



Printer's Error
Reprinted
March 4, 2014

ENGROSSED HOUSE BILL No. 1006

DIGEST OF HB 1006 (Updated March 4, 2014 12:01 pm - DI 106)

Citations Affected: Numerous provisions throughout the Indiana Code.

Synopsis: Reconciles technical and substantive conflicts between HEA 1006-2013 (the criminal code revision bill) and other bills concerning criminal law. Changes the nomenclature for felonies from "Class" to "Level" for statutes not amended by HEA 1006-2013 and for statutes added to the Indiana Code in the 2013 session. Removes criminal gang activity, criminal gang intimidation, and certain drug offenses from the list of crimes over which a juvenile court does not have jurisdiction. Authorizes pretrial diversion for persons charged with a Level 5 or
(Continued next page)

Effective: July 1, 2014.

Steuerwald, McMillin, Pierce, Lawson L

(SENATE SPONSORS — STEELE, YOUNG R MICHAEL)

January 14, 2014, read first time and referred to Committee on Courts and Criminal Code.
January 23, 2014, amended, reported — Do Pass.
January 27, 2014, read second time, ordered engrossed. Engrossed.
January 28, 2014, read third time, passed. Yeas 90, nays 4.

SENATE ACTION

February 4, 2014, read first time and referred to Committee on Corrections and Criminal Law.
February 13, 2014, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.
February 27, 2014, amended, reported favorably — Do Pass.
March 3, 2014, read second time, amended, ordered engrossed.

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Level 6 felony. Prohibits a credit restricted felon from obtaining sentence modification. Provides that, not later than 365 days after: (1) a convicted person begins serving the person's sentence; and (2) the court obtains a report from the department of correction concerning the convicted person's conduct while imprisoned; the court may reduce or suspend the person's sentence and impose any sentence the court was authorized to impose at the time of sentencing. Specifies that, if more than 365 days have elapsed since the convicted person began serving the sentence, the court may reduce or suspend the sentence and impose any sentence the court was authorized to impose at the time of sentencing. Limits the filing of subsequent petitions to modify a sentence, and removes the requirement that the court hold a hearing. Requires a court to explain its reasons for imposing a sentence unless the court imposes an advisory sentence. Increases the number of crimes that are nonsuspendible. Makes changes to the penalties for the crimes of dealing in cocaine or a narcotic drug and dealing in methamphetamine. Allows a court to suspend any part of a sentence for a Level 2 felony or a Level 3 felony concerning a controlled substance. Enhances the penalties for certain controlled substance offenses if a person commits an offense: (1) within 500 feet of school property or a public park when a child is likely to be present; or (2) in the physical presence of a child less than 18 years of age, knowing that the child was present and might be able to see or hear the offense. Requires a court to sentence a person found to be a habitual offender to an additional fixed term of imprisonment that is between: (1) six years and 20 years, for a person convicted of murder or a Level 1 through Level 4 felony; and (2) two years and six years, for a person convicted of a Level 5 or Level 6 felony. Increases the advisory sentence: (1) from six years to 10 years for a Level 3 felony; (2) from four years to six years for a Level 4 felony; and (3) from two years to three years for a Level 5 felony. Amends credit time provisions by creating a new Class A that provides that a person: (1) who is not a credit restricted felon; and (2) who is imprisoned for a Level 6 felony or a misdemeanor or imprisoned awaiting trial or sentencing for a Level 6 felony or misdemeanor; earns one day of credit time for every day the person is imprisoned or confined awaiting sentencing. Provides that the: (1) Class I through Class IV credit class system applies to a person who commits an offense before July 1, 2014; and (2) Class A through Class D credit class system effective July 1, 2014, applies to a person who commits an offense after June 30, 2014. Provides that educational credit time is deducted from the release date that would otherwise apply to the person. Provides that a person confined on home detention as a condition of probation earns one day of credit time for each day the person is confined on home detention. Provides that before March 1, 2015, the department of correction (department) shall estimate the amount of any operational cost savings that will be realized in the state fiscal year ending June 30, 2015, from a reduction in the number of individuals who are in the custody of the department of correction that is attributable to the sentencing changes made under the bill. Specifies that if the department estimates that such operational cost savings will be realized, the department may, after review by the budget committee and approval by the budget agency, do the following: (1) Make additional grants to counties for community corrections programs from funds appropriated to the department for the department's operating expenses. (2) Transfer funds (from funds appropriated to the department for the department's operating expenses) to the judicial conference of Indiana to be used by the judicial conference of Indiana to provide additional financial aid for the support of court probation services. Provides that the maximum aggregate amount of these additional grants and transfers may not exceed the lesser of the amount of operational cost savings or \$11,000,000. Reduces the sentence for: (1) arson with intent to defraud; (2) institutional criminal mischief; (3)

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Digest Continued

an offense against intellectual property; and (4) auto theft; from a Level 5 to a Level 6 felony. Resets the maximum penalties for certain felonies to current law as follows: (1) Level 1 felonies, from 40 to 50 years; (2) Level 3 felonies, from 15 to 20 years; (3) Level 4 felonies, from 10 to 12 years; and Level 5 felonies, from five to six years. Provides that a person less than eighteen years of age who possesses an indecent image of another person less than eighteen years of age commits a Class A misdemeanor if: (1) the persons are in a dating relationship; (2) the age difference between the persons is not more than four years; and (3) the person acquiesced in the taking or transmission of the indecent image. Specifies that a person who is eligible to be prosecuted for possession of an indecent image as a misdemeanor may not be prosecuted for possession of child pornography or child exploitation. Makes it child seduction, a Level 6 felony, for a law enforcement officer who is at least five years older than a child who is: (1) at least 16 years of age; and (2) less than 18 years of age; to fondle or touch the child with the intent to arouse or satisfy the sexual desires of either the child or the law enforcement officer, if the law enforcement officer's contact with the child occurred in the course of the officer's official duties, and increases the penalty to a Level 5 felony, if the law enforcement officer engages in sexual intercourse or other sexual conduct with the child. Increases the minimum enhancement amount for certain controlled substances from three grams to five grams. Provides that a person may only be convicted of possession with intent to deliver if, in addition to possessing the controlled substance, at least two of the following apply: (1) the drugs are packaged for resale; (2) the person possesses a scale; (3) the person possesses at least \$500 in cash at the time of the arrest; and (4) the person possesses adulterants commonly used to cut drugs for resale. Specifies that a person may not waive the person's right to sentence modification as part of a plea agreement. Requires the Indiana criminal justice institute to monitor and evaluate criminal justice reform.

(The introduced version of this bill was prepared by the criminal law and sentencing policy study committee.)

EH 1006—LS 7113/DI 106



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Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1006

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

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

1 SECTION 1. IC 2-8.2-4-6, AS ADDED BY P.L.205-2013,
2 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 6. A delegate or alternate delegate who knowingly
4 or intentionally votes or attempts to vote outside the scope of:
5 (1) the instructions established by a joint resolution adopted under
6 section 1 of this chapter; or
7 (2) the limits placed by the general assembly in a joint resolution
8 that calls for an Article V convention for the purpose of proposing
9 amendments to the Constitution of the United States on the
10 subjects and amendments that may be considered by the Article
11 V convention;
12 commits a ~~Class D~~ **Level 6** felony.
13 SECTION 2. IC 3-7-29-1, AS AMENDED BY P.L.258-2013,
14 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2014]: Sec. 1. (a) Except as provided in subsection (f), this
2 section does not apply to a county that:

- 3 (1) has adopted an order under section 6 of this chapter; or
4 (2) is a vote center county under IC 3-11-18.1.

5 (b) Not later than ten (10) days before the election at which the
6 registration record is to be used, the county voter registration office
7 shall prepare certified copies of the list of registered voters for each
8 precinct in the county.

9 (c) The lists must contain the following information concerning
10 each registered voter:

- 11 (1) The full name of the voter.
12 (2) The address of the voter.
13 (3) The assigned voter identification number.
14 (4) Whether the voter is required to provide additional
15 identification before voting either in person or by absentee ballot.
16 (5) The date of birth of the voter, including an indication whether
17 the voter is less than eighteen (18) years of age for a poll list used
18 in a primary election.
19 (6) The scanned signature of the voter.
20 (7) Whether the voter is required to provide an affirmation of the
21 voter's residence.
22 (8) A bar code that allows the county voter registration office to
23 efficiently record whether the voter has signed the poll list.
24 (9) For a poll list used in a primary election, a letter abbreviation
25 of the name of the major political party whose ballot the voter has
26 requested.
27 (10) A space for a poll clerk to indicate when a voter has cast an
28 absentee ballot.
29 (11) A space for a poll clerk to indicate when a voter has cast a
30 provisional ballot.
31 (12) For a voter required to submit additional documentation
32 required under IC 3-7-33-4.5, a space for a poll clerk to insert
33 letters serving as an abbreviation for the type of documentation
34 provided by the voter.

35 (d) The names shall be arranged in the same order as they are in the
36 registration record of the precinct.

37 (e) The poll list must also contain a statement at the top of each
38 page indicating that an individual who knowingly makes a false
39 statement:

- 40 (1) by signing a poll list; or
41 (2) on a poll list concerning the individual's name or residence
42 address;



1 commits a ~~Class D~~ **Level 6** felony as provided by IC 3-14-2-11.

2 (f) This subsection applies to a county that has adopted an order
3 under section 6 of this chapter or is a vote center county under
4 IC 3-11-18.1. The precinct election board shall post in a location within
5 the precinct or vote center a notice that:

6 (1) is clearly visible to an individual (or to an individual providing
7 assistance under IC 3-11-9) who is providing information to a
8 precinct election officer using an electronic poll list; and

9 (2) indicates that an individual commits a ~~Class D~~ **Level 6** felony
10 under IC 3-14-2-11, if the individual knowingly makes a false
11 statement to a precinct election officer concerning:

12 (A) the individual's name; or

13 (B) the individual's residence address.

14 SECTION 3. IC 3-14-1-17, AS ADDED BY P.L.219-2013,
15 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2014]: Sec. 17. (a) As used in this section, "government
17 employee" refers to any of the following:

18 (1) An employee of the state.

19 (2) An employee of a political subdivision.

20 (3) A special state appointee (as defined in IC 4-2-6-1).

21 (4) An employee of a charter school (as defined in IC 20-24-1-4).

22 (b) As used in this section, "government employer" refers to the
23 state or a political subdivision.

24 (c) As used in this section, "property" refers only to the following:

25 (1) Equipment, goods, and materials, including mail and
26 messaging systems.

27 (2) Money.

28 (d) A government employee may not knowingly or intentionally use
29 the property of the employee's government employer to do any of the
30 following:

31 (1) Solicit a contribution.

32 (2) Advocate the election or defeat of a candidate.

33 (3) Advocate the approval or defeat of a public question.

34 (e) A government employee may not knowingly or intentionally
35 distribute campaign materials advocating:

36 (1) the election or defeat of a candidate; or

37 (2) the approval or defeat of a public question;

38 on the government employer's real property during regular working
39 hours.

40 (f) This section does not prohibit the following:

41 (1) Activities permitted under IC 6-1.1-20.

42 (2) A government employee from carrying out administrative



1 duties under the direction of an elected official who is the
2 government employee's supervisor.

3 (g) A government employee who knowingly or intentionally
4 performs several actions described in subsection (d) or (e) in a
5 connected series that are closely related in time, place, and
6 circumstance may be charged with only one (1) violation of this section
7 for that connected series of actions.

8 (h) A government employee who violates this section commits a
9 Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6**
10 felony if the person has a prior unrelated conviction under this section.

11 SECTION 4. IC 3-14-2-3, AS AMENDED BY P.L.194-2013,
12 SECTION 94, AND AS AMENDED BY P.L.158-2013, SECTION 8,
13 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who:

15 (1) subscribes the name of another person to an affidavit of
16 registration, *a petition of nomination, a declaration of candidacy,*
17 or application for an absentee ballot knowing that the *affidavit,*
18 *petition, declaration, or application* contains a false statement; or
19 (2) subscribes the name of another person to an affidavit of
20 registration, *a petition of nomination, a declaration of candidacy,*
21 or application for an absentee ballot without writing on it the
22 person's own name and address as an attesting witness;
23 commits a ~~Class D~~ **Level 6** felony.

24 SECTION 5. IC 3-14-2-11, AS AMENDED BY P.L.194-2013,
25 SECTION 96, AND AS AMENDED BY P.L.158-2013, SECTION 10,
26 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2014]: Sec. 11. *Except as provided by*
28 ~~IC 3-10-10, IC 3-10-11, or IC 3-10-12,~~ (a) A person who knowingly
29 votes or offers to vote in a precinct except the one in which the person
30 is registered and resides commits a ~~Class D~~ **Level 6** felony, *except*
31 *when permitted under IC 3-10-10, IC 3-10-11, or IC 3-10-12.*

32 (b) *A person who knowingly makes a false statement concerning the*
33 *name, address, or voter identification number of the person by:*

34 (1) *signing a person's signature on a poll list to affirm false*
35 *information concerning a voter printed on the poll list; or*
36 (2) *making a written or oral affirmation under IC 3-7-39-7,*
37 *IC 3-10-1-24, or IC 3-11-8-25.1 to provide false information*
38 *concerning a voter in addition to the information concerning the*
39 *voter printed on the poll list;*

40 commits a ~~Class D~~ **Level 6** felony.

41 SECTION 6. IC 3-14-2-29, AS AMENDED BY P.L.194-2013,
42 SECTION 97, AND AS AMENDED BY P.L.158-2013, SECTION 28,



1 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2014]: Sec. 29. A person who knowingly
 3 inspects a voting system under IC 3-12-4-18 without: *obtaining*
 4 *authorization from the state recount commission:*

5 (1) *the adoption of an order under IC 3-12-4-18 to conduct the*
 6 *inspection; or*

7 (2) *the filing of an order adopted under IC 3-12-4-18 with the*
 8 *secretary of state;*

9 commits a ~~Class D~~ Level 6 felony.

10 SECTION 7. IC 4-13-2-14.7, AS AMENDED BY P.L.214-2013,
 11 SECTION 1, AND AS AMENDED BY P.L.158-2013, SECTION 59,
 12 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2014]: Sec. 14.7. A person employed,
 14 appointed, or under contract with a state agency, who works with or
 15 around children, shall be dismissed (after the appropriate
 16 pre-deprivation procedure has occurred) if that person is, or has ever
 17 been, convicted of any of the following:

18 (1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)
 19 years of age.

20 (2) Criminal deviate conduct (IC 35-42-4-2) *(for an act committed*
 21 *before its IC 35-42-4-2 repeal on July 1, 2014); was repealed);*
 22 **(before its repeal)**, if the victim is less than eighteen (18) years
 23 of age.

24 (3) Child molesting (IC 35-42-4-3).

25 (4) Child exploitation (IC 35-42-4-4(b)).

26 (5) Vicarious sexual gratification (IC 35-42-4-5).

27 (6) Child solicitation (IC 35-42-4-6).

28 (7) Child seduction (IC 35-42-4-7).

29 (8) Sexual misconduct with a minor (**IC 35-42-4-9**) as a Class A
 30 or *Class B felony (for a crime committed before July 1, 2014) or*
 31 *a Level 1, Level 2, or Level 4 felony (for a crime committed after*
 32 *June 30, 2014). (~~IC 35-42-4-9~~).*

33 (9) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)
 34 years of age.

35 SECTION 8. IC 5-2-6-3, AS AMENDED BY P.L.85-2013,
 36 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2014]: Sec. 3. The institute is established to do the following:

38 (1) Evaluate state and local programs associated with:

39 (A) the prevention, detection, and solution of criminal
 40 offenses;

41 (B) law enforcement; and

42 (C) the administration of criminal and juvenile justice.



- 1 (2) Improve and coordinate all aspects of law enforcement,
2 juvenile justice, and criminal justice in this state.
- 3 (3) Stimulate criminal and juvenile justice research.
- 4 (4) Develop new methods for the prevention and reduction of
5 crime.
- 6 (5) Prepare applications for funds under the Omnibus Act and the
7 Juvenile Justice Act.
- 8 (6) Administer victim and witness assistance funds.
- 9 (7) Administer the traffic safety functions assigned to the institute
10 under IC 9-27-2.
- 11 (8) Compile and analyze information and disseminate the
12 information to persons who make criminal justice decisions in this
13 state.
- 14 (9) Serve as the criminal justice statistical analysis center for this
15 state.
- 16 (10) Identify grants and other funds that can be used by the
17 department of correction to carry out its responsibilities
18 concerning sex or violent offender registration under IC 11-8-8.
- 19 (11) Administer the application and approval process for
20 designating an area of a consolidated or second class city as a
21 public safety improvement area under IC 36-8-19.5.
- 22 (12) Develop and maintain a meth watch program to inform
23 retailers and the public about illicit methamphetamine production,
24 distribution, and use in Indiana.
- 25 (13) Establish, maintain, and operate, subject to specific
26 appropriation by the general assembly, a web site containing a list
27 of properties (as defined in IC 5-2-6-19(b)) that have been used
28 as the site of a methamphetamine laboratory.
- 29 (14) Develop and manage the gang crime witness protection
30 program established by section 21 of this chapter.
- 31 (15) Identify grants and other funds that can be used to fund the
32 gang crime witness protection program.
- 33 (16) Administer any sexual offense services.
- 34 (17) Administer domestic violence programs.
- 35 (18) Administer assistance to victims of human sexual trafficking
36 offenses as provided in IC 35-42-3.5-4.
- 37 (19) Administer the domestic violence prevention and treatment
38 fund under IC 5-2-6.7.
- 39 (20) Administer the family violence and victim assistance fund
40 under IC 5-2-6.8.
- 41 **(21) Monitor and evaluate criminal code reform under**
42 **IC 5-2-6-24.**



1 SECTION 9. IC 5-2-6-24, IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2014]: **Sec. 24. (a) As used in this section, "criminal code reform"**
4 **refers to statutory provisions relating to criminal law enacted by**
5 **P.L.158-2013 and HEA 1006-2014.**

6 **(b) The institute shall monitor and evaluate criminal code**
7 **reform as described in this section.**

8 **(c) The institute shall annually gather data and analyze the**
9 **impact of criminal code reform on:**

- 10 (1) local units of government;
11 (2) the department of correction; and
12 (3) the judicial center.

13 **(d) The institute shall prepare an annual report containing the**
14 **results of its analysis before July 1 of each year. The report shall**
15 **be provided to the governor and the legislative council. The report**
16 **provided to the legislative council shall be in an electronic format**
17 **under IC 5-14-6.**

18 **(e) The report required under this section shall include an**
19 **analysis of:**

- 20 (1) the effect of criminal code reform on:
21 (A) county jails;
22 (B) community corrections programs;
23 (C) probation departments; and
24 (D) courts;
25 (2) recidivism rates;
26 (3) reentry court programs; and
27 (4) data relevant to the availability and effectiveness of mental
28 health and addiction programs for persons who are at risk of
29 entering the criminal justice system, who are in the criminal
30 justice system, and who have left the criminal justice system.

31 **(f) All local units of government and local elected officials,**
32 **including sheriffs, prosecuting attorneys, judges, and county fiscal**
33 **bodies, shall cooperate with the institute by providing data as**
34 **requested by the institute.**

35 **(g) State agencies, including the department of correction, the**
36 **Indiana prosecuting attorneys council, the Indiana public defender**
37 **council, and the judicial center, shall assist the institute by**
38 **providing requested data in a timely manner.**

39 **(h) Based on its analysis, the institute shall include**
40 **recommendations to improve the criminal justice system in**
41 **Indiana, with particular emphasis being placed on**
42 **recommendations that relate to sentencing policies and reform.**



1 **(i) The institute shall include research data relevant to its**
 2 **analysis and recommendations in the report.**

3 SECTION 10. IC 5-14-3-4, AS AMENDED BY P.L.175-2013,
 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2014]: Sec. 4. (a) The following public records are excepted
 6 from section 3 of this chapter and may not be disclosed by a public
 7 agency, unless access to the records is specifically required by a state
 8 or federal statute or is ordered by a court under the rules of discovery:

9 (1) Those declared confidential by state statute.

10 (2) Those declared confidential by rule adopted by a public
 11 agency under specific authority to classify public records as
 12 confidential granted to the public agency by statute.

13 (3) Those required to be kept confidential by federal law.

14 (4) Records containing trade secrets.

15 (5) Confidential financial information obtained, upon request,
 16 from a person. However, this does not include information that is
 17 filed with or received by a public agency pursuant to state statute.

18 (6) Information concerning research, including actual research
 19 documents, conducted under the auspices of a state educational
 20 institution, including information:

21 (A) concerning any negotiations made with respect to the
 22 research; and

23 (B) received from another party involved in the research.

24 (7) Grade transcripts and license examination scores obtained as
 25 part of a licensure process.

26 (8) Those declared confidential by or under rules adopted by the
 27 supreme court of Indiana.

28 (9) Patient medical records and charts created by a provider,
 29 unless the patient gives written consent under IC 16-39 or as
 30 provided under IC 16-41-8.

31 (10) Application information declared confidential by the board
 32 of the Indiana economic development corporation under
 33 IC 5-28-16.

34 (11) A photograph, a video recording, or an audio recording of an
 35 autopsy, except as provided in IC 36-2-14-10.

36 (12) A Social Security number contained in the records of a
 37 public agency.

