

SENATE BILL No. 240

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-24-1-1; IC 35-44.1-2; IC 35-46-11.

Synopsis: Public safety. Defines "spinning" as the repeated or continuous operation of a motor vehicle with the intent of causing the vehicle to perform a rotational skid, and provides that a person who recklessly, knowingly, or intentionally engages in spinning commits reckless spinning, a Class B misdemeanor. Enhances the penalty for reckless spinning to a Class A misdemeanor if the offense endangers a person. Makes obstruction of traffic committed in connection with reckless spinning a Class A misdemeanor, and authorizes the civil forfeiture of a motor vehicle used to commit: (1) reckless spinning; or (2) obstruction of traffic in connection with reckless spinning. Increases the penalty for false informing to a Level 6 felony if it is committed with the intent of causing a law enforcement officer to be dispatched.

Effective: July 1, 2024.

Freeman

January 10, 2024, read first time and referred to Committee on Corrections and Criminal Law.



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

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

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

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

SENATE BILL No. 240



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 34-24-1-1, AS AMENDED BY P.L.185-2023,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 1. (a) The following may be seized:
4 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used
5 or are intended for use by the person or persons in possession of
6 them to transport or in any manner to facilitate the transportation
7 of the following:
8 (A) A controlled substance for the purpose of committing,
9 attempting to commit, or conspiring to commit any of the
10 following:
11 (i) Dealing in or manufacturing cocaine or a narcotic drug
12 (IC 35-48-4-1).
13 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
14 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).
15 (iv) Dealing in a schedule I, II, or III controlled substance
16 (IC 35-48-4-2).
17 (v) Dealing in a schedule IV controlled substance (IC



- 1 35-48-4-3).
- 2 (vi) Dealing in a schedule V controlled substance (IC
- 3 35-48-4-4).
- 4 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).
- 5 (viii) Possession of cocaine or a narcotic drug (IC
- 6 35-48-4-6).
- 7 (ix) Possession of methamphetamine (IC 35-48-4-6.1).
- 8 (x) Dealing in paraphernalia (IC 35-48-4-8.5).
- 9 (xi) Dealing in marijuana, hash oil, hashish, or salvia (IC
- 10 35-48-4-10).
- 11 (xii) An offense under IC 35-48-4 involving a synthetic drug
- 12 (as defined in IC 35-31.5-2-321), a synthetic drug lookalike
- 13 substance (as defined in IC 35-31.5-2-321.5 (before its
- 14 repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its
- 15 repeal on July 1, 2019), a controlled substance analog (as
- 16 defined in IC 35-48-1-9.3), or a substance represented to be
- 17 a controlled substance (as described in IC 35-48-4-4.6).
- 18 (B) Any stolen (IC 35-43-4-2 or IC 35-43-4-2.2) or converted
- 19 property (IC 35-43-4-3) if the retail or repurchase value of that
- 20 property is one hundred dollars (\$100) or more.
- 21 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
- 22 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of
- 23 mass destruction (as defined in IC 35-31.5-2-354) used to
- 24 commit, used in an attempt to commit, or used in a conspiracy
- 25 to commit a felony terrorist offense (as defined in
- 26 IC 35-50-2-18) or an offense under IC 35-47 as part of or in
- 27 furtherance of an act of terrorism (as defined by
- 28 IC 35-31.5-2-329).
- 29 (2) All money, negotiable instruments, securities, weapons,
- 30 communications devices, or any property used to commit, used in
- 31 an attempt to commit, or used in a conspiracy to commit a felony
- 32 terrorist offense (as defined in IC 35-50-2-18) or an offense under
- 33 IC 35-47 as part of or in furtherance of an act of terrorism or
- 34 commonly used as consideration for a violation of IC 35-48-4
- 35 (other than items subject to forfeiture under IC 16-42-20-5 or
- 36 IC 16-6-8.5-5.1, before its repeal):
- 37 (A) furnished or intended to be furnished by any person in
- 38 exchange for an act that is in violation of a criminal statute;
- 39 (B) used to facilitate any violation of a criminal statute; or
- 40 (C) traceable as proceeds of the violation of a criminal statute.
- 41 (3) Any portion of real or personal property purchased with
- 42 money that is traceable as a proceed of a violation of a criminal



