:

5 (1) under a court order made in connection with a proceeding  
 6 under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5  
 7 or IC 31-6-5 before their repeal); or

8 (2) under section 9(b) of this chapter;

9 a person who transfers or receives any property in consideration for the  
 10 termination of the care, custody, or control of a person's dependent  
 11 child commits child selling, a ~~Class D~~ Level 6 felony.

12 SECTION 52. IC 35-46-3-11, AS AMENDED BY P.L.161-2013,  
 13 SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 563,  
 14 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 15 [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person who knowingly or  
 16 intentionally:

17 (1) strikes, torments, injures, or otherwise mistreats a law  
 18 enforcement animal; or

19 (2) interferes with the actions of a law enforcement animal while  
 20 the animal is engaged in assisting a law enforcement officer in the  
 21 performance of the officer's duties;

22 commits a Class A misdemeanor.

23 (b) An offense under subsection (a)(1) is a ~~Class D~~ Level 6 felony  
 24 if the act results in:

25 (1) serious permanent disfigurement;

26 (2) unconsciousness;

27 (3) permanent or protracted loss or impairment of the function of  
 28 a bodily member or organ; or

29 (4) death;

30 of the law enforcement animal.

31 (c) It is a defense that the accused person:

32 (1) engaged in a reasonable act of training, handling, or  
 33 discipline; and

34 (2) acted as an employee or agent of a law enforcement agency.

35 (d) In addition to any sentence or fine imposed for a conviction of  
 36 an offense under this section, the court:

37 (1) may order the person convicted to make restitution to the  
 38 person or law enforcement agency owning the animal for  
 39 reimbursement of ~~(1)~~ veterinary bills; and

40 (2) shall order the person convicted to make restitution to the  
 41 person or law enforcement agency owning the animal for  
 42 reimbursement of ~~replacement costs of the animal~~ the cost of  
 43 replacing the animal, which may include the cost of training the  
 44 animal, if the animal is permanently disabled or killed.

45 SECTION 53. IC 35-47-4-5, AS AMENDED BY P.L.158-2013,  
 46 SECTION 590, AND AS AMENDED BY P.L.214-2013, SECTION



1 40, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As used in this section,  
 3 "serious violent felon" means a person who has been convicted of:

4 (1) committing a serious violent felony in:

5 (A) Indiana; or

6 (B) any other jurisdiction in which the elements of the crime  
 7 for which the conviction was entered are substantially similar  
 8 to the elements of a serious violent felony; or

9 (2) attempting to commit or conspiring to commit a serious  
 10 violent felony in:

11 (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2;  
 12 or

13 (B) any other jurisdiction in which the elements of the crime  
 14 for which the conviction was entered are substantially similar  
 15 to the elements of attempting to commit or conspiring to  
 16 commit a serious violent felony.

17 (b) As used in this section, "serious violent felony" means:

18 (1) murder (IC 35-42-1-1);

19 (2) voluntary manslaughter (IC 35-42-1-3);

20 (3) reckless homicide not committed by means of a vehicle  
 21 (IC 35-42-1-5);

22 (4) battery (IC 35-42-2-1) as a:

23 (A) Class A felony (~~IC 35-42-2-1(a)(5)~~); Class B felony, or  
 24 Class C felony, for a crime committed before July 1, 2014; or

25 (B) Class B felony (~~IC 35-42-2-1(a)(4)~~); or Level 2 felony,  
 26 Level 3 felony, Level 4 felony, or Level 5 felony, for a crime  
 27 committed after June 30, 2014;

28 (~~C~~) Class C felony (~~IC 35-42-2-1(a)(3)~~);

29 (5) aggravated battery (IC 35-42-2-1.5);

30 (6) kidnapping (IC 35-42-3-2);

31 (7) criminal confinement (IC 35-42-3-3);

32 (8) rape (IC 35-42-4-1);

33 (9) criminal deviate conduct (IC 35-42-4-2) (repealed);

34 (10) child molesting (IC 35-42-4-3);

35 (11) sexual battery (IC 35-42-4-8) as a:

36 (A) Class C felony, (~~IC 35-42-4-8~~) for a crime committed  
 37 before July 1, 2014; or

38 (B) Level 5 felony, for a crime committed after June 30, 2014;

39 (12) robbery (IC 35-42-5-1);

40 (13) carjacking (IC 35-42-5-2) (repealed);

41 (14) arson (IC 35-43-1-1(a)) as a:

42 (A) Class A felony or Class B felony, (~~IC 35-43-1-1(a)~~); for a  
 43 crime committed before July 1, 2014; or

44 (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a  
 45 crime committed after June 30, 2014;

46 (15) burglary (IC 35-43-2-1) as a:



- 1 (A) Class A felony or Class B felony, ~~(IC 35-43-2-1)~~; for a  
 2 crime committed before July 1, 2014; or  
 3 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4  
 4 felony, for a crime committed after June 30, 2014;
- 5 (16) assisting a criminal (IC 35-44.1-2-5) as a:  
 6 (A) Class C felony, ~~(IC 35-44.1-2-5)~~; for a crime committed  
 7 before July 1, 2014; or  
 8 (B) Level 5 felony, for a crime committed after June 30, 2014;
- 9 (17) resisting law enforcement (IC 35-44.1-3-1) as a:  
 10 (A) Class B felony or Class C felony, ~~(IC 35-44.1-3-1)~~; for a  
 11 crime committed before July 1, 2014; or  
 12 (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a  
 13 crime committed after June 30, 2014;
- 14 (18) escape (IC 35-44.1-3-4) as a:  
 15 (A) Class B felony or Class C felony, ~~(IC 35-44.1-3-4)~~; for a  
 16 crime committed before July 1, 2014; or  
 17 (B) Level 4 felony or Level 5 felony, for a crime committed  
 18 after June 30, 2014;
- 19 (19) trafficking with an inmate (IC 35-44.1-3-5) as a:  
 20 (A) Class C felony, ~~(IC 35-44.1-3-5)~~; for a crime committed  
 21 before July 1, 2014; or  
 22 (B) Level 5 felony, for a crime committed after June 30, 2014;
- 23 (20) criminal gang intimidation (IC 35-45-9-4);
- 24 (21) stalking (IC 35-45-10-5) as a:  
 25 (A) Class B felony or Class C felony, ~~(IC 35-45-10-5)~~; for a  
 26 crime committed before July 1, 2014; or  
 27 (B) Level 4 felony or Level 5 felony, for a crime committed  
 28 after June 30, 2014;
- 29 (22) incest (IC 35-46-1-3);
- 30 (23) dealing in or manufacturing cocaine or a narcotic drug  
 31 (IC 35-48-4-1);
- 32 (24) dealing in methamphetamine (IC 35-48-4-1.1);
- 33 (25) dealing in a schedule I, II, or III controlled substance  
 34 (IC 35-48-4-2);
- 35 (26) dealing in a schedule IV controlled substance (IC 35-48-4-3);  
 36 or
- 37 (27) dealing in a schedule V controlled substance (IC 35-48-4-4).
- 38 (c) A serious violent felon who knowingly or intentionally possesses  
 39 a firearm commits unlawful possession of a firearm by a serious violent  
 40 felon, a ~~Class B~~ Level 4 felony.
- 41 SECTION 54. IC 35-47-9-2, AS AMENDED BY P.L.172-2013,  
 42 SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION  
 43 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 44 [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who *knowingly or*  
 45 *intentionally* possesses a firearm:  
 46 (1) in or on school property; or



1 ~~(2) in or on property that is being used by a school for a school~~  
 2 ~~function; or~~

3 ~~(3) (2) on a school bus;~~  
 4 commits a ~~Class D~~ Level 6 felony.

5 SECTION 55. IC 35-48-4-10, AS AMENDED BY P.L.196-2013,  
 6 SECTION 21, AND AS AMENDED BY P.L.158-2013, SECTION  
 7 637, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A person who:

9 (1) knowingly or intentionally:

- 10 (A) manufactures;  
 11 (B) finances the manufacture of;  
 12 (C) delivers; or  
 13 (D) finances the delivery of;

14 marijuana, hash oil, hashish, ~~or salvia, or a synthetic drug,~~ pure  
 15 or adulterated; or

16 (2) possesses, with intent to:

- 17 (A) manufacture;  
 18 (B) finance the manufacture of;  
 19 (C) deliver; or  
 20 (D) finance the delivery of;

21 marijuana, hash oil, hashish, ~~or salvia, or a synthetic drug,~~ pure  
 22 or adulterated;

23 commits dealing in marijuana, hash oil, hashish, ~~or salvia, or a~~  
 24 ~~synthetic drug,~~ a Class A misdemeanor, except as provided in  
 25 ~~subsection subsections (b) through (c).~~

26 **(Note: multiple versions of subsection (b)):**

27 (b) The offense is:

28 (1) a Class D felony if:

29 (A) the recipient or intended recipient is under eighteen (18)  
 30 years of age;

31 (B) the amount involved is

32 ~~(i) more than thirty (30) grams but less than ten (10) pounds~~  
 33 ~~of marijuana or more than two (2) grams but less than three~~  
 34 ~~hundred (300) grams of hash oil, hashish, or salvia; or~~

35 ~~(ii) more than two (2) grams of a synthetic drug; or~~

36 (C) the person has a prior conviction of an offense involving  
 37 marijuana, hash oil, hashish, ~~or salvia; or a synthetic drug;~~  
 38 and

39 (2) a Class C felony if

40 ~~(A) the amount involved is ten (10) pounds or more of~~  
 41 ~~marijuana or three hundred (300) or more grams of hash oil,~~  
 42 ~~hashish, or salvia, or the person delivered or financed the~~  
 43 ~~delivery of marijuana, hash oil, hashish, or salvia:~~

44 ~~(i) (A) on a school bus; or~~

45 ~~(ii) (B) in, on, or within one thousand (1,000) feet of, school~~  
 46 ~~property, a public park, a family housing complex, or a youth~~



- 1                    *program center. or*  
 2                    *(B) the amount involved is more than two (2) grams of a*  
 3                    *synthetic drug and the person delivered or financed the*  
 4                    *delivery of the synthetic drug:*  
 5                    *(i) on a school bus; or*  
 6                    *(ii) in, on, or within one thousand (1,000) feet of school*  
 7                    *property, a public park, a family housing complex, or a*  
 8                    *youth program center.*  
 9                    *(b) The offense is-*  
 10                    *(1) a Class D felony if:*  
 11                    *(A) the recipient or intended recipient is under eighteen (18)*  
 12                    *years of age;*  
 13                    *(B) the amount involved is:*  
 14                    *(i) more than thirty (30) grams but less than ten (10) pounds*  
 15                    *of marijuana or more than two (2) grams but less than three*  
 16                    *hundred (300) grams of hash oil, hashish, or salvia; or*  
 17                    *(ii) more than two (2) grams of a synthetic drug; or*  
 18                    *(C) the person has a prior conviction of an offense involving*  
 19                    *marijuana, hash oil, hashish, salvia, or a synthetic drug; and*  
 20                    *(2) a Class E felony if:*  
 21                    *(A) the amount involved is ten (10) pounds or more of*  
 22                    *marijuana or three hundred (300) or more grams of hash oil;*  
 23                    *hashish; or salvia; or the person delivered or financed the*  
 24                    *delivery of marijuana, hash oil, hashish, or salvia:*  
 25                    *(i) on a school bus; or*  
 26                    *(ii) in, on, or within one thousand (1,000) feet of, school*  
 27                    *property, a public park, a family housing complex, or a*  
 28                    *youth program center; or*  
 29                    *(B) the amount involved is more than two (2) grams of a*  
 30                    *synthetic drug and the person delivered or financed the*  
 31                    *delivery of the synthetic drug:*  
 32                    *(i) on a school bus; or*  
 33                    *(ii) in, on, or within one thousand (1,000) feet of school*  
 34                    *property, a public park, a family housing complex, or a*  
 35                    *youth program center.*  
 36                    *(b) The offense is a Level 6 felony if:*  
 37                    *(1) the person has a prior conviction for a drug offense and the*  
 38                    *amount of the drug involved is:*  
 39                    *(A) less than thirty (30) grams of marijuana; or*  
 40                    *(B) less than two (2) grams of hash oil, hashish, or salvia; or*  
 41                    *a synthetic drug; or*  
 42                    *(2) the amount of the drug involved is:*  
 43                    *(A) at least thirty (30) grams but less than ten (10) pounds of*  
 44                    *marijuana; or*  
 45                    *(B) at least two (2) grams but less than three hundred (300)*  
 46                    *grams of hash oil, hashish, or salvia. or a synthetic drug.*



1 (c) *The offense is a Level 5 felony if:*

2 (1) *the person has a prior conviction for a drug dealing offense*  
3 *and the amount of the drug involved is:*

4 (A) *at least thirty (30) grams but less than ten (10) pounds of*  
5 *marijuana; or*

6 (B) *at least two (2) grams but less than three hundred (300)*  
7 *grams of hash oil, hashish, or salvia; or a synthetic drug; or*

8 (2) *the:*

9 (A) *amount of the drug involved is:*

10 (i) *at least ten (10) pounds of marijuana; or*

11 (ii) *at least three hundred (300) grams of hash oil, hashish,*  
12 *or salvia; or a synthetic drug; or*

13 (B) *offense involved a sale to a minor.*

14 SECTION 56. IC 35-48-4-11, AS AMENDED BY P.L.196-2013,  
15 SECTION 23, AND AS AMENDED BY P.L.158-2013, SECTION  
16 638, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person who:

18 (1) *knowingly or intentionally possesses (pure or adulterated)*  
19 *marijuana, hash oil, hashish, or salvia; or a synthetic drug;*

20 (2) *knowingly or intentionally grows or cultivates marijuana; or*

21 (3) *knowing that marijuana is growing on the person's premises,*  
22 *fails to destroy the marijuana plants;*

23 *commits possession of marijuana, hash oil, hashish, or salvia, or a*  
24 *synthetic drug, a Class A Class B misdemeanor, except as provided in*  
25 *subsections (b) through (c). However, the offense is a Class D felony*  
26 *if the amount involved is more than thirty (30) grams of marijuana or*  
27 *two (2) grams of hash oil, hashish, or salvia, or a synthetic drug, or if*  
28 *the person has a prior conviction of an offense involving marijuana,*  
29 *hash oil, or hashish, or salvia, or a synthetic drug.*

30 (b) *The offense described in subsection (a) is a Class A*  
31 *misdemeanor if the person has a prior conviction for a drug offense.*

32 (c) *The offense described in subsection (a) is a Level 6 felony if:*

33 (1) *the person has a prior conviction for a drug offense; and*

34 (2) *the person possesses:*

35 (A) *at least thirty (30) grams of marijuana; or*

36 (B) *at least two (2) grams of hash oil, hashish, or salvia. or a*  
37 *synthetic drug.*

38 SECTION 57. IC 35-48-4-12, AS AMENDED BY P.L.196-2013,  
39 SECTION 25, AND AS AMENDED BY P.L.158-2013, SECTION  
40 639, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
41 [EFFECTIVE JULY 1, 2014]: Sec. 12. If a person who has no prior  
42 conviction of an offense under this article or under a law of another  
43 jurisdiction relating to controlled substances pleads guilty to possession  
44 of marijuana, hashish, salvia, or a synthetic drug *or a synthetic drug*  
45 *lookalike substance as a Class A misdemeanor, the court, without*  
46 *entering a judgment of conviction and with the consent of the person,*



1 may defer further proceedings and place the person in the custody of  
 2 the court under ~~such~~ conditions ~~as determined by the court.~~ ~~determines.~~  
 3 Upon violation of a condition of the custody, the court may enter a  
 4 judgment of conviction. However, if the person fulfills the conditions  
 5 of the custody, the court shall dismiss the charges against the person.  
 6 There may be only one (1) dismissal under this section with respect to  
 7 a person.

8 SECTION 58. IC 35-48-4-14.5, AS AMENDED BY P.L.193-2013,  
 9 SECTION 7, AND AS AMENDED BY P.L.158-2013, SECTION 643,  
 10 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2014]: Sec. 14.5. (a) As used in this section,  
 12 "chemical reagents or precursors" refers to one (1) or more of the  
 13 following:

- 14 (1) Ephedrine.
- 15 (2) Pseudoephedrine.
- 16 (3) Phenylpropanolamine.
- 17 (4) The salts, isomers, and salts of isomers of a substance  
 18 identified in subdivisions (1) through (3).
- 19 (5) Anhydrous ammonia or ammonia solution (as defined in  
 20 IC 22-11-20-1).
- 21 (6) Organic solvents.
- 22 (7) Hydrochloric acid.
- 23 (8) Lithium metal.
- 24 (9) Sodium metal.
- 25 (10) Ether.
- 26 (11) Sulfuric acid.
- 27 (12) Red phosphorous.
- 28 (13) Iodine.
- 29 (14) Sodium hydroxide (lye).
- 30 (15) Potassium dichromate.
- 31 (16) Sodium dichromate.
- 32 (17) Potassium permanganate.
- 33 (18) Chromium trioxide.
- 34 (19) Benzyl cyanide.
- 35 (20) Phenylacetic acid and its esters or salts.
- 36 (21) Piperidine and its salts.
- 37 (22) Methylamine and its salts.
- 38 (23) Isosafrole.
- 39 (24) Safrole.
- 40 (25) Piperonal.
- 41 (26) Hydriodic acid.
- 42 (27) Benzaldehyde.
- 43 (28) Nitroethane.
- 44 (29) Gamma-butyrolactone.
- 45 (30) White phosphorus.
- 46 (31) Hypophosphorous acid and its salts.



- 1 (32) Acetic anhydride.  
 2 (33) Benzyl chloride.  
 3 (34) Ammonium nitrate.  
 4 (35) Ammonium sulfate.  
 5 (36) Hydrogen peroxide.  
 6 (37) Thionyl chloride.  
 7 (38) Ethyl acetate.  
 8 (39) Pseudoephedrine hydrochloride.
- 9 (b) A person who possesses more than ten (10) grams of ephedrine,  
 10 pseudoephedrine, or phenylpropanolamine, pure or adulterated,  
 11 commits a ~~Class D Level 6~~ felony. However, the offense is a ~~Class E~~  
 12 ~~Level 5~~ felony if the person possessed:
- 13 (1) a firearm while possessing more than ten (10) grams of  
 14 ephedrine, pseudoephedrine, or phenylpropanolamine, pure or  
 15 adulterated; or  
 16 (2) more than ten (10) grams of ephedrine, pseudoephedrine, or  
 17 phenylpropanolamine, pure or adulterated, in, on, or within ~~one~~  
 18 ~~thousand (1,000)~~ *five hundred (500)* feet of:
- 19 (A) *school property while a person under eighteen (18) years*  
 20 *of age was reasonably expected to be present; or*  
 21 (B) *a public park while a person under eighteen (18) years of*  
 22 *age was reasonably expected to be present.*  
 23 ~~(C) a family housing complex; or~~  
 24 ~~(D) a youth program center.~~
- 25 (c) A person who possesses anhydrous ammonia or ammonia  
 26 solution (as defined in IC 22-11-20-1) with the intent to manufacture  
 27 methamphetamine or amphetamine, schedule II controlled substances  
 28 under IC 35-48-2-6, commits a ~~Class D Level 6~~ felony. However, the  
 29 offense is a ~~Class E Level 5~~ felony if the person possessed:
- 30 (1) a firearm while possessing anhydrous ammonia or ammonia  
 31 solution (as defined in IC 22-11-20-1) with intent to manufacture  
 32 methamphetamine or amphetamine, schedule II controlled  
 33 substances under IC 35-48-2-6; or  
 34 (2) anhydrous ammonia or ammonia solution (as defined in  
 35 IC 22-11-20-1) with intent to manufacture methamphetamine or  
 36 amphetamine, schedule II controlled substances under  
 37 IC 35-48-2-6, in, on, or within ~~one thousand (1,000)~~ *five hundred*  
 38 *(500)* feet of:
- 39 (A) *school property while a person under eighteen (18) years*  
 40 *of age was reasonably expected to be present; or*  
 41 (B) *a public park while a person under eighteen (18) years of*  
 42 *age was reasonably expected to be present.*  
 43 ~~(C) a family housing complex; or~~  
 44 ~~(D) a youth program center.~~
- 45 (d) Subsection (b) does not apply to a:  
 46 (1) licensed health care provider, pharmacist, retail distributor,



1 wholesaler, manufacturer, warehouseman, or common carrier or  
 2 an agent of any of these persons if the possession is in the regular  
 3 course of lawful business activities; or

4 (2) person who possesses more than ten (10) grams of a substance  
 5 described in subsection (b) if the substance is possessed under  
 6 circumstances consistent with typical medicinal or household use,  
 7 including:

8 (A) the location in which the substance is stored;

9 (B) the possession of the substance in a variety of:

10 (i) strengths;

11 (ii) brands; or

12 (iii) types; or

13 (C) the possession of the substance:

14 (i) with different expiration dates; or

15 (ii) in forms used for different purposes.

16 (e) A person who possesses two (2) or more chemical reagents or  
 17 precursors with the intent to manufacture a controlled substance  
 18 commits a ~~Class D~~ Level 6 felony.

19 (f) An offense under subsection (e) is a ~~Class E~~ Level 5 felony if the  
 20 person possessed:

21 (1) a firearm while possessing two (2) or more chemical reagents  
 22 or precursors with intent to manufacture a controlled substance;  
 23 or

24 (2) two (2) or more chemical reagents or precursors with intent to  
 25 manufacture a controlled substance in, on, or within ~~one thousand~~  
 26 ~~(1,000)~~ five hundred (500) feet of:

27 (A) school property while a person under eighteen (18) years  
 28 of age was reasonably expected to be present; or

29 (B) a public park while a person under eighteen (18) years of  
 30 age was reasonably expected to be present.

31 ~~(C) a family housing complex; or~~

32 ~~(D) a youth program center.~~

33 (g) A person who sells, transfers, distributes, or furnishes a chemical  
 34 reagent or precursor to another person with knowledge or the intent that  
 35 the recipient will use the chemical reagent or precursors to manufacture  
 36 a controlled substance commits unlawful sale of a precursor, a ~~Class D~~  
 37 Level 6 felony. However, the offense is a ~~Class E~~ Level 5 felony if the  
 38 person sells, transfers, distributes, or furnishes more than ten (10)  
 39 grams of ephedrine, pseudoephedrine, or phenylpropanolamine.

40 (h) This subsection does not apply to a drug containing ephedrine,  
 41 pseudoephedrine, or phenylpropanolamine that is dispensed under a  
 42 prescription. A person who:

43 (1) has been convicted of:

44 (A) dealing in methamphetamine (IC 35-48-4-1.1);

45 (B) possession of more than ten (10) grams of ephedrine,  
 46 pseudoephedrine, or phenylpropanolamine (subsection (b));



- 1           (C) possession of anhydrous ammonia or ammonia solution  
 2           (as defined in IC 22-11-20-1) with intent to manufacture  
 3           methamphetamine or amphetamine (subsection (c));  
 4           (D) possession of two (2) or more chemical reagents or  
 5           precursors with the intent to manufacture a controlled  
 6           substance (subsection (e)); or  
 7           (E) unlawful sale of a precursor (subsection (g)); and  
 8           (2) not later than seven (7) years from the date the person was  
 9           sentenced for the offense;

10           knowingly or intentionally possesses ephedrine, pseudoephedrine, or  
 11           phenylpropanolamine, pure or adulterated, commits possession of a  
 12           precursor by a methamphetamine offender, a *Class D Level 6* felony.

