



Reprinted
March 28, 2017

ENGROSSED SENATE BILL No. 425

DIGEST OF SB 425 (Updated March 27, 2017 5:20 pm - DI 92)

Citations Affected: IC 3-14; IC 7.1-5; IC 35-52.

Synopsis: Low level offenses. Reduces several crimes concerning elections from Level 6 felonies to Class C Infractions. Permits an alcoholic beverage retailer or dealer to: (1) accept credit cards; and (2) extend credit to a consumer if the amount owed is paid before the consumer leaves the premises.

Effective: July 1, 2017.

**Young M, Alting, Taylor G,
Randolph Lonnie M**
(HOUSE SPONSORS — FRIZZELL, DVORAK)

January 12, 2017, read first time and referred to Committee on Corrections and Criminal Law.
February 23, 2017, amended, reported favorably — Do Pass.
February 27, 2017, read second time, ordered engrossed. Engrossed.
February 28, 2017, read third time, passed. Yeas 46, nays 4.

HOUSE ACTION

March 13, 2017, read first time and referred to Committee on Courts and Criminal Code.
March 23, 2017, reported — Do Pass.
March 27, 2017, read second time, amended, ordered engrossed.

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Reprinted
March 28, 2017

First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 425

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 3-14-1-1, AS AMENDED BY P.L.158-2013,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 1. A person who knowingly:
4 (1) falsely makes or fraudulently defaces or destroys a declaration
5 of candidacy, request for ballot placement under IC 3-8-3,
6 certificate or petition of nomination, recount petition or
7 cross-petition, contest petition, or certificate of candidate
8 selection, or a part of the declaration, request, petition, or
9 certificate;
10 (2) files a declaration of candidacy, request for ballot placement
11 under IC 3-8-3, certificate or petition of nomination, recount
12 petition or cross-petition, contest petition, or certificate of
13 candidate selection, knowing any part thereof to be falsely made;
14 (3) refuses to execute a certificate of nomination or candidate
15 selection when required by this title to do so and knowing that the
16 candidate has been nominated or selected;
17 (4) if the document is listed in subdivision (1), refuses to:

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- 1 (A) receive the document; or
 2 (B) record the date and time the document was received;
 3 when presented in accordance with this title; or
 4 (5) suppresses a declaration of candidacy, request for ballot
 5 placement under IC 3-8-3, petition or certificate of nomination,
 6 recount petition or cross-petition, contest petition, or certificate of
 7 candidate selection, that has been duly filed, or any part of the
 8 declaration, request, petition, or certificate;
 9 commits a ~~Level 6 felony~~. **Class C infraction.**
- 10 SECTION 2. IC 3-14-3-13, AS AMENDED BY P.L.158-2013,
 11 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2017]: Sec. 13. A person who during an election knowingly:
 13 (1) removes a ballot, pencil, or other marking device from the
 14 polls; or
 15 (2) possesses outside the polls a ballot, pencil, or other marking
 16 device either genuine or counterfeit;
 17 commits a ~~Level 6 felony~~. **Class C infraction.**
- 18 SECTION 3. IC 3-14-4-4, AS AMENDED BY P.L.158-2013,
 19 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2017]: Sec. 4. A member of a precinct election board who
 21 recklessly allows a booth or compartment in which a voter is preparing
 22 a ballot to be used:
 23 (1) without a screen; or
 24 (2) with a screen arranged so as not to shield the preparation of
 25 the ballot from observation;
 26 commits a ~~Level 6 felony~~. **Class C infraction.**
- 27 SECTION 4. IC 3-14-4-6, AS AMENDED BY P.L.158-2013,
 28 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2017]: Sec. 6. An inspector, or person acting in the inspector's
 30 behalf, who knowingly deposits:
 31 (1) a ballot upon which the initials of the poll clerks or authorized
 32 assistant poll clerks do not appear; or
 33 (2) a ballot on which appears externally a distinguishing mark or
 34 defacement;
 35 commits a ~~Level 6 felony~~. **Class C infraction.**
- 36 SECTION 5. IC 7.1-5-10-12, AS AMENDED BY P.L.159-2014,
 37 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2017]: Sec. 12. (a) Except as provided in subsections (b)
 39 through (d) **and subsection (f)**, it is unlawful for a permittee to sell,
 40 offer to sell, purchase or receive, an alcoholic beverage for anything
 41 other than cash. A permittee who extends credit in violation of this
 42 section shall have no right of action on the claim.



