

HOUSE BILL No. 1241

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-43-5-2.

Synopsis: Counterfeiting. Makes it counterfeiting, a Level 5 felony, for a person to knowingly or intentionally: (1) make or utter a written instrument that contains a trademark or another marking, object, or symbol that designates or assigns value, right, privilege, or identification in such a manner that it purports to have been made by another person, at another time, with different provisions, or by authority of one who did not give authority; and (2) transfer the written instrument into Indiana by mail or through a common carrier from outside Indiana.

Effective: July 1, 2016.

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January 11, 2016, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1241

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 35-43-5-2, AS AMENDED BY P.L.197-2015,
2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 2. (a) A person who knowingly or intentionally:
4 (1) makes or utters a written instrument in such a manner that it
5 purports to have been made:
6 (A) by another person;
7 (B) at another time;
8 (C) with different provisions; or
9 (D) by authority of one who did not give authority; or
10 (2) possesses more than one (1) written instrument knowing that
11 the written instruments were made in a manner that they purport
12 to have been made:
13 (A) by another person;
14 (B) at another time;
15 (C) with different provisions; or
16 (D) by authority of one who did not give authority;
17 commits counterfeiting, a Level 6 felony.



1 **(b) A person who knowingly or intentionally:**

2 **(1) makes or utters a written instrument that contains a**
 3 **trademark or another marking, object, or symbol that**
 4 **designates or assigns value, right, privilege, or identification**
 5 **in such a manner that it purports to have been made:**

6 **(A) by another person;**

7 **(B) at another time;**

8 **(C) with different provisions; or**

9 **(D) by authority of one who did not give authority; and**

10 **(2) transfers the written instrument into Indiana by mail or**
 11 **through a common carrier from outside Indiana;**

12 **commits counterfeiting, a Level 5 felony.**

13 ~~(b)~~ **(c) A person who, with intent to defraud:**

14 **(1) makes or delivers to another person:**

15 **(A) a false sales receipt;**

16 **(B) a duplicate of a sales receipt; or**

17 **(C) a label or other item with a false universal product code**
 18 **(UPC) or other product identification code; or**

19 **(2) places a false universal product code (UPC) or another**
 20 **product identification code on property displayed or offered for**
 21 **sale;**

22 **commits making or delivering a false sales document, a Level 6 felony.**

23 ~~(c)~~ **(d) A person who, with intent to defraud, possesses:**

24 **(1) a retail sales receipt;**

25 **(2) a label or other item with a universal product code (UPC); or**

26 **(3) a label or other item that contains a product identification code**
 27 **that applies to an item other than the item to which the label or**
 28 **other item applies;**

29 **commits possession of a fraudulent sales document, a Class A**
 30 **misdemeanor. However, the offense is a Level 6 felony if the person**
 31 **possesses at least fifteen (15) retail sales receipts, at least fifteen (15)**
 32 **labels containing a universal product code (UPC), at least fifteen (15)**
 33 **labels containing another product identification code, or at least fifteen**
 34 **(15) of any combination of the items described in subdivisions (1)**
 35 **through (3).**

36 ~~(d)~~ **(e) A person who, with intent to defraud, makes, utters, or**
 37 **possesses a written instrument in such a manner that it purports to have**
 38 **been made:**

39 **(1) by another person;**

40 **(2) at another time;**

41 **(3) with different provisions; or**

42 **(4) by authority of one who did not give authority;**



1 commits forgery, a Level 6 felony.
2 ~~(e)~~ **(f)** This subsection applies to a person who applies for a driver's
3 license (as defined in IC 9-13-2-48), a state identification card (as
4 described in IC 9-24-16), or a photo exempt identification card (as
5 described in IC 9-24-16.5). A person who:
6 (1) knowingly or intentionally uses a false or fictitious name or
7 gives a false or fictitious address in an application for a driver's
8 license, a state identification card, or a photo exempt
9 identification card or for a renewal or a duplicate of a driver's
10 license, a state identification card, or a photo exempt
11 identification card; or
12 (2) knowingly or intentionally makes a false statement or conceals
13 a material fact in an application for a driver's license, a state
14 identification card, or a photo exempt identification card;
15 commits application fraud, a Level 6 felony.