38 (13) The following information that is part of a foreclosure action
 39 subject to IC 32-30-10.5:

40 (A) Contact information for a debtor, as described in
 41 IC 32-30-10.5-8(d)(2)(B).

42 (B) Any document submitted to the court as part of the debtor's



- 1 loss mitigation package under IC 32-30-10.5-10(a)(3).
 2 (b) Except as otherwise provided by subsection (a), the following
 3 public records shall be excepted from section 3 of this chapter at the
 4 discretion of a public agency:
 5 (1) Investigatory records of law enforcement agencies. However,
 6 certain law enforcement records must be made available for
 7 inspection and copying as provided in section 5 of this chapter.
 8 (2) The work product of an attorney representing, pursuant to
 9 state employment or an appointment by a public agency:
 10 (A) a public agency;
 11 (B) the state; or
 12 (C) an individual.
 13 (3) Test questions, scoring keys, and other examination data used
 14 in administering a licensing examination, examination for
 15 employment, or academic examination before the examination is
 16 given or if it is to be given again.
 17 (4) Scores of tests if the person is identified by name and has not
 18 consented to the release of the person's scores.
 19 (5) The following:
 20 (A) Records relating to negotiations between the Indiana
 21 economic development corporation, the ports of Indiana, the
 22 Indiana state department of agriculture, the Indiana finance
 23 authority, an economic development commission, a local
 24 economic development organization (as defined in
 25 IC 5-28-11-2(3)), or a governing body of a political
 26 subdivision with industrial, research, or commercial prospects,
 27 if the records are created while negotiations are in progress.
 28 (B) Notwithstanding clause (A), the terms of the final offer of
 29 public financial resources communicated by the Indiana
 30 economic development corporation, the ports of Indiana, the
 31 Indiana finance authority, an economic development
 32 commission, or a governing body of a political subdivision to
 33 an industrial, a research, or a commercial prospect shall be
 34 available for inspection and copying under section 3 of this
 35 chapter after negotiations with that prospect have terminated.
 36 (C) When disclosing a final offer under clause (B), the Indiana
 37 economic development corporation shall certify that the
 38 information being disclosed accurately and completely
 39 represents the terms of the final offer.
 40 (D) Notwithstanding clause (A), an incentive agreement with
 41 an incentive recipient shall be available for inspection and
 42 copying under section 3 of this chapter after the date the



- 1 incentive recipient and the Indiana economic development
2 corporation execute the incentive agreement regardless of
3 whether negotiations are in progress with the recipient after
4 that date regarding a modification or extension of the incentive
5 agreement.
- 6 (6) Records that are intra-agency or interagency advisory or
7 deliberative material, including material developed by a private
8 contractor under a contract with a public agency, that are
9 expressions of opinion or are of a speculative nature, and that are
10 communicated for the purpose of decision making.
- 11 (7) Diaries, journals, or other personal notes serving as the
12 functional equivalent of a diary or journal.
- 13 (8) Personnel files of public employees and files of applicants for
14 public employment, except for:
- 15 (A) the name, compensation, job title, business address,
16 business telephone number, job description, education and
17 training background, previous work experience, or dates of
18 first and last employment of present or former officers or
19 employees of the agency;
- 20 (B) information relating to the status of any formal charges
21 against the employee; and
- 22 (C) the factual basis for a disciplinary action in which final
23 action has been taken and that resulted in the employee being
24 suspended, demoted, or discharged.
- 25 However, all personnel file information shall be made available
26 to the affected employee or the employee's representative. This
27 subdivision does not apply to disclosure of personnel information
28 generally on all employees or for groups of employees without the
29 request being particularized by employee name.
- 30 (9) Minutes or records of hospital medical staff meetings.
- 31 (10) Administrative or technical information that would
32 jeopardize a record keeping or security system.
- 33 (11) Computer programs, computer codes, computer filing
34 systems, and other software that are owned by the public agency
35 or entrusted to it and portions of electronic maps entrusted to a
36 public agency by a utility.
- 37 (12) Records specifically prepared for discussion or developed
38 during discussion in an executive session under IC 5-14-1.5-6.1.
39 However, this subdivision does not apply to that information
40 required to be available for inspection and copying under
41 subdivision (8).
- 42 (13) The work product of the legislative services agency under



- 1 personnel rules approved by the legislative council.
 2 (14) The work product of individual members and the partisan
 3 staffs of the general assembly.
 4 (15) The identity of a donor of a gift made to a public agency if:
 5 (A) the donor requires nondisclosure of the donor's identity as
 6 a condition of making the gift; or
 7 (B) after the gift is made, the donor or a member of the donor's
 8 family requests nondisclosure.
 9 (16) Library or archival records:
 10 (A) which can be used to identify any library patron; or
 11 (B) deposited with or acquired by a library upon a condition
 12 that the records be disclosed only:
 13 (i) to qualified researchers;
 14 (ii) after the passing of a period of years that is specified in
 15 the documents under which the deposit or acquisition is
 16 made; or
 17 (iii) after the death of persons specified at the time of the
 18 acquisition or deposit.
 19 However, nothing in this subdivision shall limit or affect contracts
 20 entered into by the Indiana state library pursuant to IC 4-1-6-8.
 21 (17) The identity of any person who contacts the bureau of motor
 22 vehicles concerning the ability of a driver to operate a motor
 23 vehicle safely and the medical records and evaluations made by
 24 the bureau of motor vehicles staff or members of the driver
 25 licensing medical advisory board regarding the ability of a driver
 26 to operate a motor vehicle safely. However, upon written request
 27 to the commissioner of the bureau of motor vehicles, the driver
 28 must be given copies of the driver's medical records and
 29 evaluations.
 30 (18) School safety and security measures, plans, and systems,
 31 including emergency preparedness plans developed under 511
 32 IAC 6.1-2-2.5.
 33 (19) A record or a part of a record, the public disclosure of which
 34 would have a reasonable likelihood of threatening public safety
 35 by exposing a vulnerability to terrorist attack. A record described
 36 under this subdivision includes:
 37 (A) a record assembled, prepared, or maintained to prevent,
 38 mitigate, or respond to an act of terrorism under IC 35-47-12-1
 39 or an act of agricultural terrorism under IC 35-47-12-2;
 40 (B) vulnerability assessments;
 41 (C) risk planning documents;
 42 (D) needs assessments;



- 1 (E) threat assessments;
 2 (F) intelligence assessments;
 3 (G) domestic preparedness strategies;
 4 (H) the location of community drinking water wells and
 5 surface water intakes;
 6 (I) the emergency contact information of emergency
 7 responders and volunteers;
 8 (J) infrastructure records that disclose the configuration of
 9 critical systems such as communication, electrical, ventilation,
 10 water, and wastewater systems;
 11 (K) detailed drawings or specifications of structural elements,
 12 floor plans, and operating, utility, or security systems, whether
 13 in paper or electronic form, of any building or facility located
 14 on an airport (as defined in IC 8-21-1-1) that is owned,
 15 occupied, leased, or maintained by a public agency. A record
 16 described in this clause may not be released for public
 17 inspection by any public agency without the prior approval of
 18 the public agency that owns, occupies, leases, or maintains the
 19 airport. The public agency that owns, occupies, leases, or
 20 maintains the airport:
 21 (i) is responsible for determining whether the public
 22 disclosure of a record or a part of a record has a reasonable
 23 likelihood of threatening public safety by exposing a
 24 vulnerability to terrorist attack; and
 25 (ii) must identify a record described under item (i) and
 26 clearly mark the record as "confidential and not subject to
 27 public disclosure under IC 5-14-3-4(b)(19)(J) without
 28 approval of (insert name of submitting public agency)"; and
 29 (L) the home address, home telephone number, and emergency
 30 contact information for any:
 31 (i) emergency management worker (as defined in
 32 IC 10-14-3-3);
 33 (ii) public safety officer (as defined in IC 35-47-4.5-3);
 34 (iii) emergency medical responder (as defined in
 35 ~~IC 35-42-2-6~~; **IC 16-18-2-109.8**); or
 36 (iv) advanced emergency medical technician (as defined in
 37 IC 16-18-2-6.5).
 38 This subdivision does not apply to a record or portion of a record
 39 pertaining to a location or structure owned or protected by a
 40 public agency in the event that an act of terrorism under
 41 IC 35-47-12-1 or an act of agricultural terrorism under
 42 IC 35-47-12-2 has occurred at that location or structure, unless



- 1 release of the record or portion of the record would have a
 2 reasonable likelihood of threatening public safety by exposing a
 3 vulnerability of other locations or structures to terrorist attack.
 4 (20) The following personal information concerning a customer
 5 of a municipally owned utility (as defined in IC 8-1-2-1):
 6 (A) Telephone number.
 7 (B) Address.
 8 (C) Social Security number.
 9 (21) The following personal information about a complainant
 10 contained in records of a law enforcement agency:
 11 (A) Telephone number.
 12 (B) The complainant's address. However, if the complainant's
 13 address is the location of the suspected crime, infraction,
 14 accident, or complaint reported, the address shall be made
 15 available for public inspection and copying.
 16 (22) Notwithstanding subdivision (8)(A), the name,
 17 compensation, job title, business address, business telephone
 18 number, job description, education and training background,
 19 previous work experience, or dates of first employment of a law
 20 enforcement officer who is operating in an undercover capacity.
 21 (23) Records requested by an offender that:
 22 (A) contain personal information relating to:
 23 (i) a correctional officer (as defined in IC 5-10-10-1.5);
 24 (ii) a law enforcement officer (as defined in
 25 IC 35-31.5-2-185);
 26 (iii) a judge (as defined in IC 33-38-12-3);
 27 (iv) the victim of a crime; or
 28 (v) a family member of a correctional officer, law
 29 enforcement officer (as defined in IC 35-31.5-2-185), judge
 30 (as defined in IC 33-38-12-3), or victim of a crime; or
 31 (B) concern or could affect the security of a jail or correctional
 32 facility.
 33 (24) Information concerning an individual less than eighteen (18)
 34 years of age who participates in a conference, meeting, program,
 35 or activity conducted or supervised by a state educational
 36 institution, including the following information regarding the
 37 individual or the individual's parent or guardian:
 38 (A) Name.
 39 (B) Address.
 40 (C) Telephone number.
 41 (D) Electronic mail account address.
 42 (25) Criminal intelligence information.



1 (c) Nothing contained in subsection (b) shall limit or affect the right
 2 of a person to inspect and copy a public record required or directed to
 3 be made by any statute or by any rule of a public agency.

4 (d) Notwithstanding any other law, a public record that is classified
 5 as confidential, other than a record concerning an adoption or patient
 6 medical records, shall be made available for inspection and copying
 7 seventy-five (75) years after the creation of that record.

8 (e) Only the content of a public record may form the basis for the
 9 adoption by any public agency of a rule or procedure creating an
 10 exception from disclosure under this section.

11 (f) Except as provided by law, a public agency may not adopt a rule
 12 or procedure that creates an exception from disclosure under this
 13 section based upon whether a public record is stored or accessed using
 14 paper, electronic media, magnetic media, optical media, or other
 15 information storage technology.

16 (g) Except as provided by law, a public agency may not adopt a rule
 17 or procedure nor impose any costs or liabilities that impede or restrict
 18 the reproduction or dissemination of any public record.

19 (h) Notwithstanding subsection (d) and section 7 of this chapter:

- 20 (1) public records subject to IC 5-15 may be destroyed only in
 21 accordance with record retention schedules under IC 5-15; or
 22 (2) public records not subject to IC 5-15 may be destroyed in the
 23 ordinary course of business.

24 SECTION 11. IC 6-6-2.5-28, AS AMENDED BY P.L.277-2013,
 25 SECTION 10, AND AS AMENDED BY P.L.158-2013, SECTION 95,
 26 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2014]: Sec. 28. (a) A license tax of sixteen
 28 cents (\$0.16) per:

- 29 (1) gallon;
 30 (2) *diesel gallon equivalent (as defined in IC 6-6-4.1-1(f)), in the*
 31 *case of a special fuel that is liquid natural gas; or*
 32 (3) *gasoline gallon equivalent (as defined in IC 6-6-4.1-1(g)), in*
 33 *the case of a special fuel that is compressed natural gas or a fuel*
 34 *commonly or commercially known or sold as butane or propane;*

35 is imposed on all special fuel sold or used in producing or generating
 36 power for propelling motor vehicles except fuel used under section
 37 30(a)(8) or 30.5 of this chapter. The tax shall be paid at those times, in
 38 the manner, and by those persons specified in this section and section
 39 35 of this chapter.

40 (b) The department shall consider it a rebuttable presumption that
 41 all undyed or unmarked special fuel, or both, received in Indiana is to
 42 be sold for use in propelling motor vehicles.



1 (c) Except as provided in subsection (d), the tax imposed on special
2 fuel by subsection (a) shall be measured by invoiced gallons (*or diesel*
3 *or gasoline gallon equivalents in the case of a special fuel described*
4 *in subsection (a)(2) or (a)(3))* of nonexempt special fuel received by a
5 licensed supplier in Indiana for sale or resale in Indiana or with respect
6 to special fuel subject to a tax precollection agreement under section
7 35(d) of this chapter, such special fuel removed by a licensed supplier
8 from a terminal outside of Indiana for sale for export or for export to
9 Indiana and in any case shall generally be determined in the same
10 manner as the tax imposed by Section 4081 of the Internal Revenue
11 Code and Code of Federal Regulations.

12 (d) The tax imposed by subsection (a) on special fuel imported into
13 Indiana, other than into a terminal, is imposed at the time the product
14 is entered into Indiana and shall be measured by invoiced gallons
15 received at a terminal or at a bulk plant.

16 (e) In computing the tax, all special fuel in process of transfer from
17 tank steamers at boat terminal transfers and held in storage pending
18 wholesale bulk distribution by land transportation, or in tanks and
19 equipment used in receiving and storing special fuel from interstate
20 pipelines pending wholesale bulk reshipment, shall not be subject to
21 tax.

22 (f) The department shall consider it a rebuttable presumption that
23 special fuel consumed in a motor vehicle plated for general highway
24 use is subject to the tax imposed under this chapter. A person claiming
25 exempt use of special fuel in such a vehicle must maintain adequate
26 records as required by the department to document the vehicle's taxable
27 and exempt use.

28 (g) A person that engages in blending fuel for taxable sale or use in
29 Indiana is primarily liable for the collection and remittance of the tax
30 imposed under subsection (a). The person shall remit the tax due in
31 conjunction with the filing of a monthly report in the form prescribed
32 by the department.

33 (h) A person that receives special fuel that has been blended for
34 taxable sale or use in Indiana is secondarily liable to the state for the
35 tax imposed under subsection (a).

36 (i) A person may not use special fuel on an Indiana public highway
37 if the special fuel contains a sulfur content that exceeds five
38 one-hundredths of one percent (0.05%). A person who knowingly:

39 (1) violates; or

40 (2) aids or abets another person to violate;

41 this subsection commits a Class A infraction. However, the violation
42 is a Class A misdemeanor if the person has committed one (1) prior



1 unrelated violation of this subsection, and a ~~Class D~~ *Level 6 felony* if
 2 the person has committed more than one (1) unrelated violation of this
 3 subsection.

4 SECTION 12. IC 6-6-13-13, AS ADDED BY P.L.288-2013,
 5 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2014]: Sec. 13. (a) A person who knowingly fails to collect or
 7 timely remit tax otherwise required to be paid to the department under
 8 section 9 of this chapter is liable for the uncollected tax plus a penalty
 9 equal to one hundred percent (100%) of the uncollected tax.

10 (b) A person who recklessly, knowingly, or intentionally fails or
 11 refuses to pay over to the state the aviation fuel excise tax at the time
 12 required in this chapter or who fraudulently withholds or appropriates
 13 or otherwise uses the money or any part thereof belonging to the state
 14 commits a ~~Class D~~ **Level 6** felony.

15 (c) A person who negligently disregards any provision of this
 16 chapter is subject to a civil penalty of five hundred dollars (\$500) for
 17 each separate occurrence of negligent disregard as determined by the
 18 department.

19 SECTION 13. IC 7.1-5-1-9.5, AS AMENDED BY P.L.109-2013,
 20 SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 126,
 21 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2014]: Sec. 9.5. (a) An in state or an out of state
 23 vintner, *artisan distiller*, distiller, brewer, rectifier, or importer that:

24 (1) holds a basic permit from the federal Bureau of Alcohol,
 25 Tobacco, Firearms and Explosives; and

26 (2) knowingly violates IC 7.1-5-11-1.5;

27 commits a Class A misdemeanor.

28 (b) A person who:

29 (1) is not described in subsection (a); and

30 (2) knowingly violates IC 7.1-5-11-1.5;

31 commits a ~~Class D~~ *Level 6* felony.

32 (c) If the chairman of the alcohol and tobacco commission or the
 33 attorney general determines that a vintner, *an artisan distiller*, *a*
 34 *distiller*, *a* brewer, *a* rectifier, or *an* importer that holds a basic permit
 35 from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives
 36 has made an illegal shipment of an alcoholic beverage to consumers in
 37 Indiana, the chairman shall:

38 (1) notify the federal Bureau of Alcohol, Tobacco, Firearms and
 39 Explosives in writing and by certified mail of the official
 40 determination that state law has been violated; and

41 (2) request the federal bureau to take appropriate action.

42 SECTION 14. IC 8-10-1-29, AS AMENDED BY P.L.156-2013,



1 SECTION 2, AND AS AMENDED BY P.L.158-2013, SECTION 133,
 2 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) *The ports of Indiana may*
 4 *declare an emergency:*

5 *(1) in the case of fire, flood, windstorm, casualty, or other*
 6 *extraordinary emergency, including mechanical failure of any*
 7 *part of a building or structure; and*

8 *(2) if the health, safety, or welfare of the public or necessary*
 9 *governmental operations are endangered by loss or damage.*

10 *The ports of Indiana shall declare an emergency by recording the*
 11 *declaration and grounds for the emergency in the minutes of the*
 12 *commission.*

13 *(b) Unless the ports of Indiana declares an emergency, the ports of*
 14 *Indiana may not during any six (6) month period make separate*
 15 *contracts with another party for similar construction projects or the*
 16 *purchase of similar equipment, materials, or supplies under*
 17 *IC 8-10-1-7(5) without advertising for and accepting public bids, if the*
 18 *aggregate cost of the separate contracts is more than ~~twenty-five one~~*
 19 *hundred fifty thousand dollars (~~\$25,000~~) (\$150,000).*

20 ~~(b)~~ *(c) A commission member or an employee of the ports of*
 21 *Indiana who knowingly violates subsection ~~(a)~~ (b) commits a ~~Class D~~*
 22 *Level 6 felony.*

23 ~~(c)~~ *(d) A person who accepts a contract with the ports of Indiana*
 24 *knowing that subsection ~~(a)~~ (b) was violated in connection with the*
 25 *contract commits a ~~Class D~~ Level 6 felony and may not be a party to or*
 26 *benefit from any contract with a public body in the state for two (2)*
 27 *years from the date of the person's conviction.*

28 *(e) If the ports of Indiana declares an emergency, the ports of*
 29 *Indiana may:*

30 *(1) contract for a construction project or the purchase of*
 31 *equipment, materials, or supplies without advertising for bids, if*
 32 *bids or quotes are invited from at least three (3) persons known*
 33 *to deal in:*

34 *(A) the public work required to be done; or*

35 *(B) the equipment, materials, or supplies sought to be*
 36 *purchased; and*

37 *(2) either:*

38 *(A) reject all bids or quotes submitted; or*

39 *(B) contract with the lowest and best bidder or quoter for the*
 40 *construction project or purchase.*

41 *The total amount of all contracts the ports of Indiana may award with*
 42 *respect to an emergency declared under subsection (a) may not exceed*



1 one million dollars (\$1,000,000), unless an executive order is issued
 2 by the governor authorizing the ports of Indiana to exceed this limit.

3 (f) When awarding a contract with respect to an emergency
 4 declared under subsection (a), the ports shall list in the minutes of the
 5 next commission meeting the names of all the entities invited to bid.

6 SECTION 15. IC 9-17-3-7, AS AMENDED BY P.L.92-2013,
 7 SECTION 42, AS AMENDED BY P.L.262-2013, SECTION 25, AND
 8 AS AMENDED BY P.L.158-2013, SECTION 138, IS CORRECTED
 9 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 10 2014]: Sec. 7. ~~(a)~~ **(a)** This section does not apply to section 3.2 or 5 of
 11 this chapter.

12 ~~(b)~~ **(b)** *Except as provided in subsection (e).* **Except as provided in**
 13 **subsection (c)**, a person who violates this chapter commits a Class C
 14 infraction.

15 ~~(c)~~ **(c)** *A person who knowingly or intentionally violates:* **A person**
 16 **who knowingly or intentionally violates:**

17 ~~(1)~~ **(1)** *section 3(a)(1), 3(a)(2), 3(a)(4), or 3(a)(5) section*
 18 *3.4(a)(1) or 3.4(a)(2) of this chapter commits a Class B*
 19 *misdemeanor;* ~~or~~ **of this chapter commits a Class B**
 20 **misdemeanor; or**

21 ~~(2)~~ **(2)** *section 3(a)(3) section 3.4(a)(3) of this chapter commits:*
 22 **of this chapter commits:**

23 ~~(A)~~ **(A)** *a Class A misdemeanor for the first violation;* ~~or~~ **a**
 24 **Class A misdemeanor for the first violation; or**

25 ~~(B)~~ **(B)** *a Class D felony for the second violation or any*
 26 *subsequent violation.* **a Level 6 felony for the second**
 27 **violation or any subsequent violation.**

28 SECTION 16. IC 9-17-4-14, AS ADDED BY P.L.262-2013,
 29 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2014]: Sec. 14. A person who owns or possesses a motor
 31 vehicle that the person knows violates section 7 or 8 of this chapter
 32 commits a ~~Class D~~ **Level 6** felony.

