

# HOUSE BILL No. 1330

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-1-9; IC 10-13-3; IC 11-8-8-1.8; IC 34-6-2-21; IC 34-24-5; IC 35-31.5-2-27.7; IC 35-42; IC 35-43; IC 35-45.

**Synopsis:** Bias motivated crimes. Defines "bias motivated crime" as the crime of battery, aggravated battery, strangulation, kidnapping, criminal confinement, robbery, arson, criminal mischief, burglary, residential entry, criminal trespass, theft, criminal conversion, intimidation, harassment, or stalking if the person who commits the crime intentionally selects: (1) an individual against whom the crime was committed; or (2) any property damaged or otherwise affected by the crime; in whole or in part because of the actual or perceived race, color, religion, ethnicity, national origin, sexual orientation, gender, gender identity, or disability of the individual, another individual, or a group of individuals, whether or not the person's belief or perception was correct. Enhances the penalties for a crime one level if the crime is a bias motivated crime. Requires law enforcement officers to receive training in identifying, responding to, and reporting bias motivated crimes. Amends the law that requires law enforcement agencies to collect and report information concerning bias motivated crimes. Allows an individual who suffers a personal injury or property damage caused by the commission of a bias motivated crime to bring a civil action to recover damages, including punitive damages, from the person who committed the bias motivated crime.

**Effective:** July 1, 2015.

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## Porter

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January 13, 2015, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1330

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

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

1 SECTION 1. IC 5-2-1-9, AS AMENDED BY P.L.164-2014,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]: Sec. 9. (a) The board shall adopt in accordance with  
4 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.  
5 The rules, which shall be adopted only after necessary and proper  
6 investigation and inquiry by the board, shall include the establishment  
7 of the following:  
8 (1) Minimum standards of physical, educational, mental, and  
9 moral fitness which shall govern the acceptance of any person for  
10 training by any law enforcement training school or academy  
11 meeting or exceeding the minimum standards established  
12 pursuant to this chapter.  
13 (2) Minimum standards for law enforcement training schools  
14 administered by towns, cities, counties, law enforcement training  
15 centers, agencies, or departments of the state.



- 1 (3) Minimum standards for courses of study, attendance  
 2 requirements, equipment, and facilities for approved town, city,  
 3 county, and state law enforcement officer, police reserve officer,  
 4 and conservation reserve officer training schools.
- 5 (4) Minimum standards for a course of study on cultural diversity  
 6 awareness, including training on the U nonimmigrant visa created  
 7 through the federal Victims of Trafficking and Violence  
 8 Protection Act of 2000 (P.L. 106-386) that must be required for  
 9 each person accepted for training at a law enforcement training  
 10 school or academy. Cultural diversity awareness study must  
 11 include an understanding of cultural issues related to race,  
 12 religion, gender, age, domestic violence, national origin, and  
 13 physical and mental disabilities.
- 14 (5) Minimum qualifications for instructors at approved law  
 15 enforcement training schools.
- 16 (6) Minimum basic training requirements which law enforcement  
 17 officers appointed to probationary terms shall complete before  
 18 being eligible for continued or permanent employment.
- 19 (7) Minimum basic training requirements which law enforcement  
 20 officers appointed on other than a permanent basis shall complete  
 21 in order to be eligible for continued employment or permanent  
 22 appointment.
- 23 (8) Minimum basic training requirements which law enforcement  
 24 officers appointed on a permanent basis shall complete in order  
 25 to be eligible for continued employment.
- 26 (9) Minimum basic training requirements for each person  
 27 accepted for training at a law enforcement training school or  
 28 academy that include six (6) hours of training in interacting with:  
 29 (A) persons with autism, mental illness, addictive disorders,  
 30 mental retardation, and developmental disabilities;  
 31 (B) missing endangered adults (as defined in IC 12-7-2-131.3);  
 32 and  
 33 (C) persons with Alzheimer's disease or related senile  
 34 dementia;
- 35 to be provided by persons approved by the secretary of family and  
 36 social services and the board.
- 37 (10) Minimum standards for a course of study on human and  
 38 sexual trafficking that must be required for each person accepted  
 39 for training at a law enforcement training school or academy and  
 40 for inservice training programs for law enforcement officers. The  
 41 course must cover the following topics:  
 42 (A) Examination of the human and sexual trafficking laws



- 1 (IC 35-42-3.5).
- 2 (B) Identification of human and sexual trafficking.
- 3 (C) Communicating with traumatized persons.
- 4 (D) Therapeutically appropriate investigative techniques.
- 5 (E) Collaboration with federal law enforcement officials.
- 6 (F) Rights of and protections afforded to victims.
- 7 (G) Providing documentation that satisfies the Declaration of
- 8 Law Enforcement Officer for Victim of Trafficking in Persons
- 9 (Form I-914, Supplement B) requirements established under
- 10 federal law.
- 11 (H) The availability of community resources to assist human
- 12 and sexual trafficking victims.
- 13 (b) A law enforcement officer appointed after July 5, 1972, and
- 14 before July 1, 1993, may not enforce the laws or ordinances of the state
- 15 or any political subdivision unless the officer has, within one (1) year
- 16 from the date of appointment, successfully completed the minimum
- 17 basic training requirements established under this chapter by the board.
- 18 If a person fails to successfully complete the basic training
- 19 requirements within one (1) year from the date of employment, the
- 20 officer may not perform any of the duties of a law enforcement officer
- 21 involving control or direction of members of the public or exercising
- 22 the power of arrest until the officer has successfully completed the
- 23 training requirements. This subsection does not apply to any law
- 24 enforcement officer appointed before July 6, 1972, or after June 30,
- 25 1993.
- 26 (c) Military leave or other authorized leave of absence from law
- 27 enforcement duty during the first year of employment after July 6,
- 28 1972, shall toll the running of the first year, which shall be calculated
- 29 by the aggregate of the time before and after the leave, for the purposes
- 30 of this chapter.
- 31 (d) Except as provided in subsections (e), (l), (r), and (s), a law
- 32 enforcement officer appointed to a law enforcement department or
- 33 agency after June 30, 1993, may not:
- 34 (1) make an arrest;
- 35 (2) conduct a search or a seizure of a person or property; or
- 36 (3) carry a firearm;
- 37 unless the law enforcement officer successfully completes, at a board
- 38 certified law enforcement academy or at a law enforcement training
- 39 center under section 10.5 or 15.2 of this chapter, the basic training
- 40 requirements established by the board under this chapter.
- 41 (e) This subsection does not apply to:
- 42 (1) a gaming agent employed as a law enforcement officer by the



1 Indiana gaming commission; or

2 (2) an:

3 (A) attorney; or

4 (B) investigator;

5 designated by the securities commissioner as a police officer of  
6 the state under IC 23-19-6-1(k).