13           SECTION 59. IC 35-49-3-1, AS AMENDED BY P.L.214-2013,  
 14           SECTION 41, AND AS AMENDED BY P.L.158-2013, SECTION  
 15           646, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 16           [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who knowingly or  
 17           intentionally:

- 18           (1) sends or brings into Indiana obscene matter for sale or  
 19           distribution; or  
 20           (2) offers to distribute, distributes, or exhibits to another person  
 21           obscene matter;

22           commits a Class A misdemeanor. However, the offense is a *Class D*  
 23           *Level 6* felony if the obscene matter depicts or describes sexual conduct  
 24           involving any person who is or appears to be under ~~sixteen (16)~~  
 25           eighteen (18) years of age.

26           SECTION 60. IC 35-49-3-2, AS AMENDED BY P.L.214-2013,  
 27           SECTION 42, AND AS AMENDED BY P.L.158-2013, SECTION  
 28           647, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 29           [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who knowingly or  
 30           intentionally engages in, participates in, manages, produces, sponsors,  
 31           presents, exhibits, photographs, films, or videotapes any obscene  
 32           performance commits a Class A misdemeanor. However, the offense  
 33           is a *Class D Level 6* felony if the obscene performance depicts or  
 34           describes sexual conduct involving any person who is or appears to be  
 35           under ~~sixteen (16)~~ eighteen (18) years of age.

36           SECTION 61. IC 35-50-1-2, AS AMENDED BY P.L.214-2013,  
 37           SECTION 43, AND AS AMENDED BY P.L.158-2013, SECTION  
 38           650, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 39           [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) As used in this section,  
 40           "crime of violence" means the following:

- 41           (1) Murder (IC 35-42-1-1).  
 42           (2) Attempted murder (IC 35-41-5-1).  
 43           (3) Voluntary manslaughter (IC 35-42-1-3).  
 44           (4) Involuntary manslaughter (IC 35-42-1-4).  
 45           (5) Reckless homicide (IC 35-42-1-5).  
 46           (6) Aggravated battery (IC 35-42-2-1.5).



- 1 (7) Kidnapping (IC 35-42-3-2).  
 2 (8) Rape (IC 35-42-4-1).  
 3 (9) Criminal deviate conduct (IC 35-42-4-2) *(before its repeal on*  
 4 *July 1, 2014) (repealed).*  
 5 (10) Child molesting (IC 35-42-4-3).  
 6 (11) Sexual misconduct with a minor as a *Class A Level 1* felony  
 7 under IC 35-42-4-9(a)(2) or a *Class B Level 2* felony under  
 8 IC 35-42-4-9(b)(2).  
 9 (12) Robbery as a *Class A Level 2* felony or a *Class B Level 3*  
 10 felony (IC 35-42-5-1).  
 11 (13) Burglary as a *Class A Level 2* felony, *Level 3 felony*, or *Class*  
 12 *B Level 4* felony (IC 35-43-2-1).  
 13 (14) Operating a vehicle while intoxicated causing death  
 14 (IC 9-30-5-5).  
 15 (15) Operating a vehicle while intoxicated causing serious bodily  
 16 injury to another person (IC 9-30-5-4).  
 17 (16) Resisting law enforcement as a felony (~~IC 35-44-3-3~~;  
 18 IC 35-44.1-3-1).
- 19 (b) As used in this section, "episode of criminal conduct" means  
 20 offenses or a connected series of offenses that are closely related in  
 21 time, place, and circumstance.
- 22 (c) Except as provided in subsection (d) or (e), the court shall  
 23 determine whether terms of imprisonment shall be served concurrently  
 24 or consecutively. The court may consider the:  
 25 (1) aggravating circumstances in IC 35-38-1-7.1(a); and  
 26 (2) mitigating circumstances in IC 35-38-1-7.1(b);  
 27 in making a determination under this subsection. The court may order  
 28 terms of imprisonment to be served consecutively even if the sentences  
 29 are not imposed at the same time. However, except for crimes of  
 30 violence, the total of the consecutive terms of imprisonment, exclusive  
 31 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10 to  
 32 which the defendant is sentenced for felony convictions arising out of  
 33 an episode of criminal conduct shall not exceed the advisory sentence  
 34 for a felony which is one (1) class of felony higher than the most  
 35 serious of the felonies for which the person has been convicted.
- 36 (d) If, after being arrested for one (1) crime, a person commits  
 37 another crime:  
 38 (1) before the date the person is discharged from probation,  
 39 parole, or a term of imprisonment imposed for the first crime; or  
 40 (2) while the person is released:  
 41 (A) upon the person's own recognizance; or  
 42 (B) on bond;  
 43 the terms of imprisonment for the crimes shall be served consecutively,  
 44 regardless of the order in which the crimes are tried and sentences are  
 45 imposed.
- 46 (e) If the factfinder determines under IC 35-50-2-11 that a person



1 used a firearm in the commission of the offense for which the person  
 2 was convicted, the term of imprisonment for the underlying offense and  
 3 the additional term of imprisonment imposed under IC 35-50-2-11  
 4 must be served consecutively.

5 SECTION 62. IC 35-50-2-7, AS AMENDED BY P.L.159-2013,  
 6 SECTION 5, AND AS AMENDED BY P.L.158-2013, SECTION 660,  
 7 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A person who commits a  
 9 Class D felony (*for a crime committed before July 1, 2014*) shall be  
 10 imprisoned for a fixed term of between six (6) months and three (3)  
 11 years, with the advisory sentence being one and one-half (1 1/2) years.  
 12 In addition, the person may be fined not more than ten thousand dollars  
 13 (\$10,000).

14 (b) *A person who commits a Level 6 felony (for a crime committed*  
 15 *after June 30, 2014) shall be imprisoned for a fixed term of between six*  
 16 *(6) months and two and one-half (2 1/2) years, with the advisory*  
 17 *sentence being one (1) year. In addition, the person may be fined not*  
 18 *more than ten thousand dollars (\$10,000).*

19 (c) Notwithstanding ~~subsection~~ subsections (a) and (b), if a person  
 20 has committed a Class D felony (*for a crime committed before July 1,*  
 21 *2014) or a Level 6 felony (for a crime committed after June 30, 2014),*  
 22 the court may enter judgment of conviction of a Class A misdemeanor  
 23 and sentence accordingly. However, the court shall enter a judgment of  
 24 conviction of a Class D felony (*for a crime committed before July 1,*  
 25 *2014) or a Level 6 felony (for a crime committed after June 30, 2014)*  
 26 if:

27 (1) the court finds that:

28 (A) the person has committed a prior, unrelated felony for  
 29 which judgment was entered as a conviction of a Class A  
 30 misdemeanor; and

31 (B) the prior felony was committed less than three (3) years  
 32 before the second felony was committed;

33 (2) the offense is domestic battery as a Class D felony (*for a crime*  
 34 *committed before July 1, 2014) or a Level 6 felony (for a crime*  
 35 *committed after June 30, 2014) under IC 35-42-2-1.3; or*

36 (3) the offense is possession of child pornography  
 37 (IC 35-42-4-4(c)).

38 The court shall enter in the record, in detail, the reason for its action  
 39 whenever it exercises the power to enter judgment of conviction of a  
 40 Class A misdemeanor granted in this subsection.

41 ~~(c)~~ (d) Notwithstanding ~~subsection~~ subsections (a) and (b), the  
 42 sentencing court may convert a Class D felony conviction (*for a crime*  
 43 *committed before July 1, 2014) or a Level 6 felony conviction (for a*  
 44 *crime committed after June 30, 2014) to a Class A misdemeanor*  
 45 *conviction if, after receiving a verified petition as described in*  
 46 *subsection ~~(d)~~ (e) and after conducting a hearing of which the*



1 prosecuting attorney has been notified, the court makes the following  
2 findings:

3 (1) The person is not a sex or violent offender (as defined in  
4 IC 11-8-8-5).

5 (2) The person was not convicted of a Class D felony (*for a crime*  
6 *committed before July 1, 2014*) or a Level 6 felony (*for a crime*  
7 *committed after June 30, 2014*) that resulted in bodily injury to  
8 another person.

9 (3) The person has not been convicted of perjury under  
10 IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal) or official  
11 misconduct under IC 35-44.1-1-1 (or IC 35-44-1-2 before its  
12 repeal).

13 (4) At least three (3) years have passed since the person:

14 (A) completed the person's sentence; and

15 (B) satisfied any other obligation imposed on the person as  
16 part of the sentence;

17 for the Class D or Level 6 felony.

18 (5) The person has not been convicted of a felony since the  
19 person:

20 (A) completed the person's sentence; and

21 (B) satisfied any other obligation imposed on the person as  
22 part of the sentence;

23 for the Class D or Level 6 felony.

24 (6) No criminal charges are pending against the person.

25 ~~(d)~~ (e) A petition filed under ~~subsection subsections (c) (d) or (e) (f)~~  
26 must be verified and set forth:

27 (1) the crime the person has been convicted of;

28 (2) the date of the conviction;

29 (3) the date the person completed the person's sentence;

30 (4) any obligations imposed on the person as part of the sentence;

31 (5) the date the obligations were satisfied; and

32 (6) a verified statement that there are no criminal charges pending  
33 against the person.

34 ~~(e) (f)~~ (f) If a person whose Class D or Level 6 felony conviction has  
35 been converted to a Class A misdemeanor conviction under subsection  
36 ~~(c) (d)~~ (d) is convicted of a felony *within not later than* five (5) years after  
37 the conversion under subsection ~~(c) (d)~~, a prosecuting attorney may  
38 petition a court to convert the person's Class A misdemeanor  
39 conviction back to a Class D felony conviction (*for a crime committed*  
40 *before July 1, 2014*) or a Level 6 felony conviction (*for a crime*  
41 *committed after June 30, 2014*).

42 SECTION 63. IC 35-50-2-9, AS AMENDED BY P.L.158-2013,  
43 SECTION 663, AND AS AMENDED BY P.L.214-2013, SECTION  
44 45, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
45 [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) The state may seek either a  
46 death sentence or a sentence of life imprisonment without parole for



1 murder by alleging, on a page separate from the rest of the charging  
 2 instrument, the existence of at least one (1) of the aggravating  
 3 circumstances listed in subsection (b). In the sentencing hearing after  
 4 a person is convicted of murder, the state must prove beyond a  
 5 reasonable doubt the existence of at least one (1) of the aggravating  
 6 circumstances alleged. However, the state may not proceed against a  
 7 defendant under this section if a court determines at a pretrial hearing  
 8 under IC 35-36-9 that the defendant is an individual with mental  
 9 retardation.

10 (b) The aggravating circumstances are as follows:

11 (1) The defendant committed the murder by intentionally killing  
 12 the victim while committing or attempting to commit any of the  
 13 following:

- 14 (A) Arson (IC 35-43-1-1).
- 15 (B) Burglary (IC 35-43-2-1).
- 16 (C) Child molesting (IC 35-42-4-3).
- 17 (D) Criminal deviate conduct (IC 35-42-4-2) (*repealed*).
- 18 (E) Kidnapping (IC 35-42-3-2).
- 19 (F) Rape (IC 35-42-4-1).
- 20 (G) Robbery (IC 35-42-5-1).
- 21 (H) Carjacking (IC 35-42-5-2) (*repealed*).
- 22 (I) Criminal gang activity (IC 35-45-9-3).
- 23 (J) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).
- 24 (K) *Criminal confinement (IC 35-42-3-3)*.

25 (2) The defendant committed the murder by the unlawful  
 26 detonation of an explosive with intent to injure a person or  
 27 damage property.

28 (3) The defendant committed the murder by lying in wait.

29 (4) The defendant who committed the murder was hired to kill.

30 (5) The defendant committed the murder by hiring another person  
 31 to kill.

32 (6) The victim of the murder was a corrections employee,  
 33 probation officer, parole officer, community corrections worker,  
 34 home detention officer, fireman, judge, or law enforcement  
 35 officer, and either:

- 36 (A) the victim was acting in the course of duty; or
- 37 (B) the murder was motivated by an act the victim performed  
 38 while acting in the course of duty.

39 (7) The defendant has been convicted of another murder.

40 (8) The defendant has committed another murder, at any time,  
 41 regardless of whether the defendant has been convicted of that  
 42 other murder.

43 (9) The defendant was:

- 44 (A) under the custody of the department of correction;
- 45 (B) under the custody of a county sheriff;
- 46 (C) on probation after receiving a sentence for the commission



- 1 of a felony; or  
 2 (D) on parole;  
 3 at the time the murder was committed.  
 4 (10) The defendant dismembered the victim.  
 5 (11) The defendant burned, mutilated, or tortured the victim while  
 6 the victim was alive.  
 7 (12) The victim of the murder was less than twelve (12) years of  
 8 age.  
 9 (13) The victim was a victim of any of the following offenses for  
 10 which the defendant was convicted:  
 11 (A) Battery *committed before July 1, 2014*, as a Class D felony  
 12 or as a Class C felony under IC 35-42-2-1 or *battery*  
 13 *committed after June 30, 2014, as a Level 6 felony, a Level 5*  
 14 *felony, or a Level 3 felony.*  
 15 (B) Kidnapping (IC 35-42-3-2).  
 16 (C) Criminal confinement (IC 35-42-3-3).  
 17 (D) A sex crime under IC 35-42-4.  
 18 (14) The victim of the murder was listed by the state or known by  
 19 the defendant to be a witness against the defendant and the  
 20 defendant committed the murder with the intent to prevent the  
 21 person from testifying.  
 22 (15) The defendant committed the murder by intentionally  
 23 discharging a firearm (as defined in IC 35-47-1-5):  
 24 (A) into an inhabited dwelling; or  
 25 (B) from a vehicle.  
 26 (16) The victim of the murder was pregnant and the murder  
 27 resulted in the intentional killing of a fetus that has attained  
 28 viability (as defined in IC 16-18-2-365).  
 29 (c) The mitigating circumstances that may be considered under this  
 30 section are as follows:  
 31 (1) The defendant has no significant history of prior criminal  
 32 conduct.  
 33 (2) The defendant was under the influence of extreme mental or  
 34 emotional disturbance when the murder was committed.  
 35 (3) The victim was a participant in or consented to the defendant's  
 36 conduct.  
 37 (4) The defendant was an accomplice in a murder committed by  
 38 another person, and the defendant's participation was relatively  
 39 minor.  
 40 (5) The defendant acted under the substantial domination of  
 41 another person.  
 42 (6) The defendant's capacity to appreciate the criminality of the  
 43 defendant's conduct or to conform that conduct to the  
 44 requirements of law was substantially impaired as a result of  
 45 mental disease or defect or of intoxication.  
 46 (7) The defendant was less than eighteen (18) years of age at the



1 time the murder was committed.

2 (8) Any other circumstances appropriate for consideration.

3 (d) If the defendant was convicted of murder in a jury trial, the jury  
4 shall reconvene for the sentencing hearing. If the trial was to the court,  
5 or the judgment was entered on a guilty plea, the court alone shall  
6 conduct the sentencing hearing. The jury or the court may consider all  
7 the evidence introduced at the trial stage of the proceedings, together  
8 with new evidence presented at the sentencing hearing. The court shall  
9 instruct the jury concerning the statutory penalties for murder and any  
10 other offenses for which the defendant was convicted, the potential for  
11 consecutive or concurrent sentencing, and the availability of good time  
12 credit and clemency. The court shall instruct the jury that, in order for  
13 the jury to recommend to the court that the death penalty or life  
14 imprisonment without parole should be imposed, the jury must find at  
15 least one (1) aggravating circumstance beyond a reasonable doubt as  
16 described in subsection (1) and shall provide a special verdict form for  
17 each aggravating circumstance alleged. The defendant may present any  
18 additional evidence relevant to:

19 (1) the aggravating circumstances alleged; or

20 (2) any of the mitigating circumstances listed in subsection (c).

21 (e) For a defendant sentenced after June 30, 2002, except as  
22 provided by IC 35-36-9, if the hearing is by jury, the jury shall  
23 recommend to the court whether the death penalty or life imprisonment  
24 without parole, or neither, should be imposed. The jury may  
25 recommend:

26 (1) the death penalty; or

27 (2) life imprisonment without parole;

28 only if it makes the findings described in subsection (1). If the jury  
29 reaches a sentencing recommendation, the court shall sentence the  
30 defendant accordingly. After a court pronounces sentence, a  
31 representative of the victim's family and friends may present a  
32 statement regarding the impact of the crime on family and friends. The  
33 impact statement may be submitted in writing or given orally by the  
34 representative. The statement shall be given in the presence of the  
35 defendant.

36 (f) If a jury is unable to agree on a sentence recommendation after  
37 reasonable deliberations, the court shall discharge the jury and proceed  
38 as if the hearing had been to the court alone.

39 (g) If the hearing is to the court alone, except as provided by  
40 IC 35-36-9, the court shall:

41 (1) sentence the defendant to death; or

42 (2) impose a term of life imprisonment without parole;

43 only if it makes the findings described in subsection (1).

44 (h) If a court sentences a defendant to death, the court shall order  
45 the defendant's execution to be carried out not later than one (1) year  
46 and one (1) day after the date the defendant was convicted. The



1 supreme court has exclusive jurisdiction to stay the execution of a  
2 death sentence. If the supreme court stays the execution of a death  
3 sentence, the supreme court shall order a new date for the defendant's  
4 execution.

5 (i) If a person sentenced to death by a court files a petition for  
6 post-conviction relief, the court, not later than ninety (90) days after the  
7 date the petition is filed, shall set a date to hold a hearing to consider  
8 the petition. If a court does not, within the ninety (90) day period, set  
9 the date to hold the hearing to consider the petition, the court's failure  
10 to set the hearing date is not a basis for additional post-conviction  
11 relief. The attorney general shall answer the petition for post-conviction  
12 relief on behalf of the state. At the request of the attorney general, a  
13 prosecuting attorney shall assist the attorney general. The court shall  
14 enter written findings of fact and conclusions of law concerning the  
15 petition not later than ninety (90) days after the date the hearing  
16 concludes. However, if the court determines that the petition is without  
17 merit, the court may dismiss the petition within ninety (90) days  
18 without conducting a hearing under this subsection.

19 (j) A death sentence is subject to automatic review by the supreme  
20 court. The review, which shall be heard under rules adopted by the  
21 supreme court, shall be given priority over all other cases. The supreme  
22 court's review must take into consideration all claims that the:

23 (1) conviction or sentence was in violation of the:

24 (A) Constitution of the State of Indiana; or

25 (B) Constitution of the United States;

26 (2) sentencing court was without jurisdiction to impose a  
27 sentence; and

28 (3) sentence:

29 (A) exceeds the maximum sentence authorized by law; or

30 (B) is otherwise erroneous.

31 If the supreme court cannot complete its review by the date set by the  
32 sentencing court for the defendant's execution under subsection (h), the  
33 supreme court shall stay the execution of the death sentence and set a  
34 new date to carry out the defendant's execution.

35 (k) A person who has been sentenced to death and who has  
36 completed state post-conviction review proceedings may file a written  
37 petition with the supreme court seeking to present new evidence  
38 challenging the person's guilt or the appropriateness of the death  
39 sentence if the person serves notice on the attorney general. The  
40 supreme court shall determine, with or without a hearing, whether the  
41 person has presented previously undiscovered evidence that  
42 undermines confidence in the conviction or the death sentence. If  
43 necessary, the supreme court may remand the case to the trial court for  
44 an evidentiary hearing to consider the new evidence and its effect on  
45 the person's conviction and death sentence. The supreme court may not  
46 make a determination in the person's favor nor make a decision to



1 remand the case to the trial court for an evidentiary hearing without  
 2 first providing the attorney general with an opportunity to be heard on  
 3 the matter.

4 (l) Before a sentence may be imposed under this section, the jury,  
 5 in a proceeding under subsection (e), or the court, in a proceeding  
 6 under subsection (g), must find that:

7 (1) the state has proved beyond a reasonable doubt that at least  
 8 one (1) of the aggravating circumstances listed in subsection (b)  
 9 exists; and

10 (2) any mitigating circumstances that exist are outweighed by the  
 11 aggravating circumstance or circumstances.

12 SECTION 64. IC 35-50-6-3.3, AS AMENDED BY P.L.158-2013,  
 13 SECTION 669, AND AS AMENDED BY P.L.214-2013, SECTION  
 14 46, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 15 [EFFECTIVE JULY 1, 2014]: Sec. 3.3. (a) In addition to any credit  
 16 time a person earns under subsection (b) or section 3 of this chapter, a  
 17 person earns credit time if the person:

18 (1) is in credit Class I *or* Class A;

19 (2) has demonstrated a pattern consistent with rehabilitation; and

20 (3) successfully completes requirements to obtain one (1) of the  
 21 following:

22 (A) A general educational development (GED) diploma under  
 23 IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person  
 24 has not previously obtained a high school diploma.

25 (B) Except as provided in subsection (n), a high school  
 26 diploma, if the person has not previously obtained a general  
 27 educational development (GED) diploma.

28 (C) An ~~associate's~~ *associate* degree from an approved  
 29 postsecondary educational institution (as defined under  
 30 IC 21-7-13-6(a)) *earned during the person's incarceration.*

31 (D) A ~~bachelor's~~ *bachelor* degree from an approved  
 32 postsecondary educational institution (as defined under  
 33 IC 21-7-13-6(a)) *earned during the person's incarceration.*

34 (b) In addition to any credit time that a person earns under  
 35 subsection (a) or section 3 of this chapter, a person may earn credit  
 36 time if, while confined by the department of correction, the person:

37 (1) is in credit Class I *or* Class A;

38 (2) demonstrates a pattern consistent with rehabilitation; and

39 (3) successfully completes requirements to obtain at least one (1)  
 40 of the following:

41 (A) A certificate of completion of a career and technical *or*  
 42 *vocational* education program approved by the department of  
 43 correction.

44 (B) A certificate of completion of a substance abuse program  
 45 approved by the department of correction.

46 (C) A certificate of completion of a literacy and basic life



1 skills program approved by the department of correction.

2 (D) A certificate of completion of a reformatory program  
3 approved by the department of correction.

4 (c) The department of correction shall establish admissions criteria  
5 and other requirements for programs available for earning credit time  
6 under subsection (b). A person may not earn credit time under both  
7 subsections (a) and (b) for the same program of study. *The department*  
8 *of correction, in consultation with the department of workforce*  
9 *development, shall approve a program only if the program is likely to*  
10 *lead to an employable occupation.*

11 (d) The amount of credit time a person may earn under this section  
12 is the following:

13 (1) Six (6) months for completion of a state of Indiana general  
14 educational development (GED) diploma under IC 20-20-6  
15 (before its repeal) or IC 22-4.1-18.

16 (2) One (1) year for graduation from high school.

17 (3) ~~One~~ Not more than one (1) year for completion of an  
18 ~~associate's~~ associate degree.

19 (4) ~~Two~~ Not more than two (2) years for completion of a  
20 ~~bachelor's~~ bachelor degree.

21 (5) Not more than a total of ~~six (6) months~~ one (1) year of credit,  
22 as determined by the department of correction, for the completion  
23 of one (1) or more career and technical *or vocational* education  
24 programs approved by the department of correction.

25 (6) Not more than a total of six (6) months of credit, as  
26 determined by the department of correction, for the completion of  
27 one (1) or more substance abuse programs approved by the  
28 department of correction.