33 SECTION 17. IC 9-17-4-15, AS ADDED BY P.L.262-2013,
 34 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2014]: Sec. 15. (a) A person who knowingly:

- 36 (1) damages;
 37 (2) removes; or
 38 (3) alters;

39 an original or a special identification number commits a ~~Class E~~ **Level**
 40 **5** felony.

41 (b) A person who, with the intent to conceal evidence of the
 42 commission of a crime, covers an original or special identification



1 number commits a ~~Class C~~ **Level 5** felony.

2 SECTION 18. IC 9-17-4-16, AS ADDED BY P.L.262-2013,
3 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2014]: Sec. 16. A person who knowingly sells or offers for
5 sale a motor vehicle with an original or a special identification number
6 that is:

- 7 (1) destroyed;
- 8 (2) removed;
- 9 (3) altered;
- 10 (4) covered; or
- 11 (5) defaced;

12 commits a ~~Class D~~ **Level 6** felony.

13 SECTION 19. IC 9-17-4-17, AS ADDED BY P.L.262-2013,
14 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2014]: Sec. 17. A person who knowingly or intentionally sells
16 or offers for sale a motor vehicle part with an identification number
17 that is:

- 18 (1) destroyed;
- 19 (2) removed;
- 20 (3) altered;
- 21 (4) covered; or
- 22 (5) defaced;

23 commits a ~~Class D~~ **Level 6** felony.

24 SECTION 20. IC 9-17-4-18, AS ADDED BY P.L.262-2013,
25 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2014]: Sec. 18. (a) For purposes of this section, "identification
27 number" means a set of numbers, letters, or both numbers and letters
28 that is assigned to a motor vehicle or motor vehicle part by:

- 29 (1) a manufacturer of motor vehicles or motor vehicle parts; or
- 30 (2) a governmental entity to replace an original identification
31 number that is destroyed, removed, altered, or defaced.

32 (b) Subsection (c) does not apply to a person who manufactures or
33 installs a plate or label containing an identification number:

- 34 (1) in a program authorized by a manufacturer of motor vehicles
35 or motor vehicle parts; or
- 36 (2) as authorized by the bureau under this chapter.

37 (c) A person who knowingly or intentionally possesses a plate or
38 label that:

- 39 (1) contains an identification number; and
- 40 (2) is not attached to the motor vehicle or motor vehicle part to
41 which the identification number was assigned by the
42 manufacturer or a governmental entity;



1 commits a ~~Class D~~ **Level 6** felony.

2 (d) A person who knowingly or intentionally possesses a plate or
3 label on which the identification number is altered or removed commits
4 a ~~Class D~~ **Level 6** felony.

5 (e) A person who, with intent to defraud, possesses a plate or label
6 containing a set of numbers, letters, or both numbers and letters that
7 purports to be an identification number commits a ~~Class D~~ **Level 6**
8 felony.

9 SECTION 21. IC 9-22-3-33, AS AMENDED BY P.L.92-2013,
10 SECTION 49, AND AS AMENDED BY P.L.158-2013, SECTION
11 151, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2014]: Sec. 33. (a) A person who *recklessly*,
13 knowingly, or *intentionally* violates section 4, 5, 6, 7, or 8 of this
14 chapter (or section 9 of this chapter before its repeal) commits a ~~Class~~
15 ~~D~~ **Level 6** felony.

16 (b) *A person who recklessly, knowingly, or intentionally violates*
17 *section 18.5 or 30 of this chapter commits a Class A misdemeanor.*

18 SECTION 22. IC 9-22-5-18.2, AS ADDED BY P.L.92-2013,
19 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2014]: Sec. 18.2. (a) A disposal facility, a scrap metal
21 processor, or an agent of a disposal facility or scrap metal processor
22 may purchase a motor vehicle without a certificate of title for the motor
23 vehicle if:

- 24 (1) the motor vehicle is at least fifteen (15) model years old;
25 (2) the purchase is solely for the purpose of dismantling or
26 wrecking the motor vehicle for the recovery of scrap metal or the
27 sale of parts; and
28 (3) the disposal facility or scrap metal processor records all
29 purchase transactions of vehicles as required in subsection (b).

30 (b) A disposal facility or scrap metal processor shall maintain the
31 following information with respect to each motor vehicle purchase
32 transaction to which the disposal facility or scrap metal processor is a
33 party for at least two (2) years following the date of the purchase
34 transaction:

- 35 (1) The name and address of any secondary metals recycler or
36 salvage yard.
37 (2) The name, initials, or other identifying symbol of the person
38 entering the information.
39 (3) The date of the purchase transaction.
40 (4) A description of the motor vehicle that is the subject of the
41 purchase transaction, including the make and model of the motor
42 vehicle, if practicable.



- 1 (5) The vehicle identification number of the motor vehicle.
- 2 (6) The amount of consideration given for the motor vehicle.
- 3 (7) A written statement signed by the seller or the seller's agent
- 4 certifying that the seller or the seller's agent has the lawful right
- 5 to sell and dispose of the motor vehicle.
- 6 (8) The name and address of the person from whom the motor
- 7 vehicle is being purchased.
- 8 (9) A photocopy or electronic scan of one (1) of the following
- 9 forms of identification issued to the seller or the seller's agent:
- 10 (A) A current and valid driver's license.
- 11 (B) An identification card issued under IC 9-24-16-1 or a
- 12 similar card issued under the laws of another state or the
- 13 federal government.
- 14 (C) A government issued document bearing an image of the
- 15 seller or seller's agent, as applicable.
- 16 For purposes of complying with this subdivision, a disposal
- 17 facility or scrap metal processor is not required to make a separate
- 18 copy of the seller's or seller's agent's identification for each
- 19 purchase transaction involving the seller or seller's agent but may
- 20 instead refer to a copy maintained in reference to a particular
- 21 purchase transaction.
- 22 (c) A disposal facility or scrap metal processor may not complete a
- 23 purchase transaction in the absence of the information required under
- 24 subsection (b)(9).
- 25 (d) A disposal facility, a scrap metal processor, or an agent of a
- 26 disposal facility or scrap metal processor that knowingly, intentionally,
- 27 or recklessly buys a motor vehicle that is less than fifteen (15) model
- 28 years old without a certificate of title for the motor vehicle commits a
- 29 ~~Class D~~ **Level 6** felony.
- 30 SECTION 23. IC 9-30-5-15 IS AMENDED TO READ AS
- 31 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) In addition to
- 32 any criminal penalty imposed for an offense under this chapter, the
- 33 court shall:
- 34 (1) order:
- 35 (A) that the person be imprisoned for at least five (5) days; or
- 36 (B) the person to perform at least one hundred eighty (180)
- 37 hours of community restitution or service; and
- 38 (2) order the person to receive an assessment of the person's
- 39 degree of alcohol and drug abuse and, if appropriate, to
- 40 successfully complete an alcohol or drug abuse treatment
- 41 program, including an alcohol deterrent program if the person
- 42 suffers from alcohol abuse;



1 if the person has one (1) previous conviction of operating while
2 intoxicated.

3 (b) In addition to any criminal penalty imposed for an offense under
4 this chapter, the court shall:

5 (1) order:

6 (A) that the person be imprisoned for at least ten (10) days; or

7 (B) the person to perform at least three hundred sixty (360)
8 hours of community restitution or service; and

9 (2) order the person to receive an assessment of the person's
10 degree of alcohol and drug abuse and, if appropriate, to
11 successfully complete an alcohol or drug abuse treatment
12 program, including an alcohol deterrent program if the person
13 suffers from alcohol abuse;

14 if the person has at least two (2) previous convictions of operating
15 while intoxicated.

16 (c) Notwithstanding ~~IC 35-50-2-2~~ **IC 35-50-2-2.2** and IC 35-50-3-1,
17 a sentence imposed under this section may not be suspended. The court
18 may require that the person serve the term of imprisonment in an
19 appropriate facility at whatever time or intervals (consecutive or
20 intermittent) determined appropriate by the court. However:

21 (1) at least forty-eight (48) hours of the sentence must be served
22 consecutively; and

23 (2) the entire sentence must be served within six (6) months after
24 the date of sentencing.

25 (d) Notwithstanding IC 35-50-6, a person does not earn credit time
26 while serving a sentence imposed under this section.

27 SECTION 24. IC 9-32-17-2, AS ADDED BY P.L.92-2013,
28 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2014]: Sec. 2. (a) Except as provided in ~~subsections~~
30 **subsection (b), and (c)**; a person who violates IC 9-32-4 commits a
31 Class C infraction.

32 (b) A person who knowingly or intentionally violates
33 IC 9-32-4-1(a)(1), IC 9-32-4-1(a)(2), ~~IC 9-32-4-1(a)(4);~~
34 ~~IC 9-32-4-1(a)(5);~~ or IC 9-32-4-1(d) commits a Class B misdemeanor.

35 (c) ~~A person who knowingly or intentionally violates~~
36 ~~IC 9-32-4-1(a)(3) commits a:~~

37 (1) ~~Class A misdemeanor for the first violation; and~~

38 (2) ~~Class D felony for a second or subsequent unrelated violation.~~

39 SECTION 25. IC 11-8-8-4.5, AS AMENDED BY P.L.214-2013,
40 SECTION 4, AND AS AMENDED BY P.L.158-2013, SECTION 171,
41 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) Except as provided in



1 section 22 of this chapter, as used in this chapter, "sex offender" means
2 a person convicted of any of the following offenses:

- 3 (1) Rape (IC 35-42-4-1).
4 (2) Criminal deviate conduct (IC 35-42-4-2) (~~repealed~~): (~~before~~
5 ~~its repeal on July 1, 2014~~). (**before its repeal**).
6 (3) Child molesting (IC 35-42-4-3).
7 (4) Child exploitation (IC 35-42-4-4(b)).
8 (5) Vicarious sexual gratification (including performing sexual
9 conduct in the presence of a minor) (IC 35-42-4-5).
10 (6) Child solicitation (IC 35-42-4-6).
11 (7) Child seduction (IC 35-42-4-7).
12 (8) Sexual misconduct with a minor (**IC 35-42-4-9**) as a Class A,
13 Class B, or Class C *felony* (*for a crime committed before July 1,*
14 *2014*) or a Level 1, Level 2, Level 4, or Level 5 felony (*for a crime*
15 *committed after June 30, 2014*), (~~IC 35-42-4-9~~), unless:
16 (A) the person is convicted of sexual misconduct with a minor
17 as a Class C *felony* (*for a crime committed before July 1,*
18 *2014*) or a Level 5 felony (*for a crime committed after June*
19 *30, 2014*);
20 (B) the person is not more than:
21 (i) four (4) years older than the victim if the offense was
22 committed after June 30, 2007; or
23 (ii) five (5) years older than the victim if the offense was
24 committed before July 1, 2007; and
25 (C) the sentencing court finds that the person should not be
26 required to register as a sex offender.
27 (9) Incest (IC 35-46-1-3).
28 (10) Sexual battery (IC 35-42-4-8).
29 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
30 (18) years of age, and the person who kidnapped the victim is not
31 the victim's parent or guardian.
32 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
33 than eighteen (18) years of age, and the person who confined or
34 removed the victim is not the victim's parent or guardian.
35 (13) Possession of child pornography (IC 35-42-4-4(c)).
36 (14) Promoting prostitution (IC 35-45-4-4) as a Class B *felony*
37 (*for a crime committed before July 1, 2014*) or a Level 4 felony
38 (*for a crime committed after June 30, 2014*).
39 (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the
40 victim is less than eighteen (18) years of age.
41 (16) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).
42 (17) Human trafficking (IC 35-42-3.5-1(d)(3)) if the victim is less



- 1 than eighteen (18) years of age.
 2 (18) Sexual misconduct by a service provider with a detained
 3 child (IC 35-44.1-3-10(c)).
 4 (19) An attempt or conspiracy to commit a crime listed in
 5 subdivisions (1) through (18).
 6 (20) A crime under the laws of another jurisdiction, including a
 7 military court, that is substantially equivalent to any of the
 8 offenses listed in subdivisions (1) through (19).
 9 (b) The term includes:
 10 (1) a person who is required to register as a sex offender in any
 11 jurisdiction; and
 12 (2) a child who has committed a delinquent act and who:
 13 (A) is at least fourteen (14) years of age;
 14 (B) is on probation, is on parole, is discharged from a facility
 15 by the department of correction, is discharged from a secure
 16 private facility (as defined in IC 31-9-2-115), or is discharged
 17 from a juvenile detention facility as a result of an adjudication
 18 as a delinquent child for an act that would be an offense
 19 described in subsection (a) if committed by an adult; and
 20 (C) is found by a court by clear and convincing evidence to be
 21 likely to repeat an act that would be an offense described in
 22 subsection (a) if committed by an adult.
 23 (c) In making a determination under subsection (b)(2)(C), the court
 24 shall consider expert testimony concerning whether a child is likely to
 25 repeat an act that would be an offense described in subsection (a) if
 26 committed by an adult.
 27 SECTION 26. IC 11-8-8-5, AS AMENDED BY P.L.13-2013,
 28 SECTION 42, AS AMENDED BY P.L.214-2013, SECTION 5, AND
 29 AS AMENDED BY P.L.158-2013, SECTION 172, IS CORRECTED
 30 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 31 2014]: Sec. 5. (a) Except as provided in section 22 of this chapter, as
 32 used in this chapter, "sex or violent offender" means a person convicted
 33 of any of the following offenses:
 34 (1) Rape (IC 35-42-4-1).
 35 (2) Criminal deviate conduct (IC 35-42-4-2) (*before its repeal*).
 36 ~~on July 1, 2014 (repealed).~~
 37 (3) Child molesting (IC 35-42-4-3).
 38 (4) Child exploitation (IC 35-42-4-4(b)).
 39 (5) Vicarious sexual gratification (including performing sexual
 40 conduct in the presence of a minor) (IC 35-42-4-5).
 41 (6) Child solicitation (IC 35-42-4-6).
 42 (7) Child seduction (IC 35-42-4-7).



- 1 (8) Sexual misconduct with a minor (**IC 35-42-4-9**) as a Class A,
 2 Class B, or Class C *felony (for a crime committed before July 1,*
 3 *2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime*
 4 *committed after June 30, 2014), (~~IC 35-42-4-9~~), unless:*
- 5 (A) the person is convicted of sexual misconduct with a minor
 6 as a Class C felony *(for a crime committed before July 1,*
 7 *2014) or a Level 5 felony (for a crime committed after June*
 8 *30, 2014);*
- 9 (B) the person is not more than:
- 10 (i) four (4) years older than the victim if the offense was
 11 committed after June 30, 2007; or
- 12 (ii) five (5) years older than the victim if the offense was
 13 committed before July 1, 2007; and
- 14 (C) the sentencing court finds that the person should not be
 15 required to register as a sex offender.
- 16 (9) Incest (IC 35-46-1-3).
- 17 (10) Sexual battery (IC 35-42-4-8).
- 18 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
 19 (18) years of age, and the person who kidnapped the victim is not
 20 the victim's parent or guardian.
- 21 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
 22 than eighteen (18) years of age, and the person who confined or
 23 removed the victim is not the victim's parent or guardian.
- 24 (13) Possession of child pornography (IC 35-42-4-4(c)).
- 25 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony
 26 *(for a crime committed before July 1, 2014) or a Level 4 felony*
 27 *(for a crime committed after June 30, 2014).*
- 28 (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the
 29 victim is less than eighteen (18) years of age.
- 30 (16) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).
- 31 (17) Human trafficking (IC 35-42-3.5-1(d)(3)) if the victim is less
 32 than eighteen (18) years of age.
- 33 (18) Murder (IC 35-42-1-1).
- 34 (19) Voluntary manslaughter (IC 35-42-1-3).
- 35 (20) Sexual misconduct by a service provider with a detained
 36 child (IC 35-44.1-3-10(c)).
- 37 (21) An attempt or conspiracy to commit a crime listed in
 38 subdivisions (1) through (20).
- 39 (22) A crime under the laws of another jurisdiction, including a
 40 military court, that is substantially equivalent to any of the
 41 offenses listed in subdivisions (1) through (21).
- 42 (b) The term includes:



- 1 (1) a person who is required to register as a sex or violent
 2 offender in any jurisdiction; and
 3 (2) a child who has committed a delinquent act and who:
 4 (A) is at least fourteen (14) years of age;
 5 (B) is on probation, is on parole, is discharged from a facility
 6 by the department of correction, is discharged from a secure
 7 private facility (as defined in IC 31-9-2-115), or is discharged
 8 from a juvenile detention facility as a result of an adjudication
 9 as a delinquent child for an act that would be an offense
 10 described in subsection (a) if committed by an adult; and
 11 (C) is found by a court by clear and convincing evidence to be
 12 likely to repeat an act that would be an offense described in
 13 subsection (a) if committed by an adult.
 14 (c) In making a determination under subsection (b)(2)(C), the court
 15 shall consider expert testimony concerning whether a child is likely to
 16 repeat an act that would be an offense described in subsection (a) if
 17 committed by an adult.
 18 SECTION 27. IC 11-8-8-15, AS AMENDED BY P.L.214-2013,
 19 SECTION 11, AND AS AMENDED BY P.L.158-2013, SECTION
 20 173, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A sex or violent offender
 22 who is a resident of Indiana shall obtain and keep in the sex or violent
 23 offender's possession:
 24 (1) a valid Indiana driver's license; or
 25 (2) a valid Indiana identification card (as described in
 26 IC 9-24-16);
 27 *that contains the offender's current address and current physical*
 28 *description.*
 29 (b) A sex or violent offender required to register in Indiana who is
 30 not a resident of Indiana shall obtain and keep in the sex or violent
 31 offender's possession:
 32 (1) a valid driver's license issued by the state in which the sex or
 33 violent offender resides; or
 34 (2) a valid state issued identification card issued by the state in
 35 which the sex or violent offender resides;
 36 *that contains the offender's current address and current physical*
 37 *description.*
 38 (c) A person who knowingly or intentionally violates this section
 39 commits failure of a sex or violent offender to possess identification,
 40 a Class A misdemeanor. However, the offense is a ~~Class D~~ *Level 6*
 41 felony if the person:
 42 (1) is a sexually violent predator; or



- 1 (2) has a prior unrelated conviction:
 2 (A) under this section; or
 3 (B) based on the person's failure to comply with any
 4 requirement imposed on an offender under this chapter.
 5 (d) It is a defense to a prosecution under this section that:
 6 (1) the person has been unable to obtain a valid driver's license or
 7 state issued identification card because less than thirty (30) days
 8 have passed since the person's release from incarceration; ~~or~~
 9 (2) the person possesses a driver's license or state issued
 10 identification card that expired not more than thirty (30) days
 11 before the date the person violated subsection (a) or (b); *or*
 12 (3) *the person possesses a valid driver's license or state issued*
 13 *identification card, but the card does not reflect the person's*
 14 *current address or current physical description because fewer*
 15 *than thirty (30) days have passed since the person changed the*
 16 *person's current address or physical characteristics.*
 17 SECTION 28. IC 11-8-8-19, AS AMENDED BY P.L.214-2013,
 18 SECTION 12, AND AS AMENDED BY P.L.158-2013, SECTION
 19 176, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) Except as provided in
 21 subsections (b) through (e), a sex or violent offender is required to
 22 register under this chapter until the expiration of ten (10) years after the
 23 date the sex or violent offender:
 24 (1) is released from a penal facility (as defined in
 25 IC 35-31.5-2-232) or a secure juvenile detention facility of a state
 26 or another jurisdiction;
 27 (2) is placed in a community transition program;
 28 (3) is placed in a community corrections program;
 29 (4) is placed on parole; or
 30 (5) is placed on probation;
 31 for the sex or violent offense requiring registration, whichever occurs
 32 last. The registration period is tolled during any period that the sex or
 33 violent offender is incarcerated. The registration period does not restart
 34 if the offender is convicted of a subsequent offense. However, if the
 35 subsequent offense is a sex or violent offense, a new registration period
 36 may be imposed in accordance with this chapter. The department shall
 37 ensure that an offender who is no longer required to register as a sex or
 38 violent offender is notified that the obligation to register has expired,
 39 *and shall ensure that the offender's information is no longer published*
 40 *to the public portal of the sex and violent offender registry Internet*
 41 *web site established under IC 36-2-13-5.5.*
 42 (b) A sex or violent offender who is a sexually violent predator is



- 1 required to register for life.
- 2 (c) A sex or violent offender who is convicted of at least one (1)
- 3 offense under section 5(a) of this chapter that the sex or violent
- 4 offender committed:
- 5 (1) when the person was at least eighteen (18) years of age; and
- 6 (2) against a victim who was less than twelve (12) years of age at
- 7 the time of the crime;
- 8 is required to register for life.
- 9 (d) A sex or violent offender who is convicted of at least one (1)
- 10 offense under section 5(a) of this chapter in which the sex offender:
- 11 (1) proximately caused serious bodily injury or death to the
- 12 victim;
- 13 (2) used force or the threat of force against the victim or a
- 14 member of the victim's family, unless the offense is sexual battery
- 15 as a Class D felony (for an offense committed before July 1, 2014)
- 16 or a Level 6 felony (for a crime committed after June 30, 2014);
- 17 or
- 18 (3) rendered the victim unconscious or otherwise incapable of
- 19 giving voluntary consent;
- 20 is required to register for life.
- 21 (e) A sex or violent offender who is convicted of at least two (2)
- 22 unrelated offenses under section 5(a) of this chapter is required to
- 23 register for life.
- 24 (f) A person who is required to register as a sex or violent offender
- 25 in any jurisdiction shall register for the period required by the other
- 26 jurisdiction or the period described in this section, whichever is longer.
- 27 SECTION 29. IC 11-12-2-1, AS AMENDED BY P.L.105-2010,
- 28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2014]: Sec. 1. (a) For the purpose of encouraging counties to
- 30 develop a coordinated local corrections-criminal justice system and
- 31 providing effective alternatives to imprisonment at the state level, the
- 32 commissioner shall, out of funds appropriated for such purposes, make
- 33 grants to counties for the establishment and operation of community
- 34 corrections programs. Appropriations intended for this purpose may not
- 35 be used by the department for any other purpose. Money appropriated
- 36 to the department of correction for the purpose of making grants under
- 37 this chapter and any financial aid payments suspended under section 6
- 38 of this chapter do not revert to the state general fund at the close of any
- 39 fiscal year, but remain available to the department of correction for its
- 40 use in making grants under this chapter.
- 41 (b) **Before March 1, 2015, the department shall estimate the**
- 42 **amount of any operational cost savings that will be realized in the**



1 state fiscal year ending June 30, 2015, from a reduction in the
 2 number of individuals who are in the custody or made a ward of
 3 the department of correction (as described in IC 11-8-1-5) that is
 4 attributable to the sentencing changes made in HEA 1006-2014 as
 5 enacted in the 2014 session of the general assembly. The
 6 department shall make the estimate under this subsection based on
 7 the best available information. If the department estimates that
 8 operational cost savings described in this subsection will be
 9 realized in the state fiscal year ending June 30, 2015, the following
 10 apply to the department:

11 (1) The department shall certify the estimated amount of
 12 operational cost savings that will be realized to the budget
 13 agency and to the auditor of state.