7 Before a law enforcement officer appointed after June 30, 1993,  
8 completes the basic training requirements, the law enforcement officer  
9 may exercise the police powers described in subsection (d) if the  
10 officer successfully completes the pre-basic course established in  
11 subsection (f). Successful completion of the pre-basic course authorizes  
12 a law enforcement officer to exercise the police powers described in  
13 subsection (d) for one (1) year after the date the law enforcement  
14 officer is appointed.

15 (f) The board shall adopt rules under IC 4-22-2 to establish a  
16 pre-basic course for the purpose of training:

17 (1) law enforcement officers;

18 (2) police reserve officers (as described in IC 36-8-3-20); and

19 (3) conservation reserve officers (as described in IC 14-9-8-27);

20 regarding the subjects of arrest, search and seizure, the lawful use of  
21 force, interacting with individuals with autism, and the operation of an  
22 emergency vehicle. The pre-basic course must be offered on a periodic  
23 basis throughout the year at regional sites statewide. The pre-basic  
24 course must consist of at least forty (40) hours of course work. The  
25 board may prepare the classroom part of the pre-basic course using  
26 available technology in conjunction with live instruction. The board  
27 shall provide the course material, the instructors, and the facilities at  
28 the regional sites throughout the state that are used for the pre-basic  
29 course. In addition, the board may certify pre-basic courses that may be  
30 conducted by other public or private training entities, including  
31 postsecondary educational institutions.

32 (g) The board shall adopt rules under IC 4-22-2 to establish a  
33 mandatory inservice training program for police officers. After June 30,  
34 1993, a law enforcement officer who has satisfactorily completed basic  
35 training and has been appointed to a law enforcement department or  
36 agency on either a full-time or part-time basis is not eligible for  
37 continued employment unless the officer satisfactorily completes the  
38 mandatory inservice training requirements established by rules adopted  
39 by the board. Inservice training must include training in interacting  
40 with persons with mental illness, addictive disorders, mental  
41 retardation, autism, developmental disabilities, and Alzheimer's disease  
42 or related senile dementia, to be provided by persons approved by the



1 secretary of family and social services and the board, and training  
2 concerning human and sexual trafficking and high risk missing persons  
3 (as defined in IC 5-2-17-1). The board may approve courses offered by  
4 other public or private training entities, including postsecondary  
5 educational institutions, as necessary in order to ensure the availability  
6 of an adequate number of inservice training programs. The board may  
7 waive an officer's inservice training requirements if the board  
8 determines that the officer's reason for lacking the required amount of  
9 inservice training hours is due to either of the following:

10 (1) An emergency situation.

11 (2) The unavailability of courses.

12 (h) The board shall also adopt rules establishing a town marshal  
13 basic training program, subject to the following:

14 (1) The program must require fewer hours of instruction and class  
15 attendance and fewer courses of study than are required for the  
16 mandated basic training program.

17 (2) Certain parts of the course materials may be studied by a  
18 candidate at the candidate's home in order to fulfill requirements  
19 of the program.

20 (3) Law enforcement officers successfully completing the  
21 requirements of the program are eligible for appointment only in  
22 towns employing the town marshal system (IC 36-5-7) and having  
23 not more than one (1) marshal and two (2) deputies.

24 (4) The limitation imposed by subdivision (3) does not apply to an  
25 officer who has successfully completed the mandated basic  
26 training program.

27 (5) The time limitations imposed by subsections (b) and (c) for  
28 completing the training are also applicable to the town marshal  
29 basic training program.

30 (6) The program must require training in interacting with  
31 individuals with autism.

32 (i) The board shall adopt rules under IC 4-22-2 to establish an  
33 executive training program. The executive training program must  
34 include training in the following areas:

35 (1) Liability.

36 (2) Media relations.

37 (3) Accounting and administration.

38 (4) Discipline.

39 (5) Department policy making.

40 (6) Lawful use of force.

41 (7) Department programs.

42 (8) Emergency vehicle operation.



- 1 (9) Cultural diversity.
- 2 (j) A police chief shall apply for admission to the executive training  
3 program within two (2) months of the date the police chief initially  
4 takes office. A police chief must successfully complete the executive  
5 training program within six (6) months of the date the police chief  
6 initially takes office. However, if space in the executive training  
7 program is not available at a time that will allow completion of the  
8 executive training program within six (6) months of the date the police  
9 chief initially takes office, the police chief must successfully complete  
10 the next available executive training program that is offered after the  
11 police chief initially takes office.
- 12 (k) A police chief who fails to comply with subsection (j) may not  
13 continue to serve as the police chief until completion of the executive  
14 training program. For the purposes of this subsection and subsection  
15 (j), "police chief" refers to:
- 16 (1) the police chief of any city;  
17 (2) the police chief of any town having a metropolitan police  
18 department; and  
19 (3) the chief of a consolidated law enforcement department  
20 established under IC 36-3-1-5.1.
- 21 A town marshal is not considered to be a police chief for these  
22 purposes, but a town marshal may enroll in the executive training  
23 program.
- 24 (l) A fire investigator in the division of fire and building safety  
25 appointed after December 31, 1993, is required to comply with the  
26 basic training standards established under this chapter.
- 27 (m) The board shall adopt rules under IC 4-22-2 to establish a  
28 program to certify handgun safety courses, including courses offered  
29 in the private sector, that meet standards approved by the board for  
30 training probation officers in handgun safety as required by  
31 IC 11-13-1-3.5(3).
- 32 (n) The board shall adopt rules under IC 4-22-2 to establish a  
33 refresher course for an officer who:
- 34 (1) is hired by an Indiana law enforcement department or agency  
35 as a law enforcement officer;  
36 (2) has not been employed as a law enforcement officer for at  
37 least two (2) years and less than six (6) years before the officer is  
38 hired under subdivision (1) due to the officer's resignation or  
39 retirement; and  
40 (3) completed at any time a basic training course certified by the  
41 board before the officer is hired under subdivision (1).
- 42 (o) The board shall adopt rules under IC 4-22-2 to establish a



- 1 refresher course for an officer who:  
 2 (1) is hired by an Indiana law enforcement department or agency  
 3 as a law enforcement officer;  
 4 (2) has not been employed as a law enforcement officer for at  
 5 least six (6) years and less than ten (10) years before the officer  
 6 is hired under subdivision (1) due to the officer's resignation or  
 7 retirement;  
 8 (3) is hired under subdivision (1) in an upper level policymaking  
 9 position; and  
 10 (4) completed at any time a basic training course certified by the  
 11 board before the officer is hired under subdivision (1).

12 A refresher course established under this subsection may not exceed  
 13 one hundred twenty (120) hours of course work. All credit hours  
 14 received for successfully completing the police chief executive training  
 15 program under subsection (i) shall be applied toward the refresher  
 16 course credit hour requirements.

17 (p) Subject to subsection (q), an officer to whom subsection (n) or  
 18 (o) applies must successfully complete the refresher course described  
 19 in subsection (n) or (o) not later than six (6) months after the officer's  
 20 date of hire, or the officer loses the officer's powers of:

- 21 (1) arrest;  
 22 (2) search; and  
 23 (3) seizure.