29 (7) Not more than a total of six (6) months credit, as determined  
30 by the department of correction, for the completion of one (1) or  
31 more literacy and basic life skills programs approved by the  
32 department of correction.

33 (8) Not more than a total of six (6) months credit time, as  
34 determined by the department of correction, for completion of one  
35 (1) or more reformatory programs approved by the department of  
36 correction. However, a person who is serving a sentence for an  
37 offense listed under IC 11-8-8-4.5 may not earn credit time under  
38 this subdivision.

39 However, a person who does not have a substance abuse problem that  
40 qualifies the person to earn credit in a substance abuse program may  
41 earn not more than a total of twelve (12) months of credit, as  
42 determined by the department of correction, for the completion of one  
43 (1) or more career and technical *or vocational* education programs  
44 approved by the department of correction. If a person earns more than  
45 six (6) months of credit for the completion of one (1) or more career  
46 and technical education programs, the person is ineligible to earn credit



1 for the completion of one (1) or more substance abuse programs.

2 (e) *Credit time earned under this section must be directly*  
 3 *proportional to the time served and course work completed while*  
 4 *incarcerated. The department of correction shall adopt rules under*  
 5 *IC 4-22-2 necessary to implement this subsection.*

6 ~~(e)~~ (f) Credit time earned by a person under this section is subtracted  
 7 from the *release date that would otherwise apply to period of*  
 8 *imprisonment imposed on the person by the sentencing court after*  
 9 *subtracting all other credit time earned by the person.*

10 ~~(f)~~ (g) A person does not earn credit time under subsection (a)  
 11 unless the person completes at least a portion of the degree  
 12 requirements after June 30, 1993.

13 ~~(g)~~ (h) A person does not earn credit time under subsection (b)  
 14 unless the person completes at least a portion of the program  
 15 requirements after June 30, 1999.

16 ~~(h)~~ (i) Credit time earned by a person under subsection (a) for a  
 17 diploma or degree completed before July 1, 1999, shall be subtracted  
 18 from:

19 (1) the release date that would otherwise apply to the person after  
 20 subtracting all other credit time earned by the person, if the  
 21 person has not been convicted of an offense described in  
 22 subdivision (2); or

23 (2) the period of imprisonment imposed on the person by the  
 24 sentencing court, if the person has been convicted of one (1) of  
 25 the following crimes:

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

27 (B) Criminal deviate conduct (IC 35-42-4-2) (repealed).

28 (C) Child molesting (IC 35-42-4-3).

29 (D) Child exploitation (IC 35-42-4-4(b)).

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

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

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

33 (H) Sexual misconduct with a minor (IC 35-42-4-9) as a:

34 (i) Class A felony, Class B felony, or Class C felony  
 35 ~~(IC 35-42-4-9)~~; for a crime committed before July 1, 2014;

36 or

37 (ii) Level 1, Level 2, or Level 4 felony, for a crime  
 38 committed after June 30, 2014.

39 (I) Incest (IC 35-46-1-3).

40 (J) Sexual battery (IC 35-42-4-8).

41 (K) Kidnapping (IC 35-42-3-2), if the victim is less than  
 42 eighteen (18) years of age.

43 (L) Criminal confinement (IC 35-42-3-3), if the victim is less  
 44 than eighteen (18) years of age.

45 (M) An attempt or a conspiracy to commit a crime listed in  
 46 clauses (A) through (L).



1           ~~(j)~~ (j) The maximum amount of credit time a person may earn under  
2 this section is the lesser of:

3           (1) ~~four (4)~~ two (2) years; or

4           (2) one-third (1/3) of the person's total applicable credit time.

5           ~~(k)~~ (k) Credit time earned under this section by an offender serving  
6 a sentence for a felony against a person under IC 35-42 or for a crime  
7 listed in IC 11-8-8-5 shall be reduced to the extent that application of  
8 the credit time would otherwise result in:

9           (1) postconviction release (as defined in IC 35-40-4-6); or

10           (2) assignment of the person to a community transition program;  
11 in less than forty-five (45) days after the person earns the credit time.

12           ~~(l)~~ (l) A person may earn credit time for multiple degrees at the  
13 same education level under subsection (d) only in accordance with  
14 guidelines approved by the department of correction. The department  
15 of correction may approve guidelines for proper sequence of education  
16 degrees under subsection (d).

17           ~~(m)~~ (m) A person may not earn credit time:

18           (1) for a general educational development (GED) diploma if the  
19 person has previously earned a high school diploma; or

20           (2) for a high school diploma if the person has previously earned  
21 a general educational development (GED) diploma.

22           ~~(n)~~ (n) A person may not earn credit time under this section if the  
23 person:

24           (1) commits an offense listed in IC 11-8-8-4.5 while the person is  
25 required to register as a sex or violent offender under IC 11-8-8-7;  
26 and

27           (2) is committed to the department of correction after being  
28 convicted of the offense listed in IC 11-8-8-4.5.

29           ~~(o)~~ (o) For a person to earn credit time under subsection (a)(3)(B)  
30 for successfully completing the requirements for a high school diploma  
31 through correspondence courses, each correspondence course must be  
32 approved by the department before the person begins the  
33 correspondence course. The department may approve a correspondence  
34 course only if the entity administering the course is recognized and  
35 accredited by the department of education in the state where the entity  
36 is located.

37           SECTION 65. IC 35-51-4-1, AS AMENDED BY P.L.158-2013,  
38 SECTION 673, AND AS AMENDED BY P.L.221-2013, SECTION 7,  
39 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
40 [EFFECTIVE JULY 1, 2014]: Sec. 1. The following statutes define  
41 crimes in IC 4:

42           IC 4-1-10-8 (Concerning state agencies).

43           IC 4-1-10-9 (Concerning state agencies).

44           IC 4-2-7-8 (Concerning the inspector general).

45           IC 4-4-27-8 (Concerning the inspection of grain).

46           IC 4-13.6-4-14 (Concerning state public works).



- 1 IC 4-21.5-3-36 (Concerning administrative proceedings).
- 2 IC 4-21.5-3-37 (Concerning administrative proceedings).
- 3 IC 4-30-3-19 (Concerning the lottery).
- 4 IC 4-30-3-19.5 (Concerning the lottery).
- 5 IC 4-30-3-19.7 (Concerning the lottery).
- 6 IC 4-30-12-5 (Concerning the lottery).
- 7 IC 4-30-13-1 (Concerning the lottery).
- 8 IC 4-30-14-1 (Concerning the lottery).
- 9 IC 4-30-14-2 (Concerning the lottery).
- 10 IC 4-30-14-3 (Concerning the lottery).
- 11 IC 4-30-14-4 (Concerning the lottery).
- 12 IC 4-30-14-5 (Concerning ~~horse racing~~ the lottery).
- 13 IC 4-30-14-6 (Concerning the lottery).
- 14 *IC 4-31-7-9 (Concerning horse racing).*
- 15 IC 4-31-13-3 (Concerning horse racing).
- 16 IC 4-31-13-3.5 (Concerning horse racing).
- 17 IC 4-31-13-9 (Concerning horse racing).
- 18 IC 4-32.2-8-4 (Concerning charity gaming).
- 19 IC 4-33-10-1 (Concerning riverboat gambling).
- 20 IC 4-33-10-2 (Concerning riverboat gambling).
- 21 IC 4-33-10-2.1 (Concerning riverboat gambling).
- 22 IC 4-33-10-2.5 (Concerning riverboat gambling).
- 23 *IC 4-33-10-6 (Concerning riverboat gambling).*
- 24 IC 4-33-22-14 (Concerning boxing and mixed martial arts).
- 25 IC 4-33-22-40 (Concerning boxing and mixed martial arts).
- 26 IC 4-35-9-2 (Concerning gambling games at racetracks).
- 27 ~~IC 4-35-9-3 (Concerning gambling games at racetracks).~~
- 28 IC 4-35-9-4 (Concerning gambling games at racetracks).
- 29 IC 4-35-9-5 (Concerning gambling games at racetracks).
- 30 *IC 4-35-9-6 (Concerning gambling games at racetracks).*
- 31 IC 4-36-6-5 (Concerning gambling in certain establishments).



Makes the penalty for violating certain statutes in the natural resources title a civil penalty instead of a misdemeanor or infraction. For committee discussion.

1 SECTION 1. IC 14-8-4 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER**  
2 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

3 **Chapter 4. Administrative Procedure for Civil Penalties**

4 **Sec. 1. Unless otherwise specified, the procedure for issuing a civil penalty under**  
5 **this title is subject to IC 4-21.5.**

6 SECTION 2. IC 14-9-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2014]: Sec. 3. The director has the following duties:

8 (1) Supervision of the work of the department and of each of the divisions.

9 (2) The control of all officers, deputies, inspectors, and employees charged with  
10 the enforcement of the penal **and other** provisions of this title or of the rules of  
11 the commission.

12 (3) The direct charge of the conservation officers in the enforcement of the laws  
13 relating to fisheries and game.

14 SECTION 3. IC 14-9-8-21.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2014]: Sec. 21.5. (a) As used in this section, "fund" refers to the conservation officers  
16 marine enforcement fund established by this section.

17 (b) The conservation officers marine enforcement fund is established. The department  
18 shall administer the fund. The department may expend the money in the fund exclusively for  
19 marine enforcement efforts associated with recreational boating on Indiana waters, including  
20 uses described in IC 14-9-9-5.

21 (c) The fund consists of **civil penalties assessed by the department for violations of**  
22 **IC 14-15 and** money from the lake and river enhancement fee paid by boat owners and deposited  
23 under IC 6-6-11-12(c)(2). Money deposited in the fund is annually appropriated and allotted to  
24 the department to carry out the purposes of this section. The expenses of administering the fund  
25 shall be paid from money in the fund.

26 (d) Money in the fund at the end of a state fiscal year does not revert to the state general  
27 fund. However, the department may transfer from the fund to the counties with special boat  
28 patrol needs fund (IC 14-9-9-5) an amount that does not exceed twenty percent (20%) of money  
29 deposited into the fund.

30 SECTION 4. IC 14-10-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2014]: Sec. 6. (a) The commission may issue a notice of violation to a person who  
32 violates a law administered by the department for which a misdemeanor, **or** an infraction, **or a**  
33 **civil** penalty is established. If the person:

34 (1) receives the notice; and

35 (2) fails to abate the violation within a period of not less than fifteen (15) days  
36 specified in the notice;

1 the commission may impose a charge that does not exceed the maximum amount **specified by**  
2 **statute or** that may be assessed by a court for committing the violation.

3 (b) IC 4-21.5 applies to proceedings by the commission under this section. The  
4 department has the burden of proving the alleged violation by a preponderance of the evidence.

5 (c) A separate notice of violation may be issued or a separate charge imposed for each  
6 day a violation occurs.

7 (d) The person may establish as an affirmative defense the filing by a prosecuting  
8 attorney of a misdemeanor information or infraction complaint based on the same event as that  
9 upon which the notice of violation was based. The person has the burden of proving the  
10 affirmative defense.

11 (e) The remedy provided by this section is supplemental to other remedies.

12 SECTION 5. IC 14-11-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2014]: Sec. 2. Except as provided in IC 14-34-2-2, the commission, **or, at the**  
14 **discretion of the commission, an administrative law judge appointed by the commission,**  
15 shall hold all hearings under IC 4-21.5 and IC 4-22-2.

16 SECTION 6. IC 14-11-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2014]: Sec. 1. The **department, the** attorney general, and prosecuting attorneys shall  
18 rigidly enforce this title.

19 SECTION 7. IC 14-15-2-16 IS ADDED TO THE INDIANA CODE AS A NEW  
20 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 16.(a) The**  
21 **department may assess a civil penalty of:**

- 22 (1) **not more than five hundred dollars (\$500) against a person who violates**  
23 **section 1, 2, 3, 4, 5, 6, 7(b), 9, 10, 12, 13, or 14 of this chapter; and**  
24 (2) **not less than one thousand dollars (\$1,000) or more than ten thousand**  
25 **dollars (\$10,000) against a person who violates section 7(c) or 8 of this**  
26 **chapter.**

27 (b) **The civil penalty shall be deposited in the conservation officers marine**  
28 **enforcement fund established by IC 14-9-8-21.5**

29 SECTION 8. IC 14-15-2-15 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 15: (a)~~  
30 ~~Except as provided in subsection (b); a person who violates this chapter commits a Class C~~  
31 ~~infraction:~~

32 (b) ~~A person who violates section 7(c) or 8 of this chapter commits a Class A infraction:~~  
33 ~~Notwithstanding IC 34-28-5-4(a), a judgment of at least one thousand dollars (\$1,000) shall be~~  
34 ~~imposed for each Class A infraction committed in violation of section 7(c) or 8 of this chapter:~~

35 SECTION 9. IC 14-15-3-31 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 31: (a)~~  
36 ~~Except as provided in subsection (b); a person who violates this chapter commits a Class C~~  
37 ~~infraction:~~

38 (b) ~~A person who violates section 6 of this chapter commits a Class C misdemeanor:~~

39 SECTION 10. IC 14-15-3-32 IS ADDED TO THE INDIANA CODE AS A NEW  
40 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 32. (a) The**

1 department may assess a civil penalty not more than five hundred dollars (\$500) against a  
2 person who violates section 2, 3, 5, 7, 8, 9, 10, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28,  
3 29, or 30 of this chapter.

4 (b) The civil penalty shall be deposited in the conservation officers marine  
5 enforcement fund established by IC 14-9-8-21.5.

6 (c) A person who knowingly or intentionally violates section 6 of this chapter  
7 commits a Class C misdemeanor.

8 SECTION 11. IC 14-15-4-4, AS AMENDED BY P.L.158-2013, SECTION 199, IS  
9 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.A person who  
10 knowingly or intentionally violates sections 1 through 3 of this chapter commits a Class C  
11 misdemeanor. However, the offense is:

12 (1) a Class A misdemeanor if the accident or collision results in an injury to a  
13 person;

14 (2) a Level 6 felony if:

15 (A) the accident or collision results in serious bodily injury to a person;

16 or

17 (B) within the five (5) years preceding the commission of the offense,  
18 the person had a previous conviction of any of the offenses listed in  
19 IC 9-30-10-4(a), IC 35-46-9-6, or IC 14-15-8-8 (before its repeal); or

20 (3) a Level 5 felony if the accident or collision results in the death of a person.

21 SECTION 12. IC 14-15-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2014]: Sec. 3. (a) The department may assess a civil penalty of not more than five  
23 hundred dollars (\$500) against a person who violates section 1 of this chapter. commits a Class  
24 E infraction:

25 (b) The civil penalty shall be deposited in the conservation officers marine  
26 enforcement fund established by IC 14-9-8-21.5.

27 SECTION 13. IC 14-15-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2014]: Sec. 10. (a) The department may assess a civil penalty of not more than five  
29 hundred dollars (\$500) against a person who violates section 1, 5, 7, 8, or 9 of this chapter.  
30 commits a Class E infraction:

31 (b) The civil penalty shall be deposited in the conservation officers marine  
32 enforcement fund established by IC 14-9-8-21.5.

33 SECTION 14. IC 14-15-7-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 6: A  
34 person who violates this chapter commits a Class E infraction:

35 SECTION 15. IC 14-15-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2014]: Sec. 8. (a) The department may assess a civil penalty of not more than five  
37 hundred dollars (\$500) against a person who violates section 4, 5, 6, or 7(a) of this chapter.  
38 commits a Class E misdemeanor:

39 (b) The civil penalty shall be deposited in the conservation officers marine  
40 enforcement fund established by IC 14-9-8-21.5.

1 SECTION 16. IC 14-15-12-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2014]: Sec. 13. (a) A person who intentionally, knowingly, or recklessly violates section  
3 10 of this chapter commits a Class C misdemeanor.

4 (b) **The department may assess a civil penalty of not more than five hundred**  
5 **dollars (\$500) against a person who violates section 6, 7, 8, 9, or 11 of this chapter. commits a**  
6 **Class C infraction.**

7 (c) **The civil penalty shall be deposited in the conservation officers marine**  
8 **enforcement fund established by IC 14-9-8-21.5.**

9 SECTION 17. IC 14-15-13-4, AS ADDED BY P.L.165-2011, SECTION 7, IS  
10 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) **The**  
11 **department may assess a civil penalty of not more than five hundred dollars (\$500) against**  
12 **a individual person who violates section 3 of this chapter. commits a Class C infraction.**

13 (b) **The civil penalty shall be deposited in the conservation officers marine**  
14 **enforcement fund established by IC 14-9-8-21.5.**

15 SECTION 18. IC 14-16-1-29, AS AMENDED BY P.L.1-2006, SECTION 210, IS  
16 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) Except as  
17 provided in subsections subsection (b), and (c); **the department may assess a civil penalty of**  
18 **not more than:**

19 (1) **five hundred dollars (\$500) against a person who violates section 8, 9,**  
20 **11.5, 13, 14, 20, 21, 23(a)(3) through (a)(14), or 27 of this chapter; commits a**  
21 **Class C infraction. or**

22 (2) **ten thousand dollars (\$10,000) against a person who violates section**  
23 **18(d) or 18(e) of this chapter.**

24 (b) A person who **knowingly or intentionally** violates section 17, 18(a), 18(b), 18(c),  
25 23(a)(1), 23(a)(2), or 24 of this chapter commits a Class B misdemeanor.

26 (c) A person who violates section 18(d) or 18(e) of this chapter commits a Class A  
27 infraction. **The civil penalty described in subsection (a) shall be deposited in the off-road**  
28 **vehicle and snowmobile fund established by section 30 of this chapter.**

29 SECTION 19. IC 14-21-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2014]: Sec. 16. (a) Except as provided in section 18 and sections 25 through 27 of this  
31 chapter, **the department may assess a civil penalty of not more than five thousand dollars**  
32 **(\$5,000) against a person who knowingly, without a permit, conducts a field investigation or**  
33 **alters historic property within the boundaries of property owned or leased by the state. commits a**  
34 **Class A misdemeanor.**

35 (b) **The civil penalty shall be deposited in the archeology preservation trust fund**  
36 **established under section 34 of this chapter.**

37 SECTION 20. IC 14-21-1-26, AS AMENDED BY P.L.158-2013, SECTION  
38 200, IS AMENDED TO READ AS FOLLOWS: Sec. 26.(a) A person who disturbs the ground  
39 for the purpose of discovering, uncovering, or moving artifacts, burial objects, or human remains

1 must do so in accordance with a plan approved by the department under section 25 of this  
2 chapter or under IC 14-3-3.4-14 (before its repeal).

3 (b) **The department may assess a civil penalty of not more than five thousand**  
4 **dollars (\$5,000) against** a person who recklessly, knowingly, or intentionally violates this  
5 section. ~~commits the following:~~

6 (1) ~~A Class A misdemeanor, if the violation does not involve disturbing human~~  
7 ~~remains.~~

8 (2) ~~A However, the violation is a Level 6 felony if the violation involves~~  
9 ~~disturbing human remains.~~

10 (c) **A civil penalty imposed under this section shall be deposited in the archeology**  
11 **preservation trust fund established under section 34 of this chapter.**

12 SECTION 21. IC 14-21-1-26.5, AS AMENDED BY P.L.158-2013, SECTION 201, IS  
13 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26.5. (a)  
14 Notwithstanding IC 23-14-44-1, this section does not apply to the following:

15 (1) A public utility (as defined in IC 8-1-2-1(a)).

16 (2) A corporation organized under IC 8-1-13.

17 (3) A municipally owned utility (as defined in IC 8-1-2-1(h)).

18 (4) A surface coal mining and reclamation operation permitted under IC 14-34.

19 (b) Except as provided in this subsection and subsections (c) and (d), a person may not  
20 disturb the ground within one hundred (100) feet of a burial ground for the purpose of excavating  
21 or covering over the ground or erecting, altering, or repairing any structure without having a  
22 development plan approved by the department under section 25 of this chapter or in violation of  
23 a development plan approved by the department under section 25 of this chapter. The department  
24 must review the development plan as required by section 25(e) of this chapter.

25 (c) A development plan:

26 (1) must be approved if a person intends to:

27 (A) excavate or cover over the ground; or

28 (B) construct a new structure or alter or repair an existing structure;

29 that would impact the burial ground or cemetery; and

30 (2) is not required if a person intends to:

31 (A) excavate or cover over the ground; or

32 (B) erect, alter, or repair an existing structure;

33 for an incidental or existing use that would not impact the burial ground or  
34 cemetery.

35 (d) A development plan for a governmental entity to disturb ground within one hundred  
36 (100) feet of a burial ground must be approved as follows:

37 (1) A development plan of a municipality requires approval of the executive of

38 the municipality and does not require the approval of the department. However,

39 if the burial ground or cemetery is located outside the municipality, approval is

40 also required by the executive of the county where the burial ground or cemetery

1 is located. A county cemetery commission established under IC 23-14-67-2 may  
2 advise the executive of the municipality on whether to approve a development  
3 plan.

4 (2) A development plan of a governmental entity other than:

5 (A) a municipality; or

6 (B) the state;

7 requires the approval of the executive of the county where the governmental  
8 entity is located and does not require the approval of the department. However, if  
9 the governmental entity is located in more than one (1) county, only the approval  
10 of the executive of the county where the burial ground or cemetery is located is  
11 required. A county cemetery commission established under IC 23-14-67-2 may  
12 advise the county executive on whether to approve a development plan.

13 (3) A development plan of the state requires the approval of the department.

14 (e) If a burial ground is within an archeological site, an archeological plan is required to  
15 be part of the development plan.

16 (f) **The department may assess a civil penalty of not more than five thousand**  
17 **dollars (\$5,000) against** a person who recklessly, knowingly, or intentionally violates this  
18 section. ~~commits a Class A misdemeanor.~~ However, the offense is a Level 6 felony if the person  
19 disturbs buried human remains or grave markers while committing the offense.

20 (g) **A civil penalty imposed under this section shall be deposited in the archeology**  
21 **preservation trust fund established under section 34 of this chapter.**

22 SECTION 22. IC 14-21-1-27, AS AMENDED BY P.L.26-2008, SECTION 9, IS  
23 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 27. (a) A person who  
24 disturbs buried human remains or burial grounds shall do the following:

25 (1) Notify the department within two (2) business days of the time of the  
26 disturbance.

27 (2) Treat or rebury the human remains in a manner and place according to rules  
28 adopted by the commission or a court order and permit issued by the state  
29 department of health under IC 23-14-57.

30 (b) **The department may assess a civil penalty of not more than five thousand**  
31 **dollars (\$5,000) against** a person who recklessly, knowingly, or intentionally violates this  
32 section. ~~commits a Class A misdemeanor.~~

33 (c) **A civil penalty imposed under this section shall be deposited in the archeology**  
34 **preservation trust fund established under section 34 of this chapter.**

35 SECTION 23. IC 14-21-1-29, AS AMENDED BY P.L.26-2008, SECTION 11, IS  
36 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) A person who  
37 discovers, uncovers, or moves an artifact or burial object while disturbing the ground for a  
38 purpose other than the discovery, uncovering, or moving of artifacts or burial objects shall do the  
39 following:

40 (1) Immediately cease disturbing the ground and the area within one hundred

1 (100) feet of the artifact or burial object.

2 (2) Notify the department within two (2) business days after the time of the  
3 disturbance.

4 (b) After notification under subsection (a), the department may do any of the following:

5 (1) Authorize the person to continue the ground disturbing activity, with or  
6 without conditions.

