

SENATE BILL No. 197

DIGEST OF INTRODUCED BILL

Citations Affected: IC 1-1-5.5-23; IC 9-24-2-2.5; IC 11-8-5-2; IC 11-11-2; IC 12-14; IC 12-15-22-1.5; IC 12-17.6-6-3; IC 12-20-6; IC 13-25-2-10; IC 16-42-1-9; IC 20-28-5-8; IC 24-5-26; IC 27-2-16-3; IC 27-8-17-16; IC 31-37-1-2; IC 32-37-1-1; IC 33-23-8-4; IC 34-24-1-1; IC 34-30-2-150.2; IC 35-31.5-2; IC 35-32-2-6; IC 35-33-8-6; IC 35-37-4; IC 35-40-14-1; IC 35-41; IC 35-43; IC 35-44.1; IC 35-45-6-1; IC 35-48-1-9.3; IC 35-50.

Synopsis: Criminal law issues. Specifies that a conviction for certain sex offenses requires mandatory revocation of a teaching license. Provides that a child who: (1) commits indecent display by a youth; or (2) commits dangerous possession of a firearm or provides a firearm to another child in certain circumstances; has committed a delinquent act subject to the jurisdiction of a juvenile court. Provides that bail provisions that apply to persons on probation and parole also apply to persons on community supervision. Removes and replaces certain references to "official investigations", "official proceedings", and methods of reporting. Adds to the crime of resisting law enforcement the act of resisting, refusing, obstructing, or interfering with a law enforcement officer's lawful: (1) entry into a structure; or (2) order to exit a structure. Provides that all Level 1 and Level 2 felonies may be prosecuted at any time. Repeals synthetic identity deception and consolidates it with identity deception. Provides that all felony battery and domestic battery crimes are crimes of violence, and adds arson and criminal confinement to the list of crimes of violence. Makes attempted murder a predicate offense for the use of a firearm sentence enhancement. Makes certain changes to the definition of "substantially similar" for purposes of the controlled substance law. Adds controlled
(Continued next page)

Effective: July 1, 2021.

Young M

January 14, 2021, read first time and referred to Committee on Corrections and Criminal Law.



Digest Continued

substance analogs to certain statutes prohibiting controlled substances in penal facilities. Repeals and consolidates various fraud and deception offenses. Defines "financial institution" for purposes of crimes involving financial institutions. Defines "pecuniary loss" for purposes of fraud in connection with insurance. Makes conforming amendments.



Introduced

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 BILL No. 197



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 1-1-5.5-23 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2021]: **Sec. 23. (a) A section of IC 35-43-5, as amended and**
4 **enacted during the 2021 regular session of the Indiana general**
5 **assembly, does not affect:**
6 (1) **penalties incurred;**
7 (2) **crimes committed; or**
8 (3) **proceedings begun;**
9 **before the effective date of that section of IC 35-43-5. Those**
10 **penalties, crimes, and proceedings continue and shall be imposed**
11 **and enforced under prior law as if that section of IC 35-43-5 had**
12 **not been amended or enacted.**
13 (b) **The general assembly does not intend the doctrine of**
14 **amelioration (see Vicory v. State, 400 N.E.2d 1380 (Ind. 1980)) to**
15 **apply to any section of IC 35-43-5, as amended or enacted during**



1 the 2021 regular session of the Indiana general assembly.

2 (c) The general assembly does not intend any section of
3 IC 35-43-5, as amended or enacted during the 2021 regular session
4 of the Indiana general assembly, to affect the:

5 (1) statutory or common law as it relates to insurance
6 coverage or the construction of an insurance policy; or

7 (2) holding of *Colonial Penn Ins. Co. v. Guzorek*, 690 N.E.2d
8 664 (Ind. 1997).

9 SECTION 2. IC 11-8-5-2, AS AMENDED BY P.L.10-2019,
10 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2021]: Sec. 2. (a) The department may, under IC 4-22-2,
12 classify as confidential the following personal information maintained
13 on a person who has been committed to the department or who has
14 received correctional services from the department:

15 (1) Medical, psychiatric, or psychological data or opinion which
16 might adversely affect that person's emotional well-being.

17 (2) Information relating to a pending investigation of alleged
18 criminal activity or other misconduct.

19 (3) Information which, if disclosed, might result in physical harm
20 to that person or other persons.

21 (4) Sources of information obtained only upon a promise of
22 confidentiality.

23 (5) Information required by law or promulgated rule to be
24 maintained as confidential.

25 (b) The department may deny the person about whom the
26 information pertains and other persons access to information classified
27 as confidential under subsection (a). However, confidential information
28 shall be disclosed:

29 (1) upon the order of a court;

30 (2) to employees of the department who need the information in
31 the performance of their lawful duties;

32 (3) to other agencies in accord with IC 4-1-6-2(13) and
33 IC 4-1-6-8.5;

34 (4) to the governor or the governor's designee;

35 (5) for research purposes in accord with IC 4-1-6-8.6(a);

36 (6) to the department of correction ombudsman bureau in accord
37 with IC 11-11-1.5;

38 (7) to a person who is or may be the victim of ~~inmate fraud (IC~~
39 ~~35-43-5-20) fraud under IC 35-43-5-4(b)(6)~~ if the commissioner
40 determines that the interest in disclosure overrides the interest to
41 be served by nondisclosure; or

42 (8) if the commissioner determines there exists a compelling



1 public interest for disclosure which overrides the interest to be
2 served by nondisclosure.

3 (c) The department shall disclose information classified as
4 confidential under subsection (a)(1) to a physician, psychiatrist, or
5 psychologist designated in writing by the person about whom the
6 information pertains.

7 (d) The department may disclose confidential information to the
8 following:

9 (1) A provider of sex offender management, treatment, or
10 programming.

11 (2) A provider of mental health services.

12 (3) Any other service provider working with the department to
13 assist in the successful return of an offender to the community
14 following the offender's release from incarceration.

15 (e) This subsection does not prohibit the department from sharing
16 information available on the Indiana sex offender registry with another
17 person.

18 SECTION 3. IC 11-11-2-1, AS AMENDED BY P.L.81-2008,
19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2021]: Sec. 1. As used in this chapter:

21 "Contraband" means property the possession of which is in violation
22 of an Indiana or federal statute.

23 "Prohibited property" means property other than contraband that the
24 department does not permit a confined person to possess. The term
25 includes money in a confined person's account that was derived from
26 ~~inmate fraud (IC 35-43-5-20)~~; **fraud under IC 35-43-5-4(b)(6)**.

27 SECTION 4. IC 11-11-2-6, AS ADDED BY P.L.81-2008,
28 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2021]: Sec. 6. (a) This section applies if the department has
30 reasonable suspicion that money in a confined person's account was
31 derived from the commission of ~~inmate fraud (IC 35-43-5-20)~~; **fraud**
32 **under IC 35-43-5-4(b)(6)**.

33 (b) If the department has reasonable suspicion that money in a
34 confined person's account was derived from the commission of ~~inmate~~
35 ~~fraud~~, the department may freeze all or a part of the confined person's
36 account for not more than one hundred eighty (180) days while the
37 department conducts an investigation to determine whether money in
38 the confined person's account derives from ~~inmate~~ fraud. If the
39 department freezes the account of a confined person under this
40 subsection, the department shall notify the confined person in writing.

41 (c) If the department's investigation reveals that no money in the
42 confined person's account was derived from ~~inmate~~ fraud, the



1 department shall unfreeze the account at the conclusion of the
2 investigation.

3 (d) If the department's investigation reveals that money in the
4 confined person's account may have been derived from the commission
5 of ~~inmate~~ fraud, the department shall notify the prosecuting attorney of
6 the results of the department's investigation.

7 (e) If the prosecuting attorney charges the confined person with
8 ~~inmate~~ fraud, the department shall freeze the confined person's account
9 until the case reaches final judgment.

10 (f) If the prosecuting attorney does not charge the confined person
11 with ~~inmate~~ fraud, or if the confined person is acquitted of the charge
12 of ~~inmate~~ fraud, the department shall unfreeze the confined person's
13 account.

14 (g) If the confined person is convicted of ~~inmate~~ fraud, the
15 department, in consultation with the prosecuting attorney, shall locate
16 the money or property derived from ~~inmate~~ fraud and return it to the
17 rightful owner.

18 (h) If, ninety (90) days after the date of a confined person's
19 conviction for ~~inmate~~ fraud, the department has located the money or
20 property derived from the commission of ~~inmate~~ fraud but is unable to
21 return the money to the rightful owner, the department shall deposit the
22 money in the violent crime victims compensation fund established by
23 IC 5-2-6.1-40.

24 SECTION 5. IC 12-14-1-1, AS AMENDED BY P.L.161-2007,
25 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2021]: Sec. 1. (a) Assistance under TANF shall be given to a
27 dependent child who otherwise qualifies for assistance if the child is
28 living in a family home of a person who is:

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

30 (2) the child's relative, including:

31 (A) the child's mother, father, stepmother, stepfather,
32 grandmother, or grandfather; or

33 (B) a relative not listed in clause (A) who has custody of the
34 child.

35 (b) A parent or relative and a dependent child of the parent or
36 relative are not eligible for TANF assistance when the physical custody
37 of the dependent child was obtained for the purpose of establishing
38 TANF eligibility.

39 (c) Except as provided in IC 12-14-28-3.3, a person convicted of a
40 felony under ~~IC 35-43-5-7~~ **IC 35-43-5 relating to public relief or**
41 **assistance fraud** or IC 35-48-4 is not eligible to receive assistance
42 under TANF for ten (10) years after the conviction.



1 (d) The assistance paid to a dependent child under this section may
 2 not be affected by the conviction of a parent or an essential person of
 3 the dependent child under subsection (c).

4 SECTION 6. IC 12-14-2-21, AS AMENDED BY P.L.160-2012,
 5 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2021]: Sec. 21. (a) A TANF recipient or the parent or
 7 essential person of a TANF recipient, if the TANF recipient is less than
 8 eighteen (18) years of age, must sign a personal responsibility
 9 agreement to do the following:

10 (1) Develop an individual self-sufficiency plan with other family
 11 members and a caseworker.

12 (2) Accept any reasonable employment as soon as it becomes
 13 available.

14 (3) Agree to a loss of assistance, including TANF assistance
 15 under this article, if convicted of a felony under ~~IC 35-43-5-7~~ or
 16 ~~IC 35-43-5-7.~~ **IC 35-43-5** for **fraud relating to Medicaid or**
 17 **public relief or assistance** for ten (10) years after the conviction.

18 (4) Subject to section 5.3 of this chapter, understand that
 19 additional TANF assistance under this article will not be available
 20 for a child born more than ten (10) months after the person
 21 qualifies for assistance.

22 (5) Accept responsibility for ensuring that each child of the
 23 person receives all appropriate vaccinations against disease at an
 24 appropriate age.

25 (6) If the person is less than eighteen (18) years of age and is a
 26 parent, live with the person's parents, legal guardian, or an adult
 27 relative other than a parent or legal guardian in order to receive
 28 public assistance.

29 (7) Subject to IC 12-8-1.5-11 and section 5.1 of this chapter,
 30 agree to accept assistance for not more than twenty-four (24)
 31 months under the TANF program (IC 12-14).

32 (8) Be available for and actively seek and maintain employment.

33 (9) Participate in any training program required by the division.

34 (10) Accept responsibility for ensuring that the person and each
 35 child of the person attend school until the person and each child
 36 of the person graduate from high school or attain a high school
 37 equivalency certificate (as defined in IC 12-14-5-2).

38 (11) Raise the person's children in a safe, secure home.

39 (12) Agree not to abuse illegal drugs or other substances that
 40 would interfere with the person's ability to attain self-sufficiency.

41 (b) Except as provided in subsection (c), assistance under the TANF
 42 program shall be withheld or denied to a person who does not fulfill the



1 requirements of the personal responsibility agreement under subsection
2 (a).

3 (c) A person who is granted an exemption under section 23 of this
4 chapter may be excused from specific provisions of the personal
5 responsibility agreement as determined by the director.

6 SECTION 7. IC 12-15-22-1.5 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.5. In addition to any
8 sanction imposed on a provider under section 1 of this chapter, a
9 provider convicted of an offense under ~~IC 35-43-5-7.1~~ **IC 35-43-5 for**
10 **fraud relating to Medicaid** is ineligible to participate in the Medicaid
11 program for ten (10) years after the conviction.

12 SECTION 8. IC 12-17.6-6-3 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. In addition to any
14 sanction imposed on a provider under section 2 of this chapter, a
15 provider convicted of an offense under ~~IC 35-43-5-7.2~~ **IC 35-43-5**
16 **relating to the program** is ineligible to participate in the program for
17 ten (10) years after the conviction.

18 SECTION 9. IC 12-20-6-0.5 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 0.5. (a) As used in this
20 section, "member of the applicant's household" includes any person
21 who lives in the same residence as the applicant.

22 (b) The township trustee shall determine whether an applicant or a
23 member of the applicant's household has been denied assistance under
24 IC 12-14-1-1, IC 12-14-1-1.5, IC 12-14-2-5.1, IC 12-14-2-5.3,
25 IC 12-14-2-18, IC 12-14-2-20, IC 12-14-2-21, IC 12-14-2-24,
26 IC 12-14-2-26, IC 12-14-2.5, or IC 12-14-5.5.

27 (c) A township trustee has no obligation to extend aid to an
28 applicant or to a member of an applicant's household who has been
29 denied assistance as described in subsection (b).

30 (d) A township trustee shall not extend aid to an applicant or to a
31 member of an applicant's household if the applicant or the member of
32 the applicant's household has been convicted of an offense under
33 ~~IC 35-43-5-7 or IC 35-43-5-7.1~~ **IC 35-43-5 concerning fraud relating**
34 **to Medicaid or public relief or assistance** as follows:

35 (1) If the conviction is a misdemeanor, a township trustee shall
36 not extend aid to the applicant or the member of the applicant's
37 household for one (1) year after the conviction.

38 (2) If the conviction is a felony, a township trustee shall not
39 extend aid to the applicant or the member of the applicant's
40 household for ten (10) years after the conviction.

41 SECTION 10. IC 12-20-6-6.5, AS AMENDED BY P.L.73-2005,
42 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 6.5. (a) If an individual has been convicted of an
 2 offense under ~~IC 35-43-5-7~~, **IC 35-43-5 concerning fraud relating to**
 3 **public relief or assistance**, a township trustee may not extend aid to
 4 or for the benefit of that individual for the following periods:

5 (1) If the conviction is for a misdemeanor, for one (1) year after
 6 the conviction.

7 (2) If the conviction is for a felony, for ten (10) years after the
 8 conviction.

9 (b) If a township trustee finds that an individual has obtained
 10 township assistance from any township by means of conduct described
 11 in ~~IC 35-43-5-7~~, **IC 35-43-5**, the township trustee may refuse to extend
 12 aid to or for the benefit of that individual for sixty (60) days after the
 13 later of the:

14 (1) date of the improper conduct; or

15 (2) date aid was last extended to the individual based on the
 16 improper conduct.

17 SECTION 11. IC 13-25-2-10, AS AMENDED BY P.L.85-2015,
 18 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2021]: Sec. 10. (a) On or after January 1 and before March 1
 20 of each year, a facility that is required to prepare or have available a
 21 material safety data sheet for a hazardous chemical under the federal
 22 Occupational Safety and Health Act (29 U.S.C. 651 through 658) and
 23 regulations adopted under the Act shall submit the following to the
 24 commission:

25 (1) A tier II emergency and hazardous chemical inventory form
 26 containing the information required by section 9 of this chapter.

27 (2) A fee in the amount established by section 10.4 of this
 28 chapter. This fee shall be deposited in the local emergency
 29 planning and right to know fund established in section 10.5 of this
 30 chapter.

31 The tier II inventory form must contain data with respect to the
 32 preceding calendar year, and the inventory form and the fee shall be
 33 submitted in the form and manner established by the commission.

34 (b) The commission shall make the tier II emergency and hazardous
 35 chemical inventory form information provided to the commission by a
 36 facility under subsection (a)(1) available to the following:

37 (1) The appropriate local emergency planning committee.

38 (2) The fire department that has jurisdiction over the facility.

39 (c) Upon the request of:

40 (1) a local emergency planning committee; or

41 (2) a fire department with jurisdiction over a facility;

42 the owner or operator of a facility that is required to prepare or have



1 available a material safety data sheet for a hazardous chemical under
2 the federal Occupational Safety and Health Act (29 U.S.C. 651 through
3 658) and regulations adopted under the Act shall provide the tier II
4 emergency and hazardous chemical inventory form information to the
5 person making the request. A request must be made with respect to a
6 specific facility.

7 (d) A state or local official acting in the official's capacity may have
8 access to information on the tier II emergency and hazardous chemical
9 inventory forms by submitting a request to the commission or a local
10 emergency planning committee. If the commission or the emergency
11 planning committee does not already possess the requested
12 information, upon receipt of a request for tier II emergency and
13 hazardous chemical inventory form information, the commission or
14 committee shall request the facility owner or operator to provide the
15 tier II emergency and hazardous chemical inventory form information.
16 The commission or the local emergency planning committee shall
17 make the information available to the official.

18 (e) A person may make a request to the commission or a local
19 emergency planning committee for tier II emergency and hazardous
20 chemical inventory form information relating to the preceding year
21 with respect to a facility. The request must be in writing and must be
22 made with respect to a specific facility.

23 (f) Any tier II emergency and hazardous chemical inventory form
24 information that the commission or a local emergency planning
25 committee possesses shall be made available to a person making a
26 request under this section in accordance with section 14 of this chapter.
27 If the commission or local emergency planning committee does not
28 possess the tier II emergency and hazardous chemical inventory form
29 information requested, the commission or local emergency planning
30 committee shall request the facility owner or operator to:

31 (1) provide the tier II emergency and hazardous chemical
32 inventory form information with respect to a hazardous chemical
33 that a facility has stored in an amount of at least ten thousand
34 (10,000) pounds present at the facility at any time during the
35 preceding year; and

36 (2) make the information available in accordance with section 14
37 of this chapter;

38 to the person making the request.

39 (g) For tier II emergency and hazardous chemical inventory form
40 information that is not in the possession of the commission or a local
41 emergency planning committee with respect to a hazardous chemical
42 that a facility has stored in an amount that is less than ten thousand



1 (10,000) pounds at the facility at any time during the preceding year,
 2 a request from a person must include a statement specifying the general
 3 need for the information. The commission or local emergency planning
 4 committee may request the facility owner or operator for the tier II
 5 emergency and hazardous chemical inventory form information on
 6 behalf of the person making the request. Upon receipt of any
 7 information requested on behalf of the person, the commission or local
 8 emergency planning committee shall make the information available
 9 in accordance with section 14 of this chapter to the person.

10 (h) The commission or a local emergency planning committee shall
 11 respond to a request for tier II emergency and hazardous chemical
 12 inventory form information under this section not later than seven (7)
 13 days after the date the request is received.

14 (i) The following provisions apply to the fee required by subsection
 15 (a)(2):

16 (1) A facility that is subject to the fee required by subsection
 17 (a)(2) that fails to pay the entire fee by March 1 of each year shall
 18 pay to the commission a late fee of twenty dollars (\$20) in
 19 addition to the fee payable under subsection (a)(2). This late fee
 20 shall increase by twenty dollars (\$20) for each month that the
 21 required fee is not paid. This late fee shall never exceed one
 22 hundred percent (100%) of the fee required by subsection (a)(2).

23 (2) If a payment is made by bank draft, check, cashier's check,
 24 electronic check, or money order, the liability is not finally
 25 discharged and the person has not paid the fee until the draft,
 26 check, or money order has been honored by the institution on
 27 which it is drawn. If the payment is made by credit card, debit
 28 card, charge card, or similar method, the liability is not finally
 29 discharged and the person has not paid the fee until the
 30 commission receives payment or credit from the institution
 31 responsible for making the payment or credit.