24 (q) A law enforcement officer who has worked as a law enforcement  
 25 officer for less than twenty-five (25) years before being hired under  
 26 subsection (n)(1) or (o)(1) is not eligible to attend the refresher course  
 27 described in subsection (n) or (o) and must repeat the full basic training  
 28 course to regain law enforcement powers. However, a law enforcement  
 29 officer who has worked as a law enforcement officer for at least  
 30 twenty-five (25) years before being hired under subsection (n)(1) or  
 31 (o)(1) and who otherwise satisfies the requirements of subsection (n)  
 32 or (o) is not required to repeat the full basic training course to regain  
 33 law enforcement power but shall attend the refresher course described  
 34 in subsection (n) or (o) and the pre-basic training course established  
 35 under subsection (f).

36 (r) This subsection applies only to a gaming agent employed as a  
 37 law enforcement officer by the Indiana gaming commission. A gaming  
 38 agent appointed after June 30, 2005, may exercise the police powers  
 39 described in subsection (d) if:

- 40 (1) the agent successfully completes the pre-basic course  
 41 established in subsection (f); and  
 42 (2) the agent successfully completes any other training courses





- 1 established by the Indiana gaming commission in conjunction  
 2 with the board.
- 3 (s) This subsection applies only to a securities enforcement officer  
 4 designated as a law enforcement officer by the securities  
 5 commissioner. A securities enforcement officer may exercise the police  
 6 powers described in subsection (d) if:
- 7 (1) the securities enforcement officer successfully completes the  
 8 pre-basic course established in subsection (f); and  
 9 (2) the securities enforcement officer successfully completes any  
 10 other training courses established by the securities commissioner  
 11 in conjunction with the board.
- 12 (t) As used in this section, "upper level policymaking position"  
 13 refers to the following:
- 14 (1) If the authorized size of the department or town marshal  
 15 system is not more than ten (10) members, the term refers to the  
 16 position held by the police chief or town marshal.  
 17 (2) If the authorized size of the department or town marshal  
 18 system is more than ten (10) members but less than fifty-one (51)  
 19 members, the term refers to:
- 20 (A) the position held by the police chief or town marshal; and  
 21 (B) each position held by the members of the police  
 22 department or town marshal system in the next rank and pay  
 23 grade immediately below the police chief or town marshal.  
 24 (3) If the authorized size of the department or town marshal  
 25 system is more than fifty (50) members, the term refers to:
- 26 (A) the position held by the police chief or town marshal; and  
 27 (B) each position held by the members of the police  
 28 department or town marshal system in the next two (2) ranks  
 29 and pay grades immediately below the police chief or town  
 30 marshal.
- 31 (u) This subsection applies only to a correctional police officer  
 32 employed by the department of correction. A correctional police officer  
 33 may exercise the police powers described in subsection (d) if:
- 34 (1) the officer successfully completes the pre-basic course  
 35 described in subsection (f); and  
 36 (2) the officer successfully completes any other training courses  
 37 established by the department of correction in conjunction with  
 38 the board.
- 39 **(v) This subsection applies to the following:**
- 40 **(1) Minimum basic training program required under**  
 41 **subsection (d).**
- 42 **(2) Mandatory inservice training program required under**



1 subsection (g).

2 (3) Town marshal basic training program required under  
3 subsection (h).

4 (4) Police chief executive training program required under  
5 subsection (j).

6 (5) Any other training program for which the board adopts  
7 standards.

8 After December 31, 2015, the standards adopted by the board for  
9 each program described in this subsection must include  
10 requirements for mandatory training in identifying, responding to,  
11 and reporting bias motivated crimes (as defined in  
12 IC 35-31.5-2-27.7).

13 SECTION 2. IC 10-13-3-1 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. As used in this  
15 chapter, "bias **motivated** crime" means an offense in which the person  
16 who commits the offense knowingly or intentionally:

17 (1) selected the person who was injured; or

18 (2) damaged or otherwise affected property;

19 by the offense because of the color, creed, disability, national origin,  
20 race, religion; or sexual orientation of the injured person or of the  
21 owner or occupant of the affected property or because the injured  
22 person or owner or occupant of the affected property was associated  
23 with any other recognizable group or affiliation: **has the meaning set  
24 forth in IC 35-31.5-2-27.7.**

25 SECTION 3. IC 10-13-3-38 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 38. (a) ~~A~~ **Each** law  
27 enforcement agency shall collect information concerning bias  
28 **motivated** crimes.

29 (b) At least two (2) times each year, ~~a~~ **each** law enforcement agency  
30 shall submit information collected under subsection (a) to the Indiana  
31 central repository for criminal history information. Information shall be  
32 reported in the manner and form prescribed by the department.

33 (c) **A law enforcement agency shall submit data regarding the  
34 commission of bias motivated crimes to the Federal Bureau of  
35 Investigation in accordance with guidelines established under 28  
36 U.S.C. 534.**

37 ~~(c)~~ (d) At least one (1) time each year, the Indiana central repository  
38 for criminal history information shall submit a report that includes a  
39 compilation of information obtained under subsection (b) to each law  
40 enforcement agency and to the legislative council. A report submitted  
41 to a law enforcement agency and the legislative council under this  
42 subsection may not contain the name of a person who:



1 (1) committed or allegedly committed a bias **motivated** crime; or  
 2 (2) was the victim or the alleged victim of a bias **motivated**  
 3 crime.  
 4 A report submitted to the legislative council under this subsection must  
 5 be in an electronic format under IC 5-14-6.  
 6 ~~(d)~~ **(e)** Except as provided in ~~subsection (e)~~; **subsection (f)**,  
 7 information collected, submitted, and reported under this section must  
 8 be consistent with guidelines established for the acquisition,  
 9 preservation, and exchange of identification records and information  
 10 by:  
 11 (1) the Attorney General of the United States; or  
 12 (2) the Federal Bureau of Investigation;  
 13 under 28 U.S.C. 534 and the Hate Crime Statistics Act, as amended (28  
 14 U.S.C. 534 note).  
 15 ~~(e)~~ **(f)** Information submitted under subsection (b) and reports  
 16 issued under subsection ~~(e)~~ **(d)** shall, in conformity with guidelines  
 17 prescribed by the department,  
 18 ~~(+)~~ be separated in reports on the basis of whether it is an alleged  
 19 crime, a charged crime, or a crime for which a conviction has  
 20 been obtained. ~~and~~  
 21 ~~(2) be divided in reports on the basis of whether, in the opinion of~~  
 22 ~~the reporting individual and the data collectors, bias was the~~  
 23 ~~primary motivation for the crime or only incidental to the crime.~~  
 24 SECTION 4. IC 11-8-8-1.8, AS ADDED BY P.L.119-2008,  
 25 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2015]: Sec. 1.8. As used in this chapter, "social networking  
 27 web site username" means an identifier or profile that allows a person  
 28 to create, use, or modify a social networking web site, as defined in  
 29 ~~IC 35-42-4-12. IC 35-31.5-2-307.~~  
 30 SECTION 5. IC 34-6-2-21 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 21. (a) "Child", for  
 32 purposes of IC 34-23-2, has the meaning set forth in IC 34-23-2.  
 33 (b) "Child", for purposes of IC 34-30-11, includes a child of any  
 34 age.  
 35 (c) "Child", for purposes of **IC 34-24-5 and** IC 34-31-4, means an  
 36 unemancipated person who is less than eighteen (18) years of age.  
 37 SECTION 6. IC 34-24-5 IS ADDED TO THE INDIANA CODE AS  
 38 A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY  
 39 1, 2015]:  
 40 **Chapter 5. Civil Action for Victims of Bias Motivated Crimes**  
 41 **Sec. 1. This chapter applies only to causes of action that accrue**  
 42 **after June 30, 2015.**



1           **Sec. 2.** As used in this chapter, "bias motivated crime" has the  
2 meaning set forth in IC 35-31.5-2-27.7.