14 (2) The department may, after review by the budget
 15 committee and approval by the budget agency, make
 16 additional grants as provided in this chapter to counties for
 17 the establishment and operation of community corrections
 18 programs from funds appropriated to the department for the
 19 department's operating expenses for the state fiscal year.

20 (3) The department may, after review by the budget
 21 committee and approval by the budget agency, transfer funds
 22 appropriated to the department for the department's
 23 operating expenses for the state fiscal year to the judicial
 24 conference of Indiana to be used by the judicial conference of
 25 Indiana to provide additional financial aid for the support of
 26 court probation services under the program established under
 27 IC 11-13-2.

28 (4) The maximum aggregate amount of additional grants and
 29 transfers that may be made by the department under
 30 subdivisions (2) and (3) for the state fiscal year may not
 31 exceed the lesser of:

32 (A) the amount of operational cost savings certified under
 33 subdivision (1); or

34 (B) eleven million dollars (\$11,000,000).

35 Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of
 36 funds necessary to make any additional grants authorized and
 37 approved under this subsection and for any transfers authorized
 38 and approved under this subsection, and for providing the
 39 additional financial aid to courts from transfers authorized and
 40 approved under this subsection, is appropriated for those purposes
 41 for the state fiscal year ending June 30, 2015, and the amount of
 42 the department's appropriation for operating expenses for the state



1 **fiscal year ending June 30, 2015, is reduced by a corresponding**
 2 **amount. This subsection expires June 30, 2015.**

3 ~~(b)~~ (c) The commissioner shall give priority in issuing community
 4 corrections grants to programs that provide alternative sentencing
 5 projects for persons with mental illness, addictive disorders, mental
 6 retardation, and developmental disabilities.

7 SECTION 30. IC 11-12-3.7-11, AS AMENDED BY P.L.192-2007,
 8 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2014]: Sec. 11. (a) A person is eligible to participate in a
 10 pre-conviction forensic diversion program only if the person meets the
 11 following criteria:

12 (1) The person has a mental illness, an addictive disorder, or both
 13 a mental illness and an addictive disorder.

14 (2) The person has been charged with an offense that is:

15 (A) not a violent offense; and

16 (B) a Class A, B, or C misdemeanor, or a ~~Class D~~ **Level 6**
 17 felony that may be reduced to a Class A misdemeanor in
 18 accordance with IC 35-50-2-7.

19 (3) The person does not have a conviction for a violent offense in
 20 the previous ten (10) years.

21 (4) The court has determined that the person is an appropriate
 22 candidate to participate in a pre-conviction forensic diversion
 23 program.

24 (5) The person has been accepted into a pre-conviction forensic
 25 diversion program.

26 (b) Before an eligible person is permitted to participate in a
 27 pre-conviction forensic diversion program, the court shall advise the
 28 person of the following:

29 (1) Before the individual is permitted to participate in the
 30 program, the individual will be required to enter a guilty plea to
 31 the offense with which the individual has been charged.

32 (2) The court will stay entry of the judgment of conviction during
 33 the time in which the individual is successfully participating in
 34 the program. If the individual stops successfully participating in
 35 the program, or does not successfully complete the program, the
 36 court will lift its stay, enter a judgment of conviction, and
 37 sentence the individual accordingly.

38 (3) If the individual participates in the program, the individual
 39 may be required to remain in the program for a period not to
 40 exceed three (3) years.

41 (4) During treatment the individual may be confined in an
 42 institution, be released for treatment in the community, receive



- 1 supervised aftercare in the community, or may be required to
 2 receive a combination of these alternatives.
- 3 (5) If the individual successfully completes the forensic diversion
 4 program, the court will waive entry of the judgment of conviction
 5 and dismiss the charges.
- 6 (6) The court shall determine, after considering a report from the
 7 forensic diversion program, whether the individual is successfully
 8 participating in or has successfully completed the program.
- 9 (c) Before an eligible person may participate in a pre-conviction
 10 forensic diversion program, the person must plead guilty to the offense
 11 with which the person is charged.
- 12 (d) Before an eligible person may be admitted to a facility under the
 13 control of the division of mental health and addiction, the individual
 14 must be committed to the facility under IC 12-26.
- 15 (e) After the person has pleaded guilty, the court shall stay entry of
 16 judgment of conviction and place the person in the pre-conviction
 17 forensic diversion program for not more than:
- 18 (1) two (2) years, if the person has been charged with a
 19 misdemeanor; or
- 20 (2) three (3) years, if the person has been charged with a felony.
- 21 (f) If, after considering the report of the forensic diversion program,
 22 the court determines that the person has:
- 23 (1) failed to successfully participate in the forensic diversion
 24 program, or failed to successfully complete the program, the court
 25 shall lift its stay, enter judgment of conviction, and sentence the
 26 person accordingly; or
- 27 (2) successfully completed the forensic diversion program, the
 28 court shall waive entry of the judgment of conviction and dismiss
 29 the charges.
- 30 SECTION 31. IC 11-14-1-5 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. "Youthful offender"
 32 means an offender (as defined in IC 11-8-1-9) who:
- 33 (1) is less than twenty-one (21) years of age;
- 34 (2) has been committed to the department to serve a maximum
 35 sentence of not more than eight (8) years;
- 36 (3) has received a suspendible sentence under IC 35-50-2-2
 37 **(before its repeal), or IC 35-50-2-2.1, or IC 35-50-2-2.2;**
- 38 (4) has been sentenced by a court having criminal jurisdiction;
- 39 (5) has never been confined in a state or federal adult correctional
 40 facility; and
- 41 (6) has not previously participated in a military or correctional
 42 boot camp program.



1 SECTION 32. IC 12-7-2-53.2, AS ADDED BY P.L.287-2013,
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2014]: Sec. 53.2. "Dangerous felony", for purposes of
 4 IC 12-17.2, means one (1) or more of the following felonies:

- 5 (1) Murder (IC 35-42-1-1).
- 6 (2) Attempted murder (IC 35-41-5-1).
- 7 (3) Voluntary manslaughter (IC 35-42-1-3).
- 8 (4) Involuntary manslaughter (IC 35-42-1-4).
- 9 (5) Reckless homicide (IC 35-42-1-5).
- 10 (6) Aggravated battery (IC 35-42-2-1.5).
- 11 (7) Kidnapping (IC 35-42-3-2).
- 12 (8) Rape (IC 35-42-4-1).
- 13 (9) Criminal deviate conduct (IC 35-42-4-2) **(before its repeal)**.
- 14 (10) Child molesting (IC 35-42-4-3).
- 15 (11) Sexual misconduct with a minor as a Class A felony **(for a**
 16 **crime committed before July 1, 2014) or a Level 1 felony (for**
 17 **a crime committed after June 30, 2014) under**
 18 **IC 35-42-4-9(a)(2) or a Class B felony (for a crime committed**
 19 **before July 1, 2014) or a Level 2 felony (for a crime**
 20 **committed after June 30, 2014) under IC 35-42-4-9(b)(2).**
- 21 (12) Robbery as a Class A or Class B felony **(for a crime**
 22 **committed before July 1, 2014) or a Level 2 or Level 3 felony**
 23 **(for a crime committed after June 30, 2014) (IC 35-42-5-1).**
- 24 (13) Burglary as a Class A or Class B felony **(for a crime**
 25 **committed before July 1, 2014) or a Level 2 or Level 3 felony**
 26 **(for a crime committed after June 30, 2014) (IC 35-43-2-1).**
- 27 (14) Battery as a felony (IC 35-42-2-1).
- 28 (15) Domestic battery (IC 35-42-2-1.3).
- 29 (16) Strangulation (IC 35-42-2-9).
- 30 (17) Criminal confinement (IC 35-42-3-3).
- 31 (18) Sexual battery (IC 35-42-4-8).
- 32 (19) A felony committed in another jurisdiction that is
 33 substantially similar to a felony in this section.
- 34 (20) An attempt to commit or a conspiracy to commit an offense
 35 listed in subdivisions (1) through (19).

36 SECTION 33. IC 12-17.2-6-14, AS AMENDED BY P.L.287-2013,
 37 SECTION 16, AND AS AMENDED BY P.L.158-2013, SECTION
 38 179, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2014]: Sec. 14. ~~The~~ (a) A child care ministry
 40 must do the following:

- 41 (1) ~~Conduct~~ a Subject to subsection (c), require, at no expense to
 42 the state, an employee or a volunteer who has direct contact with



1 a child who is receiving child care from the child care ministry to
 2 submit fingerprints for a national criminal history background
 3 check of the child care ministry's employees and volunteers, by
 4 the Federal Bureau of Investigation.

5 (2) Report to the division any:

6 (A) police investigations;

7 (B) arrests; and

8 (C) criminal convictions;

9 of which the operator or director of the child care ministry is
 10 aware regarding an employee or volunteer described in
 11 subdivision (1).

12 ~~(2)~~ (3) Refrain from employing, or allowing to serve as a
 13 volunteer, an individual who has direct contact with a child who
 14 is receiving child care from the child care ministry and who:

15 (A) has been convicted of any of the following felonies:

16 (i) Murder (IC 35-42-1-1);

17 (ii) Causing suicide (IC 35-42-1-2);

18 (iii) Assisting suicide (IC 35-42-1-2.5);

19 (iv) Voluntary manslaughter (IC 35-42-1-3);

20 (v) Reckless homicide (IC 35-42-1-5);

21 (vi) Battery (IC 35-42-2-1);

22 (vii) Aggravated battery (IC 35-42-2-1.5);

23 (viii) Kidnapping (IC 35-42-3-2);

24 (ix) Criminal confinement (IC 35-42-3-3);

25 (x) A felony sex offense under IC 35-42-4;

26 (xi) Carjacking (IC 35-42-5-2) (repealed) (for a crime
 27 committed before July 1, 2014);

28 (xii) Arson (IC 35-43-1-1);

29 (xiii) Incest (IC 35-46-1-3);

30 (xiv) Neglect of a dependent (IC 35-46-1-4(a)(1) and
 31 IC 35-46-1-4(a)(2));

32 (xv) Child selling (IC 35-46-1-4(d));

33 (xvi) A felony involving a weapon under IC 35-47 or
 34 IC 35-47.5;

35 (xvii) A felony relating to controlled substances under
 36 IC 35-48-4;

37 (xviii) An offense relating to material or a performance that
 38 is harmful to minors or obscene under IC 35-49-3;

39 (xix) A felony that is substantially equivalent to a felony
 40 listed in items (i) through (xviii) for which the conviction
 41 was entered in another state: a felony:

42 (i) related to the health or safety of a child;



- 1 (ii) that is a sex offense (as defined in IC 11-8-8-5.2);
 2 (iii) that is a dangerous felony; or
 3 (iv) that is not a felony otherwise described in items (i)
 4 through (iii), and less than ten (10) years have elapsed from
 5 the date the person was discharged from probation,
 6 imprisonment, or parole, whichever discharge date is latest;
 7 (B) has been convicted of a misdemeanor related to the health
 8 or safety of a child;
 9 (C) has been convicted of a misdemeanor under
 10 IC 12-17.2-4-35 for operating a child care center without a
 11 license, or of a substantially similar offense committed in
 12 another jurisdiction if the offense is directly or indirectly
 13 related to jeopardizing the health or safety of a child;
 14 (D) has been convicted of a misdemeanor under
 15 IC 12-17.2-5-35 for operating a child care home without a
 16 license, or of a substantially similar offense committed in
 17 another jurisdiction if the offense is directly or indirectly
 18 related to jeopardizing the health or safety of a child; or
 19 ~~(E)~~ (E) is a person against whom an allegation of child abuse
 20 or neglect has been substantiated under IC 31-33, or under a
 21 substantially similar provision in another jurisdiction.
 22 ~~(3) Maintain records of each criminal history check.~~
 23 (b) A child care ministry shall require an individual described in
 24 subsection (a)(1) to apply for a national criminal history background
 25 check before the individual is employed or allowed to volunteer and
 26 every three (3) years thereafter that the individual is continuously
 27 employed or allowed to volunteer.
 28 (c) A child care ministry that is registered under this chapter on
 29 July 1, 2013, shall, at no expense to the state, meet the requirements
 30 under subsection (a)(1) not later than July 1, 2014.
 31 SECTION 34. IC 12-24-3-2, AS AMENDED BY P.L.214-2013,
 32 SECTION 14, AND AS AMENDED BY P.L.158-2013, SECTION
 33 183, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2014]: Sec. 2. To provide greater security for
 35 patients, visitors, and employees, the division may not employ in a state
 36 institution an individual who has been convicted of any of the
 37 following offenses:
 38 (1) Rape (IC 35-42-4-1).
 39 (2) Criminal deviate conduct (IC 35-42-4-2) ~~(before its repeal on~~
 40 ~~July 1, 2014):~~ ~~(repealed).~~ **(before its repeal).**
 41 (3) Child molesting (IC 35-42-4-3).
 42 (4) Child exploitation (IC 35-42-4-4).



1 (5) Sexual misconduct with a minor (*IC 35-42-4-9*) as a Class A
 2 or Class B felony (*for a crime committed before July 1, 2014*) or
 3 a Level 1 felony, Level 2 felony, or Level 4 felony (~~*IC 35-42-4-9*~~)
 4 (*for a crime committed after June 30, 2014*).

5 SECTION 35. IC 16-31-3-14, AS AMENDED BY P.L.196-2013,
 6 SECTION 4, AND AS AMENDED BY P.L.158-2013, SECTION 234,
 7 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) A person holding a
 9 certificate or license issued under this article must comply with the
 10 applicable standards and rules established under this article. A
 11 certificate holder or license holder is subject to disciplinary sanctions
 12 under subsection (b) if the department of homeland security determines
 13 that the certificate holder or license holder:

14 (1) engaged in or knowingly cooperated in fraud or material
 15 deception in order to obtain a certificate or license, including
 16 cheating on a certification or licensure examination;

17 (2) engaged in fraud or material deception in the course of
 18 professional services or activities;

19 (3) advertised services or goods in a false or misleading manner;

20 (4) falsified or knowingly allowed another person to falsify
 21 attendance records or certificates of completion of continuing
 22 education courses required under this article or rules adopted
 23 under this article;

24 (5) is convicted of a crime, if the act that resulted in the
 25 conviction has a direct bearing on determining if the certificate
 26 holder or license holder should be entrusted to provide emergency
 27 medical services;

28 (6) is convicted of violating IC 9-19-14.5;

29 (7) fails to comply and maintain compliance with or violates any
 30 applicable provision, standard, or other requirement of this article
 31 or rules adopted under this article;

32 (8) continues to practice if the certificate holder or license holder
 33 becomes unfit to practice due to:

34 (A) professional incompetence that includes the undertaking
 35 of professional activities that the certificate holder or license
 36 holder is not qualified by training or experience to undertake;

37 (B) failure to keep abreast of current professional theory or
 38 practice;

39 (C) physical or mental disability; or

40 (D) addiction to, abuse of, or dependency on alcohol or other
 41 drugs that endanger the public by impairing the certificate
 42 holder's or license holder's ability to practice safely;



- 1 (9) engages in a course of lewd or immoral conduct in connection
 2 with the delivery of services to the public;
- 3 (10) allows the certificate holder's or license holder's name or a
 4 certificate or license issued under this article to be used in
 5 connection with a person who renders services beyond the scope
 6 of that person's training, experience, or competence;
- 7 (11) is subjected to disciplinary action in another state or
 8 jurisdiction on grounds similar to those contained in this chapter.
 9 For purposes of this subdivision, a certified copy of a record of
 10 disciplinary action constitutes prima facie evidence of a
 11 disciplinary action in another jurisdiction;
- 12 (12) assists another person in committing an act that would
 13 constitute a ground for disciplinary sanction under this chapter;
 14 or
- 15 (13) allows a certificate or license issued by the commission to
 16 be:
- 17 (A) used by another person; or
- 18 (B) displayed to the public when the certificate or license is
 19 expired, inactive, invalid, revoked, or suspended.
- 20 (b) The department of homeland security may issue an order under
 21 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if
 22 the department of homeland security determines that a certificate
 23 holder or license holder is subject to disciplinary sanctions under
 24 subsection (a):
- 25 (1) Revocation of a certificate holder's certificate or license
 26 holder's license for a period not to exceed seven (7) years.
- 27 (2) Suspension of a certificate holder's certificate or license
 28 holder's license for a period not to exceed seven (7) years.
- 29 (3) Censure of a certificate holder or license holder.
- 30 (4) Issuance of a letter of reprimand.
- 31 (5) Assessment of a civil penalty against the certificate holder or
 32 license holder in accordance with the following:
- 33 (A) The civil penalty may not exceed five hundred dollars
 34 (\$500) per day per violation.
- 35 (B) If the certificate holder or license holder fails to pay the
 36 civil penalty within the time specified by the department of
 37 homeland security, the department of homeland security may
 38 suspend the certificate holder's certificate or license holder's
 39 license without additional proceedings.
- 40 (6) Placement of a certificate holder or license holder on
 41 probation status and requirement of the certificate holder or
 42 license holder to:



- 1 (A) report regularly to the department of homeland security
 2 upon the matters that are the basis of probation;
 3 (B) limit practice to those areas prescribed by the department
 4 of homeland security;
 5 (C) continue or renew professional education approved by the
 6 department of homeland security until a satisfactory degree of
 7 skill has been attained in those areas that are the basis of the
 8 probation; or
 9 (D) perform or refrain from performing any acts, including
 10 community restitution or service without compensation, that
 11 the department of homeland security considers appropriate to
 12 the public interest or to the rehabilitation or treatment of the
 13 certificate holder or license holder.

14 The department of homeland security may withdraw or modify
 15 this probation if the department of homeland security finds after
 16 a hearing that the deficiency that required disciplinary action is
 17 remedied or that changed circumstances warrant a modification
 18 of the order.

19 (c) If an applicant or a certificate holder or license holder has
 20 engaged in or knowingly cooperated in fraud or material deception to
 21 obtain a certificate or license, including cheating on the certification or
 22 licensure examination, the department of homeland security may
 23 rescind the certificate or license if it has been granted, void the
 24 examination or other fraudulent or deceptive material, and prohibit the
 25 applicant from reapplying for the certificate or license for a length of
 26 time established by the department of homeland security.

27 (d) The department of homeland security may deny certification or
 28 licensure to an applicant who would be subject to disciplinary sanctions
 29 under subsection (b) if that person were a certificate holder or license
 30 holder, has had disciplinary action taken against the applicant or the
 31 applicant's certificate or license to practice in another state or
 32 jurisdiction, or has practiced without a certificate or license in violation
 33 of the law. A certified copy of the record of disciplinary action is
 34 conclusive evidence of the other jurisdiction's disciplinary action.

35 (e) The department of homeland security may order a certificate
 36 holder or license holder to submit to a reasonable physical or mental
 37 examination if the certificate holder's or license holder's physical or
 38 mental capacity to practice safely and competently is at issue in a
 39 disciplinary proceeding. Failure to comply with a department of
 40 homeland security order to submit to a physical or mental examination
 41 makes a certificate holder or license holder liable to temporary
 42 suspension under subsection (i).