32 (3) If a financial institution reports that it dishonors or rejects a
 33 person's check, credit card payment, electronic funds transfer, or
 34 other form of payment, the commission shall assess and collect
 35 the fees and charges authorized in ~~IC 35-43-5-5(e)~~, **IC 35-43-5,**
 36 **if applicable**, in addition to the applicable late fee assessed under
 37 subdivision (1). If the person subject to the penalty under this
 38 subsection can show that there is reasonable cause for the
 39 payment not being honored, the commission may waive the fees
 40 and charges imposed under this subsection.

41 SECTION 12. IC 16-42-1-9 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) This section does



- 1 not apply to an advertisement that:
- 2 (1) is disseminated only to members of the medical, dental,
- 3 pharmaceutical, and other legally recognized professions dealing
- 4 with the healing arts;
- 5 (2) appears only in the scientific periodicals of those professions;
- 6 or
- 7 (3) is disseminated only for the purpose of public health education
- 8 by persons not commercially interested in the sale of such drugs
- 9 or devices.
- 10 (b) The advertisement of a drug or device that represents that the
- 11 drug or device has any effect in:
- 12 albuminuria
- 13 appendicitis
- 14 arteriosclerosis
- 15 blood poison
- 16 bone disease
- 17 Bright's disease
- 18 carbuncles
- 19 cancer
- 20 cholecystitis
- 21 diabetes
- 22 diphtheria
- 23 dropsy
- 24 erysipelas
- 25 gallstones
- 26 heart and vascular diseases
- 27 high blood pressure
- 28 mastoiditis
- 29 measles
- 30 mumps
- 31 nephritis
- 32 otitis media
- 33 paralysis
- 34 pneumonia
- 35 poliomyelitis (infantile paralysis)
- 36 prostate gland disorders
- 37 pyelitis
- 38 scarlet fever
- 39 sexual impotence
- 40 sinus infection
- 41 smallpox
- 42 tuberculosis



- 1 tumors
 2 typhoid
 3 uremia
 4 venereal disease
 5 meningitis
 6 is considered false for purposes of ~~IC 35-43-5-3~~. **IC 35-43-5-4.**
 7 (c) Whenever the state department determines that an advance in
 8 medical science has made a type of self medication safe as to any of the
 9 diseases listed in this section, the state department shall adopt rules to
 10 authorize the advertisement of drugs having curative or therapeutic
 11 effect for the disease, subject to conditions and restrictions the state
 12 department considers necessary in the interests of public health.
 13 SECTION 13. IC 20-28-5-8, AS AMENDED BY P.L.80-2019,
 14 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2021]: Sec. 8. (a) This section applies when a prosecuting
 16 attorney knows that a licensed employee of a public school or a
 17 nonpublic school has been convicted of an offense listed in subsection
 18 (c). The prosecuting attorney shall immediately give written notice of
 19 the conviction to the following:
 20 (1) The state superintendent.
 21 (2) Except as provided in subdivision (3), the superintendent of
 22 the school corporation that employs the licensed employee or the
 23 equivalent authority if a nonpublic school employs the licensed
 24 employee.
 25 (3) The presiding officer of the governing body of the school
 26 corporation that employs the licensed employee, if the convicted
 27 licensed employee is the superintendent of the school corporation.
 28 (b) The superintendent of a school corporation, presiding officer of
 29 the governing body, or equivalent authority for a nonpublic school shall
 30 immediately notify the state superintendent when the individual knows
 31 that a current or former licensed employee of the public school or
 32 nonpublic school has been convicted of an offense listed in subsection
 33 (c), or when the governing body or equivalent authority for a nonpublic
 34 school takes any final action in relation to an employee who engaged
 35 in any offense listed in subsection (c).
 36 (c) Except as provided in section 8.5 of this chapter, the department
 37 shall permanently revoke the license of a person who is known by the
 38 department to have been convicted of any of the following felonies:
 39 (1) Kidnapping (IC 35-42-3-2).
 40 (2) Criminal confinement (IC 35-42-3-3).
 41 (3) Rape (IC 35-42-4-1).
 42 (4) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).



- 1 (5) Child molesting (IC 35-42-4-3).
- 2 (6) ~~Child exploitation~~ **An offense under IC 35-42-4-4(b) or**
- 3 **IC 35-42-4-4(c).**
- 4 (7) Vicarious sexual gratification (IC 35-42-4-5).
- 5 (8) Child solicitation (IC 35-42-4-6).
- 6 (9) Child seduction (IC 35-42-4-7).
- 7 (10) Sexual misconduct with a minor (IC 35-42-4-9).
- 8 (11) Incest (IC 35-46-1-3).
- 9 (12) Dealing in or manufacturing cocaine or a narcotic drug (IC
- 10 35-48-4-1).
- 11 (13) Dealing in methamphetamine (IC 35-48-4-1.1).
- 12 (14) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 13 (15) Dealing in a schedule I, II, or III controlled substance (IC
- 14 35-48-4-2).
- 15 (16) Dealing in a schedule IV controlled substance (IC
- 16 35-48-4-3).
- 17 (17) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 18 (18) Dealing in a counterfeit substance (IC 35-48-4-5).
- 19 (19) Dealing in marijuana, hash oil, hashish, or salvia as a felony
- 20 (IC 35-48-4-10).
- 21 (20) An offense under IC 35-48-4 involving the manufacture or
- 22 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
- 23 synthetic drug lookalike substance (as defined in
- 24 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
- 25 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
- 26 substance analog (as defined in IC 35-48-1-9.3), or a substance
- 27 represented to be a controlled substance (as described in
- 28 IC 35-48-4-4.6).
- 29 (21) Possession of child pornography (IC 35-42-4-4(d) or
- 30 IC 35-42-4-4(e)).
- 31 (22) Homicide (IC 35-42-1).
- 32 (23) Voluntary manslaughter (IC 35-42-1-3).
- 33 (24) Reckless homicide (IC 35-42-1-5).
- 34 (25) Battery as any of the following:
- 35 (A) A Class A felony (for a crime committed before July 1,
- 36 2014) or a Level 2 felony (for a crime committed after June
- 37 30, 2014).
- 38 (B) A Class B felony (for a crime committed before July 1,
- 39 2014) or a Level 3 felony (for a crime committed after June
- 40 30, 2014).
- 41 (C) A Class C felony (for a crime committed before July 1,
- 42 2014) or a Level 5 felony (for a crime committed after June



- 1 30, 2014).
- 2 (26) Aggravated battery (IC 35-42-2-1.5).
- 3 (27) Robbery (IC 35-42-5-1).
- 4 (28) Carjacking (IC 35-42-5-2) (before its repeal).
- 5 (29) Arson as a Class A felony or Class B felony (for a crime
- 6 committed before July 1, 2014) or as a Level 2, Level 3, or Level
- 7 4 felony (for a crime committed after June 30, 2014) (IC
- 8 35-43-1-1(a)).
- 9 (30) Burglary as a Class A felony or Class B felony (for a crime
- 10 committed before July 1, 2014) or as a Level 1, Level 2, Level 3,
- 11 or Level 4 felony (for a crime committed after June 30, 2014) (IC
- 12 35-43-2-1).
- 13 (31) Human trafficking (IC 35-42-3.5).
- 14 (32) Dealing in a controlled substance resulting in death (IC
- 15 35-42-1-1.5).
- 16 (33) Attempt under IC 35-41-5-1 to commit an offense listed in
- 17 this subsection.
- 18 (34) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 19 in this subsection.
- 20 (d) The department shall permanently revoke the license of a person
- 21 who is known by the department to have been convicted of a federal
- 22 offense or an offense in another state that is comparable to a felony
- 23 listed in subsection (c).
- 24 (e) A license may be suspended by the state superintendent as
- 25 specified in IC 20-28-7.5.
- 26 (f) The department shall develop a data base of information on
- 27 school corporation employees who have been reported to the
- 28 department under this section.
- 29 (g) Upon receipt of information from the office of judicial
- 30 administration in accordance with IC 33-24-6-3 concerning persons
- 31 convicted of an offense listed in subsection (c), the department shall:
- 32 (1) cross check the information received from the office of
- 33 judicial administration with information concerning licensed
- 34 teachers (as defined in IC 20-18-2-22(b)) maintained by the
- 35 department; and
- 36 (2) if a licensed teacher (as defined in IC 20-18-2-22(b)) has been
- 37 convicted of an offense described in subsection (c), revoke the
- 38 licensed teacher's license.
- 39 SECTION 14. IC 24-5-26-1, AS AMENDED BY P.L.142-2020,
- 40 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 41 JULY 1, 2021]: Sec. 1. As used in this chapter, "identity theft" means:
- 42 (1) identity deception (IC 35-43-5-3.5); or



- 1 (2) synthetic identity deception (IC 35-43-5-3.8) **(before its**
 2 **repeal).**
- 3 SECTION 15. IC 24-5-26-2, AS ADDED BY P.L.137-2009,
 4 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2021]: Sec. 2. A person shall not do any of the following in
 6 the conduct of trade or commerce:
- 7 (1) Deny credit or public utility service to or reduce the credit
 8 limit of a consumer solely because the consumer was a victim of
 9 identity theft, if the person had prior knowledge that the consumer
 10 was a victim of identity deception or synthetic identity deception
 11 **(before its repeal).** A consumer is presumed to be a victim of
 12 identity theft for purposes of this subdivision if the consumer
 13 provides to the person:
- 14 (A) a copy of a police report evidencing the claim of the victim
 15 of identity theft; and
- 16 (B) either:
- 17 (i) a properly completed copy of a standardized affidavit of
 18 identity theft developed and made available by the Federal
 19 Trade Commission under 15 U.S.C. 1681g; or
- 20 (ii) an affidavit of fact that is acceptable to the person for
 21 that purpose.
- 22 This subdivision does not prohibit denial of credit or public utility
 23 service if a consumer has placed a security freeze on the
 24 consumer's consumer report and does not wish to temporarily lift
 25 the freeze for purposes of the credit or public utility service
 26 request or application.
- 27 (2) Solicit to extend credit to a consumer who does not have an
 28 existing line of credit, or has not had or applied for a line of credit
 29 within the preceding year, through the use of an unsolicited check
 30 that includes personal identifying information other than the
 31 recipient's name, address, and a partial, encoded, or truncated
 32 personal identifying number. In addition to any other penalty or
 33 remedy under this chapter or under IC 24-5-0.5, a credit card
 34 issuer, financial institution, or other lender that violates this
 35 subdivision, and not the consumer, is liable for the amount of the
 36 instrument if the instrument is used by an unauthorized user and
 37 for any fees assessed to the consumer if the instrument is
 38 dishonored.
- 39 (3) Solicit to extend credit to a consumer who does not have a
 40 current credit card, or has not had or applied for a credit card
 41 within the preceding year, through the use of an unsolicited credit
 42 card sent to the consumer. In addition to any other penalty or



1 remedy under this chapter or under IC 24-5-0.5, a credit card
 2 issuer, financial institution, or other lender that violates this
 3 subdivision, and not the consumer, is liable for any charges if the
 4 credit card is used by an unauthorized user and for any interest or
 5 finance charges assessed to the consumer.

6 (4) Extend credit to a consumer without exercising reasonable
 7 procedures to verify the identity of that consumer. Compliance
 8 with regulations issued for depository institutions, and to be
 9 issued for other financial institutions, by the United States
 10 Department of Treasury under Section 326 of the USA PATRIOT
 11 Act, 31 U.S.C. 5318, is considered compliance with this
 12 subdivision. This subdivision does not apply to a purchase of a
 13 credit obligation in an acquisition, a merger, a purchase of assets,
 14 or an assumption of liabilities or any change to or review of an
 15 existing credit account.

16 SECTION 16. IC 27-2-16-3, AS AMENDED BY P.L.181-2005,
 17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2021]: Sec. 3. (a) All preprinted claim forms provided by an
 19 insurer to a claimant that are required as a condition of payment of a
 20 claim must contain a statement that clearly states in substance the
 21 following:

22 "A person who knowingly and with intent to defraud an insurer
 23 files a statement of claim containing any false, incomplete, or
 24 misleading information commits a felony."

25 (b) The lack of a statement required under subsection (a) does not
 26 constitute a defense against a prosecution under ~~IC 35-43-5-4.5.~~
 27 **IC 35-43-5.**

28 SECTION 17. IC 27-8-17-16 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. A provider of
 30 record, an enrollee, or the agent of a provider of record or an enrollee
 31 who provides fraudulent or misleading information is subject to
 32 appropriate administrative, civil, and criminal penalties, including ~~the~~
 33 ~~penalty for deception under IC 35-43-5-3.~~ **criminal penalties under**
 34 **IC 35-43-5.**

35 SECTION 18. IC 31-37-1-2 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. A child commits a
 37 delinquent act if, before becoming eighteen (18) years of age, the child
 38 commits an act:

39 (1) that would be an offense if committed by an adult;

40 (2) in violation of 35-45-4-6; or

41 (3) in violation of 35-47-10-5;

42 except an act committed by a person over which the juvenile court



- 1 lacks jurisdiction under IC 31-30-1.
- 2 SECTION 19. IC 32-37-1-1, AS AMENDED BY P.L.181-2005,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2021]: Sec. 1. This article does not apply to the following:
- 5 (1) A contract between a performing rights society and:
6 (A) a broadcaster licensed by the Federal Communications
7 Commission;
8 (B) a cable television operator or programmer; or
9 (C) another transmission service.
- 10 (2) An investigation by a law enforcement agency.
11 (3) An investigation by a law enforcement agency or other person
12 concerning a suspected violation of IC 24-4-10-4, IC 35-43-4-2,
13 or ~~IC 35-43-5-4(10)~~. **IC 35-43-5-4 relating to a recording that**
14 **does not conspicuously display the true name and**
15 **manufacturer of the recording.**
- 16 SECTION 20. IC 33-23-8-4, AS AMENDED BY P.L.142-2020,
17 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2021]: Sec. 4. If a practitioner: ~~is convicted under~~
19 ~~IC 35-43-5-4.5 of insurance fraud;~~
- 20 **(1) violates IC 35-43-5-4.7 (insurance fraud); or**
21 **(2) is convicted under IC 35-43-5-4 of an offense that relates**
22 **to insurance (including an attempt or a conspiracy);**
23 the sentencing court shall provide notice of the conviction to each
24 governmental body that has issued a license to the practitioner.
- 25 SECTION 21. IC 34-24-1-1, AS AMENDED BY P.L.142-2020,
26 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2021]: Sec. 1. (a) The following may be seized:
28 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used
29 or are intended for use by the person or persons in possession of
30 them to transport or in any manner to facilitate the transportation
31 of the following:
32 (A) A controlled substance for the purpose of committing,
33 attempting to commit, or conspiring to commit any of the
34 following:
35 (i) Dealing in or manufacturing cocaine or a narcotic drug
36 (IC 35-48-4-1).
37 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
38 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).
39 (iv) Dealing in a schedule I, II, or III controlled substance
40 (IC 35-48-4-2).
41 (v) Dealing in a schedule IV controlled substance (IC
42 35-48-4-3).



- 1 (vi) Dealing in a schedule V controlled substance (IC
2 35-48-4-4).
- 3 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).
- 4 (viii) Possession of cocaine or a narcotic drug (IC
5 35-48-4-6).
- 6 (ix) Possession of methamphetamine (IC 35-48-4-6.1).
- 7 (x) Dealing in paraphernalia (IC 35-48-4-8.5).
- 8 (xi) Dealing in marijuana, hash oil, hashish, or salvia (IC
9 35-48-4-10).
- 10 (xii) An offense under IC 35-48-4 involving a synthetic drug
11 (as defined in IC 35-31.5-2-321), a synthetic drug lookalike
12 substance (as defined in IC 35-31.5-2-321.5 (before its
13 repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its
14 repeal on July 1, 2019), a controlled substance analog (as
15 defined in IC 35-48-1-9.3), or a substance represented to be
16 a controlled substance (as described in IC 35-48-4-4.6).
- 17 (B) Any stolen (IC 35-43-4-2) or converted property (IC
18 35-43-4-3) if the retail or repurchase value of that property is
19 one hundred dollars (\$100) or more.
- 20 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
- 21 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of
22 mass destruction (as defined in IC 35-31.5-2-354) used to
23 commit, used in an attempt to commit, or used in a conspiracy
24 to commit a felony terrorist offense (as defined in
25 IC 35-50-2-18) or an offense under IC 35-47 as part of or in
26 furtherance of an act of terrorism (as defined by
27 IC 35-31.5-2-329).
- 28 (2) All money, negotiable instruments, securities, weapons,
29 communications devices, or any property used to commit, used in
30 an attempt to commit, or used in a conspiracy to commit a felony
31 terrorist offense (as defined in IC 35-50-2-18) or an offense under
32 IC 35-47 as part of or in furtherance of an act of terrorism or
33 commonly used as consideration for a violation of IC 35-48-4
34 (other than items subject to forfeiture under IC 16-42-20-5 or
35 IC 16-6-8.5-5.1, before its repeal):
- 36 (A) furnished or intended to be furnished by any person in
37 exchange for an act that is in violation of a criminal statute;
- 38 (B) used to facilitate any violation of a criminal statute; or
- 39 (C) traceable as proceeds of the violation of a criminal statute.
- 40 (3) Any portion of real or personal property purchased with
41 money that is traceable as a proceed of a violation of a criminal
42 statute.