3           **Sec. 3.** Regardless of any criminal prosecution or the result of  
4 any criminal prosecution, if:

5           (1) a person commits the elements of a bias motivated crime;  
6 and

7           (2) an individual incurs:

8           (A) bodily injury; or

9           (B) damage to or loss of property;

10           as a result of the commission of the elements of the bias  
11 motivated crime;

12 the individual may bring a civil action against any person who  
13 caused the bodily injury or damage to or loss of property.

14           **Sec. 4.** An individual bringing a civil action under section 3 of  
15 this chapter may seek to recover the following:

16           (1) Actual, compensatory, and consequential damages,  
17 including damages for emotional distress.

18           (2) Punitive damages.

19           (3) The costs of the action.

20           (4) Reasonable attorney's fees.

21           (5) Injunctive relief.

22           **Sec. 5.** Notwithstanding IC 34-31-4, a parent or guardian of a  
23 child is liable for any judgment rendered against the child under  
24 this chapter if:

25           (1) the parent or guardian has custody of the child; and

26           (2) the child is living with the parent or guardian.

27           **Sec. 6.** This chapter does not limit a person's rights or remedies  
28 under any other state or federal law.

29           SECTION 7. IC 35-31.5-2-27.7 IS ADDED TO THE INDIANA  
30 CODE AS A NEW SECTION TO READ AS FOLLOWS  
31 [EFFECTIVE JULY 1, 2015]: **Sec. 27.7.** "Bias motivated crime"  
32 means the crime of battery (IC 35-42-2-1), aggravated battery  
33 (IC 35-42-2-1.5), strangulation (IC 35-42-2-9), kidnapping  
34 (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), robbery  
35 (IC 35-42-5-1), arson (IC 35-43-1-1), criminal mischief  
36 (IC 35-43-1-2), burglary (IC 35-43-2-1), residential entry  
37 (IC 35-43-2-1.5), criminal trespass (IC 35-43-2-2), theft  
38 (IC 35-43-4-2), criminal conversion (IC 35-43-4-3), intimidation  
39 (IC 35-45-2-1), harassment (IC 35-45-2-2), or stalking  
40 (IC 35-45-10-5) if the person who commits the crime intentionally  
41 selects:

42           (1) an individual against whom the crime was committed; or



1           **(2) any property damaged or otherwise affected by the crime;**  
 2 **in whole or in part because of the actual or perceived race, color,**  
 3 **religion, ethnicity, national origin, sexual orientation, gender,**  
 4 **gender identity, or disability of the individual, another individual,**  
 5 **or a group of individuals, whether or not the person's belief or**  
 6 **perception was correct.**

7           SECTION 8. IC 35-42-2-1, AS AMENDED BY P.L.147-2014,  
 8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2015]: Sec. 1. (a) As used in this section, "public safety  
 10 official" means:

- 11           (1) a law enforcement officer, including an alcoholic beverage  
 12 enforcement officer;  
 13           (2) an employee of a penal facility or a juvenile detention facility  
 14 (as defined in IC 31-9-2-71);  
 15           (3) an employee of the department of correction;  
 16           (4) a probation officer;  
 17           (5) a parole officer;  
 18           (6) a community corrections worker;  
 19           (7) a home detention officer;  
 20           (8) a department of child services employee;  
 21           (9) a firefighter;  
 22           (10) an emergency medical services provider; or  
 23           (11) a judicial officer.

24           (b) Except as provided in subsections (c) through (j), a person who  
 25 knowingly or intentionally:

- 26           (1) touches another person in a rude, insolent, or angry manner;  
 27 or  
 28           (2) in a rude, insolent, or angry manner places any bodily fluid or  
 29 waste on another person;

30 commits battery, a Class B misdemeanor.

31           (c) The offense described in subsection (b)(1) or (b)(2) is a Class A  
 32 misdemeanor if it:

- 33           **(1) results in bodily injury to any other person; or**  
 34           **(2) is a bias motivated crime.**

35           (d) The offense described in subsection (b)(1) or (b)(2) is a Level 6  
 36 felony if one (1) or more of the following apply:

- 37           (1) The offense results in moderate bodily injury to any other  
 38 person.  
 39           (2) The offense is committed against a public safety official while  
 40 the official is engaged in the official's official duty.  
 41           (3) The offense is committed against a person less than fourteen  
 42 (14) years of age and is committed by a person at least eighteen



- 1 (18) years of age.
- 2 (4) The offense is committed against a person of any age who has
- 3 a mental or physical disability and is committed by a person
- 4 having the care of the person with the mental or physical
- 5 disability, whether the care is assumed voluntarily or because of
- 6 a legal obligation.
- 7 (5) The offense is committed against an endangered adult (as
- 8 defined in IC 12-10-3-2).
- 9 (6) The offense is committed against a family or household
- 10 member (as defined in IC 35-31.5-2-128) if the person who
- 11 committed the offense:
- 12 (A) is at least eighteen (18) years of age; and
- 13 (B) committed the offense in the physical presence of a child
- 14 less than sixteen (16) years of age, knowing that the child was
- 15 present and might be able to see or hear the offense.
- 16 (e) The offense described in subsection (b)(2) is a Level 6 felony if
- 17 the person knew or recklessly failed to know that the bodily fluid or
- 18 waste placed on another person was infected with hepatitis,
- 19 tuberculosis, or human immunodeficiency virus.
- 20 (f) The offense described in subsection (b)(1) or (b)(2) is a Level 5
- 21 felony if one (1) or more of the following apply:
- 22 (1) The offense results in serious bodily injury to another person.
- 23 (2) The offense is committed with a deadly weapon.
- 24 (3) The offense results in bodily injury to a pregnant woman if the
- 25 person knew of the pregnancy.
- 26 (4) The person has a previous conviction for battery against the
- 27 same victim.
- 28 (5) The offense results in bodily injury to one (1) or more of the
- 29 following:
- 30 (A) A public safety official while the official is engaged in the
- 31 official's official duties.
- 32 (B) A person less than fourteen (14) years of age if the offense
- 33 is committed by a person at least eighteen (18) years of age.
- 34 (C) A person who has a mental or physical disability if the
- 35 offense is committed by an individual having care of the
- 36 person with the disability, regardless of whether the care is
- 37 assumed voluntarily or because of a legal obligation.
- 38 (D) An endangered adult (as defined in IC 12-10-3-2).
- 39 (g) The offense described in subsection (b)(2) is a Level 5 felony if:
- 40 (1) the person knew or recklessly failed to know that the bodily
- 41 fluid or waste placed on another person was infected with
- 42 hepatitis, tuberculosis, or human immunodeficiency virus; and



1 (2) the person placed the bodily fluid or waste on a public safety  
2 official.

