

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 167

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

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

SECTION 1. IC 9-13-2-34, AS AMENDED BY P.L.262-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 34. "Component part" means the engine, transmission, body-chassis, doghouse (front assembly), rear-end, or frame, **or catalytic converter** of a vehicle.

SECTION 2. IC 25-37.5-1-7, AS AMENDED BY P.L.224-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) A valuable metal dealer who fails to comply with this chapter commits a Class A infraction.

~~(b) A person that sells or attempts to sell valuable metal to a valuable metal dealer that fails to comply with this chapter commits a Class A infraction:~~

(b) A valuable metal dealer who:

(1) knowingly or intentionally fails to comply with this chapter; and

(2) purchases stolen valuable metal;

commits concealing a valuable metal purchase, a Level 6 felony.

SECTION 3. IC 35-43-4-2, AS AMENDED BY P.L.276-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) A person who knowingly or intentionally exerts unauthorized control over property of another person, with intent

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to deprive the other person of any part of its value or use, commits theft, a Class A misdemeanor. However, the offense is:

- (1) a Level 6 felony if:
- (A) the value of the property is at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000);
 - (B) the property is a:
 - (i) firearm;
 - (ii) motor vehicle (as defined in IC 9-13-2-105(a)); or
 - (iii) component part (as defined in IC 9-13-2-34) of a motor vehicle; or
 - (C) the person has a prior unrelated conviction for:
 - (i) theft under this section; ~~or~~
 - (ii) criminal conversion under section 3 of this chapter; ~~and~~
 - (iii) robbery under IC 35-42-5-1; or**
 - (iv) burglary under IC 35-43-2-1; and**
- (2) a Level 5 felony if:
- (A) the value of the property is at least fifty thousand dollars (\$50,000);
 - (B) the property that is the subject of the theft is a valuable metal (as defined in IC 25-37.5-1-1) and:
 - (i) relates to transportation safety;
 - (ii) relates to public safety; or
 - (iii) is taken from a hospital or other health care facility, telecommunications provider, public utility (as defined in IC 32-24-1-5.9(a)), or critical infrastructure facility;
 and the absence of the property creates a substantial risk of bodily injury to a person; or
 - (C) the property is a:
 - (i) motor vehicle (as defined in IC 9-13-2-105(a)); or
 - (ii) component part (as defined in IC 9-13-2-34) of a motor vehicle; and
 the person has a prior unrelated conviction for theft of a motor vehicle (as defined in IC 9-13-2-105(a)) or theft of a component part (as defined in IC 9-13-2-34).
- (b) For purposes of this section, "the value of property" means:
- (1) the fair market value of the property at the time and place the offense was committed; or
 - (2) if the fair market value of the property cannot be satisfactorily determined, the cost to replace the property within a reasonable time after the offense was committed.

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



(c) If the offense described in subsection (a) is committed by a public servant who exerted unauthorized control over public funds (as defined by IC 5-22-2-23) from the public servant's employer, the employer may be reimbursed in accordance with IC 2-3.5-4-11, IC 2-3.5-5-9, IC 5-10-5.5-19, IC 5-10.3-8-9, IC 5-10.4-5-14, IC 10-12-2-10, IC 33-38-6-19.5, IC 33-39-7-10.5, IC 36-8-6-14, IC 36-8-7-22, IC 36-8-7.5-19, or IC 36-8-8-17.

SECTION 4. IC 35-52-25-61.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2021]: **Sec. 61.5. IC 25-37.5-1-7 defines a crime concerning valuable metal dealers.**



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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