1 (f) Except as provided under subsection (a), subsection (g), and
 2 section 14.5 of this chapter, a certificate or license may not be denied,
 3 revoked, or suspended because the applicant, certificate holder, or
 4 license holder has been convicted of an offense. The acts from which
 5 the applicant's, certificate holder's, or license holder's conviction
 6 resulted may be considered as to whether the applicant or certificate
 7 holder or license holder should be entrusted to serve the public in a
 8 specific capacity.

9 (g) The department of homeland security may deny, suspend, or
 10 revoke a certificate or license issued under this article if the individual
 11 who holds or is applying for the certificate or license is convicted of
 12 any of the following:

13 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

14 (2) Possession of methamphetamine under IC 35-48-4-6.1.

15 (3) Possession of a controlled substance under IC 35-48-4-7(a).

16 (4) Fraudulently obtaining a controlled substance under
 17 ~~IC 35-48-4-7(b)~~ IC 35-48-4-7(c).

18 (5) Manufacture of paraphernalia as a Class D *felony* (for a crime
 19 committed before July 1, 2014) or Level 6 felony (for a crime
 20 committed after June 30, 2014) under IC 35-48-4-8.1(b).

21 (6) Dealing in paraphernalia as a Class D *felony* (for a crime
 22 committed before July 1, 2014) or Level 6 felony (for a crime
 23 committed after June 30, 2014) under IC 35-48-4-8.5(b).

24 (7) Possession of paraphernalia as a Class D *felony* (for a crime
 25 committed before July 1, 2014) or Level 6 felony (for a crime
 26 committed after June 30, 2014) under IC 35-48-4-8.3(b).

27 (8) Possession of marijuana, hash oil, hashish, or salvia ~~or a~~
 28 ~~synthetic drug~~ as a Class D *felony* (for a crime committed before
 29 July 1, 2014) or Level 6 felony (for a crime committed after June
 30 30, 2014) under IC 35-48-4-11.

31 (9) Possession of a synthetic drug or synthetic drug lookalike
 32 substance as a Class D *felony* **(for a crime committed before**
 33 **July 1, 2014) or Level 6 felony (for a crime committed after**
 34 **June 30, 2014) under IC 35-48-4-11.5 (or under IC 35-48-4-11**
 35 **before its amendment in 2013).**

36 ~~(9)~~ (10) Maintaining a common nuisance under IC 35-48-4-13.

37 ~~(10)~~ (11) An offense relating to registration, labeling, and
 38 prescription forms under IC 35-48-4-14.

39 ~~(11)~~ (12) Conspiracy under IC 35-41-5-2 to commit an offense
 40 listed in *subdivisions (1) through (10) this section*.

41 ~~(12)~~ (13) Attempt under IC 35-41-5-1 to commit an offense listed
 42 in *subdivisions (1) through (10) this section*.



1 ~~(13)~~ (14) An offense in any other jurisdiction in which the
 2 elements of the offense for which the conviction was entered are
 3 substantially similar to the elements of an offense described *by*
 4 ~~subdivisions (1) through (12)~~ in this section.

5 (h) A decision of the department of homeland security under
 6 subsections (b) through (g) may be appealed to the commission under
 7 IC 4-21.5-3-7.

8 (i) The department of homeland security may temporarily suspend
 9 a certificate holder's certificate or license holder's license under
 10 IC 4-21.5-4 before a final adjudication or during the appeals process if
 11 the department of homeland security finds that a certificate holder or
 12 license holder would represent a clear and immediate danger to the
 13 public's health, safety, or property if the certificate holder or license
 14 holder were allowed to continue to practice.

15 (j) On receipt of a complaint or information alleging that a person
 16 certified or licensed under this chapter or IC 16-31-3.5 has engaged in
 17 or is engaging in a practice that is subject to disciplinary sanctions
 18 under this chapter, the department of homeland security must initiate
 19 an investigation against the person.

20 (k) The department of homeland security shall conduct a factfinding
 21 investigation as the department of homeland security considers proper
 22 in relation to the complaint.

23 (l) The department of homeland security may reinstate a certificate
 24 or license that has been suspended under this section if the department
 25 of homeland security is satisfied that the applicant is able to practice
 26 with reasonable skill, competency, and safety to the public. As a
 27 condition of reinstatement, the department of homeland security may
 28 impose disciplinary or corrective measures authorized under this
 29 chapter.

30 (m) The department of homeland security may not reinstate a
 31 certificate or license that has been revoked under this chapter.

32 (n) The department of homeland security must be consistent in the
 33 application of sanctions authorized in this chapter. Significant
 34 departures from prior decisions involving similar conduct must be
 35 explained in the department of homeland security's findings or orders.

36 (o) A certificate holder may not surrender the certificate holder's
 37 certificate, and a license holder may not surrender the license holder's
 38 license, without the written approval of the department of homeland
 39 security, and the department of homeland security may impose any
 40 conditions appropriate to the surrender or reinstatement of a
 41 surrendered certificate or license.

42 (p) For purposes of this section, "certificate holder" means a person



1 who holds:

- 2 (1) an unlimited certificate;
 3 (2) a limited or probationary certificate; or
 4 (3) an inactive certificate.

5 (q) For purposes of this section, "license holder" means a person
 6 who holds:

- 7 (1) an unlimited license;
 8 (2) a limited or probationary license; or
 9 (3) an inactive license.

10 SECTION 36. IC 16-41-12-15, AS AMENDED BY P.L.213-2013,
 11 SECTION 14, AND AS AMENDED BY P.L.158-2013, SECTION
 12 243, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A blood center shall require
 14 a blood donor to provide to the blood center the following information:

- 15 (1) Name.
 16 (2) Address.
 17 (3) Date of birth.
 18 (4) *The blood donor's Social Security number, if the blood donor*
 19 *is receiving monetary compensation for the donation.*

20 ~~(b) A blood center shall request a blood donor to provide the blood~~
 21 ~~donor's Social Security number.~~

22 ~~(c)~~ (b) A blood center shall report the name and address of a blood
 23 donor to the state department when a confirmatory test of the blood
 24 donor's blood confirms the presence of antibodies to the human
 25 immunodeficiency virus (HIV).

26 ~~(d)~~ (c) A blood center shall provide to a blood donor information to
 27 enable the blood donor to give informed consent to the procedures
 28 required by this chapter or IC 16-36. The information required by this
 29 subsection must be in the following form:

30 NOTICE

- 31 (1) This blood center performs a screening test for the human
 32 immunodeficiency virus (HIV) on every donor's blood.
 33 (2) This blood center reports to the state department of health the
 34 name and address of a blood donor when a confirmatory test of
 35 the blood donor's blood confirms the presence of antibodies to the
 36 human immunodeficiency virus (HIV).
 37 (3) A person who recklessly, knowingly, or intentionally donates
 38 (excluding self-donations for stem cell transplantation, *other*
 39 *autologous donations, or donations not intended by the blood*
 40 *center for distribution or use), sells, or transfers blood ~~or a blood~~*
 41 *component* that contains antibodies for the human
 42 immunodeficiency virus (HIV) commits transferring



- 1 contaminated blood, a ~~Class C~~ *Level 5* felony. The offense is a
 2 ~~Class A~~ *Level 4* felony if the offense results in the transmission of
 3 the virus to another person.
- 4 SECTION 37. IC 20-28-5-8, AS AMENDED BY P.L.158-2013,
 5 SECTION 250, AND AS AMENDED BY P.L.214-2013, SECTION
 6 20, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) This section applies when a
 8 prosecuting attorney knows that a licensed employee of a public school
 9 or a nonpublic school has been convicted of an offense listed in
 10 subsection (c). The prosecuting attorney shall immediately give written
 11 notice of the conviction to the following:
- 12 (1) The state superintendent.
 - 13 (2) Except as provided in subdivision (3), the superintendent of
 14 the school corporation that employs the licensed employee or the
 15 equivalent authority if a nonpublic school employs the licensed
 16 employee.
 - 17 (3) The presiding officer of the governing body of the school
 18 corporation that employs the licensed employee, if the convicted
 19 licensed employee is the superintendent of the school corporation.
- 20 (b) The superintendent of a school corporation, presiding officer of
 21 the governing body, or equivalent authority for a nonpublic school shall
 22 immediately notify the state superintendent when the individual knows
 23 that a current or former licensed employee of the public school or
 24 nonpublic school has been convicted of an offense listed in subsection
 25 (c), or when the governing body or equivalent authority for a nonpublic
 26 school takes any final action in relation to an employee who engaged
 27 in any offense listed in subsection (c).
- 28 (c) The department, after holding a hearing on the matter, shall
 29 permanently revoke the license of a person who is known by the
 30 department to have been convicted of any of the following felonies:
- 31 (1) Kidnapping (IC 35-42-3-2).
 - 32 (2) Criminal confinement (IC 35-42-3-3).
 - 33 (3) Rape (IC 35-42-4-1).
 - 34 (4) Criminal deviate conduct (IC 35-42-4-2) (~~repeated~~): **(before**
 35 **its repeal).**
 - 36 (5) Child molesting (IC 35-42-4-3).
 - 37 (6) Child exploitation (IC 35-42-4-4(b)).
 - 38 (7) Vicarious sexual gratification (IC 35-42-4-5).
 - 39 (8) Child solicitation (IC 35-42-4-6).
 - 40 (9) Child seduction (IC 35-42-4-7).
 - 41 (10) Sexual misconduct with a minor (IC 35-42-4-9).
 - 42 (11) Incest (IC 35-46-1-3).



- 1 (12) Dealing in or manufacturing cocaine or a narcotic drug
 2 (IC 35-48-4-1).
 3 (13) Dealing in methamphetamine (IC 35-48-4-1.1).
 4 (14) Dealing in a schedule I, II, or III controlled substance
 5 (IC 35-48-4-2).
 6 (15) Dealing in a schedule IV controlled substance
 7 (IC 35-48-4-3).
 8 (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
 9 (17) Dealing in a counterfeit substance (IC 35-48-4-5).
 10 (18) Dealing in marijuana, hash oil, hashish, or salvia
 11 (IC 35-48-4-10(b)).
 12 (19) Dealing in a synthetic drug or synthetic drug lookalike
 13 substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its
 14 amendment in 2013).
 15 (20) Possession of child pornography (IC 35-42-4-4(c)).
 16 (21) Homicide (IC 35-42-1).
 17 (22) Voluntary manslaughter (IC 35-42-1-3).
 18 (23) Reckless homicide (IC 35-42-1-5).
 19 (24) Battery as any of the following:
 20 (A) A Class A *felony* (for a crime committed before July 1,
 21 2014) or a Level 2 *felony* (for a crime committed after June
 22 30, 2014). ~~(IC 35-42-2-1(a)(5)).~~
 23 (B) A Class B *felony* (for a crime committed before July 1,
 24 2014) or a Level 3 *felony* (for a crime committed after June
 25 30, 2014). ~~(IC 35-42-2-1(a)(4)).~~
 26 (C) A Class C *felony* (for a crime committed before July 1,
 27 2014) or a Level 5 *felony* (for a crime committed after June
 28 30, 2014). ~~(IC 35-42-2-1(a)(3)).~~
 29 (25) Aggravated battery (IC 35-42-2-1.5).
 30 (26) Robbery (IC 35-42-5-1).
 31 (27) Carjacking (IC 35-42-5-2) ~~(repeated)~~. **(before its repeal)**.
 32 (28) Arson as a Class A *felony* or ~~a~~ Class B *felony* (for a crime
 33 committed before July 1, 2014) or as a Level 2, Level 3, or Level
 34 4 *felony* (for a crime committed after June 30, 2014)
 35 (IC 35-43-1-1(a)).
 36 (29) Burglary as a Class A *felony* or ~~a~~ Class B *felony* (for a crime
 37 committed before July 1, 2014) or as a Level 1, Level 2, Level 3,
 38 or Level 4 *felony* (for a crime committed after June 30, 2014)
 39 (IC 35-43-2-1).
 40 (30) Attempt under IC 35-41-5-1 to commit an offense listed in
 41 this subsection.
 42 (31) Conspiracy under IC 35-41-5-2 to commit an offense listed



1 in this subsection.

2 (d) The department, after holding a hearing on the matter, shall
3 permanently revoke the license of a person who is known by the
4 department to have been convicted of a federal offense or an offense in
5 another state that is comparable to a felony listed in subsection (c).

6 (e) A license may be suspended by the state superintendent as
7 specified in IC 20-28-7.5.

8 (f) The department shall develop a data base of information on
9 school corporation employees who have been reported to the
10 department under this section.

11 SECTION 38. IC 22-15-5-16, AS AMENDED BY P.L.196-2013,
12 SECTION 7, AND AS AMENDED BY P.L.158-2013, SECTION 261,
13 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A practitioner shall comply
15 with the standards established under this licensing program. A
16 practitioner is subject to the exercise of the disciplinary sanctions under
17 subsection (b) if the department finds that a practitioner has:

18 (1) engaged in or knowingly cooperated in fraud or material
19 deception in order to obtain a license to practice, including
20 cheating on a licensing examination;

21 (2) engaged in fraud or material deception in the course of
22 professional services or activities;

23 (3) advertised services or goods in a false or misleading manner;

24 (4) falsified or knowingly allowed another person to falsify
25 attendance records or certificates of completion of continuing
26 education courses provided under this chapter;

27 (5) been convicted of a crime that has a direct bearing on the
28 practitioner's ability to continue to practice competently;

29 (6) knowingly violated a state statute or rule or federal statute or
30 regulation regulating the profession for which the practitioner is
31 licensed;

32 (7) continued to practice although the practitioner has become
33 unfit to practice due to:

34 (A) professional incompetence;

35 (B) failure to keep abreast of current professional theory or
36 practice;

37 (C) physical or mental disability; or

38 (D) addiction to, abuse of, or severe dependency on alcohol or
39 other drugs that endanger the public by impairing a
40 practitioner's ability to practice safely;

41 (8) engaged in a course of lewd or immoral conduct in connection
42 with the delivery of services to the public;



- 1 (9) allowed the practitioner's name or a license issued under this
 2 chapter to be used in connection with an individual or business
 3 who renders services beyond the scope of that individual's or
 4 business's training, experience, or competence;
- 5 (10) had disciplinary action taken against the practitioner or the
 6 practitioner's license to practice in another state or jurisdiction on
 7 grounds similar to those under this chapter;
- 8 (11) assisted another person in committing an act that would
 9 constitute a ground for disciplinary sanction under this chapter;
 10 or
- 11 (12) allowed a license issued by the department to be:
- 12 (A) used by another person; or
- 13 (B) displayed to the public when the license has expired, is
 14 inactive, is invalid, or has been revoked or suspended.
- 15 For purposes of subdivision (10), a certified copy of a record of
 16 disciplinary action constitutes prima facie evidence of a disciplinary
 17 action in another jurisdiction.
- 18 (b) The department may impose one (1) or more of the following
 19 sanctions if the department finds that a practitioner is subject to
 20 disciplinary sanctions under subsection (a):
- 21 (1) Permanent revocation of a practitioner's license.
- 22 (2) Suspension of a practitioner's license.
- 23 (3) Censure of a practitioner.
- 24 (4) Issuance of a letter of reprimand.
- 25 (5) Assess a civil penalty against the practitioner in accordance
 26 with the following:
- 27 (A) The civil penalty may not be more than one thousand
 28 dollars (\$1,000) for each violation listed in subsection (a),
 29 except for a finding of incompetency due to a physical or
 30 mental disability.
- 31 (B) When imposing a civil penalty, the department shall
 32 consider a practitioner's ability to pay the amount assessed. If
 33 the practitioner fails to pay the civil penalty within the time
 34 specified by the department, the department may suspend the
 35 practitioner's license without additional proceedings. However,
 36 a suspension may not be imposed if the sole basis for the
 37 suspension is the practitioner's inability to pay a civil penalty.
- 38 (6) Place a practitioner on probation status and require the
 39 practitioner to:
- 40 (A) report regularly to the department upon the matters that
 41 are the basis of probation;
- 42 (B) limit practice to those areas prescribed by the department;



1 (C) continue or renew professional education approved by the
 2 department until a satisfactory degree of skill has been attained
 3 in those areas that are the basis of the probation; or

4 (D) perform or refrain from performing any acts, including
 5 community restitution or service without compensation, that
 6 the department considers appropriate to the public interest or
 7 to the rehabilitation or treatment of the practitioner.

8 The department may withdraw or modify this probation if the
 9 department finds after a hearing that the deficiency that required
 10 disciplinary action has been remedied or that changed
 11 circumstances warrant a modification of the order.

12 (c) If an applicant or a practitioner has engaged in or knowingly
 13 cooperated in fraud or material deception to obtain a license to
 14 practice, including cheating on the licensing examination, the
 15 department may rescind the license if it has been granted, void the
 16 examination or other fraudulent or deceptive material, and prohibit the
 17 applicant from reapplying for the license for a length of time
 18 established by the department.

19 (d) The department may deny licensure to an applicant who has had
 20 disciplinary action taken against the applicant or the applicant's license
 21 to practice in another state or jurisdiction or who has practiced without
 22 a license in violation of the law. A certified copy of the record of
 23 disciplinary action is conclusive evidence of the other jurisdiction's
 24 disciplinary action.

25 (e) The department may order a practitioner to submit to a
 26 reasonable physical or mental examination if the practitioner's physical
 27 or mental capacity to practice safely and competently is at issue in a
 28 disciplinary proceeding. Failure to comply with a department order to
 29 submit to a physical or mental examination makes a practitioner liable
 30 to temporary suspension under subsection (j).

31 (f) Except as provided under subsection (g) or (h), a license may not
 32 be denied, revoked, or suspended because the applicant or holder has
 33 been convicted of an offense. The acts from which the applicant's or
 34 holder's conviction resulted may, however, be considered as to whether
 35 the applicant or holder should be entrusted to serve the public in a
 36 specific capacity.

37 (g) The department may deny, suspend, or revoke a license issued
 38 under this chapter if the individual who holds the license is convicted
 39 of any of the following:

- 40 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
 41 (2) Possession of methamphetamine under IC 35-48-4-6.1.
 42 (3) Possession of a controlled substance under IC 35-48-4-7(a).



- 1 (4) Fraudulently obtaining a controlled substance under
 2 IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or
 3 IC 35-48-4-7(c) (for a crime committed after June 30, 2014).
 4 (5) Manufacture of paraphernalia as a Class D felony (for a crime
 5 committed before July 1, 2014) or a Level 6 felony (for a crime
 6 committed after June 30, 2014) under IC 35-48-4-8.1(b).
 7 (6) Dealing in paraphernalia as a Class D felony (for a crime
 8 committed before July 1, 2014) or a Level 6 felony (for a crime
 9 committed after June 30, 2014) under IC 35-48-4-8.5(b).
 10 (7) Possession of paraphernalia as a Class D felony (for a crime
 11 committed before July 1, 2014) or a Level 6 felony (for a crime
 12 committed after June 30, 2014) under IC 35-48-4-8.3(b).
 13 (8) Possession of marijuana, hash oil, hashish, or salvia ~~or a~~
 14 ~~synthetic drug~~ as a Class D felony (for a crime committed before
 15 July 1, 2014) or a Level 6 felony (for a crime committed after
 16 June 30, 2014) under IC 35-48-4-11.
 17 (9) Possession of a synthetic drug or synthetic drug lookalike
 18 substance as a:
 19 (A) Class D felony ~~under IC 35-48-4-11.5 (or under~~
 20 ~~IC 35-48-4-11 before its amendment in 2013)~~ **for a crime**
 21 **committed before July 1, 2014, under:**
 22 (i) IC 35-48-4-11, before its amendment in 2013; or
 23 (ii) IC 35-48-4-11.5; or
 24 (B) Level 6 felony for a crime committed after June 30,
 25 2014, under IC 35-48-4-11.5.
 26 ~~(9)~~ (10) Maintaining a common nuisance under IC 35-48-4-13.
 27 ~~(10)~~ (11) An offense relating to registration, labeling, and
 28 prescription forms under IC 35-48-4-14.
 29 ~~(11)~~ (12) Conspiracy under IC 35-41-5-2 to commit an offense
 30 listed in *subdivisions (1) through (10): this subsection.*
 31 ~~(12)~~ (13) Attempt under IC 35-41-5-1 to commit an offense listed
 32 in *subdivisions (1) through (10): this subsection.*
 33 ~~(13)~~ (14) An offense in any other jurisdiction in which the
 34 elements of the offense for which the conviction was entered are
 35 substantially similar to the elements of an offense described in
 36 *subdivisions (1) through (12): this subsection.*
 37 (h) The department shall deny, revoke, or suspend a license issued
 38 under this chapter if the individual who holds the license is convicted
 39 of any of the following:
 40 (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
 41 (2) Dealing in methamphetamine under IC 35-48-4-1.1.
 42 (3) Dealing in a schedule I, II, or III controlled substance under



- 1 IC 35-48-4-2.
 2 (4) Dealing in a schedule IV controlled substance under
 3 IC 35-48-4-3.
 4 (5) Dealing in a schedule V controlled substance under
 5 IC 35-48-4-4.
 6 (6) Dealing in a substance represented to be a controlled
 7 substance under IC 35-48-4-4.5.
 8 (7) Knowingly or intentionally manufacturing, advertising,
 9 distributing, or possessing with intent to manufacture, advertise,
 10 or distribute a substance represented to be a controlled substance
 11 under IC 35-48-4-4.6.
 12 (8) Dealing in a counterfeit substance under IC 35-48-4-5.
 13 (9) Dealing in marijuana, hash oil, hashish, *or salvia or a*
 14 *synthetic drug* under IC 35-48-4-10(b).
 15 *(10) Dealing in a synthetic drug or synthetic drug lookalike*
 16 *substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b)*
 17 *before its amendment in 2013).*
 18 ~~(10)~~ (11) Conspiracy under IC 35-41-5-2 to commit an offense
 19 listed in *subdivisions (1) through (9); this subsection.*
 20 ~~(11)~~ (12) Attempt under IC 35-41-5-1 to commit an offense listed
 21 in *subdivisions (1) through (9); this subsection.*
 22 ~~(12)~~ (13) An offense in any other jurisdiction in which the
 23 elements of the offense for which the conviction was entered are
 24 substantially similar to the elements of an offense described in
 25 *subdivisions (1) through (11); this subsection.*
 26 ~~(13)~~ (14) A violation of any federal or state drug law or rule
 27 related to wholesale legend drug distributors licensed under
 28 IC 25-26-14.
 29 (i) A decision of the department under subsections (b) through (h)
 30 may be appealed to the commission under IC 4-21.5-3-7.
 31 (j) The department may temporarily suspend a practitioner's license
 32 under IC 4-21.5-4 before a final adjudication or during the appeals
 33 process if the department finds that a practitioner represents a clear and
 34 immediate danger to the public's health, safety, or property if the
 35 practitioner is allowed to continue to practice.
 36 (k) On receipt of a complaint or an information alleging that a
 37 person licensed under this chapter has engaged in or is engaging in a
 38 practice that jeopardizes the public health, safety, or welfare, the
 39 department shall initiate an investigation against the person.
 40 (l) Any complaint filed with the office of the attorney general
 41 alleging a violation of this licensing program shall be referred to the
 42 department for summary review and for its general information and any



1 authorized action at the time of the filing.