3 (h) The offense described in subsection (b)(1) or (b)(2) is a Level 4  
4 felony if it results in serious bodily injury to an endangered adult (as  
5 defined in IC 12-10-3-2).

6 (i) The offense described in subsection (b)(1) or (b)(2) is a Level 3  
7 felony if it results in serious bodily injury to a person less than fourteen  
8 (14) years of age if the offense is committed by a person at least  
9 eighteen (18) years of age.

10 (j) The offense described in subsection (b)(1) or (b)(2) is a Level 2  
11 felony if it results in the death of one (1) or more of the following:

12 (1) A person less than fourteen (14) years of age if the offense is  
13 committed by a person at least eighteen (18) years of age.

14 (2) An endangered adult (as defined in IC 12-10-3-2).

15 SECTION 9. IC 35-42-2-1.5, AS AMENDED BY P.L.158-2013,  
16 SECTION 422, IS AMENDED TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2015]: Sec. 1.5. A person who knowingly or  
18 intentionally inflicts injury on a person that creates a substantial risk of  
19 death or causes:

20 (1) serious permanent disfigurement;

21 (2) protracted loss or impairment of the function of a bodily  
22 member or organ; or

23 (3) the loss of a fetus;

24 commits aggravated battery, a Level 3 felony. However, the offense is  
25 **a Level 2 felony if it is a bias motivated crime** and a Level 1 felony  
26 if it results in the death of a child less than fourteen (14) years of age  
27 and is committed by a person at least eighteen (18) years of age.

28 SECTION 10. IC 35-42-2-9, AS AMENDED BY P.L.158-2013,  
29 SECTION 432, IS AMENDED TO READ AS FOLLOWS  
30 [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) This section does not apply  
31 to a medical procedure.

32 (b) A person who, in a rude, angry, or insolent manner, knowingly  
33 or intentionally:

34 (1) applies pressure to the throat or neck of another person; or

35 (2) obstructs the nose or mouth of the another person;

36 in a manner that impedes the normal breathing or the blood circulation  
37 of the other person commits strangulation, a Level 6 felony.

38 **(c) The offense under subsection (b) is a Level 5 felony if it is a**  
39 **bias motivated crime.**

40 SECTION 11. IC 35-42-3-2, AS AMENDED BY P.L.158-2013,  
41 SECTION 433, IS AMENDED TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A person who knowingly or



1 intentionally removes another person, by fraud, enticement, force, or  
 2 threat of force, from one place to another commits kidnapping. Except  
 3 as provided in subsection (b), the offense of kidnapping is a Level 6  
 4 felony.

5 (b) The offense described in subsection (a) is:

6 (1) a Level 5 felony if:

7 (A) the person removed is less than fourteen (14) years of age  
 8 and is not the removing person's child;

9 (B) it is committed by using a vehicle; **or**

10 (C) it results in bodily injury to a person other than the  
 11 removing person; **or**

12 **(D) it is a bias motivated crime;**

13 (2) a Level 3 felony if it:

14 (A) is committed while armed with a deadly weapon;

15 (B) results in serious bodily injury to a person other than the  
 16 removing person; or

17 (C) is committed on an aircraft; and

18 (3) a Level 2 felony if it is committed:

19 (A) with intent to obtain ransom;

20 (B) while hijacking a vehicle;

21 (C) with intent to obtain the release, or intent to aid in the  
 22 escape, of any person from lawful incarceration; or

23 (D) with intent to use the person removed as a shield or  
 24 hostage.

25 SECTION 12. IC 35-42-3-3, AS AMENDED BY P.L.158-2013,  
 26 SECTION 434, IS AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) A person who knowingly or  
 28 intentionally confines another person without the other person's consent  
 29 commits criminal confinement. Except as provided in subsection (b),  
 30 the offense of criminal confinement is a Level 6 felony.

31 (b) The offense of criminal confinement defined in subsection (a)  
 32 is:

33 (1) a Level 5 felony if:

34 (A) the person confined is less than fourteen (14) years of age  
 35 and is not the confining person's child;

36 (B) it is committed by using a vehicle; **or**

37 (C) it results in bodily injury to a person other than the  
 38 confining person; **or**

39 **(D) it is a bias motivated crime;**

40 (2) a Level 3 felony if it:

41 (A) is committed while armed with a deadly weapon;

42 (B) results in serious bodily injury to a person other than the





- 1           confining person; or  
 2           (C) is committed on an aircraft; and  
 3           (3) a Level 2 felony if it is committed:  
 4           (A) with intent to obtain ransom;  
 5           (B) while hijacking a vehicle;  
 6           (C) with intent to obtain the release, or intent to aid in the  
 7           escape, of any person from lawful incarceration; or  
 8           (D) with intent to use the person confined as a shield or  
 9           hostage.
- 10           SECTION 13. IC 35-42-5-1, AS AMENDED BY P.L.158-2013,  
 11           SECTION 450, IS AMENDED TO READ AS FOLLOWS  
 12           [EFFECTIVE JULY 1, 2015]: Sec. 1. A person who knowingly or  
 13           intentionally takes property from another person or from the presence  
 14           of another person:  
 15           (1) by using or threatening the use of force on any person; or  
 16           (2) by putting any person in fear;  
 17           commits robbery, a Level 5 felony. However, the offense is a **Level 4**  
 18           **felony if it is a bias motivated crime**, a Level 3 felony if it is  
 19           committed while armed with a deadly weapon or results in bodily  
 20           injury to any person other than a defendant, and a Level 2 felony if it  
 21           results in serious bodily injury to any person other than a defendant.
- 22           SECTION 14. IC 35-43-1-1, AS AMENDED BY P.L.168-2014,  
 23           SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24           JULY 1, 2015]: Sec. 1. (a) A person who, by means of fire, explosive,  
 25           or destructive device, knowingly or intentionally damages:  
 26           (1) a dwelling of another person without the other person's  
 27           consent;  
 28           (2) property of any person under circumstances that endanger  
 29           human life;  
 30           (3) property of another person without the other person's consent  
 31           if the pecuniary loss is at least five thousand dollars (\$5,000); or  
 32           (4) a structure used for religious worship without the consent of  
 33           the owner of the structure;  
 34           commits arson, a Level 4 felony. However, the offense is a Level 3  
 35           felony if it results in bodily injury to any person other than a defendant  
 36           **or it is a bias motivated crime**, and a Level 2 felony if it results in  
 37           serious bodily injury to any person other than a defendant.
- 38           (b) A person who commits arson for hire commits a Level 4 felony.  
 39           However, the offense is:  
 40           (1) a Level 3 felony if it results in bodily injury to any other  
 41           person; and  
 42           (2) a Level 2 felony if it results in serious bodily injury to any



1 other person.