- 1 (4) A vehicle that is used by a person to:
 2 (A) commit, attempt to commit, or conspire to commit;
 3 (B) facilitate the commission of; or
 4 (C) escape from the commission of;
 5 murder (IC 35-42-1-1), dealing in a controlled substance resulting
 6 in death (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal
 7 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
 8 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
 9 under IC 35-47 as part of or in furtherance of an act of terrorism.
 10 (5) Real property owned by a person who uses it to commit any of
 11 the following as a Level 1, Level 2, Level 3, Level 4, or Level 5
 12 felony:
 13 (A) Dealing in or manufacturing cocaine or a narcotic drug (IC
 14 35-48-4-1).
 15 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
 16 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).
 17 (D) Dealing in a schedule I, II, or III controlled substance (IC
 18 35-48-4-2).
 19 (E) Dealing in a schedule IV controlled substance (IC
 20 35-48-4-3).
 21 (F) Dealing in marijuana, hash oil, hashish, or salvia (IC
 22 35-48-4-10).
 23 (G) Dealing in a synthetic drug (as defined in
 24 IC 35-31.5-2-321) or synthetic drug lookalike substance (as
 25 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
 26 2019)) under IC 35-48-4-10.5 (before its repeal on July 1,
 27 2019).
 28 (H) Dealing in a controlled substance resulting in death (IC
 29 35-42-1-1.5).
 30 (6) Equipment and recordings used by a person to commit fraud
 31 under ~~IC 35-43-5-4(10)~~. **IC 35-43-5.**
 32 (7) Recordings sold, rented, transported, or possessed by a person
 33 in violation of IC 24-4-10.
 34 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as
 35 defined by IC 35-45-6-1) that is the object of a corrupt business
 36 influence violation (IC 35-45-6-2).
 37 (9) Unlawful telecommunications devices (as defined in
 38 IC 35-45-13-6) and plans, instructions, or publications used to
 39 commit an offense under IC 35-45-13.
 40 (10) Any equipment, including computer equipment and cellular
 41 telephones, used for or intended for use in preparing,
 42 photographing, recording, videotaping, digitizing, printing,



- 1 copying, or disseminating matter in violation of IC 35-42-4.
 2 (11) Destructive devices used, possessed, transported, or sold in
 3 violation of IC 35-47.5.
 4 (12) Tobacco products that are sold in violation of IC 24-3-5,
 5 tobacco products that a person attempts to sell in violation of
 6 IC 24-3-5, and other personal property owned and used by a
 7 person to facilitate a violation of IC 24-3-5.
 8 (13) Property used by a person to commit counterfeiting or
 9 forgery in violation of IC 35-43-5-2.
 10 (14) After December 31, 2005, if a person is convicted of an
 11 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
 12 following real or personal property:
 13 (A) Property used or intended to be used to commit, facilitate,
 14 or promote the commission of the offense.
 15 (B) Property constituting, derived from, or traceable to the
 16 gross proceeds that the person obtained directly or indirectly
 17 as a result of the offense.
 18 (15) Except as provided in subsection (e), a vehicle used by a
 19 person who operates the vehicle:
 20 (A) while intoxicated, in violation of IC 9-30-5-1 through
 21 IC 9-30-5-5, if in the previous five (5) years the person has two
 22 (2) or more prior unrelated convictions for operating a motor
 23 vehicle while intoxicated in violation of IC 9-30-5-1 through
 24 IC 9-30-5-5; or
 25 (B) on a highway while the person's driving privileges are
 26 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,
 27 if in the previous five (5) years the person has two (2) or more
 28 prior unrelated convictions for operating a vehicle while
 29 intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5.
 30 If a court orders the seizure of a vehicle under this subdivision,
 31 the court shall transmit an order to the bureau of motor vehicles
 32 recommending that the bureau not permit a vehicle to be
 33 registered in the name of the person whose vehicle was seized
 34 until the person possesses a current driving license (as defined in
 35 IC 9-13-2-41).
 36 (16) The following real or personal property:
 37 (A) Property used or intended to be used to commit, facilitate,
 38 or promote the commission of an offense specified in
 39 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or
 40 IC 30-2-13-38(f).
 41 (B) Property constituting, derived from, or traceable to the
 42 gross proceeds that a person obtains directly or indirectly as a



- 1 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
 2 IC 30-2-10-9(b), or IC 30-2-13-38(f).
 3 ~~(17) An automated sales suppression device (as defined in~~
 4 ~~IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in~~
 5 ~~IC 35-43-5-4.6(a)(3)):~~
 6 ~~(18) (17)~~ Real or personal property, including a vehicle, that is
 7 used by a person to:
 8 (A) commit, attempt to commit, or conspire to commit;
 9 (B) facilitate the commission of; or
 10 (C) escape from the commission of;
 11 a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human
 12 trafficking) or IC 35-45-4-4 (promoting prostitution).
 13 (b) A vehicle used by any person as a common or contract carrier in
 14 the transaction of business as a common or contract carrier is not
 15 subject to seizure under this section, unless it can be proven by a
 16 preponderance of the evidence that the owner of the vehicle knowingly
 17 permitted the vehicle to be used to engage in conduct that subjects it to
 18 seizure under subsection (a).
 19 (c) Equipment under subsection (a)(10) may not be seized unless it
 20 can be proven by a preponderance of the evidence that the owner of the
 21 equipment knowingly permitted the equipment to be used to engage in
 22 conduct that subjects it to seizure under subsection (a)(10).
 23 (d) Money, negotiable instruments, securities, weapons,
 24 communications devices, or any property commonly used as
 25 consideration for a violation of IC 35-48-4 found near or on a person
 26 who is committing, attempting to commit, or conspiring to commit any
 27 of the following offenses shall be admitted into evidence in an action
 28 under this chapter as prima facie evidence that the money, negotiable
 29 instrument, security, or other thing of value is property that has been
 30 used or was to have been used to facilitate the violation of a criminal
 31 statute or is the proceeds of the violation of a criminal statute:
 32 (1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in
 33 death).
 34 (2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
 35 narcotic drug).
 36 (3) IC 35-48-4-1.1 (dealing in methamphetamine).
 37 (4) IC 35-48-4-1.2 (manufacturing methamphetamine).
 38 (5) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
 39 substance).
 40 (6) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
 41 (7) IC 35-48-4-4 (dealing in a schedule V controlled substance)
 42 as a Level 4 felony.



- 1 (8) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
 2 Level 3, Level 4, or Level 5 felony.
 3 (9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level
 4 3, Level 4, or Level 5 felony.
 5 (10) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or
 6 salvia) as a Level 5 felony.
 7 (11) IC 35-48-4-10.5 (before its repeal on July 1, 2019) (dealing
 8 in a synthetic drug or synthetic drug lookalike substance) as a
 9 Level 5 felony or Level 6 felony (or as a Class C felony or Class
 10 D felony under IC 35-48-4-10 before its amendment in 2013).
- 11 (e) A vehicle operated by a person who is not:
 12 (1) an owner of the vehicle; or
 13 (2) the spouse of the person who owns the vehicle;
 14 is not subject to seizure under subsection (a)(15) unless it can be
 15 proven by a preponderance of the evidence that the owner of the
 16 vehicle knowingly permitted the vehicle to be used to engage in
 17 conduct that subjects it to seizure under subsection (a)(15).
- 18 SECTION 22. IC 34-30-2-150.2 IS REPEALED [EFFECTIVE
 19 JULY 1, 2021]. ~~Sec. 150.2. IC 35-43-5-5 (Concerning the payee or~~
 20 ~~holder of a check, draft, or order that gives notice that the check, draft,~~
 21 ~~or order was not paid by the credit institution):~~
- 22 SECTION 23. IC 35-31.5-2-34 IS REPEALED [EFFECTIVE JULY
 23 1, 2021]. ~~Sec. 34. "Card skimming device"; for purposes of~~
 24 ~~IC 35-43-5-4.3; has the meaning set forth in IC 35-43-5-4.3(a):~~
- 25 SECTION 24. IC 35-31.5-2-132.5 IS ADDED TO THE INDIANA
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2021]: **Sec. 132.5. "Financial institution":**
 28 **(1) has the meaning set forth in IC 28-1-1-3(1); and**
 29 **(2) includes any bank, trust company, corporate fiduciary,**
 30 **savings association, credit union, savings bank, bank of**
 31 **discount and deposit, or industrial loan and investment**
 32 **company organized or reorganized under the laws of this**
 33 **state, any other state, or the United States.**
- 34 SECTION 25. IC 35-31.5-2-170 IS REPEALED [EFFECTIVE
 35 JULY 1, 2021]. ~~Sec. 170. "Inmate"; for purposes of IC 35-43-5-20; has~~
 36 ~~the meaning set forth in IC 35-43-5-20(a):~~
- 37 SECTION 26. IC 35-31.5-2-312 IS REPEALED [EFFECTIVE
 38 JULY 1, 2021]. ~~Sec. 312. "State or federally chartered or federally~~
 39 ~~insured financial institution"; for purposes of IC 35-43-5-8; has the~~
 40 ~~meaning set forth in IC 35-43-5-8(b):~~
- 41 SECTION 27. IC 35-31.5-2-322 IS REPEALED [EFFECTIVE
 42 JULY 1, 2021]. ~~Sec. 322. "Synthetic identifying information"; for~~



1 purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(r).

2 SECTION 28. IC 35-31.5-2-344, AS ADDED BY P.L.114-2012,
3 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2021]: Sec. 344. "Utility", for purposes of IC 35-43-5, has the
5 meaning set forth in ~~IC 35-43-5-1(s)~~. **IC 35-43-5-1.**

6 SECTION 29. IC 35-31.5-2-356, AS ADDED BY P.L.114-2012,
7 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2021]: Sec. 356. "Written instrument", for purposes of
9 IC 35-43-5, has the meaning set forth in ~~IC 35-43-5-1(t)~~. **IC 35-43-5-1.**

10 SECTION 30. IC 35-32-2-6, AS AMENDED BY P.L.137-2009,
11 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2021]: Sec. 6. (a) Subject to subsection (b), a person who
13 commits the offense of identity deception or synthetic identity
14 deception (**before its repeal**) may be tried in a county in which:

15 (1) the victim resides; or

16 (2) the person:

17 (A) obtains;

18 (B) possesses;

19 (C) transfers; or

20 (D) uses;

21 the information used to commit the offense.

22 (b) If:

23 (1) a person is charged with more than one (1) offense of identity
24 deception or synthetic identity deception (**before its repeal**), or
25 if a person is charged with both identity deception and synthetic
26 identity deception (**before its repeal**); and

27 (2) either:

28 (A) the victims of the crimes reside in more than one (1)
29 county; or

30 (B) the person performs an act described in subsection (a)(2)
31 in more than one (1) county;

32 the person may be tried in any county described in subdivision (2).

33 SECTION 31. IC 35-33-8-6 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. The court may
35 detain, for a maximum period of fifteen (15) calendar days, a person
36 charged with any offense who comes before it for a bail determination,
37 if the person is on probation, ~~or~~ parole, **or other community**
38 **supervision**. During the fifteen (15) day period, the prosecuting
39 attorney shall notify the appropriate parole, ~~or~~ probation, **or other**
40 **community supervision** authority. If that authority fails to initiate
41 probation or parole revocation proceedings during the fifteen (15) day
42 period, the person shall be treated in accordance with the other sections



1 of this chapter.

2 SECTION 32. IC 35-37-4-6, AS AMENDED BY P.L.142-2020,
3 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2021]: Sec. 6. (a) This section applies to a criminal action
5 involving the following offenses where the victim is a protected person
6 under subsection (c)(1) or (c)(2):

- 7 (1) Sex crimes (IC 35-42-4).
8 (2) A battery offense included in IC 35-42-2 upon a child less
9 than fourteen (14) years of age.
10 (3) Kidnapping and confinement (IC 35-42-3).
11 (4) Incest (IC 35-46-1-3).
12 (5) Neglect of a dependent (IC 35-46-1-4).
13 (6) Human and sexual trafficking crimes (IC 35-42-3.5).

14 (b) This section applies to a criminal action involving the following
15 offenses where the victim is a protected person under subsection (c)(3):

- 16 (1) Exploitation of a dependent or endangered adult (IC
17 35-46-1-12).
18 (2) A sex crime (IC 35-42-4).
19 (3) A battery offense included in IC 35-42-2.
20 (4) Kidnapping, confinement, or interference with custody (IC
21 35-42-3).
22 (5) Home improvement fraud (IC 35-43-6).
23 (6) Fraud (IC 35-43-5).
24 (7) Identity deception (IC 35-43-5-3.5).
25 (8) Synthetic identity deception (IC 35-43-5-3.8) **(before its**
26 **repeal)**.
27 (9) Theft (IC 35-43-4-2).
28 (10) Conversion (IC 35-43-4-3).
29 (11) Neglect of a dependent (IC 35-46-1-4).
30 (12) Human and sexual trafficking crimes (IC 35-42-3.5).

31 (c) As used in this section, "protected person" means:

- 32 (1) a child who is less than fourteen (14) years of age;
33 (2) an individual with a mental disability who has a disability
34 attributable to an impairment of general intellectual functioning
35 or adaptive behavior that:
36 (A) is manifested before the individual is eighteen (18) years
37 of age;
38 (B) is likely to continue indefinitely;
39 (C) constitutes a substantial impairment of the individual's
40 ability to function normally in society; and
41 (D) reflects the individual's need for a combination and
42 sequence of special, interdisciplinary, or generic care,



- 1 treatment, or other services that are of lifelong or extended
 2 duration and are individually planned and coordinated; or
 3 (3) an individual who is:
 4 (A) at least eighteen (18) years of age; and
 5 (B) incapable by reason of mental illness, intellectual
 6 disability, dementia, or other physical or mental incapacity of:
 7 (i) managing or directing the management of the individual's
 8 property; or
 9 (ii) providing or directing the provision of self-care.
 10 (d) A statement or videotape that:
 11 (1) is made by a person who at the time of trial is a protected
 12 person;
 13 (2) concerns an act that is a material element of an offense listed
 14 in subsection (a) or (b) that was allegedly committed against the
 15 person; and
 16 (3) is not otherwise admissible in evidence;
 17 is admissible in evidence in a criminal action for an offense listed in
 18 subsection (a) or (b) if the requirements of subsection (e) are met.
 19 (e) A statement or videotape described in subsection (d) is
 20 admissible in evidence in a criminal action listed in subsection (a) or
 21 (b) if, after notice to the defendant of a hearing and of the defendant's
 22 right to be present, all of the following conditions are met:
 23 (1) The court finds, in a hearing:
 24 (A) conducted outside the presence of the jury; and
 25 (B) attended by the protected person in person or by using
 26 closed circuit television testimony as described in section 8(f)
 27 and 8(g) of this chapter;
 28 that the time, content, and circumstances of the statement or
 29 videotape provide sufficient indications of reliability.
 30 (2) The protected person:
 31 (A) testifies at the trial; or
 32 (B) is found by the court to be unavailable as a witness for one
 33 (1) of the following reasons:
 34 (i) From the testimony of a psychiatrist, physician, or
 35 psychologist, and other evidence, if any, the court finds that
 36 the protected person's testifying in the physical presence of
 37 the defendant will cause the protected person to suffer
 38 serious emotional distress such that the protected person
 39 cannot reasonably communicate.
 40 (ii) The protected person cannot participate in the trial for
 41 medical reasons.
 42 (iii) The court has determined that the protected person is



1 incapable of understanding the nature and obligation of an
2 oath.

3 (f) If a protected person is unavailable to testify at the trial for a
4 reason listed in subsection (e)(2)(B), a statement or videotape may be
5 admitted in evidence under this section only if the protected person was
6 available for cross-examination:

- 7 (1) at the hearing described in subsection (e)(1); or
8 (2) when the statement or videotape was made.

9 (g) A statement or videotape may not be admitted in evidence under
10 this section unless the prosecuting attorney informs the defendant and
11 the defendant's attorney at least ten (10) days before the trial of:

- 12 (1) the prosecuting attorney's intention to introduce the statement
13 or videotape in evidence; and
14 (2) the content of the statement or videotape.

15 (h) If a statement or videotape is admitted in evidence under this
16 section, the court shall instruct the jury that it is for the jury to
17 determine the weight and credit to be given the statement or videotape
18 and that, in making that determination, the jury shall consider the
19 following:

- 20 (1) The mental and physical age of the person making the
21 statement or videotape.
22 (2) The nature of the statement or videotape.
23 (3) The circumstances under which the statement or videotape
24 was made.
25 (4) Other relevant factors.

26 (i) If a statement or videotape described in subsection (d) is
27 admitted into evidence under this section, a defendant may introduce
28 a:

- 29 (1) transcript; or
30 (2) videotape;

31 of the hearing held under subsection (e)(1) into evidence at trial.

32 SECTION 33. IC 35-37-4-7, AS AMENDED BY P.L.153-2017,
33 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2021]: Sec. 7. (a) Except as provided in ~~subsection~~
35 **subsections (b) through (c)**, whenever an element of an offense
36 involves a pecuniary loss or a pecuniary gain, then the element shall be
37 established by proof of the fair market value of the property at the time
38 of the offense.

39 (b) For purposes of IC 35-43-1-8, "pecuniary loss" includes:

- 40 (1) damage to the victim's property caused, directly or indirectly,
41 by commission of the offense, based on the actual cost of
42 securing, repairing, or replacing a computer, a computer system,



1 computer software, a network, and data; and

2 (2) revenue, salary, or wages lost by the victim as a result of the
3 crime.

4 **(c) For purposes of a misrepresentation under IC 35-43-5-4**
5 **relating to the fraudulent provision of goods or services,**
6 **"pecuniary loss" includes:**

7 **(1) the total cost charged for the provision of goods or**
8 **services, and not merely the difference in value between the**
9 **goods or services provided and the goods or services**
10 **promised; or**

11 **(2) the total cost to replace the fraudulently provided goods or**
12 **services with goods or services equivalent to the goods or**
13 **services promised;**

14 **whichever is higher.**

15 **(d) For purposes of a misrepresentation under IC 35-43-5-4**
16 **relating to insurance, "pecuniary loss" means the highest policy**
17 **limit available through any coverage in the policy.**

18 SECTION 34. IC 35-40-14-1, AS AMENDED BY P.L.142-2020,
19 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2021]: Sec. 1. As used in this chapter, "identity theft" means:

21 (1) identity deception (IC 35-43-5-3.5); or

22 (2) synthetic identity deception (IC 35-43-5-3.8) **(before its**
23 **repeal).**

24 SECTION 35. IC 35-41-1-1, AS AMENDED BY P.L.137-2009,
25 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2021]: Sec. 1. (a) As used in this section, "Indiana" includes:

27 (1) the area within the boundaries of the state of Indiana, as set
28 forth in Article 14, Section 1 of the Constitution of the State of
29 Indiana;

30 (2) the portion of the Ohio River on which Indiana possesses
31 concurrent jurisdiction with the state of Kentucky under Article
32 14, Section 2 of the Constitution of the State of Indiana; and

33 (3) the portion of the Wabash River on which Indiana possesses
34 concurrent jurisdiction with the state of Illinois under Article 14,
35 Section 2 of the Constitution of the State of Indiana.