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



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



- 1 gross proceeds that a person obtains directly or indirectly as a
 2 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
 3 IC 30-2-10-9(b), or IC 30-2-13-38(f).
- 4 (17) Real or personal property, including a vehicle, that is used by
 5 a person to:
- 6 (A) commit, attempt to commit, or conspire to commit;
 7 (B) facilitate the commission of; or
 8 (C) escape from the commission of;
 9 a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human
 10 trafficking) or IC 35-45-4-4 (promoting prostitution).
- 11 **(18) A motor vehicle used by a person to commit:**
- 12 **(A) reckless spinning (IC 35-46-11-2); or**
 13 **(B) obstruction of traffic committed in connection with**
 14 **reckless spinning (IC 35-44.1-2-13).**
- 15 (b) A vehicle used by any person as a common or contract carrier in
 16 the transaction of business as a common or contract carrier is not
 17 subject to seizure under this section, unless it can be proven by a
 18 preponderance of the evidence that the owner of the vehicle knowingly
 19 permitted the vehicle to be used to engage in conduct that subjects it to
 20 seizure under subsection (a).
- 21 (c) Equipment under subsection (a)(10) may not be seized unless it
 22 can be proven by a preponderance of the evidence that the owner of the
 23 equipment knowingly permitted the equipment to be used to engage in
 24 conduct that subjects it to seizure under subsection (a)(10).
- 25 (d) Money, negotiable instruments, securities, weapons,
 26 communications devices, or any property commonly used as
 27 consideration for a violation of IC 35-48-4 found near or on a person
 28 who is committing, attempting to commit, or conspiring to commit any
 29 of the following offenses shall be admitted into evidence in an action
 30 under this chapter as prima facie evidence that the money, negotiable
 31 instrument, security, or other thing of value is property that has been
 32 used or was to have been used to facilitate the violation of a criminal
 33 statute or is the proceeds of the violation of a criminal statute:
- 34 (1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in
 35 death).
 36 (2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
 37 narcotic drug).
 38 (3) IC 35-48-4-1.1 (dealing in methamphetamine).
 39 (4) IC 35-48-4-1.2 (manufacturing methamphetamine).
 40 (5) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
 41 substance).
 42 (6) IC 35-48-4-3 (dealing in a schedule IV controlled substance).



- 1 (7) IC 35-48-4-4 (dealing in a schedule V controlled substance)
 2 as a Level 4 felony.
- 3 (8) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
 4 Level 3, Level 4, or Level 5 felony.
- 5 (9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level
 6 3, Level 4, or Level 5 felony.
- 7 (10) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or
 8 salvia) as a Level 5 felony.
- 9 (11) IC 35-48-4-10.5 (before its repeal on July 1, 2019) (dealing
 10 in a synthetic drug or synthetic drug lookalike substance) as a
 11 Level 5 felony or Level 6 felony (or as a Class C felony or Class
 12 D felony under IC 35-48-4-10 before its amendment in 2013).
- 13 (e) A vehicle operated by a person who is not:
 14 (1) an owner of the vehicle; or
 15 (2) the spouse of the person who owns the vehicle;
 16 is not subject to seizure under subsection (a)(15) unless it can be
 17 proven by a preponderance of the evidence that the owner of the
 18 vehicle knowingly permitted the vehicle to be used to engage in
 19 conduct that subjects it to seizure under subsection (a)(15).
- 20 SECTION 2. IC 35-44.1-2-3, AS AMENDED BY P.L.174-2021,
 21 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2024]: Sec. 3. (a) As used in this section, "consumer product"
 23 has the meaning set forth in IC 35-45-8-1.
- 24 (b) As used in this section, "misconduct" means a violation of a
 25 departmental rule or procedure of a law enforcement agency.
- 26 (c) A person who reports that:
 27 (1) the person or another person has placed or intends to place an
 28 explosive, a destructive device, or other destructive substance in
 29 a building or transportation facility;
 30 (2) there has been or there will be tampering with a consumer
 31 product introduced into commerce; or
 32 (3) there has been or will be placed or introduced a weapon of
 33 mass destruction in a building or a place of assembly;
 34 knowing the report to be false, commits false reporting, a Level 6
 35 felony.
- 36 (d) A person who:
 37 (1) gives:
 38 (A) a false report of the commission of a crime; or
 39 (B) false information to a law enforcement officer that relates
 40 to the commission of a crime;
 41 knowing the report or information to be false;
 42 (2) gives a false alarm of fire to the fire department of a