2 (c) A person who, by means of fire, explosive, or destructive device,  
3 knowingly or intentionally damages property of any person with intent  
4 to defraud commits arson, a Level 6 felony.

5 (d) A person who, by means of fire, explosive, or destructive device,  
6 knowingly or intentionally damages property of another person without  
7 the other person's consent so that the resulting pecuniary loss is at least  
8 two hundred fifty dollars (\$250) but less than five thousand dollars  
9 (\$5,000) commits arson, a Level 6 felony.

10 (e) A person who commits an offense under subsection (a), (b), (c),  
11 or (d) commits a separate offense for each person who suffers a bodily  
12 injury or serious bodily injury that is caused by the violation of  
13 subsection (a), (b), (c), or (d).

14 SECTION 15. IC 35-43-1-2, AS AMENDED BY P.L.21-2014,  
15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2015]: Sec. 2. (a) A person who recklessly, knowingly, or  
17 intentionally damages or defaces property of another person without  
18 the other person's consent commits criminal mischief, a Class B  
19 misdemeanor. However, the offense is:

- 20 (1) a Class A misdemeanor if:  
21 (A) the pecuniary loss is at least seven hundred fifty dollars  
22 (\$750) but less than fifty thousand dollars (\$50,000); **or**  
23 **(B) it is a bias motivated crime;** and  
24 (2) a Level 6 felony if:  
25 (A) the pecuniary loss is at least fifty thousand dollars  
26 (\$50,000);  
27 (B) the damage causes a substantial interruption or impairment  
28 of utility service rendered to the public;  
29 (C) the damage is to a public record; or  
30 (D) the damage is to a law enforcement animal (as defined in  
31 IC 35-46-3-4.5).
- 32 (b) A person who recklessly, knowingly, or intentionally damages:  
33 (1) a structure used for religious worship;  
34 (2) a school or community center;  
35 (3) the property of an agricultural operation (as defined in  
36 IC 32-30-6-1);  
37 (4) the grounds:  
38 (A) adjacent to; and  
39 (B) owned or rented in common with;  
40 a structure or facility identified in subdivisions (1) through (3); or  
41 (5) personal property contained in a structure or located at a  
42 facility identified in subdivisions (1) through (3);



1 without the consent of the owner, possessor, or occupant of the  
 2 property that is damaged, commits institutional criminal mischief, a  
 3 Class A misdemeanor. However, the offense is a Level 6 felony if the  
 4 pecuniary loss (or property damage, in the case of an agricultural  
 5 operation) is at least seven hundred fifty dollars (\$750) but less than  
 6 fifty thousand dollars (\$50,000), and a Level 5 felony if the pecuniary  
 7 loss (or property damage, in the case of an agricultural operation) is at  
 8 least fifty thousand dollars (\$50,000).

9 (c) If a person is convicted of an offense under this section that  
 10 involves the use of graffiti, the court may, in addition to any other  
 11 penalty, order that the person's operator's license be suspended or  
 12 invalidated by the bureau of motor vehicles for not more than one (1)  
 13 year.

14 (d) The court may rescind an order for suspension or invalidation  
 15 under subsection (c) and allow the person to receive a license or permit  
 16 before the period of suspension or invalidation ends if the court  
 17 determines that the person has removed or painted over the graffiti or  
 18 has made other suitable restitution.

19 SECTION 16. IC 35-43-2-1, AS AMENDED BY P.L.158-2013,  
 20 SECTION 460, IS AMENDED TO READ AS FOLLOWS  
 21 [EFFECTIVE JULY 1, 2015]: Sec. 1. A person who breaks and enters  
 22 the building or structure of another person, with intent to commit a  
 23 felony or theft in it, commits burglary, a Level 5 felony. However, the  
 24 offense is:

25 (1) a Level 4 felony if:

26 (A) the building or structure is a dwelling; or

27 (B) it is a bias motivated crime;

28 (2) a Level 3 felony if it results in bodily injury to any person  
 29 other than a defendant;

30 (3) a Level 2 felony if it:

31 (A) is committed while armed with a deadly weapon; or

32 (B) results in serious bodily injury to any person other than a  
 33 defendant; and

34 (4) a Level 1 felony if:

35 (A) the building or structure is a dwelling; and

36 (B) it results in serious bodily injury to any person other than  
 37 a defendant.

38 SECTION 17. IC 35-43-2-1.5, AS AMENDED BY P.L.158-2013,  
 39 SECTION 461, IS AMENDED TO READ AS FOLLOWS  
 40 [EFFECTIVE JULY 1, 2015]: Sec. 1.5. (a) A person who knowingly  
 41 or intentionally breaks and enters the dwelling of another person  
 42 commits residential entry, a Level 6 felony.



1           **(b) The offense under subsection (a) is a Level 5 felony if it is a**  
 2           **bias motivated crime.**

3           SECTION 18. IC 35-43-2-2, AS AMENDED BY P.L.21-2014,  
 4           SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5           JULY 1, 2015]: Sec. 2. (a) As used in this section, "authorized person"  
 6           means a person authorized by an agricultural operation to act on behalf  
 7           of the agricultural operation.

8           (b) A person who:

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

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

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

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

22           (5) not having a contractual interest in the property, knowingly or  
 23           intentionally enters the:

24           (A) property of an agricultural operation that is used for the  
 25           production, processing, propagation, packaging, cultivation,  
 26           harvesting, care, management, or storage of an animal, plant,  
 27           or other agricultural product, including any pasturage or land  
 28           used for timber management, without the consent of the owner  
 29           of the agricultural operation or an authorized person; or

30           (B) dwelling of another person without the person's consent;

31           (6) knowingly or intentionally:

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

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

38           (7) not having a contractual interest in the property, knowingly or  
 39           intentionally enters or refuses to leave the property of another  
 40           person after having been prohibited from entering or asked to  
 41           leave the property by a law enforcement officer when the property  
 42           is vacant or designated by a municipality or county enforcement



1 authority to be abandoned property or an abandoned structure (as  
2 defined in IC 36-7-36-1);

3 (8) not having a contractual interest in the property, knowingly or  
4 intentionally enters the real property of an agricultural operation  
5 (as defined in IC 32-30-6-1) without the permission of the owner  
6 of the agricultural operation or an authorized person, and  
7 knowingly or intentionally engages in conduct that causes  
8 property damage to:

9 (A) the owner of or a person having a contractual interest in  
10 the agricultural operation;

11 (B) the operator of the agricultural operation; or

12 (C) a person having personal property located on the property  
13 of the agricultural operation; or