7 (2) Require that continued ground disturbance activity be conducted only in  
8 accordance with an approved plan. However, this subdivision does not apply  
9 after ten (10) business days from the date that the department receives notice.

10 (c) **The department may assess a civil penalty of not more than ten thousand dollars**  
11 **(\$10,000) against a person who violates subsection (a). commits a Class A infraction:**

12 (d) **A civil penalty imposed under this section shall be deposited in the archeology**  
13 **preservation trust fund established under section 34 of this chapter.**

14 SECTION 24. IC 14-21-1-34; AS ADDED BY P.L.26-2008, SECTION 14, IS  
15 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 34. (a) The division  
16 may conduct a program to assist private homeowners who have accidentally discovered an  
17 artifact, a burial object, or human remains and who need assistance to comply with an approved  
18 plan to excavate or secure the site from further disturbance. The division may conduct the  
19 program alone or by entering into an agreement with any entity that the division selects.

20 (b) In conducting a program under subsection (a), the division may receive gifts and  
21 grants under terms, obligations, and liabilities that the director of the division considers  
22 appropriate. The director shall use a gift or grant received under this subsection:

23 (1) to carry out subsection (a); and

24 (2) according to the terms and obligations of the gift or grant.

25 (c) The auditor of state shall establish the archeology preservation trust fund to hold  
26 money received under subsection (b) **and civil penalties assessed for a violation of this article.**

27 (d) The director of the division shall administer the archeology preservation trust fund.  
28 The expenses of administering the fund shall be paid from money in the trust fund.

29 (e) The treasurer of state shall invest the money in the archeology preservation trust fund  
30 that is not currently needed to meet the obligations of the fund in the same manner as other  
31 public trust funds may be invested. The treasurer of state shall deposit in the fund the interest  
32 that accrues from the investment of the fund.

33 (f) Money in the archeology preservation trust fund at the end of a state fiscal year does  
34 not revert to the state general fund. There is annually appropriated to the division the money in  
35 the archeology preservation trust fund for the division's use in carrying out the purposes of this  
36 section.

37 (g) The division may adopt rules under IC 4-22-2 to govern the administration of this  
38 section.

39 SECTION 25. IC 14-21-1-35, AS ADDED BY P.L.26-2008, SECTION 15, IS  
40 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 35. (a) In addition

1 to:

2 (1) a: ~~(A)~~ sentence imposed under this chapter for a felony or misdemeanor; ~~or~~  
3 **and (B) judgment imposed under this chapter for an infraction; and**

4 (2) an order for restitution to a victim;

5 a court may order an individual to make restitution to the archeology preservation trust fund  
6 established under section 34 of this chapter for the division's costs incurred because of the  
7 offense committed by the individual.

8 (b) In ordering restitution under this section, the court shall consider the following:

9 (1) The schedule of costs submitted to the court by the division.

10 (2) The cost to the property owner to restore or repair the damaged area of an  
11 archeological site or burial ground and place the property in the property's  
12 original condition as nearly as practicable.

13 (3) The amount of restitution that the individual is or will be able to pay.

14 (c) The court shall immediately forward to the division a copy of an order for restitution  
15 made under this section.

16 SECTION 26. IC 14-21-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2014]: Sec. 5. **(a) The department may assess a civil penalty of not more than five**  
18 **hundred dollars (\$500) against** a person who knowingly violates a provision **section 3 or 4** of  
19 this chapter. ~~commits a Class C misdemeanor.~~

20 **(b) A civil penalty imposed under this section shall be deposited in the archeology**  
21 **preservation trust fund established under IC 14-21-1-34.**

22 SECTION 27. IC 14-21-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2014]: Sec. 3. ~~Beginning January 1, 2003;~~ **(a) The department may assess a civil**  
24 **penalty of not more than five hundred dollars (\$500) against** a person who violates section 1  
25 of this chapter. ~~commits a Class C infraction.~~

26 **(b) A civil penalty imposed under this section shall be deposited in the archeology**  
27 **preservation trust fund established under IC 14-21-1-34.**

28 SECTION 28. IC 14-22-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2014]: Sec. 3. The fund consists of the following:

30 (1) The money collected by each court that collects money due the department  
31 for violation of Indiana fish and wildlife law.

32 **(2) Civil penalties assessed for a violation of this article.**

33 ~~(2)~~ **(3) Other money appropriated to or set apart for the fund.**

34 SECTION 29. IC 14-22-6-15 IS ADDED TO THE INDIANA CODE AS A NEW  
35 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. **(a) The**  
36 **department may assess a civil penalty against a person who violates section 1, 2, 3, 4, 6, 7, 8,**  
37 **9, or 10 of this chapter. The amount of a civil penalty assessed under this section may not**  
38 **exceed:**

39 **(1) two hundred fifty dollars (\$250) if the person:**

40 **(A) does not have a previous unrelated conviction or adjudication;**

1 or  
2 (B) has not been assessed and required to pay a civil penalty;  
3 for an unrelated violation of this article that occurred within the five (5)  
4 years immediately preceding the occurrence of the violation of this section;  
5 or  
6 (2) five hundred dollars (\$500) if the person has:  
7 (A) one (1) or more unrelated previous convictions or adjudications;  
8 or  
9 (B) been assessed and required to pay one (1) or more civil  
10 penalties;  
11 for an unrelated violation of this article that occurred within the five (5)  
12 years immediately preceding the occurrence of the violation of this section.

13 (b) The civil penalty shall be deposited in the fish and wildlife fund established by  
14 IC 14-22-3.

15 SECTION 30. IC 14-22-7-6 IS ADDED TO THE INDIANA CODE AS A NEW  
16 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The  
17 department may assess a civil penalty against a person who violates section 3 of this  
18 chapter. The amount of a civil penalty assessed under this section may not exceed:

19 (1) two hundred fifty dollars (\$250) if the person:  
20 (A) does not have a previous unrelated conviction or adjudication;  
21 or  
22 (B) has not been assessed and required to pay a civil penalty;  
23 for an unrelated violation of this article that occurred within the five (5)  
24 years immediately preceding the occurrence of the violation of this section;  
25 or  
26 (2) five hundred dollars (\$500) if the person has:  
27 (A) one (1) or more unrelated previous convictions or adjudications;  
28 or  
29 (B) been assessed and required to pay one (1) or more civil  
30 penalties;  
31 for an unrelated violation of this article that occurred within the five (5)  
32 years immediately preceding the occurrence of the violation of this section.

33 (b) The civil penalty shall be deposited in the fish and wildlife fund established by  
34 IC 14-22-3.

35 SECTION 31. IC 14-22-8-8 IS ADDED TO THE INDIANA CODE AS A NEW  
36 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The  
37 department may assess a civil penalty against a person who violates section 3 of this  
38 chapter. The amount of a civil penalty assessed under this section may not exceed:

39 (1) two hundred fifty dollars (\$250) if the person:  
40 (A) does not have a previous unrelated conviction or adjudication;

1 or

2 (B) has not been assessed and required to pay a civil penalty;  
3 for an unrelated violation of this article that occurred within the five (5)  
4 years immediately preceding the occurrence of the violation of this section;

5 or

6 (2) five hundred dollars (\$500) if the person has:

7 (A) one (1) or more unrelated previous convictions or adjudications;

8 or

9 (B) been assessed and required to pay one (1) or more civil  
10 penalties;

11 for an unrelated violation of this article that occurred within the five (5)  
12 years immediately preceding the occurrence of the violation of this section.

13 (b) The civil penalty shall be deposited in the fish and wildlife fund established by  
14 IC 14-22-3.

15 SECTION 32. IC 14-22-9-12 IS ADDED TO THE INDIANA CODE AS A NEW  
16 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) The  
17 department may assess a civil penalty against a person who violates sections 1 through 10  
18 of this chapter. The amount of a civil penalty assessed under this section may not exceed:

19 (1) two hundred fifty dollars (\$250) if the person:

20 (A) does not have a previous unrelated conviction or adjudication;  
21 or

22 (B) has not been assessed and required to pay a civil penalty;  
23 for an unrelated violation of this article that occurred within the five (5)  
24 years immediately preceding the occurrence of the violation of this section;  
25 or

26 (2) five hundred dollars (\$500) if the person has:

27 (A) one (1) or more unrelated previous convictions or adjudications;  
28 or

29 (B) been assessed and required to pay one (1) or more civil  
30 penalties;

31 for an unrelated violation of this article that occurred within the five (5)  
32 years immediately preceding the occurrence of the violation of this section.

33 (b) The civil penalty shall be deposited in the fish and wildlife fund established by  
34 IC 14-22-3.

35 SECTION 33. IC 14-22-10-12 IS ADDED TO THE INDIANA CODE AS A NEW  
36 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) The  
37 department may assess a civil penalty against a person who violates section 1, 3, 4, 7, or 8 of  
38 this chapter. The amount of a civil penalty assessed under this section may not exceed:

39 (1) two hundred fifty dollars (\$250) if the person:

40 (A) does not have a previous unrelated conviction or adjudication;

1 or

2 (B) has not been assessed and required to pay a civil penalty;  
3 for an unrelated violation of this article that occurred within the five (5)  
4 years immediately preceding the occurrence of the violation of this section;

5 or

6 (2) five hundred dollars (\$500) if the person has:

7 (A) one (1) or more unrelated previous convictions or adjudications;

8 or

9 (B) been assessed and required to pay one (1) or more civil  
10 penalties;

11 for an unrelated violation of this article that occurred within the five (5)  
12 years immediately preceding the occurrence of the violation of this section.

13 (b) The civil penalty shall be deposited in the fish and wildlife fund established by  
14 IC 14-22-3.

15 SECTION 34. IC 14-22-11-17 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 17:~~ A  
16 person who violates section 6, 7, or 8 of this chapter commits a Class C infraction.

17 SECTION 35. IC 14-22-11-19 IS ADDED TO THE INDIANA CODE AS A NEW  
18 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 19. (a) The**  
19 **department may assess a civil penalty against a person who violates section 1, 6, 7, 8, 13, or**  
20 **14 of this chapter. The amount of a civil penalty assessed under this section may not**  
21 **exceed:**

22 (1) two hundred fifty dollars (\$250) if the person:

23 (A) does not have a previous unrelated conviction or adjudication;

24 or

25 (B) has not been assessed and required to pay a civil penalty;  
26 for an unrelated violation of this article that occurred within the five (5)  
27 years immediately preceding the occurrence of the violation of this section;

28 or

29 (2) five hundred dollars (\$500) if the person has:

30 (A) one (1) or more unrelated previous convictions or adjudications;

31 or

32 (B) been assessed and required to pay one (1) or more civil  
33 penalties;

34 for an unrelated violation of this article that occurred within the five (5)  
35 years immediately preceding the occurrence of the violation of this section.

36 (b) The civil penalty shall be deposited in the fish and wildlife fund established by  
37 IC 14-22-3.

38 SECTION 36. IC 14-22-12-16 IS ADDED TO THE INDIANA CODE AS A NEW  
39 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 16. (a) The**  
40 **department may assess a civil penalty against a person who violates section 14 of this**

1 **chapter. The amount of a civil penalty assessed under this section may not exceed:**

2 **(1) two hundred fifty dollars (\$250) if the person:**

3 **(A) does not have a previous unrelated conviction or adjudication;**

4 **or**

5 **(B) has not been assessed and required to pay a civil penalty;**

6 **for an unrelated violation of this article that occurred within the five (5)**  
7 **years immediately preceding the occurrence of the violation of this section;**

8 **or**

9 **(2) five hundred dollars (\$500) if the person has:**

10 **(A) one (1) or more unrelated previous convictions or adjudications;**

11 **or**

12 **(B) been assessed and required to pay one (1) or more civil**  
13 **penalties;**

14 **for an unrelated violation of this article that occurred within the five (5)**  
15 **years immediately preceding the occurrence of the violation of this section.**

16 **(b) The civil penalty shall be deposited in the fish and wildlife fund established by**  
17 **IC 14-22-3.**

18 SECTION 37. IC 14-22-13-11 IS ADDED TO THE INDIANA CODE AS A NEW  
19 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 11. (a) The**  
20 **department may assess a civil penalty of not more five thousand dollars (\$5,000) against a**  
21 **person who knowingly or intentionally violates section 2.5, 5, or 7 of this chapter.**

22 **(b) The civil penalty shall be deposited in the fish and wildlife fund established by**  
23 **IC 14-22-3.**

24 SECTION 38. IC 14-22-14-28 IS ADDED TO THE INDIANA CODE AS A NEW  
25 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 28. (a) The**  
26 **department may assess a civil penalty against a person who violates section 5, 17, 18, 19, 22,**  
27 **or 23 of this chapter. The amount of a civil penalty assessed under this section may not**  
28 **exceed:**

29 **(1) two hundred fifty dollars (\$250) if the person:**

30 **(A) does not have a previous unrelated conviction or adjudication;**

31 **or**

32 **(B) has not been assessed and required to pay a civil penalty;**

33 **for an unrelated violation of this article that occurred within the five (5)**  
34 **years immediately preceding the occurrence of the violation of this section;**

35 **or**

36 **(2) five hundred dollars (\$500) if the person has:**

37 **(A) one (1) or more unrelated previous convictions or adjudications;**

38 **or**

39 **(B) been assessed and required to pay one (1) or more civil**  
40 **penalties;**

1                   **for an unrelated violation of this article that occurred within the five (5)**  
2                   **years immediately preceding the occurrence of the violation of this section.**

3                   **(b) The civil penalty shall be deposited in the fish and wildlife fund established by**  
4 **IC 14-22-3.**

5                   SECTION 39. IC 14-22-15-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. **Sec. 6: An**  
6 **individual who acts as a fishing guide without a license in violation of section 1 of this chapter**  
7 **commits a Class B infraction:**

8                   SECTION 40. IC 14-22-15-7 IS REPEALED [EFFECTIVE JULY 1, 2014]. **Sec.**  
9 **7: An individual who recklessly, knowingly, or intentionally:**

10                   (1) fails to keep accurate records in violation of section 4(a) of this chapter; or  
11                   (2) fails to report monthly to the department in violation of section 4(b) of this  
12                   chapter;

13                   commits a Class C misdemeanor:

14                   SECTION 41. IC 14-22-15-8 IS ADDED TO THE INDIANA CODE AS A NEW  
15 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 8. (a) The**  
16 **department may assess a civil penalty against a person who violates section 1 or 4 of this**  
17 **chapter.**

18                   **(b) The amount of a civil penalty assessed against a person who violates section 1 of**  
19 **this chapter may not exceed one thousand dollars (\$1,000).**

20                   **(c) The amount of a civil penalty assessed under section 4 of this chapter may not**  
21 **exceed:**

22                   **(1) two hundred fifty dollars (\$250) if the person:**

23                   **(A) does not have a previous unrelated conviction or adjudication;**  
24                   **or**

25                   **(B) has not been assessed and required to pay a civil penalty;**  
26 **for an unrelated violation of this article that occurred within the five (5)**  
27 **years immediately preceding the occurrence of the violation of this section;**  
28 **or**

29                   **(2) five hundred dollars (\$500) if the person has:**

30                   **(A) one (1) or more unrelated previous convictions or adjudications;**  
31                   **or**  
32                   **(B) been assessed and required to pay one (1) or more civil**  
33 **penalties;**

34                   **for an unrelated violation of this article that occurred within the five (5)**  
35 **years immediately preceding the occurrence of the violation of this section.**

36                   **(d) The civil penalty shall be deposited in the fish and wildlife fund established by**  
37 **IC 14-22-3.**

38                   SECTION 42. IC 14-22-16-5 IS ADDED TO THE INDIANA CODE AS A NEW  
39 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 5. (a) The**  
40 **department may assess a civil penalty against a person who violates section 1 of this**

1 **chapter. The amount of a civil penalty assessed under this section may not exceed:**

2 **(1) two hundred fifty dollars (\$250) if the person:**

3 **(A) does not have a previous unrelated conviction or adjudication;**

4 **or**

5 **(B) has not been assessed and required to pay a civil penalty;**

6 **for an unrelated violation of this article that occurred within the five (5)**  
7 **years immediately preceding the occurrence of the violation of this section;**

8 **or**

9 **(2) five hundred dollars (\$500) if the person has:**

10 **(A) one (1) or more unrelated previous convictions or adjudications;**

11 **or**

12 **(B) been assessed and required to pay one (1) or more civil**

13 **penalties;**

14 **for an unrelated violation of this article that occurred within the five (5)**  
15 **years immediately preceding the occurrence of the violation of this section.**

16 **(b) The civil penalty shall be deposited in the fish and wildlife fund established by**  
17 **IC 14-22-3.**

18 SECTION 43. IC 14-22-17-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 4:~~ A  
19 person who violates section 2 of this chapter commits a Class A misdemeanor.

20 SECTION 44. IC 14-22-17-5 IS ADDED TO THE INDIANA CODE AS A NEW  
21 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 5. (a) The**  
22 **department may assess a civil penalty of not more than five thousand dollars (\$5,000)**  
23 **against a person who violates section 2 of this chapter.**

24 **(b) The civil penalty shall be deposited in the fish and wildlife fund established by**  
25 **IC 14-22-3.**

26 SECTION 45. IC 14-22-19-7 IS ADDED TO THE INDIANA CODE AS A NEW  
27 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 7. (a) The**  
28 **department may assess a civil penalty against a person who violates section 1, 5, or 7 of this**  
29 **chapter. The amount of a civil penalty assessed under this section may not exceed:**

30 **(1) two hundred fifty dollars (\$250) if the person:**

31 **(A) does not have a previous unrelated conviction or adjudication;**

32 **or**

33 **(B) has not been assessed and required to pay a civil penalty;**

34 **for an unrelated violation of this article that occurred within the five (5)**  
35 **years immediately preceding the occurrence of the violation of this section;**

36 **or**

37 **(2) five hundred dollars (\$500) if the person has:**

38 **(A) one (1) or more unrelated previous convictions or adjudications;**

39 **or**

40 **(B) been assessed and required to pay one (1) or more civil**

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penalties;  
for an unrelated violation of this article that occurred within the five (5)  
years immediately preceding the occurrence of the violation of this section.

(b) The civil penalty shall be deposited in the fish and wildlife fund established by  
IC 14-22-3.

SECTION 46. IC 14-22-20-5 IS ADDED TO THE INDIANA CODE AS A NEW  
SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The  
department may assess a civil penalty against a person who violates section 2 or 4(c) of this  
chapter. The amount of a civil penalty assessed under this section may not exceed:

- (1) two hundred fifty dollars (\$250) if the person:
  - (A) does not have a previous unrelated conviction or adjudication;
  - or
  - (B) has not been assessed and required to pay a civil penalty;
 for an unrelated violation of this article that occurred within the five (5)  
years immediately preceding the occurrence of the violation of this section;
  - or
- (2) five hundred dollars (\$500) if the person has:
  - (A) one (1) or more unrelated previous convictions or adjudications;
  - or
  - (B) been assessed and required to pay one (1) or more civil  
penalties;
 for an unrelated violation of this article that occurred within the five (5)  
years immediately preceding the occurrence of the violation of this section.

(b) The civil penalty shall be deposited in the fish and wildlife fund established by  
IC 14-22-3.

SECTION 47. IC 14-22-21-6 IS ADDED TO THE INDIANA CODE AS A NEW  
SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The  
department may assess a civil penalty against a person who violates section 2 of this  
chapter. The amount of a civil penalty assessed under this section may not exceed:

- (1) two hundred fifty dollars (\$250) if the person:
  - (A) does not have a previous unrelated conviction or adjudication;
  - or
  - (B) has not been assessed and required to pay a civil penalty;
 for an unrelated violation of this article that occurred within the five (5)  
years immediately preceding the occurrence of the violation of this section;
  - or
- (2) five hundred dollars (\$500) if the person has:
  - (A) one (1) or more unrelated previous convictions or adjudications;
  - or
  - (B) been assessed and required to pay one (1) or more civil

1 penalties;  
2 for an unrelated violation of this article that occurred within the five (5)  
3 years immediately preceding the occurrence of the violation of this section.

4 (b) The civil penalty shall be deposited in the fish and wildlife fund established by  
5 IC 14-22-3.

6 SECTION 48. IC 14-22-23-6 IS ADDED TO THE INDIANA CODE AS A NEW  
7 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The  
8 department may assess a civil penalty against a person who violates section 1 or 5 of this  
9 chapter. The amount of a civil penalty assessed under this section may not exceed:

10 (1) two hundred fifty dollars (\$250) if the person:

11 (A) does not have a previous unrelated conviction or adjudication;

12 or

13 (B) has not been assessed and required to pay a civil penalty;

14 for an unrelated violation of this article that occurred within the five (5)  
15 years immediately preceding the occurrence of the violation of this section;

16 or

17 (2) five hundred dollars (\$500) if the person has:

18 (A) one (1) or more unrelated previous convictions or adjudications;

19 or

20 (B) been assessed and required to pay one (1) or more civil  
21 penalties;

22 for an unrelated violation of this article that occurred within the five (5)  
23 years immediately preceding the occurrence of the violation of this section.

24 (b) The civil penalty shall be deposited in the fish and wildlife fund established by  
25 IC 14-22-3.

26 SECTION 49. IC 14-22-24-6 IS ADDED TO THE INDIANA CODE AS A NEW  
27 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The  
28 department may assess a civil penalty against a person who violates section 1 or 4 of this  
29 chapter. The amount of a civil penalty assessed under this section may not exceed:

30 (1) two hundred fifty dollars (\$250) if the person:

31 (A) does not have a previous unrelated conviction or adjudication;

32 or

33 (B) has not been assessed and required to pay a civil penalty;

34 for an unrelated violation of this article that occurred within the five (5)  
35 years immediately preceding the occurrence of the violation of this section;

36 or

37 (2) five hundred dollars (\$500) if the person has:

38 (A) one (1) or more unrelated previous convictions or adjudications;

39 or

40 (B) been assessed and required to pay one (1) or more civil

1 penalties;  
2 for an unrelated violation of this article that occurred within the five (5)  
3 years immediately preceding the occurrence of the violation of this section.

4 (b) The civil penalty shall be deposited in the fish and wildlife fund established by  
5 IC 14-22-3.

6 SECTION 50. IC 14-22-25-5 IS ADDED TO THE INDIANA CODE AS A NEW  
7 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The  
8 department may assess a civil penalty against a person who violates section 2 of this  
9 chapter. The amount of a civil penalty assessed under this section may not exceed:

- 10 (1) two hundred fifty dollars (\$250) if the person:
  - 11 (A) does not have a previous unrelated conviction or adjudication;
  - 12 or
  - 13 (B) has not been assessed and required to pay a civil penalty;
- 14 for an unrelated violation of this article that occurred within the five (5)  
15 years immediately preceding the occurrence of the violation of this section;
- 16 or
- 17 (2) five hundred dollars (\$500) if the person has:
  - 18 (A) one (1) or more unrelated previous convictions or adjudications;
  - 19 or
  - 20 (B) been assessed and required to pay one (1) or more civil
  - 21 penalties;
- 22 for an unrelated violation of this article that occurred within the five (5)  
23 years immediately preceding the occurrence of the violation of this section.

24 (b) The civil penalty shall be deposited in the fish and wildlife fund established by  
25 IC 14-22-3.