36 (b) A person may be convicted under Indiana law of an offense if:

37 (1) either the conduct that is an element of the offense, the result
38 that is an element, or both, occur in Indiana;

39 (2) conduct occurring outside Indiana is sufficient under Indiana
40 law to constitute an attempt to commit an offense in Indiana;

41 (3) conduct occurring outside Indiana is sufficient under Indiana
42 law to constitute a conspiracy to commit an offense in Indiana,



- 1 and an overt act in furtherance of the conspiracy occurs in
 2 Indiana;
- 3 (4) conduct occurring in Indiana establishes complicity in the
 4 commission of, or an attempt or conspiracy to commit, an offense
 5 in another jurisdiction that also is an offense under Indiana law;
- 6 (5) the offense consists of the omission to perform a duty imposed
 7 by Indiana law with respect to domicile, residence, or a
 8 relationship to a person, thing, or transaction in Indiana;
- 9 (6) conduct that is an element of the offense or the result of
 10 conduct that is an element of the offense, or both, involve the use
 11 of the Internet or another computer network (as defined in
 12 IC 35-43-2-3) and access to the Internet or other computer
 13 network occurs in Indiana; or
- 14 (7) conduct:
- 15 (A) involves the use of:
- 16 (i) the Internet or another computer network (as defined in
 17 IC 35-43-2-3); or
- 18 (ii) another form of electronic communication;
- 19 (B) occurs outside Indiana and the victim of the offense
 20 resides in Indiana at the time of the offense; and
- 21 (C) is sufficient under Indiana law to constitute an offense in
 22 Indiana.
- 23 (c) When the offense is homicide, either the death of the victim or
 24 bodily impact causing death constitutes a result under subsection
 25 (b)(1). If the body of a homicide victim is found in Indiana, it is
 26 presumed that the result occurred in Indiana.
- 27 (d) If the offense is identity deception or synthetic identity deception
 28 **(before its repeal)**, the lack of the victim's consent constitutes conduct
 29 that is an element of the offense under subsection (b)(1). If a victim of
 30 identity deception or synthetic identity deception **(before its repeal)**
 31 resides in Indiana when a person knowingly or intentionally obtains,
 32 possesses, transfers, or uses the victim's identifying information, it is
 33 presumed that the conduct that is the lack of the victim's consent
 34 occurred in Indiana.
- 35 SECTION 36. IC 35-41-4-2, AS AMENDED BY P.L.31-2020,
 36 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2021]: Sec. 2. (a) Except as otherwise provided in this section,
 38 a prosecution for an offense is barred unless it is commenced:
- 39 (1) within five (5) years after the commission of the offense, in
 40 the case of a Class B, Class C, or Class D felony (for a crime
 41 committed before July 1, 2014) or a Level 3, Level 4, Level 5, or
 42 Level 6 felony (for a crime committed after June 30, 2014); or



- 1 (2) within two (2) years after the commission of the offense, in the
 2 case of a misdemeanor.
- 3 (b) A prosecution for a Class B or Class C felony (for a crime
 4 committed before July 1, 2014) or a Level 3, Level 4, or Level 5 felony
 5 (for a crime committed after June 30, 2014) that would otherwise be
 6 barred under this section may be commenced within one (1) year after
 7 the earlier of the date on which the state:
- 8 (1) first discovers evidence sufficient to charge the offender with
 9 the offense through DNA (deoxyribonucleic acid) analysis; or
 10 (2) could have discovered evidence sufficient to charge the
 11 offender with the offense through DNA (deoxyribonucleic acid)
 12 analysis by the exercise of due diligence.
- 13 (c) ~~Except as provided in subsection (c)~~; A prosecution for a Class
 14 A felony (for a crime committed before July 1, 2014) or a Level 1
 15 felony or Level 2 felony (for a crime committed after June 30, 2014)
 16 may be commenced at any time.
- 17 (d) A prosecution for murder may be commenced:
- 18 (1) at any time; and
 19 (2) regardless of the amount of time that passes between:
- 20 (A) the date a person allegedly commits the elements of
 21 murder; and
 22 (B) the date the alleged victim of the murder dies.
- 23 (e) Except as provided in subsection (p), a prosecution for the
 24 following offenses **as a Level 3 through Level 6 felony** is barred
 25 unless commenced before the date that the alleged victim of the offense
 26 reaches thirty-one (31) years of age:
- 27 (1) IC 35-42-4-3 (Child molesting).
 28 (2) IC 35-42-4-5 (Vicarious sexual gratification).
 29 (3) IC 35-42-4-6 (Child solicitation).
 30 (4) IC 35-42-4-7 (Child seduction).
 31 (5) IC 35-42-4-9 (Sexual misconduct with a minor).
 32 (6) IC 35-46-1-3 (Incest).
- 33 (f) A prosecution for forgery of an instrument for payment of
 34 money, or for the uttering of a forged instrument, under IC 35-43-5-2,
 35 is barred unless it is commenced within five (5) years after the maturity
 36 of the instrument.
- 37 (g) If a complaint, indictment, or information is dismissed because
 38 of an error, defect, insufficiency, or irregularity, a new prosecution may
 39 be commenced within ninety (90) days after the dismissal even if the
 40 period of limitation has expired at the time of dismissal, or will expire
 41 within ninety (90) days after the dismissal.
- 42 (h) The period within which a prosecution must be commenced does



- 1 not include any period in which:
- 2 (1) the accused person is not usually and publicly resident in
- 3 Indiana or so conceals himself or herself that process cannot be
- 4 served;
- 5 (2) the accused person conceals evidence of the offense, and
- 6 evidence sufficient to charge the person with that offense is
- 7 unknown to the prosecuting authority and could not have been
- 8 discovered by that authority by exercise of due diligence; or
- 9 (3) the accused person is a person elected or appointed to office
- 10 under statute or constitution, if the offense charged is theft or
- 11 conversion of public funds or bribery while in public office.
- 12 (i) For purposes of tolling the period of limitation only, a
- 13 prosecution is considered commenced on the earliest of these dates:
- 14 (1) The date of filing of an indictment, information, or complaint
- 15 before a court having jurisdiction.
- 16 (2) The date of issuance of a valid arrest warrant.
- 17 (3) The date of arrest of the accused person by a law enforcement
- 18 officer without a warrant, if the officer has authority to make the
- 19 arrest.
- 20 (j) A prosecution is considered timely commenced for any offense
- 21 to which the defendant enters a plea of guilty, notwithstanding that the
- 22 period of limitation has expired.
- 23 (k) The following apply to the specified offenses:
- 24 (1) A prosecution for an offense under IC 30-2-9-7(b) (misuse of
- 25 funeral trust funds) is barred unless commenced within five (5)
- 26 years after the date of death of the settlor (as described in
- 27 IC 30-2-9).
- 28 (2) A prosecution for an offense under IC 30-2-10-9(b) (misuse
- 29 of 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 30-2-10).
- 32 (3) A prosecution for an offense under IC 30-2-13-38(f) (misuse
- 33 of funeral trust or escrow account funds) is barred unless
- 34 commenced within five (5) years after the date of death of the
- 35 purchaser (as defined in IC 30-2-13-9).
- 36 (l) A prosecution for an offense under IC 23-2-6, IC 23-2.5,
- 37 IC 23-14-48-9, or IC 23-19 is barred unless commenced within five (5)
- 38 years after the earlier of the date on which the state:
- 39 (1) first discovers evidence sufficient to charge the offender with
- 40 the offense; or
- 41 (2) could have discovered evidence sufficient to charge the
- 42 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, 2014)
4 or a Level 1 felony or Level 2 felony (for a crime committed after
5 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 (n) A prosecution for rape (IC 35-42-4-1) as a Class B felony (for a
12 crime committed before July 1, 2014) or as a Level 3 felony (for a
13 crime committed after June 30, 2014) that would otherwise be barred
14 under this section may be commenced not later than five (5) years after
15 the earlier of the date on which:

- 16 (1) the state first discovers evidence sufficient to charge the
17 offender with the offense through DNA (deoxyribonucleic acid)
18 analysis;
19 (2) the state first becomes aware of the existence of a recording
20 (as defined in IC 35-31.5-2-273) that provides evidence sufficient
21 to charge the offender with the offense; or
22 (3) a person confesses to the offense.

23 (o) A prosecution for criminal deviate conduct (IC 35-42-4-2)
24 (repealed) as a Class B felony for a crime committed before July 1,
25 2014, that would otherwise be barred under this section may be
26 commenced not later than five (5) years after the earliest of the date on
27 which:

- 28 (1) the state first discovers evidence sufficient to charge the
29 offender with the offense through DNA (deoxyribonucleic acid)
30 analysis;
31 (2) the state first becomes aware of the existence of a recording
32 (as defined in IC 35-31.5-2-273) that provides evidence sufficient
33 to charge the offender with the offense; or
34 (3) a person confesses to the offense.

35 (p) A prosecution for an offense described in subsection (e) that
36 would otherwise be barred under this section may be commenced not
37 later than five (5) years after the earliest of the date on which:

- 38 (1) the state first discovers evidence sufficient to charge the
39 offender with the offense through DNA (deoxyribonucleic acid)
40 analysis;
41 (2) the state first becomes aware of the existence of a recording
42 (as defined in IC 35-31.5-2-273) that provides evidence sufficient



- 1 to charge the offender with the offense; or
 2 (3) a person confesses to the offense.
- 3 SECTION 37. IC 35-43-5-1, AS AMENDED BY P.L.43-2017,
 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2021]: Sec. 1. (a) The definitions set forth in this section apply
 6 throughout this chapter.
- 7 (b) "Claim statement" means an insurance policy, a document, or a
 8 statement made in support of or in opposition to a claim for payment
 9 or other benefit under an insurance policy, or other evidence of
 10 expense, injury, or loss. The term includes statements made orally, in
 11 writing, or electronically, including the following:
- 12 (1) An account.
 - 13 (2) A bill for services.
 - 14 (3) A bill of lading.
 - 15 (4) A claim.
 - 16 (5) A diagnosis.
 - 17 (6) An estimate of property damages.
 - 18 (7) A hospital record.
 - 19 (8) An invoice.
 - 20 (9) A notice.
 - 21 (10) A proof of loss.
 - 22 (11) A receipt for payment.
 - 23 (12) A physician's records.
 - 24 (13) A prescription.
 - 25 (14) A statement.
 - 26 (15) A test result.
 - 27 (16) X-rays.
- 28 (c) "Coin machine" means a coin box, vending machine, or other
 29 mechanical or electronic device or receptacle designed:
- 30 (1) to receive a coin, bill, or token made for that purpose; and
 - 31 (2) in return for the insertion or deposit of a coin, bill, or token
 32 automatically:
 - 33 (A) to offer, provide, or assist in providing; or
 - 34 (B) to permit the acquisition of;
 35 some property.
- 36 (d) "Credit card" means an instrument or device (whether known as
 37 a credit card or charge plate, or by any other name) issued by an issuer
 38 for use by or on behalf of the credit card holder in obtaining property.
- 39 (e) "Credit card holder" means the person to whom or for whose
 40 benefit the credit card is issued by an issuer.
- 41 (f) "Customer" means a person who receives or has contracted for
 42 a utility service.



- 1 (g) "Drug or alcohol screening test" means a test that:
 2 (1) is used to determine the presence or use of alcohol, a
 3 controlled substance, or a drug in a person's bodily substance; and
 4 (2) is:
 5 (A) administered in the course of monitoring a person who is:
 6 (i) incarcerated in a prison or jail;
 7 (ii) placed in a community corrections program;
 8 (iii) on probation or parole;
 9 (iv) participating in a court ordered alcohol or drug
 10 treatment program; or
 11 (v) on court ordered pretrial release; or
 12 (B) ordered by a court as part of a civil action.
 13 (h) "Entrusted" means held in a fiduciary capacity or placed in
 14 charge of a person engaged in the business of transporting, storing,
 15 lending on, or otherwise holding property of others.
 16 (i) "Identifying information" means information, **genuine or**
 17 **fabricated**, that identifies **or purports to identify** a person, including:
 18 a person's:
 19 (1) a name, address, date of birth, place of employment, employer
 20 identification number, mother's maiden name, Social Security
 21 number, or any identification number issued by a governmental
 22 entity;
 23 (2) unique biometric data, including ~~the person's~~ a fingerprint,
 24 voice print, or retina or iris image;
 25 (3) unique electronic identification number, address, or routing
 26 code;
 27 (4) telecommunication identifying information; or
 28 (5) telecommunication access device, including a card, a plate, a
 29 code, a telephone number, an account number, a personal
 30 identification number, an electronic serial number, a mobile
 31 identification number, or another telecommunications service or
 32 device or means of account access that may be used to:
 33 (A) obtain money, goods, services, or any other thing of value;
 34 or
 35 (B) initiate a transfer of funds.
 36 (j) "Insurance policy" includes the following:
 37 (1) An insurance policy.
 38 (2) A contract with a health maintenance organization (as defined
 39 in IC 27-13-1-19) or a limited service health maintenance
 40 organization (as defined in IC 27-13-1-27).
 41 (3) A written agreement entered into under IC 27-1-25.
 42 (k) "Insurer" has the meaning set forth in IC 27-1-2-3(x). The term



- 1 also includes the following:
- 2 (1) A reinsurer.
- 3 (2) A purported insurer or reinsurer.
- 4 (3) A broker.
- 5 (4) An agent of an insurer, a reinsurer, a purported insurer or
- 6 reinsurer, or a broker.
- 7 (5) A health maintenance organization.
- 8 (6) A limited service health maintenance organization.
- 9 (l) "Manufacturer" means a person who manufactures a recording.
- 10 The term does not include a person who manufactures a medium upon
- 11 which sounds or visual images can be recorded or stored.
- 12 (m) "Make" means to draw, prepare, complete, counterfeit, copy or
- 13 otherwise reproduce, or alter any written instrument in whole or in part.
- 14 (n) "Metering device" means a mechanism or system used by a
- 15 utility to measure or record the quantity of services received by a
- 16 customer.
- 17 (o) "Public relief or assistance" means any payment made, service
- 18 rendered, hospitalization provided, or other benefit extended to a
- 19 person by a governmental entity from public funds and includes
- 20 township assistance, food stamps, direct relief, unemployment
- 21 compensation, and any other form of support or aid.
- 22 (p) "Recording" means a tangible medium upon which sounds or
- 23 visual images are recorded or stored. The term includes the following:
- 24 (1) An original:
- 25 (A) phonograph record;
- 26 (B) compact disc;
- 27 (C) wire;
- 28 (D) tape;
- 29 (E) audio cassette;
- 30 (F) video cassette; or
- 31 (G) film.
- 32 (2) Any other medium on which sounds or visual images are or
- 33 can be recorded or otherwise stored.
- 34 (3) A copy or reproduction of an item in subdivision (1) or (2)
- 35 that duplicates an original recording in whole or in part.
- 36 (q) "Slug" means an article or object that is capable of being
- 37 deposited in a coin machine as an improper substitute for a genuine
- 38 coin, bill, or token.
- 39 (r) "Synthetic identifying information" means identifying
- 40 information that identifies:
- 41 (1) a false or fictitious person;
- 42 (2) a person other than the person who is using the information;



1 or

2 ~~(3) a combination of persons described under subdivisions (1) and~~
 3 ~~(2):~~

4 ~~(s) "Utility" means a person who owns or operates, for public use,~~
 5 ~~any plant, equipment, property, franchise, or license for the production,~~
 6 ~~storage, transmission, sale, or delivery of electricity, water, steam,~~
 7 ~~telecommunications, information, or gas.~~

8 ~~(t) (s) "Written instrument" means a paper, a document, or other~~
 9 ~~instrument containing written matter and includes money, coins,~~
 10 ~~tokens, stamps, seals, credit cards, badges, trademarks, medals, retail~~
 11 ~~sales receipts, labels or markings (including a universal product code~~
 12 ~~(UPC) or another product identification code), or other objects or~~
 13 ~~symbols of value, right, privilege, or identification.~~

14 SECTION 38. IC 35-43-5-2, AS AMENDED BY P.L.197-2015,
 15 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2021]: Sec. 2. (a) A person who knowingly or intentionally:

17 (1) makes or utters a written instrument in such a manner that it
 18 purports to have been made:

19 (A) by another person;

20 (B) at another time;

21 (C) with different provisions; or

22 (D) by authority of one who did not give authority; or

23 (2) possesses more than one (1) written instrument knowing that
 24 the written instruments were made in a manner that they purport
 25 to have been made:

26 (A) by another person;

27 (B) at another time;

28 (C) with different provisions; or

29 (D) by authority of one who did not give authority;

30 commits counterfeiting, a Level 6 felony.

31 ~~(b) A person who, with intent to defraud:~~

32 ~~(1) makes or delivers to another person:~~

33 ~~(A) a false sales receipt;~~

34 ~~(B) a duplicate of a sales receipt; or~~

35 ~~(C) a label or other item with a false universal product code~~
 36 ~~(UPC) or other product identification code; or~~

37 ~~(2) places a false universal product code (UPC) or another~~
 38 ~~product identification code on property displayed or offered for~~
 39 ~~sale;~~

40 commits making or delivering a false sales document, a Level 6 felony:

41 ~~(c) A person who, with intent to defraud, possesses:~~

42 ~~(1) a retail sales receipt;~~



- 1 (2) a label or other item with a universal product code (UPC); or
 2 (3) a label or other item that contains a product identification code
 3 that applies to an item other than the item to which the label or
 4 other item applies;

5 commits possession of a fraudulent sales document; a Class A
 6 misdemeanor. However, the offense is a Level 6 felony if the person
 7 possesses at least fifteen (15) retail sales receipts; at least fifteen (15)
 8 labels containing a universal product code (UPC); at least fifteen (15)
 9 labels containing another product identification code; or at least fifteen
 10 (15) of any combination of the items described in subdivisions (1)
 11 through (3):

12 (d) (b) A person who, with intent to defraud, makes, utters, or
 13 possesses a written instrument in such a manner that it purports to have
 14 been made:

- 15 (1) by another person;
 16 (2) at another time;
 17 (3) with different provisions; or
 18 (4) by authority of one who did not give authority;

19 commits forgery, a Level 6 felony.

20 (e) This subsection applies to a person who applies for a driver's
 21 license (as defined in IC 9-13-2-48); a state identification card (as
 22 described in IC 9-24-16); or a photo exempt identification card (as
 23 described in IC 9-24-16.5). A person who:

- 24 (1) knowingly or intentionally uses a false or fictitious name or
 25 gives a false or fictitious address in an application for a driver's
 26 license; a state identification card; or a photo exempt
 27 identification card or for a renewal or a duplicate of a driver's
 28 license; a state identification card; or a photo exempt
 29 identification card; or
 30 (2) knowingly or intentionally makes a false statement or conceals
 31 a material fact in an application for a driver's license; a state
 32 identification card; or a photo exempt identification card;

33 commits application fraud; a Level 6 felony.

34 SECTION 39. IC 35-43-5-3 IS REPEALED [EFFECTIVE JULY 1,
 35 2021]. Sec. 3: (a) A person who:

- 36 (1) being an officer, manager, or other person participating in the
 37 direction of a credit institution; knowingly or intentionally
 38 receives or permits the receipt of a deposit or other investment;
 39 knowing that the institution is insolvent;
 40 (2) knowingly or intentionally makes a false or misleading written
 41 statement with intent to obtain property; employment; or an
 42 educational opportunity;



1 (3) misapplies entrusted property; property of a governmental
 2 entity; or property of a credit institution in a manner that the
 3 person knows is unlawful or that the person knows involves
 4 substantial risk of loss or detriment to either the owner of the
 5 property or to a person for whose benefit the property was
 6 entrusted;

7 (4) knowingly or intentionally; in the regular course of business;
 8 either:

9 (A) uses or possesses for use a false weight or measure or
 10 other device for falsely determining or recording the quality or
 11 quantity of any commodity; or

12 (B) sells; offers; or displays for sale or delivers less than the
 13 represented quality or quantity of any commodity;

14 (5) with intent to defraud another person furnishing electricity;
 15 gas; water; telecommunication; or any other utility service; avoids
 16 a lawful charge for that service by scheme or device or by
 17 tampering with facilities or equipment of the person furnishing
 18 the service;

19 (6) with intent to defraud; misrepresents the identity of the person
 20 or another person or the identity or quality of property;

21 (7) with intent to defraud an owner of a coin machine; deposits a
 22 slug in that machine;

23 (8) with intent to enable the person or another person to deposit
 24 a slug in a coin machine; makes; possesses; or disposes of a slug;

25 (9) disseminates to the public an advertisement that the person
 26 knows is false; misleading; or deceptive; with intent to promote
 27 the purchase or sale of property or the acceptance of employment;

28 (10) with intent to defraud; misrepresents a person as being a
 29 physician licensed under IC 25-22.5;

30 (11) knowingly and intentionally defrauds another person
 31 furnishing cable TV service by avoiding paying compensation for
 32 that service by any scheme or device or by tampering with
 33 facilities or equipment of the person furnishing the service; or

34 (12) knowingly or intentionally provides false information to a
 35 governmental entity to obtain a contract from the governmental
 36 entity;

37 commits deception; a Class A misdemeanor, except as provided in
 38 subsection (b).