2 (m) The department shall conduct a fact finding investigation as the
3 department considers proper in relation to the complaint.

4 (n) The department may reinstate a license that has been suspended
5 under this section if, after a hearing, the department is satisfied that the
6 applicant is able to practice with reasonable skill, safety, and
7 competency to the public. As a condition of reinstatement, the
8 department may impose disciplinary or corrective measures authorized
9 under this chapter.

10 (o) The department may not reinstate a license that has been
11 revoked under this chapter. An individual whose license has been
12 revoked under this chapter may not apply for a new license until seven
13 (7) years after the date of revocation.

14 (p) The department shall seek to achieve consistency in the
15 application of sanctions authorized in this chapter. Significant
16 departures from prior decisions involving similar conduct must be
17 explained in the department's findings or orders.

18 (q) A practitioner may petition the department to accept the
19 surrender of the practitioner's license instead of having a hearing before
20 the commission. The practitioner may not surrender the practitioner's
21 license without the written approval of the department, and the
22 department may impose any conditions appropriate to the surrender or
23 reinstatement of a surrendered license.

24 (r) A practitioner who has been subjected to disciplinary sanctions
25 may be required by the commission to pay the costs of the proceeding.
26 The practitioner's ability to pay shall be considered when costs are
27 assessed. If the practitioner fails to pay the costs, a suspension may not
28 be imposed solely upon the practitioner's inability to pay the amount
29 assessed. The costs are limited to costs for the following:

- 30 (1) Court reporters.
31 (2) Transcripts.
32 (3) Certification of documents.
33 (4) Photo duplication.
34 (5) Witness attendance and mileage fees.
35 (6) Postage.
36 (7) Expert witnesses.
37 (8) Depositions.
38 (9) Notarizations.

39 SECTION 39. IC 23-19-5-8, AS AMENDED BY P.L.146-2013,
40 SECTION 2, AND AS AMENDED BY P.L.158-2013, SECTION 267,
41 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A person who knowingly



1 violates this article, or a rule adopted under this article, except *section*
 2 *sections 4 and 11* of this chapter or the notice filing requirements of
 3 IC 23-19-3-2 or IC 23-19-4-5, commits a *Class C Level 5* felony.

4 (b) A person who knowingly violates section 1 of this chapter
 5 commits a *Class B Level 4* felony if the person harmed, defrauded,
 6 misled, or deceived by the violation is at least sixty (60) years of age.

7 (c) A person who knowingly violates section 1 of this chapter:

8 (1) while using or taking advantage of; or

9 (2) in connection with;

10 a relationship that is based on religious affiliation or worship commits
 11 a *Class B Level 4* felony.

12 (d) It is the duty of a prosecuting attorney, as well as of the attorney
 13 general, to assist the commissioner upon the commissioner's request in
 14 the prosecution to final judgment of a violation of the penal provisions
 15 of this article. If the commissioner determines that an action based on
 16 the securities division's investigations is meritorious:

17 (1) the commissioner or a designee empowered by the
 18 commissioner shall refer the facts drawn from the investigation to
 19 the prosecuting attorney of the judicial circuit in which the crime
 20 may have been committed;

21 (2) the commissioner and the securities division shall assist the
 22 prosecuting attorney in prosecuting an action under this section,
 23 which may include a securities division attorney serving as a
 24 special deputy prosecutor appointed by the prosecuting attorney;

25 (3) a prosecuting attorney to whom facts concerning fraud are
 26 referred under subdivision (1) may refer the matter to the attorney
 27 general;

28 (4) if a matter has been referred to the attorney general under
 29 subdivision (3), the attorney general may:

30 (A) file an information in a court with jurisdiction over the
 31 matter in the county in which the offense is alleged to have
 32 been committed; and

33 (B) prosecute the alleged offense; and

34 (5) if a matter has been referred to the attorney general under
 35 subdivision (3), the commissioner and the securities division shall
 36 assist the attorney general in prosecuting an action under this
 37 section, which may include a securities division attorney serving
 38 as a special deputy attorney general appointed by the attorney
 39 general.

40 (e) This article does not limit the power of this state to punish a
 41 person for conduct that constitutes a crime under other laws of this
 42 state.



1 SECTION 40. IC 24-4-18-6, AS AMENDED BY P.L.112-2013,
 2 SECTION 4, AND AS AMENDED BY P.L.158-2013, SECTION 273,
 3 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2014]: Sec. 6. ~~(a)~~ *A criminal history provider*
 5 *may provide only criminal history information that relates to a*
 6 *conviction.*

7 ~~(b)~~ **(a)** *Except as provided in subsection (b), a criminal history*
 8 *provider may not knowingly provide information a criminal history*
 9 *report that provides criminal history information relating to the*
 10 *following:*

11 ~~(1)~~ *An infraction, an arrest, or a charge that did not result in a*
 12 *conviction.*

13 ~~(2)~~ *(1) A record that has been expunged by:*

14 *(A) marking the record as expunged; or*

15 *(B) removing the record from public access.*

16 ~~(3)~~ *(2) A record that is restricted by a court or the rules of a court*
 17 *and is marked as restricted from public disclosure or removed*
 18 *from public access.*

19 ~~(4)~~ *(3) A record indicating a conviction of a Class D felony (for a*
 20 *crime committed before July 1, 2014) or a Level 6 felony (for a*
 21 *crime committed after June 30, 2014) if the Class D felony or*
 22 *Level 6 felony conviction:*

23 *(A) has been entered as a Class A misdemeanor conviction; or*

24 *(B) has been converted to a Class A misdemeanor conviction.*

25 ~~(5)~~ *(4) A record that the criminal history provider knows is*
 26 *inaccurate.*

27 *(b) A criminal history provider may provide information described*
 28 *in subsection (a)(1) through (a)(3) if the person requesting the criminal*
 29 *history report is:*

30 *(1) required by state or federal law to obtain the information; or*

31 *(2) the state or a political subdivision, and the information will be*
 32 *used solely in connection with the issuance of a public bond.*

33 SECTION 41. IC 25-1-1.1-2, AS AMENDED BY P.L.196-2013,
 34 SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 277,
 35 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2014]: Sec. 2. Notwithstanding IC 25-1-7, a
 37 board, a commission, or a committee may suspend, deny, or revoke a
 38 license or certificate issued under this title by the board, the
 39 commission, or the committee without an investigation by the office of
 40 the attorney general if the individual who holds the license or
 41 certificate is convicted of any of the following and the board,
 42 commission, or committee determines, after the individual has



1 appeared in person, that the offense affects the individual's ability to
2 perform the duties of the profession:

- 3 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
4 (2) Possession of methamphetamine under IC 35-48-4-6.1.
5 (3) Possession of a controlled substance under IC 35-48-4-7(a).
6 (4) Fraudulently obtaining a controlled substance under
7 ~~IC 35-48-4-7(b)~~; IC 35-48-4-7(c).
8 (5) Manufacture of paraphernalia as a Class D *felony* (for a crime
9 committed before July 1, 2014) or a Level 6 felony (for a crime
10 committed after June 30, 2014) under IC 35-48-4-8.1(b).
11 (6) Dealing in paraphernalia as a Class D *felony* (for a crime
12 committed before July 1, 2014) or a Level 6 felony (for a crime
13 committed after June 30, 2014) under IC 35-48-4-8.5(b).
14 (7) Possession of paraphernalia as a Class D *felony* (for a crime
15 committed before July 1, 2014) or a Level 6 felony (for a crime
16 committed after June 30, 2014) under IC 35-48-4-8.3(b).
17 (8) Possession of marijuana, hash oil, hashish, or salvia ~~or a~~
18 ~~synthetic drug~~ as a Class D *felony* (for a crime committed before
19 July 1, 2014) or a Level 6 felony (for a crime committed after
20 June 30, 2014) under IC 35-48-4-11.
21 (9) Possession of a synthetic drug or synthetic drug lookalike
22 substance as a:
23 (A) Class D felony ~~under IC 35-48-4-11.5~~ (or under
24 ~~IC 35-48-4-11~~ before its amendment in 2013) for a crime
25 committed before July 1, 2014, under:
26 (i) IC 35-48-4-11, before its amendment in 2013; or
27 (ii) IC 35-48-4-11.5; or
28 (B) Level 6 felony for a crime committed after June 30,
29 2014, under IC 35-48-4-11.5.
30 ~~(9)~~ (10) Maintaining a common nuisance under IC 35-48-4-13.
31 ~~(10)~~ (11) An offense relating to registration, labeling, and
32 prescription forms under IC 35-48-4-14.
33 ~~(11)~~ (12) Conspiracy under IC 35-41-5-2 to commit an offense
34 listed in *subdivisions (1) through (10)*; this section.
35 ~~(12)~~ (13) Attempt under IC 35-41-5-1 to commit an offense listed
36 in *subdivisions (1) through (10)*; this section.
37 ~~(13)~~ (14) A sex crime under IC 35-42-4.
38 ~~(14)~~ (15) A felony that reflects adversely on the individual's
39 fitness to hold a professional license.
40 ~~(15)~~ (16) An offense in any other jurisdiction in which the
41 elements of the offense for which the conviction was entered are
42 substantially similar to the elements of an offense described in



1 this section.

2 SECTION 42. IC 25-22.5-8-2, AS AMENDED BY P.L.232-2013,
3 SECTION 17, AND AS AMENDED BY P.L.158-2013, SECTION
4 284, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who *knowingly or*
6 *intentionally* violates this article by unlawfully practicing medicine or
7 osteopathic medicine commits a ~~Class C~~ Level 5 felony.

8 (b) A person who, *before January 1, 2014*, practices midwifery
9 without the license required under this article commits a ~~Class D~~ Level
10 6 felony.

11 (c) A person who *knowingly or intentionally* acts as a physician
12 assistant without the license required under IC 25-27.5 commits a
13 ~~Class D~~ Level 6 felony.

14 SECTION 43. IC 25-23.4-3-7, AS ADDED BY P.L.232-2013,
15 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2014]: Sec. 7. (a) This section does not apply to an individual
17 who has a license under IC 25-23-1-13.1 to practice midwifery as a
18 certified nurse midwife.

19 (b) After July 1, 2014, an individual who knowingly or intentionally
20 practices midwifery without a certificate required under this article
21 commits a ~~Class D~~ Level 6 felony.

22 SECTION 44. IC 29-3-7-7, AS AMENDED BY P.L.158-2013,
23 SECTION 303, AND AS AMENDED BY P.L.214-2013, SECTION
24 22, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2014]: Sec. 7. A court may not appoint a person
26 to serve as the guardian or permit a person to continue to serve as a
27 guardian if the person:

28 (1) is a sexually violent predator (as described in IC 35-38-1-7.5);
29 (2) was at least eighteen (18) years of age at the time of the
30 offense and was convicted of child molesting (IC 35-42-4-3) or
31 sexual misconduct with a minor (IC 35-42-4-9) against a child
32 less than sixteen (16) years of age:

33 (A) by using or threatening the use of deadly force;

34 (B) while armed with a deadly weapon; or

35 (C) that resulted in serious bodily injury; or

36 (3) was less than eighteen (18) years of age at the time of the
37 offense and was convicted as an adult of:

38 (A) an offense described in:

39 (i) IC 35-42-4-1;

40 (ii) IC 35-42-4-2 (~~repealed~~); (*before its repeal*);

41 (iii) IC 35-42-4-3 as a Class A or Class B felony (*for crimes*
42 *committed before July 1, 2014*) or as a Level 2 or Level 4



- 1 *felony (for crimes committed after June 30, 2014);*
 2 (iv) IC 35-42-4-5(a)(1);
 3 (v) IC 35-42-4-5(a)(2);
 4 (vi) IC 35-42-4-5(a)(3);
 5 (vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony *(for*
 6 *crimes committed before July 1, 2014) or as a Level 2, Level*
 7 *3, or Level 4 felony (for crimes committed after June 30,*
 8 *2014);*
 9 (viii) IC 35-42-4-5(b)(2); or
 10 (ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony *(for*
 11 *crimes committed before July 1, 2014) or as a Level 2, Level*
 12 *3, or Level 4 felony (for crimes committed after June 30,*
 13 *2014);*
 14 (B) an attempt or conspiracy to commit a crime listed in clause
 15 (A); or
 16 (C) a crime under the laws of another jurisdiction, including a
 17 military court, that is substantially equivalent to any of the
 18 offenses listed in clauses (A) and (B).
 19 SECTION 45. IC 31-19-9-10, AS AMENDED BY P.L.158-2013,
 20 SECTION 310, AND AS AMENDED BY P.L.214-2013, SECTION
 21 23, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2014]: Sec. 10. A court shall determine that
 23 consent to adoption is not required from a parent if:
 24 (1) the parent is convicted of and incarcerated at the time of the
 25 filing of a petition for adoption for:
 26 (A) murder (IC 35-42-1-1);
 27 (B) causing suicide (IC 35-42-1-2);
 28 (C) voluntary manslaughter (IC 35-42-1-3);
 29 (D) rape (IC 35-42-4-1);
 30 (E) criminal deviate conduct (IC 35-42-4-2) ~~(repeated);~~
 31 **(before its repeal);**
 32 (F) child molesting (IC 35-42-4-3) as a:
 33 (i) Class A or Class B felony, ~~(IC 35-42-4-3);~~ *for a crime*
 34 *committed before July 1, 2014; or*
 35 (ii) *Level 1, Level 2, Level 3, or Level 4 felony, for a crime*
 36 *committed after June 30, 2014;*
 37 (G) incest (IC 35-46-1-3) as a:
 38 (i) Class B felony, ~~(IC 35-46-1-3);~~ *for a crime committed*
 39 *before July 1, 2014; or*
 40 (ii) *Level 4 felony, for a crime committed after June 30,*
 41 *2014;*
 42 (H) neglect of a dependent (IC 35-46-1-4) as a:



- 1 (i) Class B felony, ~~(IC 35-46-1-4)~~; for a crime committed
 2 before July 1, 2014; or
 3 (ii) Level 1 or Level 3 felony, for a crime committed after
 4 June 30, 2014;
- 5 (I) battery (IC 35-42-2-1) of a child as a:
 6 (i) Class C felony, ~~(IC 35-42-2-1(a)(3))~~; for a crime
 7 committed before July 1, 2014; or
 8 (ii) Level 5 felony, for a crime committed after June 30,
 9 2014;
- 10 (J) battery (IC 35-42-2-1) as a:
 11 (i) Class A ~~felony (IC 35-42-2-1(a)(5))~~ or Class B felony,
 12 ~~(IC 35-42-2-1(a)(4))~~; for a crime committed before July 1,
 13 2014; or
 14 (ii) Level 2 or Level 3 felony, for a crime committed after
 15 June 30, 2014; or
- 16 (K) an attempt under IC 35-41-5-1 to commit an offense
 17 described in clauses (A) through (J);
- 18 (2) the child or the child's sibling, half-blood sibling, or
 19 step-sibling of the parent's current marriage is the victim of the
 20 offense; and
- 21 (3) after notice to the parent and a hearing, the court determines
 22 that dispensing with the parent's consent to adoption is in the
 23 child's best interests.
- 24 SECTION 46. IC 31-30-1-2.5, AS AMENDED BY P.L.158-2013,
 25 SECTION 314, AND AS AMENDED BY P.L.214-2013, SECTION
 26 24, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2014]: Sec. 2.5. A juvenile court may not
 28 appoint a person to serve as the guardian or custodian of a child or
 29 permit a person to continue to serve as a guardian or custodian of a
 30 child if the person:
- 31 (1) is a sexually violent predator (as described in IC 35-38-1-7.5);
 32 (2) was at least eighteen (18) years of age at the time of the
 33 offense and committed child molesting (IC 35-42-4-3) or sexual
 34 misconduct with a minor (IC 35-42-4-9) against a child less than
 35 sixteen (16) years of age:
- 36 (A) by using or threatening the use of deadly force;
 37 (B) while armed with a deadly weapon; or
 38 (C) that resulted in serious bodily injury; or
- 39 (3) was less than eighteen (18) years of age at the time of the
 40 offense but was tried and convicted as an adult of:
- 41 (A) an offense described in:
 42 (i) IC 35-42-4-1;



- 1 (ii) IC 35-42-4-2 (*before its repeal*); ~~(repealed)~~;
 2 (iii) IC 35-42-4-3 as a Class A or Class B felony (*for crimes*
 3 *committed before July 1, 2014*) or as a Level 1, Level 2, or
 4 *Level 3 felony (for crimes committed after June 30, 2014)*;
 5 (iv) IC 35-42-4-5(a)(1);
 6 (v) IC 35-42-4-5(a)(2);
 7 (vi) IC 35-42-4-5(a)(3);
 8 (vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony (*for*
 9 *crimes committed before July 1, 2014*) or as a Level 2, Level
 10 *3, or Level 4 felony (for crimes committed after June 30,*
 11 *2014)*;
 12 (viii) IC 35-42-4-5(b)(2); or
 13 (ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony (*for*
 14 *crimes committed before July 1, 2014*) or as a Level 1, Level
 15 *2, or Level 3 felony (for crimes committed after June 30,*
 16 *2014)*;
 17 (B) an attempt or conspiracy to commit a crime listed in clause
 18 (A); or
 19 (C) a crime under the laws of another jurisdiction, including a
 20 military court, that is substantially equivalent to any of the
 21 offenses listed in clauses (A) and (B).
 22 SECTION 47. IC 31-30-1-4, AS AMENDED BY P.L.158-2013,
 23 SECTION 315, AND AS AMENDED BY P.L.214-2013, SECTION
 24 25, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The juvenile court does not
 26 have jurisdiction over an individual for an alleged violation of:
 27 (1) IC 35-41-5-1(a) (attempted murder);
 28 (2) IC 35-42-1-1 (murder);
 29 (3) IC 35-42-3-2 (kidnapping);
 30 (4) IC 35-42-4-1 (rape);
 31 (5) IC 35-42-4-2 (criminal deviate conduct) ~~(repealed)~~; **(before**
 32 **its repeal)**;
 33 (6) IC 35-42-5-1 (robbery) if:
 34 (A) the robbery was committed while armed with a deadly
 35 weapon; or
 36 (B) the robbery results in bodily injury or serious bodily
 37 injury;
 38 (7) IC 35-42-5-2 (carjacking) ~~(repealed)~~; **(before its repeal)**;
 39 ~~(8) IC 35-45-9-3 (criminal gang activity)~~;
 40 ~~(9) IC 35-45-9-4 (criminal gang intimidation)~~;
 41 ~~(10)~~ **(8)** IC 35-47-2-1 (carrying a handgun without a license), if
 42 charged as a felony;



1 ~~(1)~~ **(9)** IC 35-47-10 (children and firearms), if charged as a
 2 felony;
 3 ~~(12)~~ **(10)** IC 35-47-5-4.1 (dealing in a sawed-off shotgun); or
 4 ~~(13)~~ **(11)** any offense that may be joined under IC 35-34-1-9(a)(2)
 5 with any crime listed in subdivisions (1) through ~~(12)~~; **(10)**;
 6 if the individual was at least sixteen (16) years of age at the time of the
 7 alleged violation.