14 (9) knowingly or intentionally enters the property of another  
15 person after being denied entry by a court order that has been  
16 issued to the person or issued to the general public by  
17 conspicuous posting on or around the premises in areas where a  
18 person can observe the order when the property has been  
19 designated by a municipality or county enforcement authority to  
20 be a vacant property, an abandoned property, or an abandoned  
21 structure (as defined in IC 36-7-36-1);

22 commits criminal trespass, a Class A misdemeanor. However, the  
23 offense is a Level 6 felony if it is committed on a scientific research  
24 facility, on a key facility, on a facility belonging to a public utility (as  
25 defined in IC 32-24-1-5.9(a)), on school property, or on a school bus or  
26 the person has a prior unrelated conviction for an offense under this  
27 section concerning the same property, **or the offense is a bias  
28 motivated crime.** The offense is a Level 6 felony, for purposes of  
29 subdivision (8), if the property damage is more than seven hundred  
30 fifty dollars (\$750) and less than fifty thousand dollars (\$50,000). The  
31 offense is a Level 5 felony, for purposes of subdivision (8), if the  
32 property damage is at least fifty thousand dollars (\$50,000).

33 (c) A person has been denied entry under subsection (b)(1) when the  
34 person has been denied entry by means of:

35 (1) personal communication, oral or written;

36 (2) posting or exhibiting a notice at the main entrance in a manner  
37 that is either prescribed by law or likely to come to the attention  
38 of the public; or

39 (3) a hearing authority or court order under IC 32-30-6,  
40 IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36.

41 (d) A law enforcement officer may not deny entry to property or ask  
42 a person to leave a property under subsection (b)(7) unless there is



1 reasonable suspicion that criminal activity has occurred or is occurring.

2 (e) A person described in subsection (b)(7) violates subsection  
3 (b)(7) unless the person has the written permission of the owner,  
4 owner's agent, enforcement authority, or court to come onto the  
5 property for purposes of performing maintenance, repair, or demolition.

6 (f) A person described in subsection (b)(9) violates subsection  
7 (b)(9) unless the court that issued the order denying the person entry  
8 grants permission for the person to come onto the property.

9 (g) Subsections (b), (c), and (f) do not apply to the following:

10 (1) A passenger on a train.

11 (2) An employee of a railroad carrier while engaged in the  
12 performance of official duties.

13 (3) A law enforcement officer, firefighter, or emergency response  
14 personnel while engaged in the performance of official duties.

15 (4) A person going on railroad property in an emergency to rescue  
16 a person or animal from harm's way or to remove an object that  
17 the person reasonably believes poses an imminent threat to life or  
18 limb.

19 (5) A person on the station grounds or in the depot of a railroad  
20 carrier:

21 (A) as a passenger; or

22 (B) for the purpose of transacting lawful business.

23 (6) A:

24 (A) person; or

25 (B) person's:

26 (i) family member;

27 (ii) invitee;

28 (iii) employee;

29 (iv) agent; or

30 (v) independent contractor;

31 going on a railroad's right-of-way for the purpose of crossing at a  
32 private crossing site approved by the railroad carrier to obtain  
33 access to land that the person owns, leases, or operates.

34 (7) A person having written permission from the railroad carrier  
35 to go on specified railroad property.

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

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

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

42 SECTION 19. IC 35-43-4-2, AS AMENDED BY P.L.152-2014,



1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2015]: Sec. 2. (a) A person who knowingly or intentionally  
3 exerts unauthorized control over property of another person, with intent  
4 to deprive the other person of any part of its value or use, commits  
5 theft, a Class A misdemeanor. However, the offense is:

6 (1) a Level 6 felony if:

7 (A) the value of the property is at least seven hundred fifty  
8 dollars (\$750) and less than fifty thousand dollars (\$50,000);

9 (B) the property is a firearm; ~~or~~

10 (C) the person has a prior unrelated conviction for:

11 (i) theft under this section; or

12 (ii) criminal conversion under section 3 of this chapter; **or**

13 **(D) it is a bias motivated crime; and**

14 (2) a Level 5 felony if:

15 (A) the value of the property is at least fifty thousand dollars  
16 (\$50,000); or

17 (B) the property that is the subject of the theft is a valuable  
18 metal (as defined in IC 25-37.5-1-1) and:

19 (i) relates to transportation safety;

20 (ii) relates to public safety; or

21 (iii) is taken from a hospital or other health care facility,  
22 telecommunications provider, public utility (as defined in  
23 IC 32-24-1-5.9(a)), or key facility;

24 and the absence of the property creates a substantial risk of  
25 bodily injury to a person.

26 (b) In determining the value of property under this section, acts of  
27 theft committed in a single episode of criminal conduct (as defined in  
28 IC 35-50-1-2(b)) may be charged in a single count.

29 (c) For purposes of this section, "the value of property" means:

30 (1) the fair market value of the property at the time and place the  
31 offense was committed; or

32 (2) if the fair market value of the property cannot be satisfactorily  
33 determined, the cost to replace the property within a reasonable  
34 time after the offense was committed.

35 A price tag or price marking on property displayed or offered for sale  
36 constitutes prima facie evidence of the value of the property.

37 SECTION 20. IC 35-43-4-3, AS AMENDED BY P.L.158-2013,  
38 SECTION 467, IS AMENDED TO READ AS FOLLOWS  
39 [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) A person who knowingly or  
40 intentionally exerts unauthorized control over property of another  
41 person commits criminal conversion, a Class A misdemeanor.

42 (b) The offense under subsection (a) is a Level 6 felony if:



- 1 (1) committed by a person who exerts unauthorized control over
- 2 the motor vehicle of another person with the intent to use the
- 3 motor vehicle to assist the person in the commission of a crime;
- 4 **or**
- 5 **(2) it is a bias motivated crime.**
- 6 (c) The offense under subsection (a) is a Level 5 felony if:
- 7 (1) committed by a person who exerts unauthorized control over
- 8 the motor vehicle of another person; and
- 9 (2) the person uses the motor vehicle to assist the person in the
- 10 commission of a felony.
- 11 (d) The offense under subsection (a) is a Level 6 felony if:
- 12 (1) the person acquires the property by lease;
- 13 (2) the property is a motor vehicle;
- 14 (3) the person signs a written agreement to return the property to
- 15 a specified location within a specified time; and
- 16 (4) the person fails to return the property:
- 17 (A) within thirty (30) days after the specified time; or
- 18 (B) within three (3) days after a written demand for return of
- 19 the property is either:
- 20 (i) personally served on the person; or
- 21 (ii) sent by registered mail to the person's address that is
- 22 provided by the person in the written agreement.
- 23 SECTION 21. IC 35-45-2-1, AS AMENDED BY P.L.168-2014,
- 24 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2015]: Sec. 1. (a) A person who communicates a threat to
- 26 another person, with the intent:
- 27 (1) that the other person engage in conduct against the other
- 28 person's will;
- 29 (2) that the other person be placed in fear of retaliation for a prior
- 30 lawful act; or
- 31 (3) of:
- 32 (A) causing:
- 33 (i) a dwelling, a building, or other structure; or
- 34 (ii) a vehicle;
- 35 to be evacuated; or
- 36 (B) interfering with the occupancy of:
- 37 (i) a dwelling, building, or other structure; or
- 38 (ii) a vehicle;
- 39 commits intimidation, a Class A misdemeanor.
- 40 (b) However, the offense is a:
- 41 (1) Level 6 felony if:
- 42 (A) the threat is to commit a forcible felony;