39 (b) An offense under:

40 (1) subsection (a)(12) is a Level 6 felony if the provision of false
 41 information results in financial loss to the governmental entity;
 42 and



- 1 (2) subsection (a)(6) is a Level 6 felony if the misrepresentation
 2 relates to:
- 3 (A) a medical procedure, medical device, or drug; and
 4 (B) human reproductive material (as defined in IC 34-24-5-1).
- 5 (c) In determining whether an advertisement is false, misleading, or
 6 deceptive under subsection (a)(9), there shall be considered, among
 7 other things, not only representations contained or suggested in the
 8 advertisement, by whatever means, including device or sound, but also
 9 the extent to which the advertisement fails to reveal material facts in
 10 the light of the representations:
- 11 (d) A person who knowingly or intentionally falsely represents:
- 12 (1) any entity as:
- 13 (A) a disadvantaged business enterprise (as defined in
 14 IC 5-16-6.5-1); or
 15 (B) a women-owned business enterprise (as defined in
 16 IC 5-16-6.5-3);
 17 in order to qualify for certification as such an enterprise under a
 18 program conducted by a public agency (as defined in
 19 IC 5-16-6.5-2) designed to assist disadvantaged business
 20 enterprises or women-owned business enterprises in obtaining
 21 contracts with public agencies for the provision of goods and
 22 services; or
- 23 (2) an entity with which the person will subcontract all or part of
 24 a contract with a public agency (as defined in IC 5-16-6.5-2) as:
- 25 (A) a disadvantaged business enterprise (as defined in
 26 IC 5-16-6.5-1); or
 27 (B) a women-owned business enterprise (as defined in
 28 IC 5-16-6.5-3);
 29 in order to qualify for certification as an eligible bidder under a
 30 program that is conducted by a public agency designed to assist
 31 disadvantaged business enterprises or women-owned business
 32 enterprises in obtaining contracts with public agencies for the
 33 provision of goods and services;
- 34 commits a Level 6 felony:
- 35 SECTION 40. IC 35-43-5-3.5, AS AMENDED BY P.L.158-2013,
 36 SECTION 471, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2021]: Sec. 3.5. (a) Except as provided in
 38 subsection (c), a person who knowingly or intentionally obtains,
 39 possesses, transfers, or uses the identifying information: of another
 40 person, including the identifying information of a person who is
 41 deceased:
- 42 (1) without the other person's consent; and



- 1 (2) with intent to:
 2 (A) (1) harm or defraud another person;
 3 (B) (2) assume another person's identity; or
 4 (C) (3) profess to be another person;
 5 commits identity deception, a Level 6 felony.
 6 (b) However, the offense defined in subsection (a) is a Level 5
 7 felony if:
 8 (1) a person obtains, possesses, transfers, or uses the identifying
 9 information of more than one hundred (100) persons;
 10 (2) the fair market value of the fraud or harm caused by the
 11 offense is at least fifty thousand dollars (\$50,000); or
 12 (3) a person obtains, possesses, transfers, or uses the identifying
 13 information of a person who is less than eighteen (18) years of
 14 age and is:
 15 (A) the person's son or daughter;
 16 (B) a dependent of the person;
 17 (C) a ward of the person; or
 18 (D) an individual for whom the person is a guardian.
 19 (c) The conduct prohibited in subsections (a) and (b) does not apply
 20 to:
 21 (1) a person less than twenty-one (21) years of age who uses ~~the~~
 22 identifying information of ~~another person~~ to acquire an alcoholic
 23 beverage (as defined in IC 7.1-1-3-5);
 24 (2) a minor (as defined in IC 35-49-1-4) who uses ~~the~~ identifying
 25 information of ~~another person~~ to acquire:
 26 (A) a cigarette, an electronic cigarette (as defined in
 27 IC 35-46-1-1.5), or a tobacco product (as defined in
 28 IC 6-7-2-5);
 29 (B) a periodical, a videotape, or other communication medium
 30 that contains or depicts nudity (as defined in IC 35-49-1-5);
 31 (C) admittance to a performance (live or film) that prohibits
 32 the attendance of the minor based on age; or
 33 (D) an item that is prohibited by law for use or consumption by
 34 a minor; or
 35 (3) any person who uses ~~the~~ identifying information for a lawful
 36 purpose.
 37 (d) It is not a defense in a prosecution under subsection (a) or (b)
 38 that no person was harmed or defrauded.
 39 SECTION 41. IC 35-43-5-3.8 IS REPEALED [EFFECTIVE JULY
 40 1, 2021]. Sec. 3.8: (a) ~~A person who knowingly or intentionally obtains;~~
 41 ~~possesses; transfers; or uses the synthetic identifying information:~~
 42 (1) with intent to harm or defraud another person;



- 1 (2) with intent to assume another person's identity; or
 2 (3) with intent to profess to be another person;
 3 commits synthetic identity deception, a Level 6 felony.
 4 (b) The offense under subsection (a) is a Level 5 felony if:
 5 (1) a person obtains, possesses, transfers, or uses the synthetic
 6 identifying information of more than one hundred (100) persons;
 7 or
 8 (2) the fair market value of the fraud or harm caused by the
 9 offense is at least fifty thousand dollars (\$50,000).
 10 (c) The conduct prohibited in subsections (a) and (b) does not apply
 11 to:
 12 (1) a person less than twenty-one (21) years of age who uses the
 13 synthetic identifying information of another person to acquire:
 14 (A) an alcoholic beverage (as defined in IC 7-1-1-3-5); or
 15 (B) a cigarette, e-liquid, or tobacco product (as defined in
 16 IC 6-7-2-5); or
 17 (2) a minor (as defined in IC 35-49-1-4) who uses the synthetic
 18 identifying information of another person to acquire:
 19 (A) a periodical; a videotape; or other communication medium
 20 that contains or depicts nudity (as defined in IC 35-49-1-5);
 21 (B) admittance to a performance (live or on film) that prohibits
 22 the attendance of the minor based on age; or
 23 (C) an item that is prohibited by law for use or consumption by
 24 a minor.
 25 (d) It is not a defense in a prosecution under subsection (a) or (b)
 26 that no person was harmed or defrauded.
 27 SECTION 42. IC 35-43-5-4, AS AMENDED BY P.L.158-2013,
 28 SECTION 474, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2021]: Sec. 4. A person who:
 30 (1) with intent to defraud; obtains property by:
 31 (A) using a credit card; knowing that the credit card was
 32 unlawfully obtained or retained;
 33 (B) using a credit card; knowing that the credit card is forged;
 34 revoked; or expired;
 35 (C) using; without consent; a credit card that was issued to
 36 another person;
 37 (D) representing; without the consent of the credit card holder;
 38 that the person is the authorized holder of the credit card; or
 39 (E) representing that the person is the authorized holder of a
 40 credit card when the card has not in fact been issued;
 41 (2) being authorized by an issuer to furnish property upon
 42 presentation of a credit card; fails to furnish the property and; with



1 intent to defraud the issuer or the credit card holder; represents in
 2 writing to the issuer that the person has furnished the property;
 3 (3) being authorized by an issuer to furnish property upon
 4 presentation of a credit card; furnishes, with intent to defraud the
 5 issuer or the credit card holder, property upon presentation of a
 6 credit card; knowing that the credit card was unlawfully obtained
 7 or retained or that the credit card is forged; revoked; or expired;
 8 (4) not being the issuer; knowingly or intentionally sells a credit
 9 card;
 10 (5) not being the issuer; receives a credit card; knowing that the
 11 credit card was unlawfully obtained or retained or that the credit
 12 card is forged; revoked; or expired;
 13 (6) with intent to defraud; receives a credit card as security for
 14 debt;
 15 (7) receives property; knowing that the property was obtained in
 16 violation of subdivision (1) of this section;
 17 (8) with intent to defraud the person's creditor or purchaser;
 18 conceals, encumbers; or transfers property;
 19 (9) with intent to defraud; damages property; or
 20 (10) knowingly or intentionally:
 21 (A) sells;
 22 (B) rents;
 23 (C) transports; or
 24 (D) possesses;
 25 a recording for commercial gain or personal financial gain that
 26 does not conspicuously display the true name and address of the
 27 manufacturer of the recording;
 28 commits fraud; a Level 6 felony.

29 (a) A person who:
 30 (1) with the intent to obtain property or data to which the
 31 person is not entitled or an educational, governmental, or
 32 employment benefit to which the person is not entitled,
 33 knowingly or intentionally:
 34 (A) makes a false or misleading statement; or
 35 (B) creates a false impression in another person;
 36 (2) with the intent to cause another person to obtain property
 37 to which the other person would not otherwise be entitled,
 38 knowingly or intentionally:
 39 (A) makes a false or misleading statement;
 40 (B) creates a false impression in a third person; or
 41 (C) causes to be presented a claim that:
 42 (i) contains a false or misleading statement; or



- 1 (ii) creates a false or misleading impression in a third
2 person;
- 3 (3) possesses, manufactures, uses, or alters a document,
4 instrument, computer program, or device with the intent to
5 obtain:
- 6 (A) property;
- 7 (B) data; or
- 8 (C) an educational, governmental, or employment benefit;
9 to which the person is not entitled; or
- 10 (4) knowingly or intentionally engages in a scheme or artifice
11 to commit an offense described in subdivision (1) through (3);
12 commits fraud, a Class A misdemeanor except as otherwise
13 provided in this section.
- 14 (b) The offense described in subsection (a) is a Level 6 felony if
15 one (1) or more of the following apply:
- 16 (1) The offense is committed not later than seven (7) years
17 from the date the person:
- 18 (A) was convicted of a prior unrelated conviction for an
19 offense under this article; or
- 20 (B) was released from a term of incarceration, probation,
21 or parole (whichever occurred last) imposed for a prior
22 unrelated conviction for an offense under this article;
23 whichever occurred last.
- 24 (2) The pecuniary loss is at least seven hundred fifty dollars
25 (\$750) but less than fifty thousand dollars (\$50,000).
- 26 (3) The victim is:
- 27 (A) an endangered adult (as defined in IC 12-10-3-2(a)); or
- 28 (B) less than eighteen (18) years of age.
- 29 (4) The person makes a false or misleading statement
30 representing an entity as:
- 31 (A) a disadvantaged business enterprise (as defined in
32 IC 5-16-6.5-1); or
- 33 (B) a women-owned business enterprise (as defined in
34 IC 5-16-6.5-3);
- 35 in order to qualify for certification as such an enterprise
36 under a program conducted by a public agency (as defined in
37 IC 5-16-6.5-2) designed to assist disadvantaged business
38 enterprises or women-owned business enterprises in obtaining
39 contracts with public agencies for the provision of goods and
40 services.
- 41 (5) The person makes a false or misleading statement
42 representing an entity with which the person will subcontract



1 all or part of a contract with a public agency (as defined in
2 IC 5-16-6.5-2) as:

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

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

7 in order to qualify for certification as an eligible bidder under
8 a program that is conducted by a public agency designed to
9 assist disadvantaged business enterprises or women-owned
10 business enterprises in obtaining contracts with public
11 agencies for the provision of goods and services.

12 (6) The offense is committed by a person who is confined in:

13 (A) the department of correction;

14 (B) a county jail; or

15 (C) a secure juvenile facility.

16 (7) The document or instrument that the person possesses,
17 manufactures, uses, or alters is a document or instrument:

18 (A) issued by a public servant or a governmental entity;

19 (B) that has been manufactured or altered to appear to
20 have been issued by a public servant or a governmental
21 entity; or

22 (C) that the person tendered to, or intends to tender to a
23 public servant or a governmental entity.

24 (8) The property is an item of sentimental value.

25 (9) Except as provided in subsection (d), the person:

26 (A) made the false or misleading statement; or

27 (B) created the false impression in another person;

28 on or by means of a document or written instrument.

29 (c) The offense described in subsection (a) is a Level 5 felony if
30 one (1) or more of the following apply:

31 (1) The pecuniary loss is at least fifty thousand dollars
32 (\$50,000).

33 (2) The pecuniary loss is at least seven hundred fifty dollars
34 (\$750) and the victim is:

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

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

37 (3) The victim was a financial institution.

38 (d) The offense described in subsection (b)(9) is a Class A
39 misdemeanor if the defendant proves by a preponderance of the
40 evidence that the:

41 (1) value of the property, data, or benefit intended to be
42 obtained; and



1 **(2) actual pecuniary loss;**
 2 **is less than seven hundred fifty dollars (\$750).**

3 SECTION 43. IC 35-43-5-4.3 IS REPEALED [EFFECTIVE JULY
 4 1, 2021]. Sec. 4.3: (a) As used in this section, "card skimming device"
 5 means a device that is designed to read information encoded on a credit
 6 card. The term includes a device designed to read, record, or transmit
 7 information encoded on a credit card:

8 (1) directly from a credit card; or

9 (2) from another device that reads information directly from a
 10 credit card.

11 (b) A person who possesses a card skimming device with intent to
 12 commit:

13 (1) identity deception (IC 35-43-5-3.5);

14 (2) synthetic identity deception (IC 35-43-5-3.8);

15 (3) fraud (IC 35-43-5-4); or

16 (4) terroristic deception (IC 35-46.5-2-4) (or IC 35-43-5-3.6
 17 before its repeal);

18 commits unlawful possession of a card skimming device. Unlawful
 19 possession of a card skimming device under subdivision (1), (2), or (3)
 20 is a Level 6 felony. Unlawful possession of a card skimming device
 21 under subdivision (4) is a Level 5 felony.

22 SECTION 44. IC 35-43-5-4.5 IS REPEALED [EFFECTIVE JULY
 23 1, 2021]. Sec. 4.5: (a) A person who, knowingly and with intent to
 24 defraud:

25 (1) makes, utters, presents, or causes to be presented to an insurer
 26 or an insurance claimant, a claim statement that contains false,
 27 incomplete, or misleading information concerning the claim;

28 (2) presents, causes to be presented, or prepares with knowledge
 29 or belief that it will be presented to or by an insurer, an oral, a
 30 written, or an electronic statement that the person knows to
 31 contain materially false information as part of, in support of, or
 32 concerning a fact that is material to:

33 (A) the rating of an insurance policy;

34 (B) a claim for payment or benefit under an insurance policy;

35 (C) premiums paid on an insurance policy;

36 (D) payments made in accordance with the terms of an
 37 insurance policy;

38 (E) an application for a certificate of authority;

39 (F) the financial condition of an insurer; or

40 (G) the acquisition of an insurer;

41 or conceals any information concerning a subject set forth in
 42 clauses (A) through (G);



1 (3) solicits or accepts new or renewal insurance risks by or for an
 2 insolvent insurer or other entity regulated under IC 27;

3 (4) removes:

4 (A) the assets;

5 (B) the record of assets, transactions, and affairs; or

6 (C) a material part of the assets or the record of assets,
 7 transactions, and affairs;

8 of an insurer or another entity regulated under IC 27, from the
 9 home office, other place of business, or place of safekeeping of
 10 the insurer or other regulated entity; or conceals or attempts to
 11 conceal from the department of insurance assets or records
 12 referred to in clauses (A) through (B); or

13 (5) diverts funds of an insurer or another person in connection
 14 with:

15 (A) the transaction of insurance or reinsurance;

16 (B) the conduct of business activities by an insurer or another
 17 entity regulated under IC 27; or

18 (C) the formation, acquisition, or dissolution of an insurer or
 19 another entity regulated under IC 27;

20 commits insurance fraud. Except as provided in subsection (b);
 21 insurance fraud is a Level 6 felony.

22 (b) An offense described in subsection (a) is a Level 5 felony if:

23 (1) the person who commits the offense has a prior unrelated
 24 conviction under this section; or

25 (2) the:

26 (A) value of property, services, or other benefits obtained or
 27 attempted to be obtained by the person as a result of the
 28 offense; or

29 (B) economic loss suffered by another person as a result of the
 30 offense;

31 is at least two thousand five hundred dollars (\$2,500).

32 (c) A person who knowingly and with intent to defraud makes a
 33 material misstatement in support of an application for the issuance of
 34 an insurance policy commits insurance application fraud; a Class A
 35 misdemeanor.

36 SECTION 45. IC 35-43-5-4.6 IS REPEALED [EFFECTIVE JULY
 37 1, 2021]. Sec. 4:6. (a) The following definitions apply throughout this
 38 section:

39 (1) "Automated sales suppression device" means a software
 40 program:

41 (A) carried on a memory stick or removable compact disc;

42 (B) accessed through an Internet link; or



- 1 (C) accessed through any other means;
 2 that falsifies the electronic records of electronic cash registers and
 3 other point-of-sale systems; including transaction data and
 4 transaction reports.
- 5 (2) "Electronic cash register" means a device that keeps a register
 6 or supporting documents through the means of an electronic
 7 device or a computer system designed to record transaction data
 8 for the purpose of computing, compiling, or processing retail sales
 9 transaction data in any manner.
- 10 (3) "Phantom-ware" means a hidden; a pre-installed; or an
 11 installed at a later time programming option embedded in the
 12 operating system of an electronic cash register or hardwired into
 13 the electronic cash register that:
 14 (A) can be used to create a virtual second till; or
 15 (B) may eliminate or manipulate transaction records that may
 16 or may not be preserved in digital formats to represent the true
 17 or manipulated record of transactions in the electronic cash
 18 register.
- 19 (4) "Transaction data" includes information regarding:
 20 (A) items purchased by a customer;
 21 (B) the price for each item;
 22 (C) a taxability determination for each item;
 23 (D) a segregated tax amount for each of the taxed items;
 24 (E) the amount of cash or credit tendered;
 25 (F) the net amount returned to the customer in change;
 26 (G) the date and time of the purchase;
 27 (H) the name; address; and identification number of the
 28 vendor; and
 29 (I) the receipt or invoice number of the transaction.
- 30 (5) "Transaction report" means:
 31 (A) a report that includes:
 32 (i) the sales;
 33 (ii) taxes collected;
 34 (iii) media totals; and
 35 (iv) discount voids;
 36 at an electronic cash register that is printed on cash register
 37 tape at the end of a day or shift; or
 38 (B) a report documenting every action at an electronic cash
 39 register that is stored electronically.
- 40 (6) "Zapper" refers to an automated sales suppression device:
 41 (b) A person who knowingly or intentionally sells, purchases;
 42 installs; transfers; or possesses:



1 (1) an automated sales suppression device or a zapper; or
 2 (2) phantom-ware;
 3 after June 30, 2013, commits unlawful sale or possession of a
 4 transaction manipulation device, a Level 5 felony.

5 SECTION 46. IC 35-43-5-4.7 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2021]: **Sec. 4.7. (a) A person who, knowingly
 8 or intentionally:**

9 **(1) solicits or accepts new or renewal insurance risks by or for
 10 an insolvent insurer or other entity regulated under IC 27;**

11 **(2) removes:**

12 **(A) the assets;**

13 **(B) the record of assets, transactions, and affairs; or**

14 **(C) a material part of the assets or the record of assets,
 15 transactions, and affairs;**

16 **of an insurer or another entity regulated under IC 27, from
 17 the home office, other place of business, or place of
 18 safekeeping of the insurer or other regulated entity, or
 19 conceals or attempts to conceal from the department of
 20 insurance assets or records referred to in clauses (A) through
 21 (B); or**

22 **(3) diverts funds of an insurer or another person in connection
 23 with:**

24 **(A) the transaction of insurance or reinsurance;**

25 **(B) the conduct of business activities by an insurer or
 26 another entity regulated under IC 27; or**

27 **(C) the formation, acquisition, or dissolution of an insurer
 28 or another entity regulated under IC 27;**

29 **commits insurance fraud, a Class A infraction.**

30 **(b) Notwithstanding IC 34-28-5-4, a judgment of up to one
 31 hundred thousand dollars (\$100,000) may be entered for a
 32 violation of this section. In determining the amount of the
 33 judgment, the court shall consider:**

34 **(1) whether the person who commits the violation has a prior
 35 unrelated judgment under this section or conviction under
 36 this article;**

37 **(2) the:**

38 **(A) value of property, services, or other benefits obtained
 39 or attempted to be obtained by the person as a result of the
 40 violation;**

41 **(B) economic loss suffered by another person as a result of
 42 the violation; and**



- 1 **(C) risk and magnitude of economic loss to another person**
 2 **which could have resulted as a consequence of the**
 3 **violation; and**
 4 **(3) whether the judgment imposed is proportional to the**
 5 **gravity of the offense.**
 6 SECTION 47. IC 35-43-5-5 IS REPEALED [EFFECTIVE JULY 1,
 7 2021]. Sec. 5: (a) A person who knowingly or intentionally issues or
 8 delivers a check, a draft, or an order on a credit institution for the
 9 payment of or to acquire money or other property, knowing that it will
 10 not be paid or honored by the credit institution upon presentment in the
 11 usual course of business; commits check deception; a Class A
 12 misdemeanor. However, the offense is:
 13 (1) a Level 6 felony if the amount of the check, draft, or order is
 14 at least seven hundred fifty dollars (\$750) and less than fifty
 15 thousand dollars (\$50,000); and
 16 (2) a Level 5 felony if the amount of the check, draft, or order is
 17 at least fifty thousand dollars (\$50,000).
 18 (b) An unpaid and dishonored check, a draft, or an order that has the
 19 drawee's refusal to pay and reason printed, stamped, or written on or
 20 attached to it constitutes prima facie evidence:
 21 (1) that due presentment of it was made to the drawee for payment
 22 and dishonor thereof; and
 23 (2) that it properly was dishonored for the reason stated.
 24 (c) The fact that a person issued or delivered a check, a draft, or an
 25 order, payment of which was refused by the drawee, constitutes prima
 26 facie evidence that the person knew that it would not be paid or
 27 honored. In addition, evidence that a person had insufficient funds in
 28 or no account with a drawee credit institution constitutes prima facie
 29 evidence that the person knew that the check, draft, or order would not
 30 be paid or honored.
 31 (d) The following two (2) items constitute prima facie evidence of
 32 the identity of the maker of a check, draft, or order if at the time of its
 33 acceptance they are obtained and recorded, either on the check, draft,
 34 or order itself or on file; by the payee:
 35 (1) Name and residence, business, or mailing address of the
 36 maker.
 37 (2) Motor vehicle operator's license number, Social Security
 38 number, home telephone number, or place of employment of the
 39 maker.
 40 (e) It is a defense under subsection (a) if a person who:
 41 (1) has an account with a credit institution but does not have
 42 sufficient funds in that account; and



1 (2) issues or delivers a check, a draft, or an order for payment on
 2 that credit institution;
 3 pays the payee or holder the amount due, together with protest fees and
 4 any service fee or charge, which may not exceed the greater of
 5 twenty-seven dollars and fifty cents (\$27.50) or five percent (5%) (but
 6 not more than two hundred fifty dollars (\$250)) of the amount due; that
 7 may be charged by the payee or holder, within ten (10) days after the
 8 date of mailing by the payee or holder of notice to the person that the
 9 check, draft, or order has not been paid by the credit institution. Notice
 10 sent in the manner set forth in IC 26-2-7-3 constitutes notice to the
 11 person that the check, draft, or order has not been paid by the credit
 12 institution. The payee or holder of a check, draft, or order that has been
 13 dishonored incurs no civil or criminal liability for sending notice under
 14 this subsection.