8 ~~(b)~~ The juvenile court does not have jurisdiction for an alleged
 9 violation of manufacturing or dealing in cocaine or a narcotic drug
 10 ~~(IC 35-48-4-1)~~; dealing in methamphetamine ~~(IC 35-48-4-1.1)~~; dealing
 11 in a schedule I, H, or III controlled substance ~~(IC 35-48-4-2)~~; or dealing
 12 in a schedule IV controlled substance ~~(IC 35-48-4-3)~~; if:

- 13 ~~(1)~~ the individual has a prior unrelated conviction under
 14 ~~IC 35-48-4-1, IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3~~; or
 15 ~~(2)~~ the individual has a prior unrelated juvenile adjudication that,
 16 if committed by an adult, would be a crime under ~~IC 35-48-4-1,~~
 17 ~~IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3~~;

18 and the individual was at least sixteen (16) years of age at the time of
 19 the alleged violation:

20 ~~(c)~~ **(b)** Once an individual described in subsection (a) ~~or (b)~~ has
 21 been charged with any crime listed in subsection (a), ~~or (b)~~; the court
 22 having adult criminal jurisdiction shall retain jurisdiction over the case
 23 even if the individual pleads guilty to or is convicted of a lesser
 24 included offense. A plea of guilty to or a conviction of a lesser included
 25 offense does not vest jurisdiction in the juvenile court.

26 SECTION 48. IC 31-30-4-2, AS ADDED BY P.L.104-2013,
 27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2014]: Sec. 2. (a) Subject to subsection (c), if:

29 (1) an offender is:

- 30 (A) less than eighteen (18) years of age;
 31 (B) waived to a court with criminal jurisdiction under
 32 IC 31-30-3 because the offender committed an act that would
 33 be a felony if committed by an adult; and
 34 (C) convicted of committing the felony or enters a plea of
 35 guilty to committing the felony; or

36 (2) an offender is:

- 37 (A) less than eighteen (18) years of age;
 38 (B) charged with a felony over which a juvenile court does not
 39 have jurisdiction under IC 31-30-1-4; and
 40 (C) convicted of committing the felony by a court with
 41 criminal jurisdiction or enters a plea of guilty to committing
 42 the felony with the court;



1 the court may, upon its own motion, a motion of the prosecuting
 2 attorney, or a motion of the offender's legal representative, impose a
 3 sentence upon the conviction of the offender under this chapter.

4 (b) If a court elects to impose a sentence upon conviction of an
 5 offender under subsection (a) and, before the offender is sentenced, the
 6 department of correction determines that there is space available for the
 7 offender in a juvenile facility of the division of youth services of the
 8 department, the sentencing court may:

9 (1) impose an appropriate criminal sentence on the offender under
 10 IC 35-50-2;

11 (2) suspend the criminal sentence imposed, notwithstanding
 12 IC 35-50-2-2 **(before its repeal), and** IC 35-50-2-2.1, **and**
 13 **IC 35-50-2-2.2;**

14 (3) order the offender to be placed into the custody of the
 15 department of correction to be placed in the juvenile facility of the
 16 division of youth services; and

17 (4) provide that the successful completion of the placement of the
 18 offender in the juvenile facility is a condition of the suspended
 19 criminal sentence.

20 (c) The court may not impose a sentence on an offender under
 21 subsection (a) until:

22 (1) the prosecuting attorney has notified the victim of the felony
 23 of the possible imposition of a sentence on the offender under this
 24 chapter; and

25 (2) either:

26 (A) the probation department of the court has conducted a
 27 presentence investigation concerning the offender and reported
 28 its findings to the court; or

29 (B) the department of correction has conducted a diagnostic
 30 evaluation of the offender and reported its findings to the
 31 court.

32 SECTION 49. IC 31-30-4-5, AS ADDED BY P.L.104-2013,
 33 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2014]: Sec. 5. (a) At the request of a sentencing court, the
 35 department of correction shall provide a progress report to the
 36 sentencing court concerning an offender sentenced and placed in a
 37 juvenile facility under section 2(b) of this chapter. When the offender
 38 becomes eighteen (18) years of age:

39 (1) the department shall notify the sentencing court; and

40 (2) the sentencing court shall hold a review hearing concerning
 41 the offender before the offender becomes nineteen (19) years of
 42 age.



1 (b) Except as provided in subsection (c), after a hearing conducted
2 under subsection (a), the sentencing court may:

3 (1) continue the offender's placement in a juvenile facility until
4 the objectives of the sentence imposed on the offender have been
5 met, if the sentencing court finds that the objectives of the
6 sentence imposed on the offender have not been met;

7 (2) discharge the offender if the sentencing court finds that the
8 objectives of the sentence imposed on the offender have been
9 met;

10 (3) order execution of all or part of the offender's suspended
11 criminal sentence in an adult facility of the department of
12 correction; or

13 (4) place the offender:

14 (A) in home detention under IC 35-38-2.5;

15 (B) in a community corrections program under IC 35-38-2.6;

16 (C) on probation under IC 35-50-7; or

17 (D) in any other appropriate alternative sentencing program.

18 (c) This subsection applies to an offender over whom a juvenile
19 court lacks jurisdiction under IC 31-30-1-4 who is convicted of one (1)
20 or more of the following offenses:

21 (1) Murder (IC 35-42-1-1).

22 (2) Attempted murder (IC 35-41-5-1).

23 (3) Kidnapping (IC 35-42-3-2).

24 (4) Rape as a Class A felony **(for a crime committed before July**
25 **1, 2014) or a Level 1 felony (for a crime committed after June**
26 **30, 2014)** (IC 35-42-4-1(b)).

27 (5) Criminal deviate conduct as a Class A felony
28 (IC 35-42-4-2(b)) **(before its repeal)**.

29 (6) Robbery as a Class A felony **(for a crime committed before**
30 **July 1, 2014) or a Level 2 felony (for a crime committed after**
31 **June 30, 2014)** (IC 35-42-5-1), if:

32 (A) the offense was committed while armed with a deadly
33 weapon; and

34 (B) the offense resulted in bodily injury to any person other
35 than a defendant.

36 The court may not modify the original sentence of an offender to whom
37 this subsection applies if the prosecuting attorney objects in writing to
38 the modification. The prosecuting attorney shall set forth in writing the
39 prosecuting attorney's reasons for objecting to the sentence
40 modification.

41 SECTION 50. IC 31-34-1-3, AS AMENDED BY P.L.158-2013,
42 SECTION 319, AND AS AMENDED BY P.L.214-2013, SECTION



- 1 26, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A child is a child in need of
 3 services if, before the child becomes eighteen (18) years of age:
 4 (1) the child is the victim of a sex offense under:
 5 (A) IC 35-42-4-1;
 6 (B) IC 35-42-4-2 (~~repealed~~); **(before its repeal)**;
 7 (C) IC 35-42-4-3;
 8 (D) IC 35-42-4-4;
 9 (E) IC 35-42-4-7;
 10 (F) IC 35-42-4-9;
 11 (G) IC 35-45-4-1;
 12 (H) IC 35-45-4-2;
 13 (I) IC 35-46-1-3; or
 14 (J) the law of another jurisdiction, including a military court,
 15 that is substantially equivalent to any of the offenses listed in
 16 clauses (A) through (I); and
 17 (2) the child needs care, treatment, or rehabilitation that:
 18 (A) the child is not receiving; and
 19 (B) is unlikely to be provided or accepted without the coercive
 20 intervention of the court.
 21 (b) A child is a child in need of services if, before the child becomes
 22 eighteen (18) years of age:
 23 (1) the child lives in the same household as another child who is
 24 the victim of a sex offense under:
 25 (A) IC 35-42-4-1;
 26 (B) IC 35-42-4-2 (~~repealed~~); **(before its repeal)**;
 27 (C) IC 35-42-4-3;
 28 (D) IC 35-42-4-4;
 29 (E) IC 35-42-4-7;
 30 (F) IC 35-42-4-9;
 31 (G) IC 35-45-4-1;
 32 (H) IC 35-45-4-2;
 33 (I) IC 35-46-1-3; or
 34 (J) the law of another jurisdiction, including a military court,
 35 that is substantially equivalent to any of the offenses listed in
 36 clauses (A) through (I);
 37 (2) the child lives in the same household as the adult who:
 38 (A) committed the sex offense under subdivision (1) and the
 39 sex offense resulted in a conviction or a judgment under
 40 IC 31-34-11-2; *or*
 41 (B) *has been charged with a sex offense listed in subdivision*
 42 *(1) and is awaiting trial;*



- 1 (3) the child needs care, treatment, or rehabilitation that:
 2 (A) the child is not receiving; and
 3 (B) is unlikely to be provided or accepted without the coercive
 4 intervention of the court; and
 5 (4) a caseworker assigned to provide services to the child:
 6 (A) places the child in a program of informal adjustment or
 7 other family or rehabilitative services based upon the existence
 8 of the circumstances described in subdivisions (1) and (2) and
 9 the assigned caseworker subsequently determines further
 10 intervention is necessary; or
 11 (B) determines that a program of informal adjustment or other
 12 family or rehabilitative services is inappropriate.

13 SECTION 51. IC 31-37-4-3, AS AMENDED BY P.L.172-2013,
 14 SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 326,
 15 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) This section applies if a child
 17 is arrested or taken into custody for allegedly committing an act that
 18 would be any of the following crimes if committed by an adult:

- 19 (1) Murder (IC 35-42-1-1).
 20 (2) Attempted murder (IC 35-41-5-1).
 21 (3) Voluntary manslaughter (IC 35-42-1-3).
 22 (4) Involuntary manslaughter (IC 35-42-1-4).
 23 (5) Reckless homicide (IC 35-42-1-5).
 24 (6) Aggravated battery (IC 35-42-2-1.5).
 25 (7) Battery (IC 35-42-2-1).
 26 (8) Kidnapping (IC 35-42-3-2).
 27 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
 28 (10) Sexual misconduct with a minor (IC 35-42-4-9).
 29 (11) Incest (IC 35-46-1-3).
 30 (12) Robbery as a *Class A Level 2* felony or a *Class B Level 3*
 31 *felony* (IC 35-42-5-1).
 32 (13) Burglary as a *Class A Level 1 felony, Level 2 felony, Level 3*
 33 *felony, or a Class B Level 4 felony* (IC 35-43-2-1).
 34 ~~(14) Carjacking (IC 35-42-5-2).~~
 35 ~~(15)~~ (14) Assisting a criminal as a *Class C Level 5* felony
 36 (IC 35-44.1-2-5).
 37 ~~(16)~~ (15) Escape (IC 35-44.1-3-4) as a *Class B Level 4* felony or
 38 *Class C Level 5* felony.
 39 ~~(17)~~ (16) Trafficking with an inmate as a *Class C Level 5* felony
 40 (IC 35-44.1-3-5).
 41 ~~(18)~~ (17) Causing death when operating a vehicle (IC 9-30-5-5).
 42 ~~(19)~~ (18) Criminal confinement (IC 35-42-3-3) as a *Class B Level*



- 1 2 or Level 3 felony.
- 2 ~~(20)~~ (19) Arson (IC 35-43-1-1) as a ~~Class A or Class B~~ Level 2
- 3 felony, Level 3 felony, or Level 4 felony.
- 4 ~~(21)~~ (20) Possession, use, or manufacture of a weapon of mass
- 5 destruction (IC 35-47-12-1).
- 6 ~~(22)~~ (21) Terroristic mischief (IC 35-47-12-3) as a ~~Class B~~ Level
- 7 2 or Level 3 felony.
- 8 ~~(23)~~ (22) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- 9 ~~(24)~~ (23) A violation of IC 35-47.5 (controlled explosives) as a
- 10 ~~Class A or Class B~~ Level 2 felony, Level 3 felony, or Level 4
- 11 felony.
- 12 ~~(25)~~ (24) A controlled substances offense under IC 35-48.
- 13 ~~(26)~~ (25) A criminal gang offense under IC 35-45-9.
- 14 (b) If a child is taken into custody under this chapter for a crime or
- 15 act listed in subsection (a) or a situation to which IC 12-26-4-1 applies,
- 16 the law enforcement agency that employs the law enforcement officer
- 17 who takes the child into custody shall notify the chief administrative
- 18 officer of the primary or secondary school, including a public or
- 19 nonpublic school, in which the child is enrolled or, if the child is
- 20 enrolled in a public school, the superintendent of the school district in
- 21 which the child is enrolled:
- 22 (1) that the child was taken into custody; and
- 23 (2) of the reason why the child was taken into custody.
- 24 (c) The notification under subsection (b) must occur within
- 25 forty-eight (48) hours after the child is taken into custody.
- 26 (d) A law enforcement agency may not disclose information that is
- 27 confidential under state or federal law to a school or school district
- 28 under this section.
- 29 (e) A law enforcement agency shall include in its training for law
- 30 enforcement officers training concerning the notification requirements
- 31 under subsection (b).
- 32 SECTION 52. IC 31-37-13-5 IS AMENDED TO READ AS
- 33 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. If a finding of
- 34 delinquency is based on a delinquent act that would be a felony if
- 35 committed by an adult, the juvenile court shall state in the findings the
- 36 following:
- 37 (1) The specific statute that was violated.
- 38 (2) The class **or level** of the felony had the violation been
- 39 committed by an adult.
- 40 SECTION 53. IC 33-37-5-23, AS AMENDED BY P.L.214-2013,
- 41 SECTION 30, AND AS AMENDED BY P.L.158-2013, SECTION
- 42 341, IS CORRECTED AND AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) This section applies to
2 criminal actions.

3 (b) The court shall assess a sexual assault victims assistance fee of
4 at least *two hundred fifty dollars (\$250) five hundred dollars (\$500)*
5 and not more than *one thousand dollars (\$1,000) five thousand dollars*
6 *(\$5,000)* against an individual convicted in Indiana of any of the
7 following offenses:

8 (1) Rape (IC 35-42-4-1).

9 (2) Criminal deviate conduct (IC 35-42-4-2) *(before its repeal on*
10 *July 1, 2014); (repealed): (before its repeal).*

11 (3) Child molesting (IC 35-42-4-3).

12 (4) Child exploitation (IC 35-42-4-4(b)).

13 (5) Vicarious sexual gratification (IC 35-42-4-5).

14 (6) Child solicitation (IC 35-42-4-6).

15 (7) Child seduction (IC 35-42-4-7).

16 (8) Sexual battery (IC 35-42-4-8).

17 (9) Sexual misconduct with a minor as a Class A or Class B
18 *felony (for a crime committed before July 1, 2014) or a Level 1*
19 *felony or Level 4 felony (for a crime committed after June 30,*
20 *2014) (IC 35-42-4-9).*

21 (10) Incest (IC 35-46-1-3).

22 *(11) Promotion of human trafficking (IC 35-42-3.5-1(a)).*

23 *(12) Promotion of human trafficking of a minor (IC 35-42-3.5-1(b)).*

24 *(13) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).*

25 *(14) Human trafficking (IC 35-42-3.5-1(d)).*

26 SECTION 54. IC 33-39-1-8, AS AMENDED BY P.L.158-2013,
27 SECTION 342, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) After June 30, 2005, this
29 section does not apply to a person who:

30 (1) holds a commercial driver's license; and

31 (2) has been charged with an offense involving the operation of
32 a motor vehicle in accordance with the federal Motor Carrier
33 Safety Improvement Act of 1999 (MCSIA) (Public Law
34 106-159.113 Stat. 1748).

35 (b) This section does not apply to a person arrested for or charged
36 with:

37 (1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or

38 (2) if a person was arrested or charged with an offense under
39 IC 9-30-5-1 through IC 9-30-5-5, an offense involving:

40 (A) intoxication; or

41 (B) the operation of a vehicle;

42 if the offense involving intoxication or the operation of a vehicle was



1 part of the same episode of criminal conduct as the offense under
 2 IC 9-30-5-1 through IC 9-30-5-5.

3 (c) This section does not apply to a person:

4 (1) who is arrested for or charged with an offense under:

5 (A) IC 7.1-5-7-7(a), if the alleged offense occurred while the
 6 person was operating a motor vehicle;

7 (B) IC 9-30-4-8(a), if the alleged offense occurred while the
 8 person was operating a motor vehicle;

9 ~~(C) IC 35-42-2-2(c)(1);~~

10 ~~(D) (C) IC 35-44.1-2-13(b)(1);~~ or

11 ~~(E) (D) IC 35-43-1-2(a),~~ if the alleged offense occurred while
 12 the person was operating a motor vehicle; and

13 (2) who held a probationary license (as defined in
 14 IC 9-24-11-3.3(b)) and was less than eighteen (18) years of age at
 15 the time of the alleged offense.

16 (d) A prosecuting attorney may withhold prosecution against an
 17 accused person if:

18 (1) the person is charged with a misdemeanor, **a Level 6 felony,**
 19 **or a Level 5 felony;**

20 (2) the person agrees to conditions of a pretrial diversion program
 21 offered by the prosecuting attorney;

22 (3) the terms of the agreement are recorded in an instrument
 23 signed by the person and the prosecuting attorney and filed in the
 24 court in which the charge is pending; and

25 (4) the prosecuting attorney electronically transmits information
 26 required by the prosecuting attorneys council concerning the
 27 withheld prosecution to the prosecuting attorneys council, in a
 28 manner and format designated by the prosecuting attorneys
 29 council.

30 (e) An agreement under subsection (d) may include conditions that
 31 the person:

32 (1) pay to the clerk of the court an initial user's fee and monthly
 33 user's fees in the amounts specified in IC 33-37-4-1;

34 (2) work faithfully at a suitable employment or faithfully pursue
 35 a course of study or career and technical education that will equip
 36 the person for suitable employment;

37 (3) undergo available medical treatment or counseling and remain
 38 in a specified facility required for that purpose;

39 (4) support the person's dependents and meet other family
 40 responsibilities;

41 (5) make restitution or reparation to the victim of the crime for the
 42 damage or injury that was sustained;



1 (6) refrain from harassing, intimidating, threatening, or having
2 any direct or indirect contact with the victim or a witness;

3 (7) report to the prosecuting attorney at reasonable times;

4 (8) answer all reasonable inquiries by the prosecuting attorney
5 and promptly notify the prosecuting attorney of any change in
6 address or employment; and

7 (9) participate in dispute resolution either under IC 34-57-3 or a
8 program established by the prosecuting attorney.

9 (f) An agreement under subsection (d)(2) may include other
10 provisions reasonably related to the defendant's rehabilitation, if
11 approved by the court.

12 (g) The prosecuting attorney shall notify the victim when
13 prosecution is withheld under this section.

14 (h) All money collected by the clerk as user's fees under this section
15 shall be deposited in the appropriate user fee fund under IC 33-37-8.

16 (i) If a court withholds prosecution under this section and the terms
17 of the agreement contain conditions described in subsection (e)(6):

18 (1) the clerk of the court shall comply with IC 5-2-9; and

19 (2) the prosecuting attorney shall file a confidential form
20 prescribed or approved by the division of state court
21 administration with the clerk.

22 SECTION 55. IC 34-24-1-1, AS AMENDED BY P.L.196-2013,
23 SECTION 15, AND AS AMENDED BY P.L.293-2013(ts), SECTION
24 42, AND AS AMENDED BY P.L.158-2013, SECTION 349, IS
25 CORRECTED AND AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The following may be seized:

27 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used
28 or are intended for use by the person or persons in possession of
29 them to transport or in any manner to facilitate the transportation
30 of the following:

31 (A) A controlled substance for the purpose of committing,
32 attempting to commit, or conspiring to commit any of the
33 following:

34 (i) Dealing in or manufacturing cocaine or a narcotic drug
35 (IC 35-48-4-1).

36 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).

37 (iii) Dealing in a schedule I, II, or III controlled substance
38 (IC 35-48-4-2).

39 (iv) Dealing in a schedule IV controlled substance
40 (IC 35-48-4-3).

41 (v) Dealing in a schedule V controlled substance
42 (IC 35-48-4-4).