1 (b) A permittee may credit to a purchaser the actual price charged
 2 for a package or an original container returned by the original
 3 purchaser as a credit on a sale and refund to a purchaser the amount
 4 paid by the purchaser for a container, or as a deposit on a container, if
 5 it is returned to the permittee.

6 (c) A manufacturer may extend usual and customary credit for
 7 alcoholic beverages sold to a customer who maintains a place of
 8 business outside this state when the alcoholic beverages are actually
 9 shipped to a point outside this state.

10 (d) An artisan distiller, a distiller, or a liquor or wine wholesaler
 11 may extend credit on liquor, flavored malt beverages, and wine sold to
 12 a permittee for a period of fifteen (15) days from the date of invoice,
 13 date of invoice included. However, if the fifteen (15) day period passes
 14 without payment in full, the wholesaler shall sell to that permittee on
 15 a cash on delivery basis only.

16 (e) A person who knowingly or intentionally violates this section
 17 commits a Class B misdemeanor.

18 **(f) Nothing in this section may be construed to prohibit a**
 19 **retailer or dealer from:**

20 **(1) extending credit to a consumer purchasing alcohol for**
 21 **personal use at any time as long as any amount owed to the**
 22 **retailer or dealer by a consumer for alcohol is paid in full**
 23 **before the consumer leaves the permittee's premises; or**

24 **(2) accepting a:**

25 **(A) credit card;**

26 **(B) debit card;**

27 **(C) charge card; or**

28 **(D) stored value card;**

29 **from a consumer purchasing alcohol for personal use.**

30 SECTION 6. IC 7.1-5-10-20, AS AMENDED BY P.L.159-2014,
 31 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2017]: Sec. 20. (a) It is unlawful for a holder of a retailer's
 33 permit to do any of the following:

34 (1) Sell alcoholic beverages during a portion of the day at a price
 35 that is reduced from the usual, customary, or established price that
 36 the permittee charges during the remainder of that day.

37 (2) Furnish two (2) or more servings of an alcoholic beverage
 38 upon the placing of an order for one (1) serving to one (1) person
 39 for that person's personal consumption.

40 (3) Charge a single price for the required purchase of two (2) or
 41 more servings of an alcoholic beverage.

42 (b) Subsection (a) applies to private clubs but does not apply to



1 private functions that are not open to the public.
 2 (c) Notwithstanding subsection (a)(1), it is lawful for a holder of a
 3 retailer's permit to sell alcoholic beverages during a portion of the day
 4 at a price that is increased from the usual, customary, or established
 5 price that the permittee charges during the remainder of that day as
 6 long as the price increase is charged when the permittee provides paid
 7 live entertainment not incidental to the services customarily provided.
 8 (d) Notwithstanding subsection (a) ~~section 12 of this chapter~~, and
 9 IC 7.1-5-5-7, it is lawful for a hotel, in an area of the hotel in which
 10 alcoholic beverages are not sold, to make available to its registered
 11 guests and their guests alcoholic beverages at no additional charge
 12 beyond what is to be paid by the registered guests as the room rate.
 13 (e) A person who knowingly or intentionally violates this section
 14 commits a Class B misdemeanor.
 15 SECTION 7. IC 35-52-3-1 IS REPEALED [EFFECTIVE JULY 1,
 16 2017]. ~~Sec. 4. IC 3-14-1-1 defines a crime concerning elections.~~
 17 SECTION 8. IC 35-52-3-56 IS REPEALED [EFFECTIVE JULY 1,
 18 2017]. ~~Sec. 56. IC 3-14-3-13 defines a crime concerning voting.~~
 19 SECTION 9. IC 35-52-3-71 IS REPEALED [EFFECTIVE JULY 1,
 20 2017]. ~~Sec. 71. IC 3-14-4-4 defines a crime concerning elections.~~
 21 SECTION 10. IC 35-52-3-72 IS REPEALED [EFFECTIVE JULY
 22 1, 2017]. ~~Sec. 72. IC 3-14-4-6 defines a crime concerning elections.~~