26 SECTION 51. IC 14-22-28-6 IS ADDED TO THE INDIANA CODE AS A NEW  
27 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The  
28 department may assess a civil penalty against a person who violates section 2 of this  
29 chapter. The amount of a civil penalty assessed under this section may not exceed:

- 30 (1) two hundred fifty dollars (\$250) if the person:
  - 31 (A) does not have a previous unrelated conviction or adjudication;
  - 32 or
  - 33 (B) has not been assessed and required to pay a civil penalty;
- 34 for an unrelated violation of this article that occurred within the five (5)  
35 years immediately preceding the occurrence of the violation of this section;
- 36 or
- 37 (2) five hundred dollars (\$500) if the person has:
  - 38 (A) one (1) or more unrelated previous convictions or adjudications;
  - 39 or
  - 40 (B) been assessed and required to pay one (1) or more civil

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penalties;  
for an unrelated violation of this article that occurred within the five (5)  
years immediately preceding the occurrence of the violation of this section.

(b) The civil penalty shall be deposited in the fish and wildlife fund established by  
IC 14-22-3.

SECTION 52. IC 14-22-30-3 IS ADDED TO THE INDIANA CODE AS A NEW  
SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The  
department may assess a civil penalty against a person who violates section 1 of this  
chapter. The amount of a civil penalty assessed under this section may not exceed:

- (1) two hundred fifty dollars (\$250) if the person:
  - (A) does not have a previous unrelated conviction or adjudication;
  - or
  - (B) has not been assessed and required to pay a civil penalty;
 for an unrelated violation of this article that occurred within the five (5)  
years immediately preceding the occurrence of the violation of this section;
  - or
- (2) five hundred dollars (\$500) if the person has:
  - (A) one (1) or more unrelated previous convictions or adjudications;
  - or
  - (B) been assessed and required to pay one (1) or more civil  
penalties;
 for an unrelated violation of this article that occurred within the five (5)  
years immediately preceding the occurrence of the violation of this section.

(b) The civil penalty shall be deposited in the fish and wildlife fund established by  
IC 14-22-3.

SECTION 53. IC 14-22-31-15 IS ADDED TO THE INDIANA CODE AS A NEW  
SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) The  
department may assess a civil penalty against a person who violates section 6, 8, 9, 10, 11,  
12, 13, or 14 of this chapter. The amount of a civil penalty assessed under this section may  
not exceed:

- (1) two hundred fifty dollars (\$250) if the person:
  - (A) does not have a previous unrelated conviction or adjudication;
  - or
  - (B) has not been assessed and required to pay a civil penalty;
 for an unrelated violation of this article that occurred within the five (5)  
years immediately preceding the occurrence of the violation of this section;
  - or
- (2) five hundred dollars (\$500) if the person has:
  - (A) one (1) or more unrelated previous convictions or adjudications;
  - or

1                   **(B) been assessed and required to pay one (1) or more civil**  
2                   **penalties;**

3                   **for an unrelated violation of this article that occurred within the five (5)**  
4                   **years immediately preceding the occurrence of the violation of this section.**

5                   **(b) The civil penalty shall be deposited in the fish and wildlife fund established by**  
6                   **IC 14-22-3.**

7                   SECTION 54. IC 14-22-32-3 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 3:~~ A  
8                   person who knowingly or intentionally violates section 2 of this chapter commits a Class A  
9                   misdemeanor.

10                  SECTION 55. IC 14-22-32-8 IS ADDED TO THE INDIANA CODE AS A NEW  
11                  SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 8. (a) The**  
12                  **department may assess a civil penalty of not more than five thousand dollars (\$5,000)**  
13                  **against a person who knowingly or intentionally violates section 2 of this chapter.**

14                  **(b) The civil penalty shall be deposited in the fish and wildlife fund established by**  
15                  **IC 14-22-3.**

16                  SECTION 56. IC 14-22-33-6 IS ADDED TO THE INDIANA CODE AS A NEW  
17                  SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6. (a) The**  
18                  **department may assess a civil penalty against a person who violates section 1(b) of this**  
19                  **chapter. The amount of a civil penalty assessed under this section may not exceed:**

20                         **(1) two hundred fifty dollars (\$250) if the person:**

21                                 **(A) does not have a previous unrelated conviction or adjudication;**

22                                 **or**

23                                 **(B) has not been assessed and required to pay a civil penalty;**

24                                 **for an unrelated violation of this article that occurred within the five (5)**  
25                                 **years immediately preceding the occurrence of the violation of this section;**  
26                                 **or**

27                         **(2) five hundred dollars (\$500) if the person has:**

28                                 **(A) one (1) or more unrelated previous convictions or adjudications;**

29                                 **or**

30                                 **(B) been assessed and required to pay one (1) or more civil**  
31                                 **penalties;**

32                                 **for an unrelated violation of this article that occurred within the five (5)**  
33                                 **years immediately preceding the occurrence of the violation of this section.**

34                  **(b) The civil penalty shall be deposited in the fish and wildlife fund established by**  
35                  **IC 14-22-3.**

36                  SECTION 57. IC 14-22-34-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37                  JULY 1, 2014]: **Sec. 12. (a) Except as otherwise provided in this chapter, a person may not take,**  
38                  **possess, transport, export, process, sell or offer for sale, or ship, and a common or contract**  
39                  **carrier may not knowingly transport or receive for shipment a species or subspecies of wildlife**  
40                  **appearing on any of the following:**

- 1 (1) The list of wildlife indigenous to Indiana determined to be endangered in  
2 Indiana under this chapter.  
3 (2) The United States list of endangered wildlife (50 CFR 17.11) as in effect on  
4 January 1, 1979.  
5 (3) The list of endangered species developed under section 13 of this chapter.

6 (b) A species or subspecies of wildlife appearing on a list described in subsection (a)  
7 that:

- 8 (1) enters Indiana from another state or from a point outside the territorial limits  
9 of the United States; and  
10 (2) is transported across Indiana destined for a point beyond Indiana;  
11 may be so entered and transported without restriction in accordance with the terms of a federal  
12 permit or permit issued under the laws of another state.

13 (c) A person who:

- 14 (1) violates subsection (a) or (b); or  
15 (2) fails to procure or violates the terms of a permit issued under:  
16 (A) section 15 of this chapter; or  
17 (B) section 16 of this chapter;

18 commits a Class A misdemeanor:

19 SECTION 58. IC 14-22-34-22 IS ADDED TO THE INDIANA CODE AS A NEW  
20 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 22. (a) The**  
21 **department may assess a civil penalty against a person who violates section 9 or 12 of this**  
22 **chapter, or who fails to procure or violates the terms of a permit issued under section 15 or**  
23 **16 of this chapter.**

24 **(b) The amount of a civil penalty assessed under this section against a person who**  
25 **violates section 9 of this chapter may not exceed:**

- 26 **(1) two hundred fifty dollars (\$250) if the person:**  
27 **(A) does not have a previous unrelated conviction or adjudication;**  
28 **or**  
29 **(B) has not been assessed and required to pay a civil penalty;**  
30 **for an unrelated violation of this article that occurred within the five (5)**  
31 **years immediately preceding the occurrence of the violation of this section;**  
32 **or**  
33 **(2) five hundred dollars (\$500) if the person has:**  
34 **(A) one (1) or more unrelated previous convictions or adjudications;**  
35 **or**  
36 **(B) been assessed and required to pay one (1) or more civil**  
37 **penalties;**  
38 **for an unrelated violation of this article that occurred within the five (5)**  
39 **years immediately preceding the occurrence of the violation of this section.**

40 **(c) The amount of a civil penalty assessed under this section against a person who**

- 1 (1) violates section 12 of this chapter; or  
2 (2) fails to procure or violates the terms of a permit issued under:  
3 (A) section 15 of this chapter; or  
4 (B) section 16 of this chapter;

5 may not exceed five thousand dollars (\$5,000).

6 (d) The civil penalty shall be deposited in the fish and wildlife fund established by  
7 IC 14-22-3.

8 SECTION 59. IC 14-22-37-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2014]: Sec. 2. (a) A person who knowingly or intentionally interferes with the legal  
10 taking of a game animal by another person with intent to prevent the taking commits a Class E  
11 misdemeanor: **may be assessed a civil penalty by the department under section 4 of this**  
12 **chapter.**

13 (b) A person who knowingly or intentionally:

- 14 (1) disturbs a game animal; or  
15 (2) engages in an activity or places an object or substance that will tend to  
16 disturb or otherwise affect the behavior of a game animal;

17 with intent to prevent or hinder the legal taking commits a Class E misdemeanor: **may be**  
18 **assessed a civil penalty by the department under section 4 of this chapter.**

19 (c) A person who knowingly or intentionally enters or remains:

- 20 (1) upon public land; or  
21 (2) upon private land without permission of the owner or the owner's agent;

22 with intent to violate this section commits a Class E misdemeanor: **may be assessed a civil**  
23 **penalty by the department under section 4 of this chapter.**

24 SECTION 60. IC 14-22-37-4 IS ADDED TO THE INDIANA CODE AS A NEW  
25 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The  
26 department may assess a civil penalty against a person who violates section 2 of this  
27 chapter. The amount of a civil penalty assessed under this section may not exceed:

28 (1) two hundred fifty dollars (\$250) if the person:

29 (A) does not have a previous unrelated conviction or adjudication;  
30 or

31 (B) has not been assessed and required to pay a civil penalty;  
32 for an unrelated violation of this article that occurred within the five (5)  
33 years immediately preceding the occurrence of the violation of this section;  
34 or

35 (2) five hundred dollars (\$500) if the person has:

36 (A) one (1) or more unrelated previous convictions or adjudications;  
37 or

38 (B) been assessed and required to pay one (1) or more civil  
39 penalties;

40 for an unrelated violation of this article that occurred within the five (5)

1                   years immediately preceding the occurrence of the violation of this section.

2                   **(b) The civil penalty shall be deposited in the fish and wildlife fund established by**  
3 **IC 14-22-3.**

4                   SECTION 61. IC 14-22-38-1 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 1:  
5 Except as otherwise provided in this article; a person who violates this article commits a Class C  
6 misdemeanor.

7                   SECTION 62. IC 14-22-38-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2014]: Sec. 3. **Notwithstanding any provision of this article prescribing a lower**  
9 **civil penalty, the department may assess a civil penalty of not more than one thousand**  
10 **dollars (\$1,000) against** a person who takes a deer or a wild turkey in violation of this article.  
11 commits a Class B misdemeanor. However, the offense is a Class A misdemeanor **department**  
12 **may assess a civil penalty of not more than five thousand dollars (\$5,000) if the person has a**  
13 **prior conviction or adjudication** under:

14                   (1) IC 14-2-3-8(c) (repealed); or

15                   (2) this section.

16                   SECTION 63. IC 14-22-38-4, AS AMENDED BY P.L.289-2013, SECTION 17, IS  
17 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who:

18                   (1) unlawfully takes or possesses a deer or wild turkey;

19                   (2) takes or possesses a deer or wild turkey by illegal methods or with illegal  
20 devices; or

21                   (3) except as provided in subsections (c) and (d); sells; offers to sell; purchases;  
22 or offers to purchase a deer or wild turkey or a part of a deer or wild turkey;

23 shall reimburse the state five hundred dollars (\$500) for the first violation and one thousand  
24 dollars (\$1,000) for each subsequent violation.

25                   **(b) The money shall be deposited in the conservation officers fish and wildlife fund. This**  
26 **penalty is in addition to any other penalty under the law.**

27                   (c) Notwithstanding section 6 of this chapter, if a properly tagged deer is brought to a  
28 meat processing facility and the owner of the deer:

29                   (1) fails to pick up the processed deer within a reasonable time; or

30                   (2) notifies the meat processing facility that the owner does not want the  
31 processed deer;

32 the deer meat may be given away by the meat processing facility to another person. The meat  
33 processing facility may charge the person receiving the deer meat a reasonable and customary  
34 processing fee.

35                   (d) **(b)** Notwithstanding section 6 of this chapter, deer meat and products from farm  
36 raised deer that meet the requirements under IC 15-17 may be sold to the public.

37                   (e) **(c)** In addition to being liable for the reimbursement required under subsection (a) **the**  
38 **civil penalty described in section 3 of this chapter**, a person who recklessly, knowingly, or  
39 intentionally violates subsection (a)(1) or (a)(2):

40                   **(1) unlawfully takes or possesses a deer or wild turkey;**

1                   **(2) takes or possesses a deer or wild turkey by illegal methods or with illegal**  
2                   **devices; or**

3                   **(3) except as provided in this section, sells, offers to sell, purchases, or offers**  
4                   **to purchase a deer or wild turkey or a part of a deer or wild turkey;**

5                   while using or possessing: ~~(1)~~ a sound suppressor designed for use with or on a firearm,  
6                   commonly called a silencer, or ~~(2)~~ a device used as a silencer, commits unlawful hunting while  
7                   using or possessing a silencer; a Class C misdemeanor. **is liable for an additional civil penalty.**

8                   **The amount of a civil penalty assessed under this subsection may not exceed:**

9                   **(1) two hundred fifty dollars (\$250) if the person:**

10                               **(A) does not have a previous unrelated conviction or adjudication;**  
11                               **or**

12                               **(B) has not been assessed and required to pay a civil penalty;**  
13                   **for an unrelated violation of this article that occurred within the five (5)**  
14                   **years immediately preceding the occurrence of the violation of this section;**

15                   **or**

16                   **(2) five hundred dollars (\$500) if the person has:**

17                               **(A) one (1) or more unrelated previous convictions or adjudications;**  
18                               **or**

19                               **(B) been assessed and required to pay one (1) or more civil**  
20                               **penalties;**

21                   **for an unrelated violation of this article that occurred within the five (5)**  
22                   **years immediately preceding the occurrence of the violation of this section.**  
23                   **of not more than five hundred dollars (\$500).**

24                   **(d) A civil penalty shall be deposited in the fish and wildlife fund established by IC**  
25                   **14-22-3.**

26                   SECTION 64. 14-22-38-5 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 5: (a) A  
27                   person who takes or possesses a wild animal, except a deer or turkey, in violation of this article  
28                   shall reimburse the state as follows:

29                               (1) Twenty dollars (\$20) for the first violation:

30                               (2) Thirty-five dollars (\$35) for each subsequent violation:

31                   (b) The money shall be deposited in the conservation officers fish and wildlife fund.

32                   SECTION 65. IC 14-22-38-7, AS AMENDED BY P.L.289-2013, SECTION 19, IS  
33                   AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) As used in this  
34                   section, "hunter orange" means a daylight fluorescent orange with the dominant wavelength  
35                   595-605 nm, a purity of not less than eighty-five percent (85%), and a luminance factor of not  
36                   less than forty percent (40%).

37                   (b) As used in this section, "wear hunter orange" means to expose on one's person as an  
38                   outer garment one (1) or more of the following articles of clothing that are solid hunter orange in  
39                   color:

40                               (1) A vest.

- 1 (2) A coat.
- 2 (3) A jacket.
- 3 (4) Coveralls.
- 4 (5) A hat.
- 5 (6) A cap.

6 However, articles of clothing specified under this section with logos, patches, insignia, or  
7 printing that does not substantially hinder the visibility of the hunter orange material are allowed  
8 under this section.

9 (c) This subsection applies only during the season when hunting by firearms (as defined  
10 in IC 14-22-40-3) is permitted under 312 IAC. A person who hunts for:

- 11 (1) deer by firearm or bow and arrow;
- 12 (2) cottontail rabbit;
- 13 (3) squirrel, unless from a boat, during the period:
  - 14 (A) beginning on the first Friday that follows November 3; and
  - 15 (B) ending on January 31 of the following year;
- 16 (4) woodcock;
- 17 (5) pheasant;
- 18 (6) quail; or
- 19 (7) ruffed grouse;

20 must wear hunter orange.

21 (d) A person who violates the requirement to:

- 22 (1) wear hunter orange; or
- 23 (2) display hunter orange on an occupied ground blind;

24 as specified in 312 IAC 9 commits a ~~Class D~~ infraction: **may be assessed a civil penalty by the**  
25 **department of not more than twenty-five dollars (\$25).**

26 SECTION 66. IC 14-24-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2014]: Sec. 7. (a) A person may not remove a label described under section 6 of this  
28 chapter from nursery stock until the nursery stock has been sold for the ultimate use or purpose  
29 of the nursery stock in Indiana.

30 (b) **The department may assess a civil penalty of not more than five hundred dollars**  
31 **(\$500) against a person who knowingly violates this section.**

32 (c) **The civil penalty shall be deposited in the entomology and plant pathology fund**  
33 **established by IC 14-24-10-3.**

34 SECTION 67. IC 14-24-7-6 IS ADDED TO THE INDIANA CODE AS A NEW  
35 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) **The**  
36 **department may assess a civil penalty of not more than five hundred dollars (\$500) against**  
37 **a person who knowingly violates section 1 of this chapter.**

38 (b) **The civil penalty shall be deposited in the entomology and plant pathology fund**  
39 **established by IC 14-24-10-3.**

40 SECTION 68. IC 14-24-9-4 IS ADDED TO THE INDIANA CODE AS A NEW

1 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 4. (a) The**  
2 **department may assess a civil penalty of not more than five hundred dollars (\$500) against**  
3 **a person who knowingly violates section 2 of this chapter.**

4 **(b) The civil penalty shall be deposited in the entomology and plant pathology fund**  
5 **established by IC 14-24-10-3.**

6 SECTION 69. IC 14-24-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2014]: **Sec. 4. (a) Except as provided in subsections (b) and (c); a person that knowingly**  
8 **violates this article commits a Class E infraction:**

9 ~~(b)~~ **(b)** A person, other than the state or a political subdivision of the state, that recklessly  
10 disturbs or molests an apiary, a honeybee hive, a honeybee colony, or other honeybee habitat,  
11 natural or manmade, without the permission of the owner commits a Class B misdemeanor.

12 ~~(c)~~ **(b) The department may assess a civil penalty of not more than ten thousand**  
13 **dollars (\$10,000) against a person who recklessly or knowingly introduces a pest or pathogen**  
14 **into Indiana without a permit issued under:**

15 (1) IC 14-7-9-2 (before its repeal); or

16 (2) IC 14-24-9-2.

17 **commits a Class A infraction:**

18 ~~(d)~~ **(c)** Each day a violation occurs under this section is a separate offense.

19 **(d) The civil penalty shall be deposited in the entomology and plant pathology fund**  
20 **established by IC 14-24-10-3.**

21 SECTION 70. IC 14-24-12-10 IS ADDED TO THE INDIANA CODE AS A NEW  
22 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 10. (a) The**  
23 **department may assess a civil penalty of not more than five hundred dollars (\$500) against**  
24 **a person who knowingly violates section 5 or 7 of this chapter.**

25 **(b) The civil penalty shall be deposited in the entomology and plant pathology fund**  
26 **established by IC 14-24-10-3.**

27 SECTION 71. IC 14-25-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2014]: **Sec. 18. (a) The department may assess a civil penalty of not more than five**  
29 **hundred dollars (\$500) against a person who violates:**

30 (1) **section 6, 11, or 12 of this chapter; or**

31 (2) **a rule or order concerning a restricted use area.**

32 **(b) The civil penalty shall be deposited in the land and water resources fund**  
33 **established by IC 14-25-10-2.**

34 **commits a Class E infraction: Each day of violation constitutes a separate infraction violation.**

35  
36 SECTION 72. IC 14-25-4-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2014]: **Sec. 16. (a) The department may assess a civil penalty of not more than ten**  
38 **thousand dollars (\$10,000) against a person who violates:**

39 (1) **section 12 of this chapter; or**

1                   **(2) a rule or order adopted under this chapter concerning a ground water**  
2                   **emergency. commits a Class A infraction.**

3                   (b) The commission may, without proof of irreparable injury, maintain an action to  
4                   enjoin a violation of this chapter.

5                   **(c) The civil penalty shall be deposited in the land and water resources fund**  
6                   **established by IC 14-25-10-2.**

7                   SECTION 73. IC 14-25-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8                   JULY 1, 2014]: Sec. 15. (a) **The department may assess a civil penalty of not more than ten**  
9                   **thousand dollars (\$10,000) against a person who violates an order concerning a freshwater**  
10                   **lake emergency adopted under section 7 of this chapter. commits a Class A infraction.**

11                   (b) The commission may, without proof of irreparable injury, maintain an action to  
12                   enjoin a violation of this chapter.

13                   **(c) The civil penalty shall be deposited in the land and water resources fund**  
14                   **established by IC 14-25-10-2.**

15                   SECTION 74. IC 14-25-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16                   JULY 1, 2014]: Sec. 6. (a) **The department may assess a civil penalty of not more than five**  
17                   **hundred dollars (\$500) against a person who violates section 1 or 2 of this chapter, including**  
18                   **the violation of an order issued under section 1 of this chapter. commits a Class C infraction.**  
19                   Each day of violation constitutes a separate infraction violation.

20                   **(b) The civil penalty shall be deposited in the land and water resources fund**  
21                   **established by IC 14-25-10-2.**

22                   SECTION 75. IC 14-25-7-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23                   JULY 1, 2014]: Sec. 17. (a) **The department may assess a civil penalty of not more than one**  
24                   **thousand dollars (\$1,000) against a person who violates section 15 of this chapter. commits a**  
25                   **Class B infraction. A separate infraction violation is committed each day a violation occurs.**

26                   **(b) The civil penalty shall be deposited in the land and water resources fund**  
27                   **established by IC 14-25-10-2.**

28                   SECTION 76. IC 14-25-10-4, AS AMENDED BY P.L.152-2006, SECTION 2, IS  
29                   AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. **The following**  
30                   **shall be deposited in the fund:**

31                   **(1) civil penalties awarded for a violation of this article; and**

32                   **(2) fees received by the department under the following statutes: shall be**  
33                   **deposited in the fund:**

34                    (1) **(A) IC 14-26-2-23.**

35                    (2) **(B) IC 14-26-5-4.**

36                    (3) **(C) IC 14-28-1-22.**

37                    (4) **(D) IC 14-29-3-2.**

38                    (5) **(E) IC 14-29-4-4.**

39                   SECTION 77. IC 14-25.5-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2014]: Sec. 2. The fund consists of the following:

- 2 (1) Accrued interest and other investment earnings of the fund.
- 3 (2) Civil penalties collected ~~under IC 14-25.5-4~~ **for the violation of a statute in**
- 4 **an article described in IC 14-25.5-1-1.**
- 5 (3) Gifts, grants, donations, or appropriations from any source.

6 SECTION 78. IC 14-25.5-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2014]: Sec. 3. (a) **If the department has authority to assess a civil penalty for the**  
8 **violation of a statute in an article described in IC 14-25.5-1-1, the department also has**  
9 **authority to assess a civil penalty for the violation of a rule adopted in connection with that**  
10 **statute.** The department may assess a civil penalty of not more than ten thousand dollars  
11 (\$10,000) for a violation of an article to which this article applies or a violation of a rule adopted  
12 under an article to which this article applies:

13 (b) Each day during which a violation continues may be considered a separate violation  
14 for purposes of assessing a civil penalty.

15 (c) The department may bring a civil action under section 5 of this chapter to recover a  
16 **civil penalty under this described in this** section and to enjoin a person from continuing a  
17 violation.

18 SECTION 79. IC 14-25.5-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2014]: Sec. 4. (a) A civil penalty assessed ~~under section 3 of this chapter~~ **for a**  
20 **violation described in section 3 of this chapter** is subject to IC 4-21.5-3-6 and becomes  
21 effective without a proceeding under IC 4-21.5-3 unless a person requests an administrative  
22 review within thirty (30) days after receipt of the notice of assessment.