15 (f) A person does not commit a crime under subsection (a) when:
 16 (1) the payee or holder knows that the person has insufficient
 17 funds to ensure payment or that the check, draft, or order is
 18 postdated; or
 19 (2) insufficiency of funds or credit results from an adjustment to
 20 the person's account by the credit institution without notice to the
 21 person.

22 SECTION 48. IC 35-43-5-6 IS REPEALED [EFFECTIVE JULY 1,
 23 2021]. Sec. 6. (a) A customer who utilizes any device or scheme to
 24 avoid being assessed for the full amount of services received from a
 25 utility or a cable TV service provider commits a Class B infraction.

26 (b) Evidence that a customer's metering device has been altered;
 27 removed; or bypassed without the knowledge of or notification to the
 28 utility is prima facie evidence that the customer has utilized a device
 29 or scheme to avoid being assessed for the full amount of services
 30 received from the utility.

31 (c) Evidence that access to services of a utility or a cable TV service
 32 provider has been obtained without authority from the utility or the
 33 cable TV service provider constitutes prima facie evidence that the
 34 person benefiting from the access has utilized a device or scheme to
 35 avoid being assessed for the full amount of services received from the
 36 utility or the cable TV service provider.

37 SECTION 49. IC 35-43-5-6.5 IS REPEALED [EFFECTIVE JULY
 38 1, 2021]. Sec. 6.5. (a) A person who manufactures, distributes, sells,
 39 leases, or offers for sale or lease:

40 (1) a device; or
 41 (2) a kit of parts to construct a device;
 42 designed in whole or in part to intercept, unscramble, or decode a



1 transmission by a cable television system with the intent that the device
 2 or kit be used to obtain cable television system services without full
 3 payment to the cable television system commits a Level 6 felony.

4 (b) The sale or distribution by a person of:

5 (1) any device; or

6 (2) a kit of parts to construct a device;

7 described in subsection (a) constitutes prima facie evidence of a
 8 violation of subsection (a) if, before or at the time of sale or
 9 distribution, the person advertised or indicated that the device or the
 10 assembled kit will enable a person to receive cable television system
 11 service without making full payment to the cable television system.

12 SECTION 50. IC 35-43-5-7 IS REPEALED [EFFECTIVE JULY 1,
 13 2021]. Sec. 7: (a) A person who knowingly or intentionally:

14 (1) obtains public relief or assistance by means of impersonation;
 15 fictitious transfer; false or misleading oral or written statement;
 16 fraudulent conveyance; or other fraudulent means;

17 (2) acquires, possesses, uses, transfers, sells, trades, issues, or
 18 disposes of:

19 (A) an authorization document to obtain public relief or
 20 assistance; or

21 (B) public relief or assistance;
 22 except as authorized by law;

23 (3) uses, transfers, acquires, issues, or possesses a blank or
 24 incomplete authorization document to participate in public relief
 25 or assistance programs, except as authorized by law;

26 (4) counterfeits or alters an authorization document to receive
 27 public relief or assistance, or knowingly uses, transfers, acquires,
 28 or possesses a counterfeit or altered authorization document to
 29 receive public relief or assistance; or

30 (5) conceals information for the purpose of receiving public relief
 31 or assistance to which he is not entitled;

32 commits welfare fraud; a Class A misdemeanor, except as provided in
 33 subsection (b):

34 (b) The offense is:

35 (1) a Level 6 felony if the amount of public relief or assistance
 36 involved is more than seven hundred fifty dollars (\$750) but less
 37 than fifty thousand dollars (\$50,000); and

38 (2) a Level 5 felony if the amount of public relief or assistance
 39 involved is at least fifty thousand dollars (\$50,000).

40 (c) Whenever a person is convicted of welfare fraud under this
 41 section, the clerk of the sentencing court shall certify to the appropriate
 42 state agency and the appropriate agency of the county of the defendant's



1 residence:

2 (1) the defendant's conviction; and

3 (2) whether the defendant is placed on probation and restitution
4 is ordered under IC 35-38-2.

5 SECTION 51. IC 35-43-5-7.1 IS REPEALED [EFFECTIVE JULY
6 1, 2021]. Sec. 7.1: (a) Except as provided in subsection (b); a person
7 who knowingly or intentionally:

8 (1) makes, utters, presents, or causes to be presented to the
9 Medicaid program under IC 12-15 a Medicaid claim that contains
10 materially false or misleading information concerning the claim;

11 (2) obtains payment from the Medicaid program under IC 12-15
12 by means of a false or misleading oral or written statement or
13 other fraudulent means;

14 (3) acquires a provider number under the Medicaid program
15 except as authorized by law;

16 (4) alters with the intent to defraud or falsifies documents or
17 records of a provider (as defined in 42 CFR 1000.30) that are
18 required to be kept under the Medicaid program; or

19 (5) conceals information for the purpose of applying for or
20 receiving unauthorized payments from the Medicaid program;

21 commits Medicaid fraud; a Class A misdemeanor.

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

23 (1) a Level 6 felony if the fair market value of the offense is at
24 least seven hundred fifty dollars (\$750) and less than fifty
25 thousand dollars (\$50,000); and

26 (2) a Level 5 felony if the fair market value of the offense is at
27 least fifty thousand dollars (\$50,000).

28 SECTION 52. IC 35-43-5-7.2 IS REPEALED [EFFECTIVE JULY
29 1, 2021]. Sec. 7.2: (a) Except as provided in subsection (b); a person
30 who knowingly or intentionally:

31 (1) files a children's health insurance program claim; including an
32 electronic claim; in violation of IC 12-17.6;

33 (2) obtains payment from the children's health insurance program
34 under IC 12-17.6 by means of a false or misleading oral or written
35 statement or other fraudulent means;

36 (3) acquires a provider number under the children's health
37 insurance program except as authorized by law;

38 (4) alters with intent to defraud or falsifies documents or records
39 of a provider (as defined in 42 CFR 400.203) that are required to
40 be kept under the children's health insurance program; or

41 (5) conceals information for the purpose of applying for or
42 receiving unauthorized payments from the children's health



1 insurance program;
2 commits insurance fraud; a Class A misdemeanor.

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

4 (1) a Level 6 felony if the fair market value of the offense is at
5 least seven hundred fifty dollars (\$750) and less than fifty
6 thousand dollars (\$50,000); and

7 (2) a Level 5 felony if the fair market value of the offense is at
8 least fifty thousand dollars (\$50,000):

9 SECTION 53. IC 35-43-5-8 IS REPEALED [EFFECTIVE JULY 1,
10 2021]. Sec. 8: (a) A person who knowingly executes, or attempts to
11 execute, a scheme or artifice:

12 (1) to defraud a state or federally chartered or federally insured
13 financial institution; or

14 (2) to obtain any of the money, funds, credits, assets, securities,
15 or other property owned by or under the custody or control of a
16 state or federally chartered or federally insured financial
17 institution by means of false or fraudulent pretenses,
18 representations, or promises;

19 commits a Level 5 felony:

20 (b) As used in this section, the term "state or federally chartered or
21 federally insured financial institution" means:

22 (1) an institution with accounts insured by the Federal Deposit
23 Insurance Corporation;

24 (2) a credit union with accounts insured by the National Credit
25 Union Administration Board;

26 (3) a federal home loan bank or a member, as defined in Section
27 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422), as in
28 effect on December 31, 1990, of the Federal Home Loan Bank
29 System; or

30 (4) a bank, banking association, land bank, intermediate credit
31 bank, bank for cooperatives, production credit association, land
32 bank association, mortgage association, trust company, savings
33 bank, or other banking or financial institution organized or
34 operating under the laws of the United States or of the state:

35 The term does not include a lender licensed under IC 24-4.5.

36 SECTION 54. IC 35-43-5-12 IS REPEALED [EFFECTIVE JULY
37 1, 2021]. Sec. 12: (a) As used in this section, "financial institution"
38 refers to a state or federally chartered bank, savings bank, savings
39 association, or credit union.

40 (b) A person who knowingly or intentionally obtains property,
41 through a scheme or artifice, with intent to defraud:

42 (1) by issuing or delivering a check, a draft, an electronic debit,



1 or an order on a financial institution:

2 (A) knowing that the check, draft, order, or electronic debit
3 will not be paid or honored by the financial institution upon
4 presentment in the usual course of business;

5 (B) using false or altered evidence of identity or residence;

6 (C) using a false or an altered account number; or

7 (D) using a false or an altered check, draft, order or electronic
8 instrument;

9 (2) by:

10 (A) depositing the minimum initial deposit required to open an
11 account; and

12 (B) either making no additional deposits or making insufficient
13 additional deposits to insure debits to the account; or

14 (3) by opening accounts with more than one (1) financial
15 institution in either a consecutive or concurrent time period;

16 commits check fraud; a Class A misdemeanor.

17 (c) However, an offense under subsection (b) is:

18 (1) a Level 6 felony if the aggregate amount of property obtained
19 is at least seven hundred fifty dollars (\$750) and less than fifty
20 thousand dollars (\$50,000); and

21 (2) a Level 5 felony if the aggregate amount of the property
22 obtained is at least fifty thousand dollars (\$50,000).

23 SECTION 55. IC 35-43-5-15 IS REPEALED [EFFECTIVE JULY
24 1, 2021]. Sec. 15: A person who, with intent to defraud, possesses a
25 device to make retail sales receipts, universal product codes (UPC); or
26 other product identification codes; commits possession of a fraudulent
27 sales document manufacturing device; a Class A misdemeanor.

28 SECTION 56. IC 35-43-5-16 IS REPEALED [EFFECTIVE JULY
29 1, 2021]. Sec. 16: A person who, with intent to defraud:

30 (1) makes or puts a false universal product code (UPC) or another
31 product identification code on property displayed or offered for
32 sale; or

33 (2) makes a false sales receipt;

34 commits making a false sales document; a Level 6 felony.

35 SECTION 57. IC 35-43-5-20 IS REPEALED [EFFECTIVE JULY
36 1, 2021]. Sec. 20: (a) As used in this section, "inmate" means a person
37 who is confined in:

38 (1) the custody of:

39 (A) the department of correction; or

40 (B) a sheriff;

41 (2) a county jail; or

42 (3) a secure juvenile facility.



1 (b) An inmate who:

2 (1) is a pretrial detainee; and

3 (2) with the intent of obtaining money or other property from a
4 person who is not an inmate, knowingly or intentionally:

5 (A) makes a misrepresentation to a person who is not an
6 inmate and obtains or attempts to obtain money or other
7 property from the person who is not an inmate; or

8 (B) obtains or attempts to obtain money or other property from
9 the person who is not an inmate through a misrepresentation
10 made by another person;

11 commits inmate fraud; a Level 6 felony:

12 (c) An inmate:

13 (1) who is incarcerated because the inmate has been:

14 (A) convicted of an offense; or

15 (B) adjudicated a delinquent; and

16 (2) who, with the intent of obtaining money or other property
17 from a person who is not an inmate, knowingly or intentionally:

18 (A) makes a misrepresentation to a person who is not an
19 inmate and obtains or attempts to obtain money or other
20 property from the person who is not an inmate; or

21 (B) obtains or attempts to obtain money or other property from
22 the person who is not an inmate through a misrepresentation
23 made by another person;

24 commits inmate fraud; a Level 5 felony:

25 SECTION 58. IC 35-43-5-21 IS REPEALED [EFFECTIVE JULY
26 1, 2021]. Sec. 21: (a) A person who, with intent to avoid the obligation
27 to obtain worker's compensation coverage as required by IC 22-3-5-1
28 and IC 22-3-7-34, falsely classifies an employee as one (1) of the
29 following commits worker's compensation fraud:

30 (1) An independent contractor:

31 (2) A sole proprietor:

32 (3) An owner:

33 (4) A partner:

34 (5) An officer:

35 (6) A member in a limited liability company:

36 (b) The offense described in subsection (a) is a Class A
37 misdemeanor.

38 SECTION 59. IC 35-43-5-22 IS REPEALED [EFFECTIVE JULY
39 1, 2021]. Sec. 22: A person who, with the intent to obtain money;
40 property; or another benefit, knowingly or intentionally:

41 (1) fraudulently represents himself or herself to be an active
42 member or veteran of:



- 1 (A) the United States Air Force;
 2 (B) the United States Army;
 3 (C) the United States Coast Guard;
 4 (D) the United States Marines;
 5 (E) the United States National Guard;
 6 (F) the United States Navy; or
 7 (G) a reserve component of the armed forces of the United
 8 States;
 9 (2) uses a falsified military identification; or
 10 (3) fraudulently represents himself or herself to be a recipient of
 11 the:
 12 (A) Congressional Medal of Honor;
 13 (B) Distinguished Service Cross;
 14 (C) Navy Cross;
 15 (D) Air Force Cross;
 16 (E) Silver Star;
 17 (F) Purple Heart;
 18 (G) Combat Infantryman Badge;
 19 (H) Combat Action Badge;
 20 (I) Combat Medical Badge;
 21 (J) Combat Action Ribbon; or
 22 (K) Air Force Combat Action Medal;
 23 commits stolen valor, a Class A misdemeanor.
 24 SECTION 60. IC 35-43-6-12 IS REPEALED [EFFECTIVE JULY
 25 1, 2021]. Sec. 12: (a) A home improvement supplier who enters into a
 26 home improvement contract and knowingly:
 27 (1) misrepresents a material fact relating to:
 28 (A) the terms of the home improvement contract; or
 29 (B) a preexisting or existing condition of any part of the
 30 property involved; including a misrepresentation concerning
 31 the threat of:
 32 (i) fire; or
 33 (ii) structural damage;
 34 if the property is not repaired;
 35 (2) creates or confirms a consumer's impression that is false and
 36 that the home improvement supplier does not believe to be true;
 37 (3) promises performance that the home improvement supplier
 38 does not intend to perform or knows will not be performed;
 39 (4) uses or employs any deception, false pretense; or false promise
 40 to cause a consumer to enter into a home improvement contract;
 41 (5) enters into an unconscionable home improvement contract
 42 with a home improvement contract price of four thousand dollars



1 (\$4,000) or more, but less than seven thousand dollars (\$7,000);

2 (6) misrepresents or conceals the home improvement supplier's:

3 (A) real name;

4 (B) business name;

5 (C) physical or mailing business address; or

6 (D) telephone number;

7 (7) upon request by the consumer, fails to provide the consumer
8 with any copy of a written warranty or guarantee that states:

9 (A) the length of the warranty or guarantee;

10 (B) the home improvement that is covered by the warranty or
11 guarantee; or

12 (C) how the consumer could make a claim for a repair under
13 the warranty or guarantee;

14 (8) uses a product in a home improvement that has been diluted;
15 modified; or altered in a manner that would void the
16 manufacturer's warranty of the product without disclosing to the
17 consumer the reasons for the dilution, modification, or alteration
18 and that the manufacturer's warranty may be compromised; or

19 (9) falsely claims to a consumer that the home improvement
20 supplier:

21 (A) was referred to the consumer by a contractor who
22 previously worked for the consumer;

23 (B) is licensed, certified, or insured; or

24 (C) has obtained all necessary permits or licenses before
25 starting a home improvement;

26 commits home improvement fraud, a Class B misdemeanor, except as
27 provided in section 13 of this chapter.

28 (b) A home improvement supplier who, with the intent to enter into
29 a home improvement contract, knowingly:

30 (1) damages the property of a consumer;

31 (2) does work on the property of a consumer without the
32 consumer's prior authorization;

33 (3) misrepresents that the supplier or another person is an
34 employee or agent of the federal government, the state, a political
35 subdivision of the state, or any other governmental agency or
36 entity; or

37 (4) misrepresents that the supplier or another person is an
38 employee or agent of any public or private utility;

39 commits a Class A misdemeanor, except as provided in section 13(b)
40 of this chapter.