1 governmental entity, knowing the alarm to be false;
 2 (3) makes a false request for ambulance service to an ambulance
 3 service provider, knowing the request to be false;
 4 (4) gives a false report concerning a missing child (as defined in
 5 IC 10-13-5-4) or missing endangered adult (as defined in
 6 IC 12-7-2-131.3) or gives false information to a law enforcement
 7 officer or a governmental entity that relates to a missing child or
 8 missing endangered adult knowing the report or information to be
 9 false;
 10 (5) makes a complaint against a law enforcement officer to the
 11 state or municipality (as defined in IC 8-1-13-3(b)) that employs
 12 the officer:
 13 (A) alleging the officer engaged in misconduct while
 14 performing the officer's duties; and
 15 (B) knowing the complaint to be false;
 16 (6) makes a false report of a missing person, knowing the report
 17 or information is false;
 18 (7) gives a false report of actions, behavior, or conditions
 19 concerning:
 20 (A) a septic tank soil absorption system under IC 8-1-2-125 or
 21 IC 13-26-5-2.5; or
 22 (B) a septic tank soil absorption system or constructed wetland
 23 septic system under IC 36-9-23-30.1;
 24 knowing the report or information to be false; or
 25 (8) makes a false report that a person is dangerous (as defined in
 26 IC 35-47-14-1) knowing the report or information to be false;
 27 commits false informing, a Class B misdemeanor, **except as provided**
 28 **in subsection (e).**

29 **(e) However, The offense described in subsection (d):**

30 **(1) is a Class A misdemeanor if it substantially hinders any law**
 31 **enforcement process or if it results in harm to another person; and**

32 **(2) is a Level 6 felony if it is committed with the intent of**
 33 **causing a law enforcement officer to be dispatched.**

34 SECTION 3. IC 35-44.1-2-13, AS AMENDED BY P.L.174-2021,
 35 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2024]: Sec. 13. (a) Except as provided in subsection (b), a
 37 person who, with the intent to obstruct vehicular or pedestrian traffic,
 38 obstructs vehicular or pedestrian traffic commits obstruction of traffic,
 39 a Class B misdemeanor.

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

41 (1) a Class A misdemeanor if the offense:

42 **(A) includes the use of a motor vehicle; or**



- 1 **(B) is committed in connection with reckless spinning (IC**
 2 **35-46-11-2);**
 3 (2) a Level 6 felony if:
 4 (A) the offense results in serious bodily injury;
 5 (B) the person blocks an authorized emergency vehicle (as
 6 defined in IC 9-13-2-6) while the vehicle is:
 7 (i) responding to an emergency call;
 8 (ii) in the pursuit of an actual or suspected violator of the
 9 law; or
 10 (iii) responding to, but not returning from, a fire alarm;
 11 if the vehicle is using visible or audible signals as required by
 12 law; or
 13 (C) the person obstructs the entryway to a facility that provides
 14 emergency medical services; and
 15 (3) a Level 5 felony if the offense results in catastrophic bodily
 16 injury or death.
 17 (c) A person who unreasonably obstructs vehicular or pedestrian
 18 traffic commits a Class C infraction.
 19 (d) It is a defense to an action under subsection (c) that the
 20 obstruction was caused by a vehicle malfunction.
 21 SECTION 4. IC 35-46-11 IS ADDED TO THE INDIANA CODE
 22 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2024]:
 24 **Chapter 11. Spinning**
 25 **Sec. 1. As used in this chapter, "spinning" means the repeated**
 26 **or continuous operation of a motor vehicle with the intent of**
 27 **causing the vehicle to perform a rotational skid.**
 28 **Sec. 2. A person who recklessly, knowingly, or intentionally**
 29 **engages in spinning:**
 30 **(1) on a public highway (as defined by IC 9-25-2-4); and**
 31 **(2) if the public highway is privately owned, without the**
 32 **permission of the owner of the public highway;**
 33 **commits reckless spinning, a Class B misdemeanor. However, the**
 34 **offense is a Class A misdemeanor if the spinning endangers a**
 35 **person.**