23 (b) **A civil penalty awarded for a violation described in section 3 of this chapter**  
24 **shall be deposited in the fund.**

25 SECTION 80. IC 14-25.5-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2014]: Sec. 5. The division director may request the attorney general to institute an  
27 action in an appropriate court for the following:

- 28 (1) The recovery of civil penalties owed ~~under this chapter~~ **for a violation**
- 29 **described in section 3 of this chapter**
- 30 (2) To restrain a person from commencing to violate or continuing to violate any
- 31 of the following:
  - 32 (A) An article to which this article applies or a rule adopted under an
  - 33 article to which this article applies.
  - 34 (B) An order of the department.

35 SECTION 81. IC 14-25.5-4-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec: 6:  
36 Except as provided in ~~IC 14-26-7-8, IC 14-27-6-52, IC 14-29-1-3, IC 14-29-7-25, and~~  
37 ~~IC 14-29-8-5~~, a person who knowingly violates an article enforced under this article commits a  
38 Class B infraction. Each day a violation occurs is a separate infraction:

39 SECTION 82. IC 14-26-2-21 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec: 21: A  
40 person who knowingly violates this chapter commits a Class B infraction:

1 SECTION 83. IC 14-26-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2014]: Sec. 22. In addition to other penalties prescribed by this chapter or IC 13-2-11.1  
3 (before its repeal), the director may impose a civil penalty of **not more than ten thousand**  
4 **dollars (\$10,000)** under IC 14-25.5-4 **for a violation of section 7 or 23 of this chapter.**

5 SECTION 84. IC 14-26-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2014]: Sec. 17. **The department may assess a civil penalty of not more than ten**  
7 **thousand dollars (\$10,000) against** a person who knowingly violates section 3 of this chapter.  
8 **commits a Class B infraction:**

9 SECTION 85. IC 14-26-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2014]: Sec. 3. **The department may assess a civil penalty of not more than ten**  
11 **thousand dollars (\$10,000) against** a person who knowingly lowers the water level of a lake  
12 more than twelve (12) inches below the high water mark established by the dam or other artificial  
13 device creating the lake. **commits a Class B infraction:**

14 SECTION 86. IC 14-26-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2014]: Sec. 8. **The department may assess a civil penalty of not more than ten**  
16 **thousand dollars (\$10,000) against** a person who recklessly violates this chapter. **commits a**  
17 **Class A misdemeanor:**

18 SECTION 87. IC 14-27-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2014]: Sec. 2. **The department may assess a civil penalty of not more than ten**  
20 **thousand dollars (\$10,000) against** a person who knowingly rides or drives upon or over a levee  
21 constructed under law, except for the purpose of:

22 (1) passing over the levee:

23 (A) at a public or private crossing; or

24 (B) upon a part of a public highway; or

25 (2) inspection or repair.

26 **commits a Class B infraction:**

27 SECTION 88. IC 14-27-6-52 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 52: A~~  
28 ~~person who recklessly violates this chapter commits a Class B misdemeanor.~~

29 SECTION 89. IC 14-27-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2014]: Sec. 7. **The department may assess a civil penalty of not more than ten**  
31 **thousand dollars (\$10,000) against** an owner who knowingly fails to effect the maintenance,  
32 alteration, repair, reconstruction, change in construction or location, or removal within the time  
33 limit set forth in the notice of violation of the department under:

34 (1) section 5 of this chapter; or

35 (2) IC 13-2-20-4 (before its repeal).

36 **commits a Class B infraction:** Every day of failure constitutes a separate **infraction violation.**

37 SECTION 90. IC 14-27-7.5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 JULY 1, 2014]: Sec. 13. **The department may assess a civil penalty of not more than ten**  
39 **thousand dollars (\$10,000) against** an owner who knowingly fails to effect the maintenance,

1 alteration, repair, reconstruction, change in construction or location, or removal within the time  
2 limit set forth in the notice of violation of the department under:

- 3 (1) section 11 of this chapter; or
- 4 (2) IC 13-2-20-4 (before its repeal).

5 commits a **Class B infraction**: Every day of failure constitutes a separate **infraction violation**.

6  
7 SECTION 91. IC 14-28-1-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2014]: Sec. 32. (a) **The department may assess a civil penalty of not more than ten**  
9 **thousand dollars (\$10,000) against** a person who knowingly violates section 20(2), 20(3), or 29  
10 of this chapter. commits a **Class B infraction**:

11 (b) Each day of continuing violation after conviction of the offense after an order  
12 **requiring payment of a penalty** constitutes a separate **offense violation**.

13 SECTION 92. IC 14-28-1-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2014]: Sec. 33. (a) **The department may assess a civil penalty of not more than ten**  
15 **thousand dollars (\$10,000) against** a person who knowingly fails to:

- 16 (1) comply with the requirements of section 20(1) of this chapter; or
- 17 (2) obtain a permit under section 22 of this chapter.

18 commits a **Class B infraction**:

19 (b) Each day a person violates section 20(1) or 22 of this chapter constitutes a separate  
20 **infraction violation**.

21 SECTION 93. IC 14-28-1-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2014]: Sec. 34. **The department may assess a civil penalty of not more than ten**  
23 **thousand dollars (\$10,000) against** a person who knowingly fails to comply with section 22(i)  
24 of this chapter. commits a **Class B infraction**: Each day a person violates section 22(i) of this  
25 chapter constitutes a separate **infraction violation**.

26 SECTION 94. IC 14-28-1-36 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 36. In~~  
27 ~~addition to other penalties prescribed by this chapter, the director may impose a civil penalty~~  
28 ~~under IC 14-25.5-4.~~

29 SECTION 95. IC 14-29-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2014]: Sec. 8. (a) A person, other than a public or municipal water utility, may not:

- 31 (1) place, fill, or erect a permanent structure in;
- 32 (2) remove water from; or
- 33 (3) remove material from;

34 a navigable waterway without a permit from the department.

35 (b) An application for a permit under this section must be made in a manner prescribed  
36 by rule.

37 (c) The department shall issue a permit if the issuance of the permit will not do any of  
38 the following:

- 39 (1) Unreasonably impair the navigability of the waterway.
- 40 (2) Cause significant harm to the environment.

1 (3) Pose an unreasonable hazard to life or property.

2 (d) A separate permit is not required under this section for an activity permitted under  
3 any of the following:

4 (1) IC 14-21-1.

5 (2) IC 14-28-1.

6 (3) IC 14-29-3.

7 (4) IC 14-29-4.

8 (5) IC 14-34.

9 (6) IC 14-37.

10 However, a permit issued under a statute specified in this subsection must also apply the  
11 requirements of this section with respect to an activity within a navigable waterway.

12 (e) A separate permit is not required under this section for an activity for which a permit  
13 has been issued under any of the following:

14 (1) 16 U.S.C. 1451 et seq. (the federal Coastal Zone Management Act).

15 (2) 33 U.S.C. 1344 (the federal Clean Water Act).

16 (3) 42 U.S.C. 9601 et seq. (the federal Comprehensive Environmental Response,  
17 Compensation, and Liability Act).

18 (f) The department shall adopt rules under IC 4-22-2 to implement this section.

19 (g) **The department may assess a civil penalty of not more than ten thousand dollars**  
20 **(\$10,000) against a person who violates this section. commits a Class B infraction.**

21 SECTION 96. IC 14-29-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2014]: Sec. 4. (a) **The department may assess a civil penalty of not more than ten**  
23 **thousand dollars (\$10,000) against a person who knowingly takes sand, gravel, stone, or other**  
24 **mineral or substance from or under the bed of the navigable water of Indiana without a permit.**  
25 **commits a Class B infraction:**

26 (b) Each day a violation continues constitutes a separate **infraction violation.**

27 SECTION 97. IC 14-29-4-9 IS AMENDED TO READ AS FOLLOWS: Sec. 9. (a) **The**  
28 **department may assess a civil penalty of not more than ten thousand dollars (\$10,000)**  
29 **against a person who knowingly violates section 3 of this chapter. commits a Class B infraction:**

30 (b) Each day of continuing violation after **conviction of the offense the award of a civil**  
31 **penalty** constitutes a separate **offense violation.**

32 SECTION 98. IC 14-31-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 2014]: Sec. 15. **The department may assess a civil penalty of not more than one**  
34 **thousand dollars (\$1,000) against a ginseng dealer who:**

35 (1) purchases ginseng without a license; or

36 (2) obtains a license because of a false or an incorrect statement.

37 **commits a Class B misdemeanor:**

38  
39 SECTION 99. IC 14-31-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2014]: Sec. 16. **The department may assess a civil penalty of not more than one**

1 **thousand dollars (\$1,000) against** a person who harvests ginseng out of a harvest season in  
2 violation of section 10 of this chapter. **commits a Class B misdemeanor.**

3 SECTION 100. IC 14-31-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2014]: Sec. 17. **The department may assess a civil penalty of not more than one**  
5 **thousand dollars (\$1,000) against** a person who possesses unprocessed ginseng out of a harvest  
6 season in violation of section 10 of this chapter. **commits a Class B misdemeanor.**

7 SECTION 101. IC 14-31-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2014]: Sec. 18. **The department may assess a civil penalty of not more than one**  
9 **thousand dollars (\$1,000) against** a person who harvests ginseng in an amount greater than a  
10 quota established under section 13 of this chapter. **commits a Class B infraction.**

11 SECTION 102. IC 14-31-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2014]: Sec. 19. **The department may assess a civil penalty of not more than one**  
13 **thousand dollars (\$1,000) against** a ginseng dealer who buys, sells, or possesses ginseng in  
14 violation of section 10 of this chapter. **commits a Class B misdemeanor.**

15 SECTION 103. IC 14-31-3-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2014]: Sec. 20. **The department may assess a civil penalty of not more than five**  
17 **thousand dollars (\$5,000) against** a person who, without written authorization from the  
18 department, takes or sends from Indiana ginseng that is harvested in Indiana in violation of  
19 **section 9 section 10** of this chapter. **commits a Class A misdemeanor.**

20 SECTION 104. IC 14-31-3-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2014]: Sec. 21. **The department may assess a civil penalty of not more than one**  
22 **thousand dollars (\$1,000) against** a person who knowingly or intentionally:

23 (1) takes or sends from Indiana ginseng that was harvested in another state for  
24 export from the United States; or

25 (2) receives ginseng that was harvested in another state for export from the  
26 United States;

27 without written authorization to export the ginseng under the laws of the state in which the  
28 ginseng was harvested. **commits a Class A misdemeanor.**

29 SECTION 105. IC 14-34-3-15 IS ADDED TO THE INDIANA CODE AS A NEW  
30 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 15. A person who**  
31 **violates section 1 of this chapter is liable for a civil penalty under IC 14-34-16.**

32 SECTION 106. IC 14-34-9-7 IS ADDED TO THE INDIANA CODE AS A NEW  
33 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 7. A person who**  
34 **conducts a coal exploration operation without complying with section 1 of this chapter is**  
35 **liable for a civil penalty under IC 14-34-16.**

36 SECTION 107. IC 14-34-10-6 IS ADDED TO THE INDIANA CODE AS A NEW  
37 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6. A person who does**  
38 **not comply with section 2 or 3 of this chapter is liable for a civil penalty under IC 14-34-16.**

39 SECTION 108. IC 14-34-12-4 IS ADDED TO THE INDIANA CODE AS A NEW

1 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 4. A person who does**  
2 **not comply with section 2 of this chapter is liable for a civil penalty under IC 14-34-16.**

3 SECTION 109. IC 14-34-15-17 IS ADDED TO THE INDIANA CODE AS A NEW  
4 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 17. A person who**  
5 **does not comply with section 1 or 2 of this chapter, or an order issued under section 8 of**  
6 **this chapter, is liable for a civil penalty under IC 14-34-16.**

7 SECTION 110. IC 14-35-1-12 IS ADDED TO THE INDIANA CODE AS A NEW  
8 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 12. (a) The**  
9 **department may assess a civil penalty of not more than five hundred dollars (\$500) against**  
10 **a person who conducts mining operations without a permit required by section 1 of this**  
11 **chapter, or in violation of a condition of a permit issued under section 1 of this chapter.**

12 **(b) Each day that the violation continues constitutes a separate violation.**

13 **(c) The civil penalty shall be transferred to the treasurer of state in accordance with**  
14 **IC 14-35-3-1 for deposit as described in IC 14-35-3-2.**

15 SECTION 111. IC 14-35-2-4 IS ADDED TO THE INDIANA CODE AS A NEW  
16 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 4. (a) The**  
17 **department may assess a civil penalty of not more than five hundred dollars (\$500) against**  
18 **a person who conducts geologic investigations without a permit required by section 1 of**  
19 **this chapter, or in violation of a condition of a permit issued under section 1 of this chapter.**

20 **(b) Each day that the violation continues constitutes a separate violation.**

21 **(c) The civil penalty shall be transferred to the treasurer of state in accordance with**  
22 **IC 14-35-3-1 for deposit as described in IC 14-35-3-2.**

23 SECTION 112. IC 14-35-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2014]: **Sec. 1. Fees and other money recovered or received due to a civil penalty**  
25 **awarded under this article or a permit granted under IC 14-35-1 or IC 14-35-2 shall be paid to**  
26 **the treasurer of state.**

27 SECTION 113. IC 14-36-1-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2014]: **Sec. 37. (a) The department may assess a civil penalty of not more than five**  
29 **hundred dollars (\$500) against a person who violates or fails to comply with section 14, 26,**  
30 **or 27 of this chapter (including a person who fails to comply with a rule of the commission**  
31 **or order of the director adopted or issued in connection with these sections). commits a**  
32 **Class A infraction:**

33 **(b) Each day that the violation continues constitutes a separate violation.**

34 **(c) The civil penalty shall be deposited in the post-1977 abandoned mine**  
35 **reclamation fund established by IC 14-34-6-15.**

36 SECTION 114. IC 14-37-4-15 IS ADDED TO THE INDIANA CODE AS A NEW  
37 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 15. (a) The**  
38 **department may assess a civil penalty of not more than ten thousand dollars (\$10,000)**  
39 **against a person who violates section 1 or 2 of this chapter.**

1           **(b) A person who knowingly or intentionally violates section 1 or section 2 of this**  
2 **chapter commits a Level 6 felony if the violation relates to the operation of a Class II well.**

3           **(c) The civil penalty shall be deposited in the oil and gas environmental fund**  
4 **established by IC 14-37-10-2.**

5           SECTION 115. IC 14-37-7-9 IS ADDED TO THE INDIANA CODE AS A NEW  
6 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 9. (a) The**  
7 **department may assess a civil penalty of not more than ten thousand dollars (\$10,000)**  
8 **against an owner or operator who:**

9                   **(1) violates section 4 or 7 of this chapter; or**

10                   **(2) fails to comply with an order of the division under section 3.5 or 4 of this**  
11 **chapter.**

12           **(b) An owner or operator who knowingly or intentionally:**

13                   **(1) violates section 4 or 7 of this chapter; or**

14                   **(2) fails to comply with an order of the division under section 3.5 or 4 of this**  
15 **chapter;**

16 **commits a Level 6 felony if the violation or failure to comply relates to the operation of a**  
17 **Class II well.**

18           **(c) The civil penalty shall be deposited in the oil and gas environmental fund**  
19 **established by IC 14-37-10-2.**

20           SECTION 116. IC 14-37-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2014]: **Sec. 1. (a) An owner or operator shall plug and abandon a well that:**

22                   **(1) is completed as a nonproductive well;**

23                   **(2) ceases to produce oil or natural gas; or**

24                   **(3) is no longer operated for the purpose for which the well is permitted;**

25 **unless the owner or operator is authorized to delay the plugging and abandonment of the well**  
26 **under section 8 of this chapter.**

27           **(b) The department may assess a civil penalty of not more than ten thousand dollars**  
28 **(\$10,000) against an owner or operator of a well who:**

29                   **(1) ceases to operate the well; and**

30                   **(2) knowingly fails to plug and abandon the well in violation of subsection (a).**

31 **is subject to the criminal penalty set forth in IC 14-37-13-6.**

32           **(c) An owner or operator who knowingly or intentionally violates this section**  
33 **commits a Level 6 felony if the violation or failure to comply relates to the operation of a**  
34 **Class II well.**

35           **(d) The civil penalty shall be deposited in the oil and gas environmental fund**  
36 **established by IC 14-37-10-2.**

37           **(e) Each day that the well remains not plugged and not abandoned constitutes a separate**  
38 **violation of subsection (a).**

39           SECTION 117. IC 14-37-8-18 IS ADDED TO THE INDIANA CODE AS A NEW  
40 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 18. (a) The**

1 **department may assess a civil penalty of not more than ten thousand dollars (\$10,000)**  
2 **against an owner or operator who:**

3 (1) violates; or

4 (2) fails to comply with an order of the division in relation to;  
5 **section 3, 4, or 4.2 of this chapter.**

6 (b) **An owner or operator who knowingly or intentionally:**

7 (1) violates; or

8 (2) fails to comply with an order of the division in relation to;  
9 **section 3, 4, or 4.2 of this chapter, commits a Level 6 felony if the violation or failure to**  
10 **comply relates to the operation of a Class II well.**

11 (c) **The civil penalty shall be deposited in the oil and gas environmental fund**  
12 **established by IC 14-37-10-2.**

13 SECTION 118. IC 14-37-10-3, AS AMENDED BY P.L.151-2012, SECTION 31, IS  
14 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The following  
15 shall be deposited in the fund:

16 (1) Annual fees for oil and gas wells received under IC 14-37-5.

17 (2) Accrued interest and other investment earnings of the fund.

18 (3) Civil penalties collected under ~~IC 14-37-13-3~~. **IC 14-37.**

19 (4) Bonds forfeited under IC 14-37-13-2.

20 (5) Gifts, grants, donations, or appropriations from any source.

21 SECTION 119. IC 14-37-11-4 IS ADDED TO THE INDIANA CODE AS A NEW  
22 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) **The**  
23 **department may assess a civil penalty of not more than ten thousand dollars (\$10,000)**  
24 **against an owner or operator who violates section 1 of this chapter.**

25 (b) **An owner or operator who knowingly or intentionally violates section 1 of this**  
26 **chapter commits a Level 6 felony if the violation concerns the operation of a Class II well.**

27 (c) **The civil penalty shall be deposited in the oil and gas environmental fund**  
28 **established by IC 14-37-10-2.**

29 SECTION 120. IC 14-37-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2014]: Sec. 3. The commission may assess against a person who violates:

31 (1) this article or IC 13-8 (before its repeal); or

32 (2) a rule adopted under this article (or IC 13-8 before its repeal);

33 a civil penalty of not more than ten thousand dollars (\$10,000) for each day the violation occurs.  
34 The penalty may be recovered and **In addition to any civil penalty imposed for a violation of**  
35 **this article, the violator may be enjoined the department may bring an action to enjoin the**  
36 **violator** from continuing the violation. in a civil action:

37 SECTION 121. IC 14-37-13-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. (a) Except  
38 as provided in subsection (b); a person who knowingly violates this article commits a Class B  
39 misdemeanor. Each day a violation occurs is a separate offense:

40 (b) A person who knowingly violates this article with respect to the operation of a Class

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If well commits a Level 6 felony:

SECTION 122. IC 14-38-2-21 IS REPEALED [EFFECTIVE JULY 1, 2014]. (a) A person who knowingly violates this chapter commits a Class C infraction:

(b) Each day of violation constitutes a separate infraction:

SECTION 123. IC 14-38-2-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 22. (a) The department may assess a civil penalty of not more than ten thousand dollars (\$10,000) against an owner or operator who knowingly fails to comply with section 6, 10, or 11 of this chapter.**

**(b) The civil penalty shall be deposited in the oil and gas environmental fund established by IC 14-37-10-2.**

Below is a working bill draft of sections in Title 9 that include criminal penalties that will be discussed at the September 10, 2013 Criminal Law and Sentencing Policy Study Committee meeting. This draft does not include operating while intoxicated statutes.

The proposed language below includes changes from the Class to Level system, possible theft thresholds that were incorporated in HB 1006, and directly stating the penalty for a crime in a specific section rather than having a separate section stating the penalty. After some sections in bold parens are issues or possible options for drafting that section.

If you have questions, please contact KC Norwalk at Legislative Services agency at (317) 234-2105 or [KC.Norwalk@iga.gov.in](mailto:KC.Norwalk@iga.gov.in).

SECTION 1. IC 9-17-3-3.2, AS AMENDED BY P.L.158-2013, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.2. (a) When a certificate of title is available and a vehicle is sold or transferred to a person other than a dealer licensed in Indiana, the seller or transferor shall fill in all blanks on the certificate of title relating to buyer information, including the sale price.

(b) The knowing or intentional failure of the seller or transferor to fill in all buyer information is a Class A misdemeanor for the first offense and a Level 6 felony for the second or subsequent offense under section 7(c)(2) of this chapter.

**{SHOULD THEFT THRESHOLDS APPLY?}**

SECTION 2. IC 9-17-3-3.4, AS ADDED BY P.L.262-2013, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.4 (a) If a vehicle for which a certificate of title has been issued is sold or if the ownership of the vehicle is transferred in any manner other than by a transfer on death conveyance under section 9 of this chapter, the person who holds the certificate of title must do the following:

(1) Endorse on the certificate of title an assignment of the certificate of title with warranty of title, in a form printed on the certificate of title, with a statement describing all liens or encumbrances on the vehicle.

(2) Deliver the certificate of title to the purchaser or transferee at the time of the sale or delivery to the purchaser or transferee of the vehicle, if the purchaser or transferee has made all agreed upon initial payments for the vehicle, including delivery of a trade-in vehicle without hidden or undisclosed statutory liens.

(3) Unless the vehicle is being sold or transferred to a dealer licensed under IC 9-32, complete all information concerning the purchase on the certificate of title, including, but not limited to:

(A) the name and address of the purchaser; and

(B) the sale price of the vehicle.

(b) If a vehicle for which a certificate of title has been issued by another state is sold or delivered, the person selling or delivering the vehicle must deliver to the purchaser or receiver of

the vehicle a proper certificate of title with an assignment of the certificate of title in a form prescribed by the bureau.

(c) The original certificate of title and all assignments and subsequent reissues of the certificate of title shall be retained by the bureau and appropriately classified and indexed in the most convenient manner to trace title to the vehicle described in the certificate of title.

**(d) A person who knowingly or intentionally violates subsection (a)(1) or subsection (a)(2) commits a Class B misdemeanor.**

**(e) A person who knowingly or intentionally violates subsection (a)(3) commits:**

**(1) a Class A misdemeanor for the first violation; or**

**(2) a Level 6 felony for the second violation or any subsequent violation.**

**{SHOULD THEFT THRESHOLDS APPLY?}**

SECTION 3. IC 9-17-3-7, AS AMENDED BY P.L.262-2013, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7.(a) This section does not apply to section 5 of this chapter.

(b) Except as provided in subsection (c), section 3.4(d) and (e), a person who violates this chapter commits a Class C infraction.

(c) A person who knowingly or intentionally violates:

(1) section 3.4(a)(1) or 3.4(a)(2) of this chapter commits a Class B misdemeanor;  
or

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

(A) a Class A misdemeanor for the first violation; or

(B) a Class D felony for the second violation or any subsequent violation.

SECTION 4. IC 9-17-4-15, AS ADDED BY P.L.262-2013, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A person who knowingly:

- (1) damages;
- (2) removes; or
- (3) alters;

an original or a special identification number commits a Class E Level 5 felony.