41 SECTION 61. IC 35-43-6-13 IS REPEALED [EFFECTIVE JULY
42 1, 2021]. Sec. 13: (a) The offense in section 12(a) of this chapter is a



- 1 Class A misdemeanor:
- 2 (1) in the case of an offense under section 12(a)(1) through
- 3 12(a)(4) of this chapter or section 12(a)(6) through 12(a)(9) of
- 4 this chapter, if the home improvement contract price is one
- 5 thousand dollars (\$1,000) or more;
- 6 (2) for the second or subsequent offense under this chapter;
- 7 (3) if two (2) or more home improvement contracts exceed an
- 8 aggregate amount of one thousand dollars (\$1,000) and are
- 9 entered into with the same consumer by one (1) or more suppliers
- 10 as part of or in furtherance of a common fraudulent scheme;
- 11 design, or intention; or
- 12 (4) if, in a violation of section 12(a)(5) of this chapter, the home
- 13 improvement contract price is at least seven thousand dollars
- 14 (\$7,000), but less than ten thousand dollars (\$10,000).
- 15 (b) The offense in section 12 of this chapter is a Level 6 felony:
- 16 (1) if, in a violation of section 12(a)(5) of this chapter, the home
- 17 improvement contract price is at least ten thousand dollars
- 18 (\$10,000);
- 19 (2) if, in a violation of:
- 20 (A) section 12(a)(1) through 12(a)(5); or
- 21 (B) section 12(a)(7) through 12(a)(9);
- 22 of this chapter, the consumer is at least sixty (60) years of age and
- 23 the home improvement contract price is less than ten thousand
- 24 dollars (\$10,000);
- 25 (3) if, in a violation of section 12(b) of this chapter, the consumer
- 26 is at least sixty (60) years of age; or
- 27 (4) if the home improvement supplier violates more than one (1)
- 28 subdivision of section 12(a) of this chapter.
- 29 (c) The offense in section 12(a) of this chapter is a Level 5 felony:
- 30 (1) if, in a violation of:
- 31 (A) section 12(a)(1) through 12(a)(5); or
- 32 (B) section 12(a)(7) through 12(a)(9);
- 33 of this chapter, the consumer is at least sixty (60) years of age and
- 34 the home improvement contract price is at least ten thousand
- 35 dollars (\$10,000); or
- 36 (2) if, in a violation of:
- 37 (A) section 12(a)(1) through 12(a)(4); or
- 38 (B) section 12(a)(7) through 12(a)(9);
- 39 of this chapter, the consumer is at least sixty (60) years of age;
- 40 and two (2) or more home improvement contracts exceed an
- 41 aggregate amount of one thousand dollars (\$1,000) and are
- 42 entered into with the same consumer by one (1) or more suppliers



- 1 as part of or in furtherance of a common fraudulent scheme;
 2 design, or intention.
- 3 SECTION 62. IC 35-43-6-14 IS REPEALED [EFFECTIVE JULY
 4 1, 2021]. Sec. 14. For the purposes of section 13 of this chapter, it is
 5 not a defense to home improvement fraud committed against a
 6 consumer who is at least sixty (60) years of age that the supplier
 7 reasonably believed the consumer to be an individual less than sixty
 8 (60) years of age.
- 9 SECTION 63. IC 35-43-6.5-1 IS REPEALED [EFFECTIVE JULY
 10 1, 2021]. Sec. 1: (a) A person that sells or offers for sale a vehicle; a
 11 vehicle part, or a watercraft knowing that an identification number or
 12 certificate of title of the vehicle, vehicle part, or watercraft has been:
 13 (1) destroyed;
 14 (2) removed;
 15 (3) altered;
 16 (4) covered; or
 17 (5) defaced;
 18 commits a Class A misdemeanor. However, the offense is a Level 6
 19 felony if the aggregate fair market value of all vehicles, vehicle parts,
 20 and watercraft sold or offered for sale is at least seven hundred fifty
 21 dollars (\$750) and less than fifty thousand dollars (\$50,000), and a
 22 Level 5 felony if the aggregate fair market value of all vehicles, vehicle
 23 parts, and watercraft sold or offered for sale is at least fifty thousand
 24 dollars (\$50,000).
- 25 (b) Subsection (c) does not apply to a person that manufactures or
 26 installs a plate or label containing an original identification number:
 27 (1) in a program authorized by a manufacturer of motor vehicles
 28 or motor vehicle parts; or
 29 (2) as authorized by the bureau under IC 9-17-4.
- 30 (c) A person that knowingly or intentionally possesses a plate or
 31 label that:
 32 (1) contains an identification number; and
 33 (2) is not attached to the motor vehicle or motor vehicle part to
 34 which the identification number was assigned by the
 35 manufacturer or governmental entity;
 36 commits a Class A misdemeanor, except as provided in subsection (d).
- 37 (d) The offense described in subsection (c) is a:
 38 (1) Level 6 felony if:
 39 (A) the person possesses more than one (1) plate or label and
 40 the plates or labels are not attached to a motor vehicle or motor
 41 vehicle part; or
 42 (B) the aggregate fair market value of all plates and labels, and



- 1 of all motor vehicles and motor vehicle parts to which the
 2 plates or labels are wrongfully attached; is at least seven
 3 hundred fifty dollars (\$750) and less than fifty thousand
 4 dollars (\$50,000); and
 5 (2) Level 5 felony if the aggregate fair market value of all plates
 6 or labels; and of all motor vehicles and motor vehicle parts to
 7 which the plate or label is wrongfully attached; is at least fifty
 8 thousand dollars (\$50,000).
 9 (c) A person that knowingly:
 10 (1) damages;
 11 (2) removes; or
 12 (3) alters;
 13 an original or special identification number commits a Level 6 felony.
 14 (f) A person who counterfeits or falsely reproduces a certificate of
 15 title for a motor vehicle, semitrailer, or recreational vehicle with intent
 16 to:
 17 (1) use the certificate of title; or
 18 (2) permit another person to use the certificate of title;
 19 commits a Class A misdemeanor. However, the offense is a Level 6
 20 felony if the aggregate fair market value of all motor vehicles;
 21 semitrailers, and recreational vehicles for which the person counterfeits
 22 or falsely reproduces a certificate of title is at least seven hundred fifty
 23 dollars (\$750) and less than fifty thousand dollars (\$50,000); and a
 24 Level 5 felony if the aggregate fair market value of all motor vehicles;
 25 semitrailers, and recreational vehicles for which the person counterfeits
 26 or falsely reproduces a certificate of title is at least fifty thousand
 27 dollars (\$50,000).
 28 SECTION 64. IC 35-43-6.5-2 IS REPEALED [EFFECTIVE JULY
 29 1, 2021]. Sec. 2: (a) A person who, with the intent to defraud:
 30 (1) advertises for sale;
 31 (2) sells;
 32 (3) uses; or
 33 (4) installs;
 34 any device that causes an odometer to register mileage other than the
 35 mileage driven by the vehicle as registered by the odometer within the
 36 manufacturer's designed tolerance commits a Level 6 felony.
 37 (b) A person who, with the intent to defraud:
 38 (1) disconnects; resets; or alters the odometer of any motor
 39 vehicle with intent to change the number of miles or kilometers
 40 indicated on the odometer; or
 41 (2) sells a motor vehicle that has a broken odometer or an
 42 odometer that is not displaying correct mileage of the vehicle;



- 1 commits a Level 6 felony:
 2 SECTION 65. IC 35-43-9-7 IS REPEALED [EFFECTIVE JULY 1,
 3 2021]. Sec. 7: (a) An officer, a director, or an employee of a title
 4 insurer, an individual associated with the title insurer as an independent
 5 contractor, or a title insurance agent who knowingly or intentionally:
 6 (1) converts or misappropriates money received or held in a title
 7 insurance escrow account; or
 8 (2) receives or conspires to receive money described in
 9 subdivision (1);
 10 commits a Level 6 felony; except as provided in subsection (b):
 11 (b) The offense is:
 12 (1) a Level 5 felony if the amount of money:
 13 (A) converted, misappropriated, or received; or
 14 (B) for which there is a conspiracy;
 15 is more than ten thousand dollars (\$10,000) but less than one
 16 hundred thousand dollars (\$100,000); and
 17 (2) a Level 4 felony if the amount of money:
 18 (A) converted, misappropriated, or received; or
 19 (B) for which there is a conspiracy;
 20 is at least one hundred thousand dollars (\$100,000).
 21 SECTION 66. IC 35-43-9-8 IS REPEALED [EFFECTIVE JULY 1,
 22 2021]. Sec. 8: The court shall direct the clerk of court to notify the
 23 Indiana department of insurance about a conviction of an offense under
 24 section 7 of this chapter:
 25 SECTION 67. IC 35-43-9-9 IS REPEALED [EFFECTIVE JULY 1,
 26 2021]. Sec. 9: In addition to any sentence or fine imposed for a
 27 conviction of an offense in section 7 of this chapter, the court shall
 28 order the person convicted to make restitution to the victim of the
 29 crime pursuant to IC 35-50-5-3.
 30 SECTION 68. IC 35-44.1-2-2, AS AMENDED BY P.L.252-2017,
 31 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2021]: Sec. 2. (a) A person who:
 33 (1) knowingly or intentionally induces, by threat, coercion, false
 34 statement, or offer of goods, services, or anything of value, a
 35 witness or informant in ~~an official~~ **a legal proceeding or an**
 36 **administrative or criminal** investigation to:
 37 (A) withhold or unreasonably delay in producing any
 38 testimony, information, document, or thing;
 39 (B) avoid legal process summoning the person to testify or
 40 supply evidence; or
 41 (C) absent the person from a proceeding or investigation to
 42 which the person has been legally summoned;



1 (2) knowingly or intentionally in ~~an official criminal~~ **a legal**
 2 proceeding or **an administrative or criminal** investigation:

3 (A) withholds or unreasonably delays in producing any
 4 testimony, information, document, or thing after a court orders
 5 the person to produce the testimony, information, document,
 6 or thing;

7 (B) avoids legal process summoning the person to testify or
 8 supply evidence; or

9 (C) absents the person from a proceeding or investigation to
 10 which the person has been legally summoned;

11 (3) alters, damages, or removes any record, document, or thing,
 12 with intent to prevent it from being produced or used as evidence
 13 in any ~~official proceeding or investigation;~~ **legal proceeding or**
 14 **administrative or criminal investigation;**

15 (4) makes, presents, or uses a false record, document, or thing
 16 with intent that the record, document, or thing, material to the
 17 point in question, appear in evidence in ~~an official proceeding or~~
 18 ~~investigation~~ **a legal proceeding or an administrative or**
 19 **criminal investigation** to mislead a public servant; or

20 (5) communicates, directly or indirectly, with a juror otherwise
 21 than as authorized by law, with intent to influence the juror
 22 regarding any matter that is or may be brought before the juror;
 23 commits obstruction of justice, a Level 6 felony, except as provided in
 24 subsection (b).

25 (b) Except as provided in subsection (e), the offense described in
 26 subsection (a) is a Level 5 felony if, during the investigation or
 27 pendency of a domestic violence or child abuse case under subsection
 28 (c), a person knowingly or intentionally:

29 (1) offers, gives, or promises any benefit to;

30 (2) communicates a threat as defined by IC 35-45-2-1(c) to; or

31 (3) intimidates, unlawfully influences, or unlawfully persuades;
 32 any witness to abstain from attending or giving testimony at any
 33 hearing, trial, deposition, probation, or other criminal proceeding or
 34 from giving testimony or other statements to a court or law
 35 enforcement officer under IC 35-31.5-2-185.

36 (c) As used in this section, "domestic violence or child abuse case"
 37 means any case involving an allegation of:

38 (1) the commission of a crime involving domestic or family
 39 violence under IC 35-31.5-2-76 involving a family or household
 40 member under IC 35-31.5-2-128;

41 (2) the commission of a crime of domestic violence under
 42 IC 35-31.5-2-78 involving a family or household member under



- 1 IC 35-31.5-2-128; or
 2 (3) physical abuse, sexual abuse, or child neglect, including
 3 crimes listed under IC 35-31.5-2-76 involving a victim who was
 4 less than eighteen (18) years of age at the time of the offense,
 5 whether or not the person is a family or household member under
 6 IC 35-31.5-2-128.
- 7 (d) Subsection (a)(2)(A) does not apply to:
 8 (1) a person who qualifies for a special privilege under IC 34-46-4
 9 with respect to the testimony, information, document, or thing; or
 10 (2) a person who, as:
 11 (A) an attorney;
 12 (B) a physician;
 13 (C) a member of the clergy; or
 14 (D) a husband or wife;
 15 is not required to testify under IC 34-46-3-1.
- 16 (e) Subsection (b) does not apply to:
 17 (1) an attorney;
 18 (2) an investigator;
 19 (3) a law enforcement officer; or
 20 (4) a judge;
 21 engaged in that person's professional or official duties.
- 22 SECTION 69. IC 35-44.1-2-3, AS AMENDED BY P.L.142-2020,
 23 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2021]: Sec. 3. (a) As used in this section, "consumer product"
 25 has the meaning set forth in IC 35-45-8-1.
- 26 (b) As used in this section, "misconduct" means a violation of a
 27 departmental rule or procedure of a law enforcement agency.
- 28 (c) A person who reports ~~by telephone, telegraph, mail, or other~~
 29 ~~written or oral communication~~; that:
 30 (1) the person or another person has placed or intends to place an
 31 explosive, a destructive device, or other destructive substance in
 32 a building or transportation facility;
 33 (2) there has been or there will be tampering with a consumer
 34 product introduced into commerce; or
 35 (3) there has been or will be placed or introduced a weapon of
 36 mass destruction in a building or a place of assembly;
 37 knowing the report to be false, commits false reporting, a Level 6
 38 felony.
- 39 (d) A person who:
 40 (1) gives:
 41 (A) a false report of the commission of a crime; or
 42 (B) gives false information ~~in the official investigation of to a~~



- 1 **law enforcement officer that relates to** the commission of a
 2 crime;
 3 knowing the report or information to be false;
 4 (2) gives a false alarm of fire to the fire department of a
 5 governmental entity, knowing the alarm to be false;
 6 (3) makes a false request for ambulance service to an ambulance
 7 service provider, knowing the request to be false;
 8 (4) gives a false report concerning a missing child (as defined in
 9 IC 10-13-5-4) or missing endangered adult (as defined in
 10 IC 12-7-2-131.3) or gives false information ~~in the official~~
 11 ~~investigation of~~ **to a law enforcement officer or a governmental**
 12 **entity that relates to** a missing child or missing endangered adult
 13 knowing the report or information to be false;
 14 (5) makes a complaint against a law enforcement officer to the
 15 state or municipality (as defined in IC 8-1-13-3(b)) that employs
 16 the officer:
 17 (A) alleging the officer engaged in misconduct while
 18 performing the officer's duties; and
 19 (B) knowing the complaint to be false;
 20 (6) makes a false report of a missing person, knowing the report
 21 or information is false;
 22 (7) gives a false report of actions, behavior, or conditions
 23 concerning:
 24 (A) a septic tank soil absorption system under IC 8-1-2-125 or
 25 IC 13-26-5-2.5; or
 26 (B) a septic tank soil absorption system or constructed wetland
 27 septic system under IC 36-9-23-30.1;
 28 knowing the report or information to be false; or
 29 (8) makes a false report that a person is dangerous (as defined in
 30 IC 35-47-14-1) knowing the report or information to be false;
 31 commits false informing, a Class B misdemeanor. However, the offense
 32 is a Class A misdemeanor if it substantially hinders any law
 33 enforcement process or if it results in harm to another person.
 34 SECTION 70. IC 35-44.1-3-1, AS AMENDED BY THE
 35 TECHNICAL CORRECTIONS BILL OF THE 2021 GENERAL
 36 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2021]: Sec. 1. (a) A person who knowingly or intentionally:
 38 (1) forcibly resists, obstructs, or interferes with a law enforcement
 39 officer or a person assisting the officer while the officer is
 40 lawfully engaged in the execution of the officer's duties;
 41 (2) ~~forcibly~~ resists, obstructs, or interferes with the authorized
 42 service or execution of a civil or criminal process or order of a



- 1 court; ~~or~~
- 2 (3) flees from a law enforcement officer after the officer has, by
- 3 visible or audible means, including operation of the law
- 4 enforcement officer's siren or emergency lights, identified himself
- 5 or herself and ordered the person to stop; ~~or~~
- 6 **(4) resists, obstructs, refuses, or interferes with a law**
- 7 **enforcement officer's lawful:**
- 8 **(A) entry into a structure; or**
- 9 **(B) order to exit a structure;**
- 10 commits resisting law enforcement, a Class A misdemeanor, except as
- 11 provided in subsection (c).
- 12 (b) A person who, having been denied entry by an emergency
- 13 medical services provider or a law enforcement officer, knowingly or
- 14 intentionally enters an area that is marked off with barrier tape or other
- 15 physical barriers, commits interfering with public safety, a Class B
- 16 misdemeanor, except as provided in subsection (c) or (k).
- 17 (c) The offense under subsection (a) or (b) is a:
- 18 (1) Level 6 felony if:
- 19 (A) the person uses a vehicle to commit the offense; or
- 20 (B) while committing the offense, the person draws or uses a
- 21 deadly weapon, inflicts bodily injury on or otherwise causes
- 22 bodily injury to another person, or operates a vehicle in a
- 23 manner that creates a substantial risk of bodily injury to
- 24 another person;
- 25 (2) Level 5 felony if, while committing the offense, the person
- 26 operates a vehicle in a manner that causes serious bodily injury to
- 27 another person;
- 28 (3) Level 3 felony if, while committing the offense, the person
- 29 operates a vehicle in a manner that causes the death or
- 30 catastrophic injury of another person; and
- 31 (4) Level 2 felony if, while committing any offense described in
- 32 subsection (a), the person operates a vehicle in a manner that
- 33 causes the death or catastrophic injury of an emergency medical
- 34 services provider or a law enforcement officer while the
- 35 emergency medical services provider or law enforcement officer
- 36 is engaged in the emergency medical services provider's or
- 37 officer's official duties.
- 38 (d) The offense under subsection (a) is a Level 6 felony if, while
- 39 committing an offense under:
- 40 (1) subsection (a)(1) or (a)(2), the person:
- 41 (A) creates a substantial risk of bodily injury to the person or
- 42 another person; and



- 1 (B) has two (2) or more prior unrelated convictions under
 2 subsection (a); or
 3 (2) subsection (a)(3), the person has two (2) or more prior
 4 unrelated convictions under subsection (a).
 5 (e) If a person uses a vehicle to commit a felony offense under
 6 subsection (c)(1)(B), (c)(2), (c)(3), or (c)(4), as part of the criminal
 7 penalty imposed for the offense, the court shall impose a minimum
 8 executed sentence of at least:
 9 (1) thirty (30) days, if the person does not have a prior unrelated
 10 conviction under this section;
 11 (2) one hundred eighty (180) days, if the person has one (1) prior
 12 unrelated conviction under this section; or
 13 (3) one (1) year, if the person has two (2) or more prior unrelated
 14 convictions under this section.
 15 (f) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory
 16 minimum sentence imposed under subsection (e) may not be
 17 suspended.
 18 (g) If a person is convicted of an offense involving the use of a
 19 motor vehicle under:
 20 (1) subsection (c)(1)(A), if the person exceeded the speed limit by
 21 at least twenty (20) miles per hour while committing the offense;
 22 (2) subsection (c)(2); or
 23 (3) subsection (c)(3);
 24 the court may notify the bureau of motor vehicles to suspend or revoke
 25 the person's driver's license and all certificates of registration and
 26 license plates issued or registered in the person's name in accordance
 27 with ~~IC 9-30-4-6.1(b)(3)~~ **IC 9-30-4-6.1(b)** for the period described in
 28 IC 9-30-4-6.1(d)(1) or IC 9-30-4-6.1(d)(2). The court shall inform the
 29 bureau whether the person has been sentenced to a term of
 30 incarceration. At the time of conviction, the court may obtain the
 31 person's current driver's license and return the license to the bureau of
 32 motor vehicles.
 33 (h) A person may not be charged or convicted of a crime under
 34 subsection (a)(3) if the law enforcement officer is a school resource
 35 officer acting in the officer's capacity as a school resource officer.
 36 (i) A person who commits an offense described in subsection (c)
 37 commits a separate offense for each person whose bodily injury,
 38 serious bodily injury, catastrophic injury, or death is caused by a
 39 violation of subsection (c).
 40 (j) A court may order terms of imprisonment imposed on a person
 41 convicted of more than one (1) offense described in subsection (c) to
 42 run consecutively. Consecutive terms of imprisonment imposed under



1 this subsection are not subject to the sentencing restrictions set forth in
2 IC 35-50-1-2(c) through IC 35-50-1-2(d).

3 (k) As used in this subsection, "family member" means a child,
4 grandchild, parent, grandparent, or spouse of the person. It is a defense
5 to a prosecution under subsection (b) that the person reasonably
6 believed that the person's family member:

7 (1) was in the marked off area; and

8 (2) had suffered bodily injury or was at risk of suffering bodily
9 injury;

10 if the person is not charged as a defendant in connection with the
11 offense, if applicable, that caused the area to be secured by barrier tape
12 or other physical barriers.

13 SECTION 71. IC 35-44.1-3-5, AS AMENDED BY P.L.168-2014,
14 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2021]: Sec. 5. (a) As used in this section, "juvenile facility"
16 means the following:

17 (1) A secure facility (as defined in IC 31-9-2-114) in which a
18 child is detained under IC 31 or used for a child awaiting
19 adjudication or adjudicated under IC 31 as a child in need of
20 services or a delinquent child.