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 425, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 36 through 42, begin a new paragraph, and insert:

"SECTION 5. IC 7.1-5-10-12, AS AMENDED BY P.L.159-2014, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 12. (a) Except as provided in subsections (b) through (d) **and subsection (f)**, it is unlawful for a permittee to sell, offer to sell, purchase or receive, an alcoholic beverage for anything other than cash. A permittee who extends credit in violation of this section shall have no right of action on the claim.

(b) A permittee may credit to a purchaser the actual price charged for a package or an original container returned by the original purchaser as a credit on a sale and refund to a purchaser the amount paid by the purchaser for a container, or as a deposit on a container, if it is returned to the permittee.

(c) A manufacturer may extend usual and customary credit for alcoholic beverages sold to a customer who maintains a place of business outside this state when the alcoholic beverages are actually shipped to a point outside this state.

(d) An artisan distiller, a distiller, or a liquor or wine wholesaler may extend credit on liquor, flavored malt beverages, and wine sold to a permittee for a period of fifteen (15) days from the date of invoice, date of invoice included. However, if the fifteen (15) day period passes without payment in full, the wholesaler shall sell to that permittee on a cash on delivery basis only.

(e) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

(f) Nothing in this section may be construed to prohibit a retailer or dealer from:

(1) extending credit to a consumer purchasing alcohol for personal use at any time as long as any amount owed to the retailer or dealer by a consumer for alcohol is paid in full before the consumer leaves the permittee's premises; or

(2) accepting a:

(A) credit card;

(B) debit card;

(C) charge card; or

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**(D) stored value card;
from a consumer purchasing alcohol for personal use."**

Page 3, delete lines 1 through 16.

Page 4, delete lines 2 through 3.

and when so amended that said bill do pass.

(Reference is to SB 425 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 9, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 425, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 425 as printed February 24, 2017.)

WASHBURNE

Committee Vote: Yeas 9, Nays 0

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 425 be amended to read as follows:

Page 2, line 9, delete "Class A misdemeanor." and insert "**Class C infraction.**"

Page 2, line 17, delete "Class A misdemeanor." and insert "**Class C infraction.**"

Page 2, line 26, delete "Class A misdemeanor." and insert "**Class C infraction.**"

Page 2, line 35, delete "Class A misdemeanor." and insert "**Class C infraction.**"

Page 4, after line 14, begin a new paragraph and insert:

"SECTION 7. IC 35-52-3-1 IS REPEALED [EFFECTIVE JULY 1, 2017]. ~~Sec. 4. IC 3-14-1-1 defines a crime concerning elections.~~

SECTION 8. IC 35-52-3-56 IS REPEALED [EFFECTIVE JULY 1, 2017]. ~~Sec. 56. IC 3-14-3-13 defines a crime concerning voting.~~

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SECTION 9. IC 35-52-3-71 IS REPEALED [EFFECTIVE JULY 1, 2017]. ~~Sec. 71: IC 3-14-4-4 defines a crime concerning elections:~~

SECTION 10. IC 35-52-3-72 IS REPEALED [EFFECTIVE JULY 1, 2017]. ~~Sec. 72: IC 3-14-4-6 defines a crime concerning elections:".~~

Renumber all SECTIONS consecutively.

(Reference is to ESB 425 as printed March 24, 2017.)

DVORAK