(b) A person who, with the intent to conceal evidence of the commission of a crime, covers an original or special identification number commits a Class E Level 5 felony.

SECTION 5. IC 9-17-4-16, AS ADDED BY P.L.262-2013, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. A person who knowingly sells or offers for sale a motor vehicle with an original or a special identification number that is:

- (1) destroyed;
- (2) removed;
- (3) altered;
- (4) covered; or
- (5) defaced;

commits a Class D Level 6 felony.

SECTION 6. IC 9-17-4-18, AS ADDED BY P.L.262-2013, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) For purposes

of this section, "identification number" means a set of numbers, letters, or both numbers and letters that is assigned to a motor vehicle or motor vehicle part by:

- (1) a manufacturer of motor vehicles or motor vehicle parts; or
- (2) a governmental entity to replace an original identification number that is destroyed, removed, altered, or defaced.

(b) Subsection (c) does not apply to a person who manufactures or installs a plate or label containing an identification number:

- (1) in a program authorized by a manufacturer of motor vehicles or motor vehicle parts; or
- (2) as authorized by the bureau under this chapter.

(c) A person who knowingly or intentionally possesses a plate or label that:

- (1) contains an identification number; and
- (2) is not attached to the motor vehicle or motor vehicle part to which the identification number was assigned by the manufacturer or a governmental entity;

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

(d) A person who knowingly or intentionally possesses a plate or label on which the identification number is altered or removed commits a ~~Class D~~ **Level 6** felony.

(e) A person who, with intent to defraud, possesses a plate or label containing a set of numbers, letters, or both numbers and letters that purports to be an identification number commits a ~~Class D~~ **Level 6** felony.

SECTION 7. IC 9-19-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person may not:

- (1) advertise for sale;
- (2) sell;
- (3) use; or
- (4) install;

any device that causes an odometer to register mileage other than the mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.

**(b) A person who, with intent to defraud:**

- (1) violates subsection (a); or**
- (2) omits to do any act that is required by subsection (a);**

**commits a Level 6 felony.**

SECTION 8. IC 9-19-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person may not:

- (1) disconnect;
- (2) reset; or
- (3) alter;

the odometer of any motor vehicle with intent to change the number of miles indicated on the odometer.

**(b) A person who, with intent to defraud:**

- (1) violates subsection (a); or**
- (2) omits to do any act that is required by subsection (a);**

**commits a Level 6 felony.**

SECTION 9. IC 9-19-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) This section applies to all motor vehicles except the following:

- (1) Motorcycles.
- (2) Trucks the declared gross weight of which exceeds eleven thousand (11,000) pounds.
- (3) Motor vehicles that have a model year on their registration card that is at least five (5) years earlier than the year the vehicle is in operation on a street or highway.

(b) A person may not knowingly operate a motor vehicle on a street or highway if the odometer of the vehicle is disconnected or nonfunctional.

**(c) A person who knowingly or intentionally violates subsection (b) commits a Level 6 felony.**

**{Is this penalty appropriate?}**

SECTION 10. IC 9-19-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) This chapter does not prohibit the service, repair, or replacement of an odometer if the mileage indicated on the odometer remains the same as before the service, repair, or replacement.

(b) If the odometer is incapable of registering the same mileage as before the service, repair, or replacement, the odometer shall be adjusted to read zero (0) and a notice in writing shall be attached to the left door frame of the vehicle by the owner or the owner's agent specifying the mileage before repair or replacement of the odometer and the date on which the odometer was repaired or replaced.

(c) A person ~~may who not~~ knowingly or intentionally remove ~~removes~~ or alter ~~alters~~ a notice affixed to a motor vehicle under this section **commits a Level 6 felony.**

**{Is the penalty appropriate for this section? The does not include the intent to defraud language from IC 9-19-9-5.}**

SECTION 11. IC 9-19-9-5 IS REPEALED [EFFECTIVE JULY 1, 2014]. A person who, with intent to defraud:

- (1) violates this chapter; or
- (2) omits to do any act that is required by this chapter;

**commits a Level 6 felony.**

SECTION 12. IC 9-19-10.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person may not knowingly or intentionally install in a motor vehicle, as part of the motor vehicle's inflatable restraint system, an object that does not comply with Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) for the make, model, and year of the motor vehicle.

**(b) A person who knowingly or intentionally violates subsection (a) commits a Class A misdemeanor. However the offense is a Level 6 felony if a person in a motor vehicle is injured as a result of the air bag tampering.**

SECTION 13. IC 9-19-10.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person may not knowingly or intentionally:

- (1) sell;

- (2) lease;
- (3) trade; or
- (4) transfer;

a motor vehicle in which is installed, as part of the motor vehicle's inflatable restraint system, an object that does not comply with Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) for the make, model, and year of the motor vehicle to an Indiana resident.

**(b) A person who knowingly or intentionally violates subsection (a) commits a Level 6 felony.**

SECTION 14. IC 9-19-10.5-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. A person who violates section 2 of this chapter commits a Class A misdemeanor. However, the offense is a Level 6 felony if a person in a motor vehicle is injured as a result of the air bag tampering.

SECTION 15. IC 9-19-10.5-5 IS REPEALED [EFFECTIVE JULY 1, 2014]. A person who violates section 3 of this chapter commits a Level 6 felony.

SECTION 15. IC 9-21-8-56, AS AMENDED BY P.L.158-2013, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 56. (a) For purposes of this section, "highway work zone" has the meaning set forth in IC 8-23-2-15.

(b) Except as provided in subsections (f) through (h), a person who recklessly operates a vehicle in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor.

(c) Except as provided in subsections (f) through (h), a person who knowingly, intentionally, or recklessly operates a motor vehicle in the immediate vicinity of a highway work zone when workers are present with the intent to:

- (1) damage traffic control devices; or
- (2) inflict bodily injury on a worker;

commits a Class A misdemeanor.

(d) Except as provided in subsections (f) through (h), a person who knowingly, intentionally, or recklessly engages in:

- (1) aggressive driving, as defined in section 55 of this chapter; or
- (2) a speed contest, as prohibited under IC 9-21-6-1;

in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor.

(e) Except as provided in subsections (f) through (h), a person who recklessly fails to obey a traffic control device or flagman, as prohibited under section 41 of this chapter, in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor.

(f) An offense under subsection (b), (c), (d), or (e) is a Level 6 felony if the person who commits the offense:

- (1) has a prior unrelated conviction under this section in the previous five (5) years; or
- (2) is operating the vehicle in violation of IC 9-30-5-1 or IC 9-30-5-2.

(g) An offense under subsection (b), (c), (d), or (e) is a Level 6 felony if the offense results in bodily injury to a worker in the worksite.

(h) An offense under subsection (b), (c), (d), or (e) is a Level 5 felony if the offense

results in the death of a worker in the worksite.

(i) A person who knowingly, intentionally, or recklessly engages in an act described in section 55(b)(1), 55(b)(2), 55(b)(3), 55(b)(4), 55(b)(5), or 55(b)(6) of this chapter in the immediate vicinity of a highway work zone when workers are present commits a Class B infraction. Notwithstanding IC 34-28-5-5(c), the funds collected as judgments for an infraction under this subsection shall be transferred to the Indiana department of transportation to pay the costs of hiring off duty police officers to perform the duties described in IC 8-23-2-15(b).

**{SHOULD THERE BE A HIGHER PENALTY FOR SERIOUS BODILY INJURY}**

SECTION 16. IC 9-22-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) If a salvage motor vehicle has been flood damaged, extensively burned, vandalized, or severely wrecked so that one (1) or more component parts are required to restore the motor vehicle to an operable condition, the person or business that restored the motor vehicle must furnish, on an affidavit of restoration for a salvage motor vehicle form, the name, identification number, and source of all component parts that were included in the restoration of the vehicle. The affidavit must be attached to the certificate of salvage title and be submitted to the bureau upon application by a person for a certificate of title for the vehicle.

**(b) A person who knowingly or intentionally violates subsection (a) commits a Level 6 felony.**

SECTION 17. IC 9-22-3-31, AS AMENDED BY P.L.158-2013, SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 31. A person who knowingly **or intentionally** possesses, buys, sells, exchanges, gives away, or offers to buy, sell, exchange or give away a manufacturer's identification plate or serial plate that has been removed from a motor vehicle, motorcycle, semitrailer, or recreational vehicle that is a total loss or salvage commits a Level 6 felony.

SECTION 18. IC 9-22-3-32, AS AMENDED BY P.L.158-2013, SECTION 150, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 32.. A person who knowingly **or intentionally** possesses, buys, sells, exchanges, gives away, or offers to buy, sell, exchange, or give away a certificate of title or ownership papers from a nontitle state of a motor vehicle, motorcycle, semitrailer, or recreational vehicle that is a total loss or salvage commits a Level 6 felony.

SECTION 19. IC 9-22-3-33 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 33. A person who knowingly violates section 4, 5, 6, 7, or 8 of this chapter (or section 9 of this chapter before its repeal) commits a Level 6 felony.~~

**{The criminal penalties for sections, 4, 5, 6, and 7 do not make sense}**

SECTION 20. IC 9-22-5-18.2, AS ADDED BY P.L.92-2013, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18.2. (a) A disposal facility, a scrap metal processor, or an agent of a disposal facility or scrap metal processor may purchase a motor vehicle without a certificate of title for the motor vehicle if:

- (1) the motor vehicle is at least fifteen (15) model years old;
- (2) the purchase is solely for the purpose of dismantling or wrecking the motor vehicle for the recovery of scrap metal or the sale of parts; and
- (3) the disposal facility or scrap metal processor records all purchase transactions of vehicles as required in subsection (b).

(b) A disposal facility or scrap metal processor shall maintain the following information with respect to each motor vehicle purchase transaction to which the disposal facility or scrap metal processor is a party for at least two (2) years following the date of the purchase transaction:

- (1) The name and address of any secondary metals recycler or salvage yard.
- (2) The name, initials, or other identifying symbol of the person entering the information.
- (3) The date of the purchase transaction.
- (4) A description of the motor vehicle that is the subject of the purchase transaction, including the make and model of the motor vehicle, if practicable.
- (5) The vehicle identification number of the motor vehicle.
- (6) The amount of consideration given for the motor vehicle.
- (7) A written statement signed by the seller or the seller's agent certifying that the seller or the seller's agent has the lawful right to sell and dispose of the motor vehicle.
- (8) The name and address of the person from whom the motor vehicle is being purchased.
- (9) A photocopy or electronic scan of one (1) of the following forms of identification issued to the seller or the seller's agent:
  - (A) A current and valid driver's license.
  - (B) An identification card issued under IC 9-24-16-1 or a similar card issued under the laws of another state or the federal government.
  - (C) A government issued document bearing an image of the seller or seller's agent, as applicable.

For purposes of complying with this subdivision, a disposal facility or scrap metal processor is not required to make a separate copy of the seller's or seller's agent's identification for each purchase transaction involving the seller or seller's agent but may instead refer to a copy maintained in reference to a particular purchase transaction.

(c) A disposal facility or scrap metal processor may not complete a purchase transaction in the absence of the information required under subsection (b)(9).

(d) A disposal facility, a scrap metal processor, or an agent of a disposal facility or scrap metal processor that knowingly, intentionally, or recklessly buys a motor vehicle that is less than fifteen (15) model years old without a certificate of title for the motor vehicle commits a ~~Class D~~ **Level 6** felony.

SECTION 21. IC 9-24-11-4, AS AMENDED BY P.L.85-2013, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) An individual may not have more than one (1) driver's license or identification card at a time.

(b) An individual may not hold a driver's license and an identification card at the same time.

**(c) A person who violates subsection (a) or (b) commits a Class C infraction.**

SECTION 22. IC 9-24-11-8, AS AMENDED BY P.L.158-2013, SECTION 153, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. ~~(a) Except as provided in subsections (b) and (c); a person who violates this chapter commits a Class C~~

infraction.

(b) (a) A person who:

(1) has been issued a permit or license on which there is a printed or stamped restriction as provided under section 7 of this chapter; and

(2) operates a motor vehicle in violation of the restriction;

commits a Class C misdemeanor. The license of a person who violates this subsection may be suspended in the manner provided for the suspension or revocation of an operator's license.

(c) (b) A person who causes serious bodily injury to or the death of another person when operating a motor vehicle after knowingly or intentionally failing to take prescribed medication, the taking of which was a condition of the issuance of the operator's restricted license under section 7 of this chapter, commits a Class A misdemeanor. However, the offense is a Level 6 felony if, within the five (5) years preceding the commission of the offense, the person had a prior unrelated conviction under this subsection.

(d) (c) A person who violates subsection (c) commits a separate offense for each person whose serious bodily injury or death is caused by the violation of subsection (c).

**{The penalties stricken in subsection (a) seem to only apply to section 4 of this chapter}.**

SECTION 23. IC 9-24-16-12, AS AMENDED BY P.L.158-2013, SECTION 155, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) A person who:

(1) knowingly permits the use of an identification card issued under this chapter by a person other than the person to whom the card was issued;

(2) knowingly displays or represents as the person's own identification card issued under this chapter an identification card that was not issued to the person displaying the card;

(3) does not surrender, upon demand of the proper official, an identification card issued under this chapter that has become invalid or expired; or

(4) knowingly sells, offers to sell, buys, possesses, or offers a false identification card that could reasonably be mistaken for a valid identification card required by this chapter to be issued by the bureau but that has not been issued by the bureau;

commits a Class B misdemeanor.

(b) A person who:

(1) knowingly or intentionally uses false information in an application:

(A) for an identification card issued under this chapter; or

(B) for a renewal, amendment, or replacement of an identification card issued under this chapter; or

(2) knowingly or intentionally makes a false statement or otherwise commits fraud in an application for an identification card issued under this chapter;

commits application fraud, a Level 6 felony.

**{NO CHANGES}**

SECTION 24. IC 9-24-18-2, AS AMENDED BY P.L.158-2013, SECTION 156, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.. (a) A person may

not do any of the following:

- (1) Display, cause or permit to be displayed, or have in possession a license or permit issued under this article knowing that the license or permit is fictitious or has been canceled, revoked, suspended, or altered.
- (2) Lend to a person or knowingly permit the use by a person not entitled to use a license or permit a license or permit issued under this article.
- (3) Display or represent as the person's license or permit issued under this article a license or permit not issued to the person.
- (4) Fail or refuse to surrender, upon demand of the proper official, a license or permit issued under this article that has been suspended, canceled, or revoked as provided by law.
- (5) Knowingly sell, offer to sell, buy, possess, or offer as genuine, a license or permit required by this article to be issued by the bureau that has not been issued by the bureau under this article or by the appropriate authority of any other state.

A person who knowingly or intentionally violates this subsection commits a Class C misdemeanor.

(b) A person who:

- (1) knowingly or intentionally uses a false or fictitious name or gives a false or fictitious address in an application:
  - (A) for a license or permit issued under this article; or
  - (B) for a renewal, amendment, or replacement of a license or permit issued under this article; or
- (2) knowingly or intentionally makes a false statement or conceals a material fact or otherwise commits a fraud in an application for a license or permit issued under this article;

commits application fraud, a Level 6 felony.

**{NO CHANGES}**

SECTION 25. IC 9-24-19-3, AS AMENDED BY P.L.114-2012, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who operates a motor vehicle upon a highway when the person knows that the person's driving privilege, license, or permit is suspended or revoked, when the person's suspension or revocation was a result of the person's conviction of an offense (as defined in IC 35-31.5-2-215) commits a Class A misdemeanor.

**(b) However, the offense described in subsection (a) is a:**

- (1) Level 6 felony if the operation results in serious bodily injury or serious bodily injury; or**
- (2) Level 5 felony if the operation results in the death of another person.**

**{Should there be different penalties for serious bodily injury and bodily injury?}**

SECTION 26. IC 9-24-19-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 4: (a) A person who violates section 3 of this chapter commits a Level 6 felony if the operation results in serious bodily injury or serious bodily injury.

(b) A person who violates section 3 of this chapter commits a Level 5 felony if the operation results in the death of another person.

SECTION 27. IC 9-26-1-1, AS AMENDED BY P.L.125-2012, SECTION 292, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in section 1.5 of this chapter, the driver of a motor vehicle involved in an accident that results in the injury or death of a person or the entrapment of a person in a vehicle shall do the following:

- (1) Immediately stop the driver's motor vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.
- (2) Immediately return to and remain at the scene of the accident until the driver does the following:
  - (A) Gives the driver's name and address and the registration number of the motor vehicle the driver was driving.
  - (B) Upon request, exhibits the driver's license of the driver to the following:
    - (i) The person struck.
    - (ii) The driver or occupant of or person attending each vehicle involved in the accident.
  - (C) Subject to section 1.5(a) of this chapter, determines the need for and renders reasonable assistance to each person injured or entrapped in the accident, including the removal of, or the making of arrangements for the removal of:
    - (i) each injured person from the scene of the accident to a physician or hospital for medical treatment; and
    - (ii) each entrapped person from the vehicle in which the person is entrapped.
- (3) Subject to section 1.5(b) of this chapter, immediately give notice of the accident by the quickest means of communication to one (1) of the following:
  - (A) The local police department, if the accident occurs within a municipality.
  - (B) The office of the county sheriff or the nearest state police post, if the accident occurs outside a municipality.

**(b) A person who knowingly or intentionally fails to stop or comply with subsection (a)(1) or (2) after causing injury to a person commits a Class A misdemeanor. However, the offense is:**

- (1) a Level 6 felony if:**
  - (A) the accident involves serious bodily injury to a person; or**
  - (B) within the five (5) years preceding the commission of the offense, the person had a previous conviction of any of the offenses listed in IC 9-30-10-4(a);**
- (2) a Level 5 felony if the accident involves the death of a person; and**
- (3) a Level 4 felony if the person knowingly or intentionally fails to stop or comply with subsection (a)(1) or (a)(2) after committing operating while intoxicated causing serious bodily injury (IC 9-30-5-4).**

**{should there be an enhanced penalty fo bodily injury}**

SECTION 28. IC 9-26-1-3, AS AMENDED BY P.L.125-2012, SECTION 296, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The driver of a motor vehicle that collides with an unattended vehicle shall immediately stop and do one (1) of the following:

- (1) Locate and notify the operator or owner of the vehicle of the name and address of the driver and owner of the motor vehicle striking the unattended vehicle.
- (2) Leave in a conspicuous place on the vehicle struck a written notice giving the name and address of the driver and the owner of the motor vehicle doing the striking and a statement of the circumstances of the accident.

**(b) A person who knowingly or intentionally fails to stop or comply with subsection (a) after causing damage to the property of another person commits a Class B misdemeanor.**

SECTION 29. IC 9-26-1-4, AS AMENDED BY P.L.125-2012, SECTION 297, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The driver of a motor vehicle that causes damage to the property of another person, other than damage to a vehicle, shall do the following:

- (1) Immediately stop the motor vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.
- (2) Immediately return to and remain at the scene of the accident until the driver does the following:
  - (A) Takes reasonable steps to locate and notify the owner or person in charge of the property of the damage.
  - (B) Gives the person the driver's name and address and the registration number of the motor vehicle.
  - (C) Upon request, exhibits the driver's license of the driver.

(b) If after reasonable inquiry the driver of the motor vehicle cannot find the owner or person in charge of the damaged property, the driver of the motor vehicle shall do the following:

- (1) Notify either the sheriff's department of the county in which the damaged property is located or a member of the state police department.
- (2) Give the sheriff's department or state police department the information required by this section.

**(c) A person who knowingly or intentionally fails to stop or comply subsection (a) or (b) after causing damage to the property of another person commits a Class B misdemeanor.**

SECTION 30. IC 9-26-1-8 IS REPEALED [EFFECTIVE JULY 1, 2014].

(a) A person who knowingly or intentionally fails to stop or comply with section 1(1) or 1(2) of this chapter after causing injury to a person commits a Class A misdemeanor. However, the offense is:

- (1) a Level 6 felony if:
  - (A) the accident involves serious bodily injury to a person; or
  - (B) within the five (5) years preceding the commission of the offense; the

person had a previous conviction of any of the offenses listed in IC 9-30-10-4(a);

(2) a Level 5 felony if the accident involves the death of a person; and

(3) a Level 4 felony if the person knowingly or intentionally fails to stop or comply with section 1(1) or 1(2) of this chapter after committing operating while intoxicated causing serious bodily injury (IC 9-30-5-4).

(b) A person who knowingly or intentionally fails to stop or comply with section 3 or 4 of this chapter after causing damage to the property of another person commits a Class B misdemeanor:

SECTION 31. IC 9-30-10-16, AS AMENDED BY P.L.158-2013, SECTION 162, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A person who operates a motor vehicle:

(1) while the person's driving privileges are validly suspended under this chapter or IC 9-12-2 (repealed July 1, 1991) and the person knows that the person's driving privileges are suspended; or

(2) in violation of restrictions imposed under this chapter or IC 9-12-2 (repealed July 1, 1991) and who knows of the existence of the restrictions;

commits a Level 6 felony.

(b) Service by the bureau of notice of the suspension or restriction of a person's driving privileges under subsection (a)(1) or (a)(2):

(1) in compliance with section 5 of this chapter; and

(2) by first class mail to the person at the last address shown for the person in the bureau's records;

establishes a rebuttable presumption that the person knows that the person's driving privileges are suspended or restricted.

(c) In addition to any criminal penalty, a person who is convicted of a felony under subsection (a) forfeits the privilege of operating a motor vehicle for life. However, if judgment for conviction of a Class A misdemeanor is entered for an offense under subsection (a), the court may order a period of suspension of the convicted person's driving privileges that is in addition to any suspension of driving privileges already imposed upon the person.

**{no changes}**

SECTION 32. IC 9-30-10-17, AS AMENDED BY P.L.158-2013, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. (a) A person who operates a motor vehicle after the person's driving privileges are forfeited for life under section 16 of this chapter, IC 9-4-13-14 (repealed April 1, 1984), or IC 9-12-3-1 (repealed July 1, 1991) commits a Level 5 felony.

(b) In addition to any criminal penalties imposed for a conviction of an offense described in subsection (a), the bureau shall suspend the person's driving privileges for the life of the person.

**{no changes}**

SECTION 33. IC 9-31-2-27, AS AMENDED BY P.L.158-2013, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 27. A person who knowingly or intentionally does any of the following commits a Level 6 felony:

- (1) Alters or forges a certificate of title or a manufacturer's or importer's certificate to a watercraft, an assignment of either, or a cancellation of a lien on a watercraft.
- (2) Holds or uses a certificate, assignment, or cancellation, knowing the document is altered or forged.
- (3) Procures or attempts to procure a certificate of title to a watercraft or passes or attempts to pass a certificate of title or an assignment of title to a watercraft knowing or having reason to believe that the watercraft is stolen.
- (4) Sells or offers for sale in Indiana a watercraft on which the manufacturer's or assigned hull identification number is destroyed, removed, covered, altered, or defaced, with knowledge of the destruction, removal, covering, alteration, or defacement of the manufacturer's or assigned hull identification number.
- (5) Destroys, removes, alters, or defaces the manufacturer's or assigned hull identification number of a watercraft.
- (6) Uses a false or fictitious name, gives a false or fictitious address, or makes a false statement in an application or certificate required under this chapter or in a bill of sale or sworn statement of ownership, or otherwise commits fraud in an application.
- (7) Sells or transfers a watercraft without delivering to the purchaser or transferee of the watercraft a certificate of title or a manufacturer's or importer's certificate to the watercraft assigned to the purchaser as provided for in this chapter.