21 (2) A shelter care facility (as defined in IC 31-9-2-117) in which
22 a child is detained under IC 31 or used for a child awaiting
23 adjudication or adjudicated under IC 31 as a child in need of
24 services or a delinquent child.

25 (b) A person who, without the prior authorization of the person in
26 charge of a penal facility or juvenile facility, knowingly or
27 intentionally:

28 (1) delivers, or carries into the penal facility or juvenile facility
29 with intent to deliver, an article to an inmate or child of the
30 facility;

31 (2) carries, or receives with intent to carry out of the penal facility
32 or juvenile facility, an article from an inmate or child of the
33 facility; or

34 (3) delivers, or carries to a worksite with the intent to deliver,
35 alcoholic beverages to an inmate or child of a jail work crew or
36 community work crew;

37 commits trafficking with an inmate, a Class A misdemeanor. However,
38 the offense is a Level 5 felony under subdivision (1) or (2) if the article
39 is a controlled substance, **a controlled substance analog**, a deadly
40 weapon, or a cellular telephone or other wireless or cellular
41 communications device.

42 (c) If:



- 1 (1) the person who committed the offense under subsection (b) is
 2 an employee of:
 3 (A) the department of correction; or
 4 (B) a penal facility;
 5 and the article is a cigarette or tobacco product (as defined in
 6 IC 6-7-2-5), the court shall order the person to pay a fine of at
 7 least five hundred dollars (\$500) and not more than five thousand
 8 dollars (\$5,000) under IC 35-50-3-2, in addition to any term of
 9 imprisonment imposed under IC 35-50-3-2; or
 10 (2) a person is convicted of committing a Level 5 felony under
 11 subsection (b)(1) or (b)(2) because the article was a cellular
 12 telephone or other wireless or cellular communication device, the
 13 court shall order the person to pay a fine of at least five hundred
 14 dollars (\$500) and not more than ten thousand dollars (\$10,000)
 15 under IC 35-50-2-6(a) in addition to any term of imprisonment
 16 imposed on the person under IC 35-50-2-6(a).
 17 (d) A person who:
 18 (1) is not an inmate of a penal facility or a child of a juvenile
 19 facility; and
 20 (2) knowingly or intentionally possesses in, or carries or causes to
 21 be brought into, the penal facility or juvenile facility a deadly
 22 weapon without the prior authorization of the person in charge of
 23 the penal facility or juvenile facility;
 24 commits carrying a deadly weapon into a correctional facility, a Level
 25 5 felony.
 26 SECTION 72. IC 35-44.1-3-6, AS AMENDED BY P.L.158-2013,
 27 SECTION 513, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) As used in this section,
 29 "contraband" means the following:
 30 (1) Alcohol.
 31 (2) A cigarette or tobacco product.
 32 (3) A controlled substance **or controlled substance analog**.
 33 (4) An item that may be used as a weapon.
 34 (b) As used in this section, "inmate outside a facility" means a
 35 person who is incarcerated in a penal facility or detained in a juvenile
 36 facility on a full-time basis as the result of a conviction or a juvenile
 37 adjudication but who has been or is being transported to another
 38 location to participate in or prepare for a judicial proceeding. The term
 39 does not include the following:
 40 (1) An adult or juvenile pretrial detainee.
 41 (2) A person serving an intermittent term of imprisonment or
 42 detention.



- 1 (3) A person serving a term of imprisonment or detention as:
 2 (A) a condition of probation;
 3 (B) a condition of a community corrections program;
 4 (C) part of a community transition program;
 5 (D) part of a reentry court program;
 6 (E) part of a work release program; or
 7 (F) part of a community based program that is similar to a
 8 program described in clauses (A) through (E).
 9 (4) A person who has escaped from incarceration or walked away
 10 from secure detention.
 11 (5) A person on temporary leave (as described in IC 11-10-9) or
 12 temporary release (as described in IC 11-10-10).
 13 (c) A person who, with the intent of providing contraband to an
 14 inmate outside a facility:
 15 (1) delivers contraband to an inmate outside a facility; or
 16 (2) places contraband in a location where an inmate outside a
 17 facility could obtain the contraband;
 18 commits trafficking with an inmate outside a facility, a Class A
 19 misdemeanor. However, the offense is a Level 6 felony if the
 20 contraband is an item described in subsection (a)(3), and a Level 5
 21 felony if the contraband is an item described in subsection (a)(4).
 22 SECTION 73. IC 35-45-6-1, AS AMENDED BY P.L.80-2019,
 23 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2021]: Sec. 1. (a) The definitions in this section apply
 25 throughout this chapter.
 26 (b) "Documentary material" means any document, drawing,
 27 photograph, recording, or other tangible item containing compiled data
 28 from which information can be either obtained or translated into a
 29 usable form.
 30 (c) "Enterprise" means:
 31 (1) a sole proprietorship, corporation, limited liability company,
 32 partnership, business trust, or governmental entity; or
 33 (2) a union, an association, or a group, whether a legal entity or
 34 merely associated in fact.
 35 (d) "Pattern of racketeering activity" means engaging in at least two
 36 (2) incidents of racketeering activity that have the same or similar
 37 intent, result, accomplice, victim, or method of commission, or that are
 38 otherwise interrelated by distinguishing characteristics that are not
 39 isolated incidents. However, the incidents are a pattern of racketeering
 40 activity only if at least one (1) of the incidents occurred after August
 41 31, 1980, and if the last of the incidents occurred within five (5) years
 42 after a prior incident of racketeering activity.



1 (e) "Racketeering activity" means to commit, to attempt to commit,
 2 to conspire to commit a violation of, or aiding and abetting in a
 3 violation of any of the following:

4 (1) A provision of IC 23-19, or of a rule or order issued under
 5 IC 23-19.

6 (2) A violation of IC 35-45-9.

7 (3) A violation of IC 35-47.

8 (4) A violation of IC 35-49-3.

9 (5) Murder (IC 35-42-1-1).

10 (6) Battery as a Class C felony before July 1, 2014, or a Level 5
 11 felony after June 30, 2014 (IC 35-42-2-1).

12 (7) Kidnapping (IC 35-42-3-2).

13 (8) Human and sexual trafficking crimes (IC 35-42-3.5).

14 (9) Child exploitation (IC 35-42-4-4).

15 (10) Robbery (IC 35-42-5-1).

16 (11) Carjacking (IC 35-42-5-2) (before its repeal).

17 (12) Arson (IC 35-43-1-1).

18 (13) Burglary (IC 35-43-2-1).

19 (14) Theft (IC 35-43-4-2).

20 (15) Receiving stolen property (IC 35-43-4-2) (before its
 21 amendment on July 1, 2018).

22 (16) Forgery (IC 35-43-5-2).

23 (17) ~~Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10))~~. **An**
 24 **offense under IC 35-43-5.**

25 (18) Bribery (IC 35-44.1-1-2).

26 (19) Official misconduct (IC 35-44.1-1-1).

27 (20) Conflict of interest (IC 35-44.1-1-4).

28 (21) Perjury (IC 35-44.1-2-1).

29 (22) Obstruction of justice (IC 35-44.1-2-2).

30 (23) Intimidation (IC 35-45-2-1).

31 (24) Promoting prostitution (IC 35-45-4-4).

32 (25) Professional gambling (IC 35-45-5-3).

33 (26) Maintaining a professional gambling site (IC
 34 35-45-5-3.5(b)).

35 (27) Promoting professional gambling (IC 35-45-5-4).

36 (28) Dealing in or manufacturing cocaine or a narcotic drug (IC
 37 35-48-4-1).

38 (29) Dealing in methamphetamine (IC 35-48-4-1.1).

39 (30) Manufacturing methamphetamine (IC 35-48-4-1.2).

40 (31) Dealing in a schedule I, II, or III controlled substance (IC
 41 35-48-4-2).

42 (32) Dealing in a schedule IV controlled substance (IC



- 1 35-48-4-3).
- 2 (33) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 3 (34) Dealing in marijuana, hash oil, hashish, or salvia (IC
- 4 35-48-4-10).
- 5 (35) Money laundering (IC 35-45-15-5).
- 6 (36) A violation of IC 35-47.5-5.
- 7 (37) A violation of any of the following:
- 8 (A) IC 23-14-48-9.
- 9 (B) IC 30-2-9-7(b).
- 10 (C) IC 30-2-10-9(b).
- 11 (D) IC 30-2-13-38(f).
- 12 (38) Practice of law by a person who is not an attorney (IC
- 13 33-43-2-1).
- 14 (39) An offense listed in IC 35-48-4 involving the manufacture or
- 15 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
- 16 synthetic drug lookalike substance (as defined in
- 17 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
- 18 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
- 19 substance analog (as defined in IC 35-48-1-9.3), or a substance
- 20 represented to be a controlled substance (as described in
- 21 IC 35-48-4-4.6).
- 22 (40) Dealing in a controlled substance resulting in death (IC
- 23 35-42-1-1.5).
- 24 SECTION 74. IC 35-48-1-9.3, AS AMENDED BY P.L.80-2019,
- 25 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2021]: Sec. 9.3. (a) "Controlled substance analog" means a
- 27 substance that, due to its chemical structure and potential for abuse or
- 28 misuse, meets the following criteria:
- 29 (1) The substance is substantially similar to a controlled substance
- 30 classified under IC 35-48-2.
- 31 (2) The substance has a narcotic, stimulant, depressant, or
- 32 hallucinogenic effect on the central nervous system or is
- 33 represented or intended to have a narcotic, stimulant, depressant,
- 34 or hallucinogenic effect on the central nervous system
- 35 substantially similar to or greater than that of a controlled
- 36 substance classified under IC 35-48-2.
- 37 (b) The definition set forth in subsection (a) does not include:
- 38 (1) a controlled substance;
- 39 (2) a legend drug;
- 40 (3) a substance for which there is an approved new drug
- 41 application;
- 42 (4) any compound, mixture, or preparation that contains any



- 1 controlled substance, that is not for administration to a human
 2 being or an animal, and that is packaged in a form or
 3 concentration, or with adulterants or denaturants, such that as
 4 packaged it does not present any significant potential for abuse;
 5 or
 6 (5) a substance to which an investigational exemption applies
 7 under Section 505 of the federal Food, Drug and Cosmetic Act
 8 (chapter 675, 52 Stat. 1052 (21 U.S.C. 355)), but only to the
 9 extent that conduct with respect to the substance is pursuant to the
 10 exemption; or
 11 (6) low THC hemp extract.
- 12 (c) For purposes of subsection (a), "substantially similar", as it
 13 applies to the chemical structure of a substance, means that the
 14 chemical structure of the substance, when compared to the structure of
 15 a controlled substance, has a ~~single difference~~ **not more than three (3)**
 16 **differences, including structural modifications for chemical bonds**
 17 **in the structural formula that substitutes or changes at least one (1)**
 18 **atom or functional group for another, including:**
- 19 (1) ~~one (1)~~ halogen for another halogen;
 - 20 (2) ~~one (1)~~ hydrogen for a halogen;
 - 21 (3) ~~one (1)~~ halogen for a hydrogen; or
 - 22 (4) an alkyl group added or deleted:
 - 23 (A) as a side chain to or from a molecule; or
 - 24 (B) from a side chain of a molecule.
- 25 SECTION 75. IC 35-50-1-2, AS AMENDED BY P.L.142-2020,
 26 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2021]: Sec. 2. (a) As used in this section, "crime of violence"
 28 means the following:
- 29 (1) Murder (IC 35-42-1-1).
 - 30 (2) Attempted murder (IC 35-41-5-1).
 - 31 (3) Voluntary manslaughter (IC 35-42-1-3).
 - 32 (4) Involuntary manslaughter (IC 35-42-1-4).
 - 33 (5) Reckless homicide (IC 35-42-1-5).
 - 34 (6) Battery (IC 35-42-2-1) as a **felony**.
 - 35 (A) ~~Level 2 felony~~;
 - 36 (B) ~~Level 3 felony~~;
 - 37 (C) ~~Level 4 felony~~; or
 - 38 (D) ~~Level 5 felony~~.
 - 39 (7) Domestic battery (IC 35-42-2-1.3) as a **felony**.
 - 40 (A) ~~Level 2 felony~~;
 - 41 (B) ~~Level 3 felony~~;
 - 42 (C) ~~Level 4 felony~~; or



- 1 ~~(D)~~ **Level 5 felony:**
2 (8) Aggravated battery (IC 35-42-2-1.5).
3 (9) Kidnapping (IC 35-42-3-2).
4 (10) Rape (IC 35-42-4-1).
5 (11) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
6 (12) Child molesting (IC 35-42-4-3).
7 (13) Sexual misconduct with a minor as a Level 1 felony under
8 IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).
9 (14) Robbery as a Level 2 felony or a Level 3 felony (IC
10 35-42-5-1).
11 (15) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony,
12 or Level 4 felony (IC 35-43-2-1).
13 (16) Operating a vehicle while intoxicated causing death or
14 catastrophic injury (IC 9-30-5-5).
15 (17) Operating a vehicle while intoxicated causing serious bodily
16 injury to another person (IC 9-30-5-4).
17 (18) Child exploitation as a Level 5 felony under IC 35-42-4-4(b)
18 or a Level 4 felony under IC 35-42-4-4(c).
19 (19) Resisting law enforcement as a felony (IC 35-44.1-3-1).
20 (20) Unlawful possession of a firearm by a serious violent felon
21 (IC 35-47-4-5).
22 (21) Strangulation (IC 35-42-2-9) as a Level 5 felony.
23 **(22) Arson (IC 35-43-1-1).**
24 **(23) Criminal confinement (IC 35-42-3-3).**
25 (b) As used in this section, "episode of criminal conduct" means
26 offenses or a connected series of offenses that are closely related in
27 time, place, and circumstance.
28 (c) Except as provided in subsection (e) or (f) the court shall
29 determine whether terms of imprisonment shall be served concurrently
30 or consecutively. The court may consider the:
31 (1) aggravating circumstances in IC 35-38-1-7.1(a); and
32 (2) mitigating circumstances in IC 35-38-1-7.1(b);
33 in making a determination under this subsection. The court may order
34 terms of imprisonment to be served consecutively even if the sentences
35 are not imposed at the same time. However, except for crimes of
36 violence, the total of the consecutive terms of imprisonment, exclusive
37 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10
38 (before its repeal) to which the defendant is sentenced for felony
39 convictions arising out of an episode of criminal conduct shall not
40 exceed the period described in subsection (d).
41 (d) Except as provided in subsection (c), the total of the consecutive
42 terms of imprisonment to which the defendant is sentenced for felony



1 convictions arising out of an episode of criminal conduct may not
2 exceed the following:

3 (1) If the most serious crime for which the defendant is sentenced
4 is a Level 6 felony, the total of the consecutive terms of
5 imprisonment may not exceed four (4) years.

6 (2) If the most serious crime for which the defendant is sentenced
7 is a Level 5 felony, the total of the consecutive terms of
8 imprisonment may not exceed seven (7) years.

9 (3) If the most serious crime for which the defendant is sentenced
10 is a Level 4 felony, the total of the consecutive terms of
11 imprisonment may not exceed fifteen (15) years.

12 (4) If the most serious crime for which the defendant is sentenced
13 is a Level 3 felony, the total of the consecutive terms of
14 imprisonment may not exceed twenty (20) years.

15 (5) If the most serious crime for which the defendant is sentenced
16 is a Level 2 felony, the total of the consecutive terms of
17 imprisonment may not exceed thirty-two (32) years.

18 (6) If the most serious crime for which the defendant is sentenced
19 is a Level 1 felony, the total of the consecutive terms of
20 imprisonment may not exceed forty-two (42) years.

21 (e) If, after being arrested for one (1) crime, a person commits
22 another crime:

23 (1) before the date the person is discharged from probation,
24 parole, or a term of imprisonment imposed for the first crime; or

25 (2) while the person is released:

26 (A) upon the person's own recognizance; or

27 (B) on bond;

28 the terms of imprisonment for the crimes shall be served consecutively,
29 regardless of the order in which the crimes are tried and sentences are
30 imposed.

31 (f) If the factfinder determines under IC 35-50-2-11 that a person
32 used a firearm in the commission of the offense for which the person
33 was convicted, the term of imprisonment for the underlying offense and
34 the additional term of imprisonment imposed under IC 35-50-2-11
35 must be served consecutively.

36 SECTION 76. IC 35-50-2-11, AS AMENDED BY P.L.157-2016,
37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2021]: Sec. 11. (a) As used in this section, "firearm" has the
39 meaning set forth in IC 35-47-1-5.

40 (b) As used in this section, "offense" means:

41 (1) a felony under IC 35-42 that resulted in death or serious bodily
42 injury;



- 1 (2) kidnapping; ~~or~~
 2 (3) criminal confinement as a Level 2 or Level 3 felony; **or**
 3 **(4) attempted murder.**
 4 (c) As used in this section, "police officer" means any of the
 5 following:
 6 (1) A state police officer.
 7 (2) A county sheriff.
 8 (3) A county police officer.
 9 (4) A city police officer.
 10 (5) A state educational institution police officer appointed under
 11 IC 21-39-4.
 12 (6) A school corporation police officer appointed under
 13 IC 20-26-16.
 14 (7) A police officer of a public or private postsecondary
 15 educational institution whose board of trustees has established a
 16 police department under IC 21-17-5-2 or IC 21-39-4-2.
 17 (8) An enforcement officer of the alcohol and tobacco
 18 commission.
 19 (9) A conservation officer.
 20 (10) A gaming agent employed under IC 4-33-4.5 or a gaming
 21 control officer employed by the gaming control division under
 22 IC 4-33-20.
 23 (d) The state may seek, on a page separate from the rest of a
 24 charging instrument, to have a person who allegedly committed an
 25 offense sentenced to an additional fixed term of imprisonment if the
 26 state can show beyond a reasonable doubt that the person knowingly or
 27 intentionally used a firearm in the commission of the offense.
 28 (e) The state may seek, on a page separate from the rest of a
 29 charging instrument, to have a person who allegedly committed a
 30 felony or misdemeanor other than an offense (as defined under
 31 subsection (b)) sentenced to an additional fixed term of imprisonment
 32 if the state can show beyond a reasonable doubt that the person, while
 33 committing the felony or misdemeanor, knowingly or intentionally:
 34 (1) pointed a firearm; or
 35 (2) discharged a firearm;
 36 at an individual whom the person knew, or reasonably should have
 37 known, was a police officer.
 38 (f) If the person was convicted of:
 39 (1) the offense under subsection (d); or
 40 (2) the felony or misdemeanor under subsection (e);
 41 in a jury trial, the jury shall reconvene to hear evidence in the
 42 enhancement hearing. If the trial was to the court, or the judgment was



1 entered on a guilty plea, the court alone shall hear evidence in the
2 enhancement hearing.

3 (g) If the jury (if the hearing is by jury) or the court (if the hearing
4 is to the court alone) finds that the state has proved beyond a
5 reasonable doubt that the person knowingly or intentionally used a
6 firearm in the commission of the offense under subsection (d), the court
7 may sentence the person to an additional fixed term of imprisonment
8 of between five (5) years and twenty (20) years.

9 (h) If the jury (if the hearing is by jury) or the court (if the hearing
10 is to the court alone) finds that the state has proved beyond a
11 reasonable doubt that the person, while committing a felony or
12 misdemeanor under subsection (e), knowingly or intentionally:

13 (1) pointed a firearm; or
14 (2) discharged a firearm;

15 at an individual whom the person knew, or reasonably should have
16 known, was a police officer, the court may sentence the person to an
17 additional fixed term of imprisonment of between five (5) and twenty
18 (20) years.

19 (i) A person may not be sentenced under subsections (g) and (h) for
20 offenses, felonies, and misdemeanors comprising a single episode of
21 criminal conduct.

