

# HOUSE BILL No. 1049

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-43-5-4.

**Synopsis:** Crimes involving fraud. Increases the penalty for fraud to a Level 4 felony if the pecuniary loss is at least \$100,000 or if the pecuniary loss is at least \$50,000 and the victim is an endangered adult or less than 18 years of age.

**Effective:** July 1, 2024.

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## Zimmerman, Pierce K

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January 8, 2024, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

# HOUSE BILL No. 1049



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

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

1 SECTION 1. IC 35-43-5-4, AS AMENDED BY P.L.174-2021,  
2 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]: Sec. 4. (a) A person who:  
4 (1) with the intent to obtain property or data, or an educational,  
5 governmental, or employment benefit to which the person is not  
6 entitled, knowingly or intentionally:  
7 (A) makes a false or misleading statement; or  
8 (B) creates a false impression in another person;  
9 (2) with the intent to cause another person to obtain property,  
10 knowingly or intentionally:  
11 (A) makes a false or misleading statement;  
12 (B) creates a false impression in a third person; or  
13 (C) causes to be presented a claim that:  
14 (i) contains a false or misleading statement; or  
15 (ii) creates a false or misleading impression in a third  
16 person;  
17 (3) possesses, manufactures, uses, or alters a document,



1 instrument, computer program, or device with the intent to obtain:  
 2 (A) property;  
 3 (B) data; or  
 4 (C) an educational, governmental, or employment benefit;  
 5 to which the person is not entitled; or  
 6 (4) knowingly or intentionally engages in a scheme or artifice to  
 7 commit an offense described in subdivisions (1) through (3);  
 8 commits fraud, a Class A misdemeanor except as otherwise provided  
 9 in this section.

10 (b) The offense described in subsection (a) is a Level 6 felony if one  
 11 (1) or more of the following apply:

12 (1) The offense is committed not later than seven (7) years from  
 13 the date the person:

14 (A) was convicted of a prior unrelated conviction for an  
 15 offense under this article; or

16 (B) was released from a term of incarceration, probation, or  
 17 parole (whichever occurred last) imposed for a prior unrelated  
 18 conviction for an offense under this article;

19 whichever occurred last.

20 (2) The pecuniary loss is at least seven hundred fifty dollars  
 21 (\$750) but less than fifty thousand dollars (\$50,000).

22 (3) The victim is:

23 (A) an endangered adult (as defined in IC 12-10-3-2(a)); or

24 (B) less than eighteen (18) years of age.

25 (4) The person makes a false or misleading statement representing  
 26 an entity as:

27 (A) a disadvantaged business enterprise (as defined in  
 28 IC 5-16-6.5-1); or

29 (B) a women-owned business enterprise (as defined in  
 30 IC 5-16-6.5-3);

31 in order to qualify for certification as such an enterprise under a  
 32 program conducted by a public agency (as defined in  
 33 IC 5-16-6.5-2) designed to assist disadvantaged business  
 34 enterprises or women-owned business enterprises in obtaining  
 35 contracts with public agencies for the provision of goods and  
 36 services.

37 (5) The person makes a false or misleading statement representing  
 38 an entity with which the person will subcontract all or part of a  
 39 contract with a public agency (as defined in IC 5-16-6.5-2) as:

40 (A) a disadvantaged business enterprise (as defined in  
 41 IC 5-16-6.5-1); or

42 (B) a women-owned business enterprise (as defined in



- 1 IC 5-16-6.5-3);  
 2 in order to qualify for certification as an eligible bidder under a  
 3 program that is conducted by a public agency designed to assist  
 4 disadvantaged business enterprises or women-owned business  
 5 enterprises in obtaining contracts with public agencies for the  
 6 provision of goods and services.
- 7 (6) The offense is committed by a person who is confined in:  
 8 (A) the department of correction;  
 9 (B) a county jail; or  
 10 (C) a secure juvenile facility.
- 11 (7) The document or instrument that the person possesses,  
 12 manufactures, uses, or alters is a document or instrument:  
 13 (A) issued by a public servant or a governmental entity;  
 14 (B) that has been manufactured or altered to appear to have  
 15 been issued by a public servant or a governmental entity; or  
 16 (C) that the person tendered to, or intends to tender to a public  
 17 servant or a governmental entity.
- 18 (8) Except as provided in subsection ~~(d)~~; **(e)**, the person:  
 19 (A) made the false or misleading statement; or  
 20 (B) created the false impression in another person;  
 21 on or by means of a document or written instrument.
- 22 (9) The agreement is unconscionable.
- 23 (10) The offense involves human reproductive material (as  
 24 defined in IC 34-24-5-1).
- 25 (c) The offense described in subsection (a) is a Level 5 felony if one  
 26 (1) or more of the following apply:  
 27 (1) The pecuniary loss is at least fifty thousand dollars (\$50,000)  
 28 and less than one hundred thousand dollars (\$100,000).  
 29 (2) The pecuniary loss is at least seven hundred fifty dollars  
 30 (\$750) and the victim is:  
 31 (A) an endangered adult (as defined in IC 12-10-3-2(a)); or  
 32 (B) less than eighteen (18) years of age.  
 33 (3) The victim was a financial institution.
- 34 **(d) The offense described in subsection (a) is a Level 4 felony if**  
 35 **one (1) or more of the following apply:**  
 36 **(1) The pecuniary loss is at least one hundred thousand**  
 37 **dollars (\$100,000).**  
 38 **(2) The pecuniary loss is at least fifty thousand dollars**  
 39 **(\$50,000) and the victim is:**  
 40 **(A) an endangered adult (as defined in IC 12-10-3-2(a)); or**  
 41 **(B) less than eighteen (18) years of age.**  
 42 ~~(d)~~ **(e)** The offense described in subsection ~~(b)~~~~(9)~~ **(b)(8)** is a Class



1 A misdemeanor if the defendant proves by a preponderance of the  
2 evidence that the:  
3 (1) value of the property, data, or benefit intended to be obtained;  
4 and  
5 (2) actual pecuniary loss;  
6 is less than seven hundred fifty dollars (\$750).