SECTION 34. IC 9-32-4-1, AS ADDED BY P.L.262-2013, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) If a vehicle for which a certificate of title has been issued is sold or if the ownership of the vehicle is transferred in any manner other than by a transfer on death conveyance under IC 9-17-3-9, in addition to complying with IC 9-17-3-3.4, the person who holds the certificate of title must do the following:

- (1) In the case of a sale or transfer between vehicle dealers licensed by this state or another state, deliver the certificate of title within twenty-one (21) days after the date of the sale or transfer.
- (2) Deliver the certificate of title to the purchaser or transferee within twenty-one (21) days after the date of sale or transfer to the purchaser or transferee of the vehicle, if all the following conditions exist:
  - (A) The seller or transferor is a vehicle dealer licensed by the state under this article.
  - (B) The vehicle dealer is not able to deliver the certificate of title at the time of sale or transfer.
  - (C) The vehicle dealer provides the purchaser or transferee with an affidavit under section 2 of this chapter.
  - (D) The purchaser or transferee has made all agreed upon initial payments for the vehicle, including delivery of a trade-in vehicle without hidden or undisclosed statutory liens.
- (b) A licensed dealer may offer for sale a vehicle for which the dealer does not possess a certificate of title, if the dealer can comply with subsection (a)(1) or (a)(2) at the time of the sale.
- (c) A vehicle dealer who fails to deliver a certificate of title within the time specified

under this section is subject to the following civil penalties:

- (1) One hundred dollars (\$100) for the first violation in a calendar year.
- (2) Two hundred fifty dollars (\$250) for the second violation in a calendar year.
- (3) Five hundred dollars (\$500) for all subsequent violations in a calendar year.

Payment shall be made to the secretary of state and deposited in the dealer enforcement account established under IC 9-32-7-2.

(d) If a purchaser or transferee does not receive a valid certificate of title within the time specified by this section, the purchaser or transferee has the right to return the vehicle to the vehicle dealer ten (10) days after giving the vehicle dealer written notice demanding delivery of a valid certificate of title and the dealer's failure to deliver a valid certificate of title within that ten (10) day period. Upon return of the vehicle to the dealer in the same or similar condition as delivered to the purchaser or transferee under this section, the vehicle dealer shall pay to the purchaser or transferee the purchase price plus sales taxes, finance expenses, insurance expenses, and any other amount paid to the dealer by the purchaser or transferee.

(e) For purposes of this subsection, "timely deliver", with respect to a third party, means to deliver to the purchaser or transferee with a postmark dated or hand delivered not more than ten (10) business days after there is no obligation secured by the vehicle. If the dealer's inability to timely deliver a valid certificate of title results from the acts or omissions of a third party who has failed to timely deliver a valid certificate of title to the dealer, the dealer is entitled to claim against the third party one hundred dollars (\$100). If:

- (1) the dealer's inability to timely deliver a valid certificate of title results from the acts or omissions of a third party who has failed to timely deliver the certificate of title in the third party's possession to the dealer; and
- (2) the failure continues for ten (10) business days after the dealer gives the third party written notice of the failure;

the dealer is entitled to claim against the third party all damages sustained by the dealer in rescinding the dealer's sale with the purchaser or transferee, including the dealer's reasonable attorney's fees.

(f) If a vehicle for which a certificate of title has been issued by another state is sold or delivered, the person selling or delivering the vehicle shall deliver to the purchaser or receiver of the vehicle a proper certificate of title with an assignment of the certificate of title in a form prescribed by the bureau.

(g) A dealer shall make payment to a third party to satisfy any obligation secured by the vehicle within ten (10) days after the date of sale.

**(h) Except as provided in subsections (i) and (j), a person who violates this section commits a Class C infraction.**

**(i) A person who knowingly or intentionally violates subsection (a)(1), (a)(2) or (d) commits a Class B misdemeanor.**

**{The changes in this section are based on IC 9-32-17-2. But, the penalties listed in IC 9-32-17-2 include specific penalties for subsections (a)(4), (a)(5) which do not exist.}**

SECTION 35. IC 9-32-6-7, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED

TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) Except as provided in sections 8 and 9 of this chapter, dealer-new, dealer-used, manufacturer, and wholesale license plates may be used only on motor vehicles in the:

- (1) dealer's inventory being held for sale;
- (2) usual operation of the manufacturer's or dealer's business;
- (3) movement of the manufacturer's or dealer's inventory; or
- (4) inventory of a manufacturer or dealer that is unattended by the manufacturer or dealer or the dealer's agent for a maximum of ten (10) days by a prospective buyer or a service customer.

(b) The license plates referenced in subsection (a) must be:

- (1) primarily used or stored at an address within Indiana; or
- (2) displayed on a vehicle being transported for purposes of sale by a licensed Indiana dealer.

**(c) A person who knowingly or intentionally violates this section commits a Class A misdemeanor.**

SECTION 36. IC 9-32-6-10, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) Dealer-new, dealer-used, manufacturer, and wholesale license plates may not be used on a vehicle that:

- (1) is required to be registered; and
- (2) has a fee charged by dealers to others for the use of the vehicle.

**(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor.**

SECTION 37. IC 9-32-6-11, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) The secretary may issue an interim license plate to a dealer or manufacturer who is licensed and has been issued a license plate under section 2 of this chapter.

(b) The secretary shall prescribe the form of an interim license plate issued under this section. However, an interim license plate must bear the assigned registration number and provide sufficient space for the expiration date as provided in subsection (c).

(c) Whenever a dealer or manufacturer sells or leases a motor vehicle, the dealer or manufacturer may provide the buyer or lessee with an interim license plate. The dealer shall, in the manner provided by the secretary, affix on the plate in numerals and letters at least three (3) inches high the date on which the interim license plate expires.

(d) An interim license plate authorizes a motor vehicle owner or lessor to operate the vehicle for a maximum period of thirty-one (31) days after the date of sale or lease of the vehicle to the vehicle's owner or lessor or until a regular license plate is issued, whichever occurs first. **A person who knowingly or intentionally violates this subsection commits a Class A misdemeanor.**

(e) A motor vehicle that is required by law to display license plates on the front and rear of the vehicle is required to display only a single interim license plate.

(f) An interim license plate shall be displayed:

- (1) in the same manner required in IC 9-18-2-26; or
- (2) in a location on the left side of a window facing the rear of the motor vehicle

that is clearly visible and unobstructed. The plate must be affixed to the window of the motor vehicle.

(g) The dealer must provide an ownership document to the purchaser at the time of issuance of the interim license plate that must be kept in the motor vehicle during the period an interim license plate is used.

(h) All interim license plates not issued by the dealer must be retained in the possession of the dealer at all times.

SECTION 38. IC 9-32-6-12, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. A dealer ~~may not~~ **who** knowingly or intentionally ~~issue~~ **issues** an altered interim license plate or an interim license plate with false or fictitious information **commits a Class A misdemeanor.**

SECTION 39. IC 9-32-6-13, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. A person ~~may not~~ **who** knowingly or intentionally ~~operate~~ **operates** a vehicle displaying an altered interim license plate issued under section 11 of this chapter **commits a Class A misdemeanor.**

SECTION 40. IC 9-32-9-1, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A disposal facility, a used parts dealer, or an automotive salvage rebuilder must be licensed by the secretary under this chapter before the facility, dealer, or rebuilder may do any of the following:

- (1) Sell a used major component part of a vehicle.
- (2) Wreck or dismantle a vehicle for resale of the major component parts of the vehicle.
- (3) Rebuild a wrecked or dismantled vehicle.
- (4) Possess more than two (2) inoperable vehicles subject to registration for more than thirty (30) days unless the facility, dealer, or rebuilder holds a mechanic's lien on each vehicle over the quantity of two (2).
- (5) Engage in the business of storing, disposing, salvaging, or recycling of vehicles, vehicle hulks, or parts of vehicles.

**(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor.**

SECTION 41. IC 9-32-9-2, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A disposal facility, a used parts dealer, or an automotive salvage rebuilder licensed in Indiana must have a principal place of business in Indiana conducting the business that is the basis for the license. A place of business that performs only ministerial tasks is not considered to be conducting business.

**(b) A disposal facility, used parts dealer, or automotive salvage rebuilder who knowingly or intentionally violates subsection (a) commits a Class A misdemeanor.**

SECTION 42. IC 9-32-9-10, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A licensee shall post a license granted to the licensee under this chapter in a conspicuous place at the licensed place of business.

**(b) A licensee who knowingly or intentionally violates this section commits a Class A misdemeanor.**

SECTION 43. IC 9-32-11-1, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The following persons must be licensed under this article to engage in the business of buying or selling motor vehicles or semitrailers:

- (1) An automobile auctioneer.
- (2) A converter manufacturer.
- (3) A dealer.
- (4) A distributor.
- (5) A distributor representative.
- (6) A factory branch.
- (7) A factory representative.
- (8) A manufacturer.
- (9) A transfer dealer.
- (10) A wholesale dealer.
- (11) An automotive mobility dealer.

(b) An automotive mobility dealer who engages in the business of:

- (1) selling, installing, or servicing;
- (2) offering to sell, install, or service; or
- (3) soliciting or advertising the sale, installation, or servicing of;

equipment or modifications specifically designed to facilitate use or operation of a vehicle by an individual who is disabled or aged must be licensed under this article.

**(c) An automotive mobility dealer who knowingly or intentionally fails to be licensed under this article and engages in the businesses described in subsection (b) commits a Class A misdemeanor.**

SECTION 44. IC 9-32-11-12, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) A license issued under this chapter is valid for a one (1) year period in accordance with the following schedule:

- (1) A person whose business name begins with the letters A through B, inclusive, shall register before March 1 of each year.
- (2) A person whose business name begins with the letters C through D, inclusive, shall register before April 1 of each year.
- (3) A person whose business name begins with the letters E through G, inclusive, shall register before May 1 of each year.
- (4) A person whose business name begins with the letters H through I, inclusive, shall register before June 1 of each year.
- (5) A person whose business name begins with the letters J through L, inclusive, shall register before July 1 of each year.
- (6) A person whose business name begins with the letters M through O, inclusive, shall register before August 1 of each year.
- (7) A person whose business name begins with the letters P through R, inclusive, shall register before September 1 of each year.
- (8) A person whose business name begins with the letters S through T, inclusive,

shall register before October 1 of each year.

(9) A person whose business name begins with the letters U through Z, inclusive, shall register before November 1 of each year.

(b) A sole proprietor shall register based upon the name of the sole proprietorship.

(c) A sole proprietor who knowingly or intentionally does not register based upon the name of the sole proprietorship commits a Class A misdemeanor.

SECTION 45. IC 9-32-13-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 31. A person who knowingly or intentionally violates a section of this chapter commits a Class A misdemeanor.**

**OR**

**A person who knowingly or intentionally performs an act that is an unfair practice under this chapter commits a Class A misdemeanor.**

**{This chapter involves unfair practices for motor vehicle dealers. IC 9-32-17-6 currently makes any violation of this chapter a Class A misdemeanor. Not sure if these penalties need to stated to each section.}**

SECTION 45. IC 9-32-17-2, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2. (a) Except as provided in subsections (b) and (c); a person who violates IC 9-32-4 commits a Class E infraction:**

(b) A person who knowingly or intentionally violates IC 9-32-4-1(a)(1); IC 9-32-4-1(a)(2); IC 9-32-4-1(a)(4); IC 9-32-4-1(a)(5); or IC 9-32-4-1(d) commits a Class B misdemeanor.

(c) A person who knowingly or intentionally violates IC 9-32-4-1(a)(3) commits a:

(1) Class A misdemeanor for the first violation; and

(2) Class D felony for a second or subsequent unrelated violation.

**Penalties for violations of IC 9-32-4-1 are listed in IC 9-32-4-1(h), (j), and (i).**

**{this section has penalties for IC 9-32-4-1. A problem is that it has specific penalties for provisions in subsection (a) that do not exist}**

SECTION 46. IC 9-32-17-3, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 3. (a) Except as provided in subsection (b); a person who knowingly or intentionally violates any of the following commits a Class A misdemeanor: Penalties for specific violations of IC 9-32-6 are listed in:**

(1) IC 9-32-6-7.

(2) IC 9-32-6-10.

(3) IC 9-32-6-11(d).

(4) IC 9-32-6-12.

**(5) IC 9-32-6-13.**

(b) A person who knowingly or intentionally violates IC 9-32-6-13 commits a Class A misdemeanor:

SECTION 47. IC 9-32-17-4, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who knowingly or intentionally violates any of the following commits a Class A misdemeanor:

**Penalties for specific violations of IC 9-32-9 are listed in:**

- (1) IC 9-32-9-1.
- (2) IC 9-32-9-2.
- (3) IC 9-32-9-10.

SECTION 48. IC 9-32-17-5, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A person who knowingly or intentionally violates: **Penalties for specific violations of IC 9-32-11 are listed in:**

- (1) IC 9-32-11-1; or are
- (2) IC 9-32-11-12.

commits a Class A misdemeanor:

SECTION 49. IC 9-32-17-6, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. A person who knowingly or intentionally violates IC 9-32-13 commits a Class A misdemeanor. **Penalties for violations of IC 9-32-17 are listed in IC 9-32-13-31.**



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765 420-9971      765-807-0754 fax

**For installation appointment**, call S&C Ignition Interlock at (765) 420-9971 approximately 5-14 days prior to actual installation date.

**Please call Smart Start: 1-800-880-3394** to get your data into the computer system before calling S&C Ignition Interlock to schedule an installation appointment.

Payment (all figures include tax) – **cash, cashiers check, credit or debit card (Visa, MasterCard & Discover - no personal checks)**

- Installation:** \$90
- Monthly Service:** Ignition Interlock \$105 (download & calibration)
- Removal:** \$80
- Transfer:** \$140 (unit transferred from one vehicle to another vehicle)
- Set up** \$50
- Monthly Service:** IN-HOM \$110 (download & calibration)
- Monthly Service:** IN-HOM Cellular \$170 (download & calibration)
- End of Program** \$50
- Missed appointment: \$15
- Lock out reset: up to \$50 (depending on circumstances)
- Missed install \$25
- Service call: \$50 plus mileage – only applies if assistance is requested but there is no problem with the ignition interlock device or the device is removed due to the vehicle being inoperable

***At time of installation a payment of \$195*** is required (\$90 for installation and \$105 for first month's service). Cash, money order, Visa, MC and Discover accepted no personal checks. (Prices subject to change without notice)

**Court Authority will be notified of nonpayment issues.**

For general questions, call S&C Ignition Interlock.

From Crawfordsville – take 231 North to Rt 26 in W. Lafayette. Turn right (East) onto Rt 26; cross the Wabash River, and go East to 9th Street in Lafayette. Turn left (North) on 9th St and go approximately 2 miles. Go 1 block past the Family Express gas station and turn left at the MBAH insurance sign (if you go under Rt 52, you missed the turn); turn into the parking lot and look for S&C Ignition Interlock/Smart Start sign.



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## SSI 20/20 User Instructions

(800) 880-3394 or [www.SmartStartInc.com](http://www.SmartStartInc.com)

The SSI 20/20 is a breath-alcohol ignition interlock device which requires the user to take and pass a breath test before the vehicle will start. If the breath alcohol sample submitted is at or above the preset fail level, the vehicle will not start.

### How to Take a Test:

1. When you turn on the vehicle's ignition, the unit will activate and the LCD will display WAIT ####. The device is preparing for a test. *Take this time to drink WATER to eliminate breath contaminants.*
2. Once the unit has initialized, the LCD will display the word BLOW.
3. You can only take a test when the LCD displays the word BLOW.
4. The best way to take a proper test is to blow steadily into the mouthpiece of the unit for approximately 2 seconds and then transition to a hum by saying the word "WHO". Keep blowing steadily during the transition. During the test the LED will display the word TEST.
5. Keep blowing into the mouthpiece while humming "WHO" until the unit clicks and the sound of the beep changes to a higher tone to let you know when to stop (approximately 7 seconds).
6. If you do not successfully complete the test, the LCD will display the word ABORT, followed by the reason.
7. After successful completion of the test, the LCD will display the word ANALYZING.
8. The unit will then analyze the breath sample and display PASS, WARN, FAIL, or VIOL.
9. During normal operation of the unit, the LCD will display "\*", indicating engine running.

### After You Take a Test, 1 of 5 things will happen:

1. The LCD display will show the word PASS and you may now start your vehicle
2. The LCD display will show the word WARN and you may now start your vehicle
3. The LCD display will show the word FAIL and you will not be able to start your vehicle
4. The LCD display will show the word VIOLATION and you will not be able to start your vehicle
5. The LCD display will show the word ABORT and you will not be able to start your vehicle

When you blow an ABORT or a FAIL, you must take and pass another breath test before your vehicle will start. After blowing a FAIL, the LCD will display FAIL, cycle back to WAIT ## and then BLOW. ABORT is generally caused by blowing too hard "ABORT HARD", for not a long enough period of time "ABORT EARLY", or not performing the voice tone properly "ABORT HUM". An ABORT will simply require you to take another test. Once your vehicle is started, the device will ask for a random retest by beeping and indicating BLOW plus a timer reading. Failure to take these retests is a violation. The retest timer gives you 6 minutes to safely pull over and take the test if you are not comfortable testing while driving. If you fail to take the retest, the unit will indicate "MISSED TEST". This will result in a lost violation

Once your vehicle is started, the device will ask for RETESTS by beeping and flashing the word BLOW. *Be sure to drink WATER prior to each and every test.* Failure to take the retest is a violation. *(When using the device, always practice safe driving habits and keep your eyes on the road. You should find a safe place to park before taking a retest.)*

**Handset mount** - You have been provided with a handset mount to keep your device within easy reach and out of harm's way. If your mount needs replacing, advise our service personnel and we will secure a new one.

**LOCKOUTS** The LCD displays the number of violations left when you press the pound sign and the number three. The counter starts with the maximum available violations and counts down. Each time a violation is registered, the unit will deduct 1 from that number. The device will "lockout" and not allow you to take a test under the following 4 conditions.

#### **1 - 15 MINUTE LOCKOUT**

A fifteen minute lockout is indicated by an LCD display of FAIL /LOCK ###. This happens when you blow 3 fails in a 15 minute period. The device will TEMPORARILY LOCKOUT for ONLY 15 minutes. This can happen before you start your vehicle OR after you start the vehicle and then fail 3 RE-TESTS! During this 15 minute lockout the device will not allow you to re-test. Use this time to drink water, take some deep breaths and test again when the device resets. NOTE: If this happens while you are driving, the device will not reset until you turn off your vehicle for 15 minutes. A 15 minute Lockout may require you to return for service.

#### **2 - RESTRICTED DRIVE TIME LOCKOUT**

A drive time lockout is indicated by an LCD display of "RESTRICTED DRIVE TIME". This only occurs if the unit is programmed with restricted driving times as ordered by the monitoring authority. During the restricted lockout time, the device will not allow you to take a test or start your vehicle.

#### **3 - SERVICE LOCKOUT**

A service lockout is indicated by an LCD display of SRVC / L ###. This is the number of hours remaining before the device shuts down due to missing your service date. Once the device displays "LOCK," it WILL REQUIRE you to call your service provider for an Unlock Code. There may be a charge for this code. **DO NOT IGNORE THE SERVICE WARNING** grace period

#### **4 - VIOLATION LOCKOUT**

A violation lockout is indicated by an LCD display of "LOCKOUT VIOL". This will occur after you use your last violation **AND** you exceed the allowed lockout grace period. A violation is caused by a HIGH LEVEL breath failure, OR by missing a re-test, OR by starting the vehicle without passing a test OR by disconnecting the head while the device is turned on. These violations are counted between service visits. The LCD display will show the number of hours left until the violation lockout occurs (L##) Once the device displays "LOCKOUT VIOL", it WILL SHUT DOWN and require you to call your service provider for an unlock Code. There may be a charge for this code. **DO NOT IGNORE THE LOCKOUT WARNING** grace period.

## QUICK REFERENCE INFORMATION

### AFTER HOURS SERVICE

If you need service after normal business hours, call us toll free at 800-880-3394. Our voice recording will direct you accordingly. Please follow the directions. **If you leave a message be sure to include your area code, phone number and full name or we may not be able to return your call.**

### UNLOCK CODES

Smart Start is the ONLY interlock provider that offers REMOTE UNLOCKING. This service is available if you go into lockout and cannot get to a service center. You will be given a code from our corporate office. The code can be entered into the device using the keypad. This code will extend your lockout grace period for no more than six (6) hours. The code is only good ONE TIME and the device will operate as normal. You are required to take and pass a test before starting the vehicle. The code DOES NOT bypass the device.

<b>HELPFUL HINTS AND ANSWERS</b>	<b>Appointment Date/Time: #1</b>	<b>Voltage: #2</b>	<b>Violations Remaining: #3</b>
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LCD DISPLAYS	DESCRIPTION
WAIT ##	The unit is preparing for a breath test.
BLOW	The unit is ready to accept a breath test.
TEST	The unit is accepting the test.
SRVC / L ###	A reminder of the number of hours remaining before the unit goes into lockout due to missing your monthly service appointment.
BLOW / VLOCK @ # D ##	A reminder of the days remaining before lockout due to violations.
LOCKOUT VIOL	The device is in lockout due to violations. You must call to get an unlock code that is only valid for 6 hours.
APPT ##### / MM/DD/YY	A reminder, your appointment date is approaching. Starts flashing 5 days before your appointment date.
VIOL REMAIN #####	The number of violations remaining before the unit goes into the lockout grace period. Press the # sign and the number three (3) on the keypad to see this display.

- *You must drink WATER prior to each and every breath test. This will eliminate breath contaminants. Remember, always take a DEEP BREATH immediately before taking a test.*
- The interlock device has no effect on the engine operation and can not turn your engine off once it is running.
- Anyone can drive your vehicle, but they must use the device, and *YOU are responsible for all readings recorded by the device.*
- If your vehicle needs service, have the service technician call Smart Start for instructions. Keep receipts from the shop indicating the date and time it was in for service as well as the date and time it was picked up.
- If you need to replace your battery or starter, keep the receipt of purchase and keep the time between disconnecting the battery and reconnecting it as short as possible.
- You have several minutes to respond to a retest. Find a safe place to park before taking a retest. Missing a retest is a violation and will be recorded by the device.
- Once the device begins asking for a retest, be sure to take the test **before** turning off your ignition or you will lose a violation.
- *When using the device, always practice safe driving habits.*
- Do not use a breath freshening agent just before taking a test. Most of these agents contain a high level of alcohol.
- Place the device where you can see the LCD display. If a Retest is requested and you are driving with the radio playing loud or a window down, you may not hear the Beeping sound that the unit will make. If you can see the LCD display, you will probably notice the retest indication. An optional LED light is available for clients who are hearing impaired.
- *Do not place the interlock where it is prone to damage:* on the floor, under your ashtray, or where you can't see it or hear it. Also, do not expose the unit to moisture from liquids. *You are responsible for damages due to negligence or abuse of the device.*

If your unit locks out or is not operating properly, we may ask you to tow your vehicle to the nearest Smart Start location. If the problem is found to be with the device, we will credit your account for the amount of the tow bill. You will be responsible for the tow bill if the problem is not unit related. Please contact your local service center for a phone number to a preferred towing company in your area. *Towing which may exceed \$100 MUST be arranged through the Smart Start service center manager.*