- 1 (B) the person to whom the threat is communicated:  
 2 (i) is a law enforcement officer;  
 3 (ii) is a witness (or the spouse or child of a witness) in any  
 4 pending criminal proceeding against the person making the  
 5 threat;  
 6 (iii) is an employee of a school or school corporation;  
 7 (iv) is a community policing volunteer;  
 8 (v) is an employee of a court;  
 9 (vi) is an employee of a probation department;  
 10 (vii) is an employee of a community corrections program;  
 11 (viii) is an employee of a hospital, church, or religious  
 12 organization; or  
 13 (ix) is a person that owns a building or structure that is open  
 14 to the public or is an employee of the person;  
 15 and, except as provided in item (ii), the threat is  
 16 communicated to the person because of the occupation,  
 17 profession, employment status, or ownership status of the  
 18 person as described in items (i) through (ix) or based on an act  
 19 taken by the person within the scope of the occupation,  
 20 profession, employment status, or ownership status of the  
 21 person;  
 22 (C) the person has a prior unrelated conviction for an offense  
 23 under this section concerning the same victim; **or**  
 24 (D) the threat is communicated using property, including  
 25 electronic equipment or systems, of a school corporation or  
 26 other governmental entity; **or**  
 27 **(E) it is a bias motivated crime;** and  
 28 (2) 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)~~; **IC 35-31.5-2-307**).  
 38 (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



- 1 restraint;
- 2 (3) commit a crime;
- 3 (4) unlawfully withhold official action, or cause such withholding;
- 4 (5) unlawfully withhold testimony or information with respect to
- 5 another person's legal claim or defense, except for a reasonable
- 6 claim for witness fees or expenses;
- 7 (6) expose the person threatened to hatred, contempt, disgrace, or
- 8 ridicule;
- 9 (7) falsely harm the credit or business reputation of the person
- 10 threatened; or
- 11 (8) cause the evacuation of a dwelling, a building, another
- 12 structure, or a vehicle.

13 SECTION 22. IC 35-45-2-2 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A person who,  
 15 with intent to harass, annoy, or alarm another person but with no intent  
 16 of legitimate communication:

- 17 (1) makes a telephone call, whether or not a conversation ensues;
- 18 (2) communicates with a person by telegraph, mail, or other form
- 19 of written communication;
- 20 (3) transmits an obscene message, or indecent or profane words,
- 21 on a Citizens Radio Service channel; or
- 22 (4) uses a computer network (as defined in IC 35-43-2-3(a)) or
- 23 other form of electronic communication to:
- 24 (A) communicate with a person; or
- 25 (B) transmit an obscene message or indecent or profane words
- 26 to a person;

27 commits harassment, a Class B misdemeanor. **However, the offense**  
 28 **is a Class A misdemeanor if it is a bias motivated crime.**

- 29 (b) A message is obscene if:
- 30 (1) the average person, applying contemporary community
- 31 standards, finds that the dominant theme of the message, taken as
- 32 a whole, appeals to the prurient interest in sex;
- 33 (2) the message refers to sexual conduct in a patently offensive
- 34 way; and
- 35 (3) the message, taken as a whole, lacks serious artistic, literary,
- 36 political, or scientific value.

37 SECTION 23. IC 35-45-10-5, AS AMENDED BY P.L.158-2013,  
 38 SECTION 541, IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A person who stalks another  
 40 person commits stalking, a Level 6 felony.

- 41 (b) The offense is a Level 5 felony if at least one (1) of the following
- 42 applies:



- 1 (1) A person:  
 2 (A) stalks a victim; and  
 3 (B) makes an explicit or an implicit threat with the intent to  
 4 place the victim in reasonable fear of:  
 5 (i) sexual battery (as defined in IC 35-42-4-8);  
 6 (ii) serious bodily injury; or  
 7 (iii) death.
- 8 (2) A protective order to prevent domestic or family violence, a  
 9 no contact order, or other judicial order under any of the  
 10 following statutes has been issued by the court to protect the same  
 11 victim or victims from the person and the person has been given  
 12 actual notice of the order:  
 13 (A) IC 31-15 and IC 34-26-5 or IC 31-1-11.5 before its repeal  
 14 (dissolution of marriage and legal separation).  
 15 (B) IC 31-34, IC 31-37, or IC 31-6-4 before its repeal  
 16 (delinquent children and children in need of services).  
 17 (C) IC 31-32 or IC 31-6-7 before its repeal (procedure in  
 18 juvenile court).  
 19 (D) IC 34-26-5 or IC 34-26-2 and IC 34-4-5.1 before their  
 20 repeal (protective order to prevent abuse).  
 21 (E) IC 34-26-6 (workplace violence restraining orders).
- 22 (3) The person's stalking of another person violates an order  
 23 issued as a condition of pretrial release, including release on bail  
 24 or personal recognizance, or pretrial diversion if the person has  
 25 been given actual notice of the order.
- 26 (4) The person's stalking of another person violates a no contact  
 27 order issued as a condition of probation if the person has been  
 28 given actual notice of the order.
- 29 (5) The person's stalking of another person violates a protective  
 30 order issued under IC 31-14-16-1 and IC 34-26-5 in a paternity  
 31 action if the person has been given actual notice of the order.
- 32 (6) The person's stalking of another person violates an order  
 33 issued in another state that is substantially similar to an order  
 34 described in subdivisions (2) through (5) if the person has been  
 35 given actual notice of the order.
- 36 (7) The person's stalking of another person violates an order that  
 37 is substantially similar to an order described in subdivisions (2)  
 38 through (5) and is issued by an Indian:  
 39 (A) tribe;  
 40 (B) band;  
 41 (C) pueblo;  
 42 (D) nation; or



- 1 (E) organized group or community, including an Alaska
- 2 Native village or regional or village corporation as defined
- 3 in or established under the Alaska Native Claims Settlement
- 4 Act (43 U.S.C. 1601 et seq.);
- 5 that is recognized as eligible for the special programs and services
- 6 provided by the United States to Indians because of their special
- 7 status as Indians if the person has been given actual notice of the
- 8 order.
- 9 (8) A criminal complaint of stalking that concerns an act by the
- 10 person against the same victim or victims is pending in a court
- 11 and the person has been given actual notice of the complaint.
- 12 **(9) The offense is a bias motivated crime.**
- 13 (c) The offense is a Level 4 felony if:
- 14 (1) the act or acts were committed while the person was armed
- 15 with a deadly weapon; or
- 16 (2) the person has an unrelated conviction for an offense under
- 17 this section against the same victim or victims.