- 1 (vi) Dealing in a counterfeit substance (IC 35-48-4-5).
 2 (vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
 3 (viii) Possession of methamphetamine (IC 35-48-4-6.1).
 4 (ix) Dealing in paraphernalia (IC 35-48-4-8.5).
 5 (x) Dealing in marijuana, hash oil, hashish, *or salvia or a*
 6 *synthetic cannabinoid* (IC 35-48-4-10).
 7 (xi) *Dealing in a synthetic drug or synthetic drug lookalike*
 8 *substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its*
 9 *amendment in 2013).*
- 10 (B) Any stolen (IC 35-43-4-2) or converted property
 11 (IC 35-43-4-3) if the retail or repurchase value of that property
 12 is one hundred dollars (\$100) or more.
- 13 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
- 14 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of
 15 mass destruction (as defined in IC 35-31.5-2-354) used to
 16 commit, used in an attempt to commit, or used in a conspiracy
 17 to commit an offense under IC 35-47 as part of or in
 18 furtherance of an act of terrorism (as defined by
 19 IC 35-31.5-2-329).
- 20 (2) All money, negotiable instruments, securities, weapons,
 21 communications devices, or any property used to commit, used in
 22 an attempt to commit, or used in a conspiracy to commit an
 23 offense under IC 35-47 as part of or in furtherance of an act of
 24 terrorism or commonly used as consideration for a violation of
 25 IC 35-48-4 (other than items subject to forfeiture under
 26 IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):
- 27 (A) furnished or intended to be furnished by any person in
 28 exchange for an act that is in violation of a criminal statute;
 29 (B) used to facilitate any violation of a criminal statute; or
 30 (C) traceable as proceeds of the violation of a criminal statute.
- 31 (3) Any portion of real or personal property purchased with
 32 money that is traceable as a proceed of a violation of a criminal
 33 statute.
- 34 (4) A vehicle that is used by a person to:
 35 (A) commit, attempt to commit, or conspire to commit;
 36 (B) facilitate the commission of; or
 37 (C) escape from the commission of;
 38 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal
 39 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
 40 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
 41 under IC 35-47 as part of or in furtherance of an act of terrorism.
- 42 (5) Real property owned by a person who uses it to commit any of



- 1 the following as a *Class A felony*, ~~a *Class B felony*~~, *Level 1, Level*
 2 *2, Level 3, Level 4*, or a ~~*Class C*~~ *Level 5 felony*:
- 3 (A) Dealing in or manufacturing cocaine or a narcotic drug
 4 (IC 35-48-4-1).
- 5 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
- 6 (C) Dealing in a schedule I, II, or III controlled substance
 7 (IC 35-48-4-2).
- 8 (D) Dealing in a schedule IV controlled substance
 9 (IC 35-48-4-3).
- 10 (E) Dealing in marijuana, hash oil, hashish, *or salvia or a*
 11 *synthetic cannabinoid* (IC 35-48-4-10).
- 12 (F) *Dealing in a synthetic drug or synthetic drug lookalike*
 13 *substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its*
 14 *amendment in 2013).*
- 15 (6) Equipment and recordings used by a person to commit fraud
 16 under IC 35-43-5-4(10).
- 17 (7) Recordings sold, rented, transported, or possessed by a person
 18 in violation of IC 24-4-10.
- 19 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as
 20 defined by IC 35-45-6-1) that is the object of a corrupt business
 21 influence violation (IC 35-45-6-2).
- 22 (9) Unlawful telecommunications devices (as defined in
 23 IC 35-45-13-6) and plans, instructions, or publications used to
 24 commit an offense under IC 35-45-13.
- 25 (10) Any equipment, including computer equipment and cellular
 26 telephones, used for or intended for use in preparing,
 27 photographing, recording, videotaping, digitizing, printing,
 28 copying, or disseminating matter in violation of IC 35-42-4.
- 29 (11) Destructive devices used, possessed, transported, or sold in
 30 violation of IC 35-47.5.
- 31 (12) Tobacco products that are sold in violation of IC 24-3-5,
 32 tobacco products that a person attempts to sell in violation of
 33 IC 24-3-5, and other personal property owned and used by a
 34 person to facilitate a violation of IC 24-3-5.
- 35 (13) Property used by a person to commit counterfeiting or
 36 forgery in violation of IC 35-43-5-2.
- 37 (14) After December 31, 2005, if a person is convicted of an
 38 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
 39 following real or personal property:
- 40 (A) Property used or intended to be used to commit, facilitate,
 41 or promote the commission of the offense.
- 42 (B) Property constituting, derived from, or traceable to the



- 1 gross proceeds that the person obtained directly or indirectly
 2 as a result of the offense.
- 3 (15) Except as provided in subsection (e), a vehicle used by a
 4 person who operates the vehicle:
- 5 (A) while intoxicated, in violation of IC 9-30-5-1 through
 6 IC 9-30-5-5, if in the previous five (5) years the person has two
 7 (2) or more prior unrelated convictions:
- 8 (i) for operating a motor vehicle while intoxicated in
 9 violation of IC 9-30-5-1 through IC 9-30-5-5; or
 10 (ii) for an offense that is substantially similar to IC 9-30-5-1
 11 through IC 9-30-5-5 in another jurisdiction; or
- 12 (B) on a highway while the person's driving privileges are
 13 suspended in violation of IC 9-24-19-2 through IC 9-24-19-4,
 14 if in the previous five (5) years the person has two (2) or more
 15 prior unrelated convictions:
- 16 (i) for operating a vehicle while intoxicated in violation of
 17 IC 9-30-5-1 through IC 9-30-5-5; or
 18 (ii) for an offense that is substantially similar to IC 9-30-5-1
 19 through IC 9-30-5-5 in another jurisdiction.
- 20 If a court orders the seizure of a vehicle under this subdivision,
 21 the court shall transmit an order to the bureau of motor vehicles
 22 recommending that the bureau not permit a vehicle to be
 23 registered in the name of the person whose vehicle was seized
 24 until the person possesses a current driving license (as defined in
 25 IC 9-13-2-41).
- 26 (16) The following real or personal property:
- 27 (A) Property used or intended to be used to commit, facilitate,
 28 or promote the commission of an offense specified in
 29 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or
 30 IC 30-2-13-38(f).
- 31 (B) Property constituting, derived from, or traceable to the
 32 gross proceeds that a person obtains directly or indirectly as a
 33 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
 34 IC 30-2-10-9(b), or IC 30-2-13-38(f).
- 35 *(17) An automated sales suppression device (as defined in*
 36 *IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in*
 37 *IC 35-43-5-4.6(a)(3)).*
- 38 (b) A vehicle used by any person as a common or contract carrier in
 39 the transaction of business as a common or contract carrier is not
 40 subject to seizure under this section, unless it can be proven by a
 41 preponderance of the evidence that the owner of the vehicle knowingly
 42 permitted the vehicle to be used to engage in conduct that subjects it to



- 1 seizure under subsection (a).
 2 (c) Equipment under subsection (a)(10) may not be seized unless it
 3 can be proven by a preponderance of the evidence that the owner of the
 4 equipment knowingly permitted the equipment to be used to engage in
 5 conduct that subjects it to seizure under subsection (a)(10).
 6 (d) Money, negotiable instruments, securities, weapons,
 7 communications devices, or any property commonly used as
 8 consideration for a violation of IC 35-48-4 found near or on a person
 9 who is committing, attempting to commit, or conspiring to commit any
 10 of the following offenses shall be admitted into evidence in an action
 11 under this chapter as prima facie evidence that the money, negotiable
 12 instrument, security, or other thing of value is property that has been
 13 used or was to have been used to facilitate the violation of a criminal
 14 statute or is the proceeds of the violation of a criminal statute:
 15 (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
 16 narcotic drug).
 17 (2) IC 35-48-4-1.1 (dealing in methamphetamine).
 18 (3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
 19 substance).
 20 (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
 21 (5) IC 35-48-4-4 (dealing in a schedule V controlled substance)
 22 as a *Class B Level 4* felony.
 23 (6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
 24 *Class A felony, Class B Level 3, Level 4, felony, or Class C Level*
 25 *5* felony.
 26 (7) IC 35-48-4-6.1 (possession of methamphetamine) as a *Class*
 27 *A felony, Class B felony, Level 3, Level 4, or Class C Level 5*
 28 *felony*.
 29 (8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, *or*
 30 *salvia*) ~~or a synthetic cannabinoid~~ as a *Class C Level 5* felony.
 31 (9) *IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic drug*
 32 *lookalike substance) as a Class C Level 5 felony or Class D*
 33 **Level 6** *felony (or as a Class C felony or Class D felony under*
 34 *IC 35-48-4-10 before its amendment in 2013).*
 35 (e) A vehicle operated by a person who is not:
 36 (1) an owner of the vehicle; or
 37 (2) the spouse of the person who owns the vehicle;
 38 is not subject to seizure under subsection (a)(15) unless it can be
 39 proven by a preponderance of the evidence that the owner of the
 40 vehicle knowingly permitted the vehicle to be used to engage in
 41 conduct that subjects it to seizure under subsection (a)(15).
 42 SECTION 56. IC 35-31.5-2-38.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2014]: **Sec. 38.5. "Child care facility" means**

3 **a:**

- 4 **(1) child care center licensed under IC 12-17.2-4;**
 5 **(2) child care home licensed under IC 12-17.2-5; or**
 6 **(3) child care ministry registered under IC 12-17.2-6.**

7 SECTION 57. IC 35-31.5-2-67.2 IS REPEALED [EFFECTIVE
 8 JULY 1, 2014]. Sec. 67.2. "Corrections officer"; for purposes of
 9 IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(a).

10 SECTION 58. IC 35-31.5-2-115.2 IS REPEALED [EFFECTIVE
 11 JULY 1, 2014]. Sec. 115.2. "Emergency medical responder"; for
 12 purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(c).

13 SECTION 59. IC 35-31.5-2-160.5 IS REPEALED [EFFECTIVE
 14 JULY 1, 2014]. Sec. 160.5. "Human immunodeficiency virus (HIV)";
 15 for purposes of IC 35-42-2-6, has the meaning set forth in
 16 IC 35-42-2-6(d).

17 SECTION 60. IC 35-31.5-2-244, AS AMENDED BY P.L.13-2013,
 18 SECTION 126, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2014]: Sec. 244. (a) "Prescription drug", for
 20 purposes of IC 35-48, has the meaning set forth in IC 35-48-1-25.

21 (b) "Prescription drug"; for purposes of IC 35-42-2-8, has the
 22 meaning set forth in IC 35-42-2-8(a)(4).

23 SECTION 61. IC 35-32-1-1 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This title shall be
 25 construed in accordance with its general purposes, to:

- 26 (1) secure simplicity in procedure;
 27 (2) insure fairness of administration including the elimination of
 28 unjustifiable delay;
 29 (3) insure the effective apprehension and trial of persons accused
 30 of offenses;
 31 (4) provide for the just determination of every criminal
 32 proceeding by a fair and impartial trial and adequate review; ~~and~~
 33 **(5) reduce crime by promoting the use of evidence based best**
 34 **practices for rehabilitation of offenders in a community**
 35 **setting;**
 36 **(6) keep dangerous offenders in prison by avoiding the use of**
 37 **scarce prison space for nonviolent offenders;**
 38 **(7) give judges maximum discretion to impose sentences based**
 39 **on a consideration of all the circumstances related to the**
 40 **offense;**
 41 **(8) maintain proportionality of penalties across the criminal**
 42 **code, with like sentences for like crimes;**



1 **(9) make the lengths of sentences served by offenders more**
 2 **certain for victims; and**

3 ~~(5)~~ **(10) preserve the public welfare and secure the fundamental**
 4 **rights of individuals.**

5 SECTION 62. IC 35-33-14-4 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. Money in the fund
 7 at the end of a particular calendar year does not revert to any other
 8 fund, but remains in the county extradition **and sheriff's assistance**
 9 fund.

10 SECTION 63. IC 35-38-1-1.3, AS ADDED BY P.L.178-2007,
 11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2014]: Sec. 1.3. After a court has pronounced a sentence for
 13 a felony conviction, the court shall issue a statement of the court's
 14 reasons for selecting the sentence that it imposes **unless the court**
 15 **imposes the advisory sentence for the felony.**

16 SECTION 64. IC 35-38-1-1.5, AS AMENDED BY P.L.159-2013,
 17 SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 393,
 18 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) A court may enter judgment
 20 of conviction as a ~~Class D~~ *Level 6* felony with the express provision
 21 that the conviction will be converted to a conviction as a Class A
 22 misdemeanor *within three (3) years* if the person fulfills certain
 23 conditions. A court may enter a judgment of conviction as a ~~Class D~~
 24 *Level 6* felony with the express provision that the conviction will be
 25 converted to a conviction as a Class A misdemeanor only if the person
 26 pleads guilty to a ~~Class D~~ *Level 6* felony that qualifies for consideration
 27 as a Class A misdemeanor under IC 35-50-2-7, and the following
 28 conditions are met:

29 (1) The prosecuting attorney consents.

30 (2) The person agrees to the conditions set by the court.

31 (b) For a judgment of conviction to be entered under subsection (a),
 32 the court, the prosecuting attorney, and the person must all agree to the
 33 conditions set by the court under subsection (a).

34 (c) The court is not required to convert a judgment of conviction
 35 entered as a ~~Class D~~ *Level 6* felony to a Class A misdemeanor if, after
 36 a hearing, the court finds:

37 (1) the person has violated a condition set by the court under
 38 subsection (a); or

39 (2) the period that the conditions set by the court under subsection
 40 (a) are in effect expires before the person successfully completes
 41 each condition.

42 However, the court may not convert a judgment of conviction entered



1 as a ~~Class D Level 6~~ felony to a Class A misdemeanor if the person
 2 commits a new offense before the conditions set by the court under
 3 subsection (a) expire.

4 (d) The court shall enter judgment of conviction as a Class A
 5 misdemeanor if the person fulfills the conditions set by the court under
 6 subsection (a).

7 (e) The entry of a judgment of conviction under this section does not
 8 affect the application of any statute requiring the suspension of a
 9 person's driving privileges.

10 (f) This section may not be construed to diminish or alter the rights
 11 of a victim (as defined in IC 35-40-4-8) in a sentencing proceeding
 12 under this chapter.

13 SECTION 65. IC 35-38-1-2 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) As used in this
 15 chapter, "victim representative" means a person designated by a
 16 sentencing court who is:

17 (1) a spouse, parent, child, sibling, or other relative of; or

18 (2) a person who has had a close personal relationship with;
 19 the victim of a felony who is deceased, incapacitated, or less than
 20 eighteen (18) years of age.

21 (b) Upon entering a conviction, the court shall set a date for
 22 sentencing within thirty (30) days, unless for good cause shown an
 23 extension is granted. If a presentence report is not required, the court
 24 may sentence the defendant at the time the judgment of conviction is
 25 entered. However, the court may not pronounce sentence at that time
 26 without:

27 (1) inquiring as to whether an adjournment is desired by the
 28 defendant; and

29 (2) informing the victim, if present, of a victim's right to make a
 30 statement concerning the crime and the sentence.

31 When an adjournment is requested, the defendant shall state its purpose
 32 and the court may allow a reasonable time for adjournment.

33 (c) If:

34 (1) the state in the manner prescribed by IC 35-34-1-2.5 sought an
 35 increased penalty by alleging that the person was previously
 36 convicted of the offense; and

37 (2) the person was convicted of the subsequent offense in a jury
 38 trial;

39 the jury shall reconvene for the sentencing hearing. The person shall be
 40 sentenced to receive the increased penalty if the jury (or the court, if
 41 the trial is to the court alone) finds that the state has proved beyond a
 42 reasonable doubt that the person had a previous conviction for the



1 offense.

2 (d) If the felony is nonsuspendible under IC 35-50-2-2 **(before its**
 3 **repeal) or IC 35-50-2-2.2**, the judge shall order the defendant, if the
 4 defendant has previously been released on bail or recognizance, to be
 5 imprisoned in the county or local penal facility pending sentencing.

6 (e) Upon entering a conviction for a felony, the court shall designate
 7 a victim representative if the victim is deceased, incapacitated, or less
 8 than eighteen (18) years of age.

9 SECTION 66. IC 35-38-1-7.5, AS AMENDED BY P.L.214-2013,
 10 SECTION 33, AND AS AMENDED BY P.L.158-2013, SECTION
 11 394, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2014]: Sec. 7.5. (a) As used in this section,
 13 "sexually violent predator" means a person who suffers from a mental
 14 abnormality or personality disorder that makes the individual likely to
 15 repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The
 16 term includes a person convicted in another jurisdiction who is
 17 identified as a sexually violent predator under IC 11-8-8-20. The term
 18 does not include a person no longer considered a sexually violent
 19 predator under subsection (g).

20 (b) A person who:

21 (1) being at least eighteen (18) years of age, commits an offense
 22 described in:

23 (A) IC 35-42-4-1;

24 (B) IC 35-42-4-2 ~~(before its repeal on July 1, 2014);~~
 25 ~~(repealed);~~ **(before its repeal);**

26 (C) IC 35-42-4-3 as a Class A or Class B felony *(for a crime*
 27 *committed before July 1, 2014) or a Level 1, Level 2, Level 3,*
 28 *or Level 4 felony (for a crime committed after June 30, 2014);*

29 (D) IC 35-42-4-5(a)(1);

30 (E) IC 35-42-4-5(a)(2);

31 (F) IC 35-42-4-5(a)(3);

32 (G) IC 35-42-4-5(b)(1) as a Class A or Class B *felony (for a*
 33 *crime committed before July 1, 2014) or Level 2, Level 3, or*
 34 *Level 4 felony (for a crime committed after June 30, 2014);*

35 (H) IC 35-42-4-5(b)(2);

36 (I) IC 35-42-4-5(b)(3) as a Class A or Class B *felony (for a*
 37 *crime committed before July 1, 2014) or a Level 2, Level 3, or*
 38 *Level 4 felony (for a crime committed after June 30, 2014);*

39 (J) an attempt or conspiracy to commit a crime listed in
 40 clauses (A) through (I); or

41 (K) a crime under the laws of another jurisdiction, including
 42 a military court, that is substantially equivalent to any of the



- 1 offenses listed in clauses (A) through (J);
 2 (2) commits a sex offense (as defined in IC 11-8-8-5.2) while
 3 having a previous unrelated conviction for a sex offense for which
 4 the person is required to register as a sex or violent offender under
 5 IC 11-8-8;
 6 (3) commits a sex offense (as defined in IC 11-8-8-5.2) while
 7 having had a previous unrelated adjudication as a delinquent child
 8 for an act that would be a sex offense if committed by an adult, if,
 9 after considering expert testimony, a court finds by clear and
 10 convincing evidence that the person is likely to commit an
 11 additional sex offense; or
 12 (4) commits a sex offense (as defined in IC 11-8-8-5.2) while
 13 having had a previous unrelated adjudication as a delinquent child
 14 for an act that would be a sex offense if committed by an adult, if
 15 the person was required to register as a sex or violent offender
 16 under IC 11-8-8-5(b)(2);
 17 is a sexually violent predator. Except as provided in subsection (g) or
 18 (h), a person is a sexually violent predator by operation of law if an
 19 offense committed by the person satisfies the conditions set forth in
 20 subdivision (1) or (2) and the person was released from incarceration,
 21 secure detention, ~~or~~ probation, *or parole* for the offense after June 30,
 22 1994.
 23 (c) This section applies whenever a court sentences a person or a
 24 juvenile court issues a dispositional decree for a sex offense (as defined
 25 in IC 11-8-8-5.2) for which the person is required to register with the
 26 local law enforcement authority under IC 11-8-8.
 27 (d) At the sentencing hearing, the court shall indicate on the record
 28 whether the person has been convicted of an offense that makes the
 29 person a sexually violent predator under subsection (b).
 30 (e) If a person is not a sexually violent predator under subsection
 31 (b), the prosecuting attorney may request the court to conduct a hearing
 32 to determine whether the person (including a child adjudicated to be a
 33 delinquent child) is a sexually violent predator under subsection (a). If
 34 the court grants the motion, the court shall appoint two (2)
 35 psychologists or psychiatrists who have expertise in criminal
 36 behavioral disorders to evaluate the person and testify at the hearing.
 37 After conducting the hearing and considering the testimony of the two
 38 (2) psychologists or psychiatrists, the court shall determine whether the
 39 person is a sexually violent predator under subsection (a). A hearing
 40 conducted under this subsection may be combined with the person's
 41 sentencing hearing.
 42 (f) If a person is a sexually violent predator:



- 1 (1) the person is required to register with the local law
 2 enforcement authority as provided in IC 11-8-8; and
 3 (2) the court shall send notice to the department of correction.
 4 (g) This subsection does not apply to a person who has two (2) or
 5 more unrelated convictions for an offense described in IC 11-8-8-4.5
 6 for which the person is required to register under IC 11-8-8. A person
 7 who is a sexually violent predator may petition the court to consider
 8 whether the person should no longer be considered a sexually violent
 9 predator. The person may file a petition under this subsection not
 10 earlier than ten (10) years after:
 11 (1) the sentencing court or juvenile court makes its determination
 12 under subsection (e); or
 13 (2) the person is released from incarceration or secure detention.
 14 A person may file a petition under this subsection not more than one
 15 (1) time per year. A court may dismiss a petition filed under this
 16 subsection or conduct a hearing to determine if the person should no
 17 longer be considered a sexually violent predator. If the court conducts
 18 a hearing, the court shall appoint two (2) psychologists or psychiatrists
 19 who have expertise in criminal behavioral disorders to evaluate the
 20 person and testify at the hearing. After conducting the hearing and
 21 considering the testimony of the two (2) psychologists or psychiatrists,
 22 the court shall determine whether the person should no longer be
 23 considered a sexually violent predator under subsection (a). If a court
 24 finds that the person should no longer be considered a sexually violent
 25 predator, the court shall send notice to the department of correction that
 26 the person is no longer considered a sexually violent predator *or an*
 27 *offender against children*. Notwithstanding any other law, a condition
 28 imposed on a person due to the person's status as a sexually violent
 29 predator, including lifetime parole or GPS monitoring, does not apply
 30 to a person no longer considered a sexually violent predator.
 31 (h) A person is not a sexually violent predator by operation of law
 32 under subsection (b)(1) if all of the following conditions are met:
 33 (1) The victim was not less than twelve (12) years of age at the
 34 time the offense was committed.
 35 (2) The person is not more than four (4) years older than the
 36 victim.
 37 (3) The relationship between the person and the victim was a
 38 dating relationship or an ongoing personal relationship. The term
 39 "ongoing personal relationship" does not include a family
 40 relationship.
 41 (4) The offense committed by the person was not any of the
 42 following:



- 1 (A) Rape (IC 35-42-4-1).
 2 (B) Criminal deviate conduct (IC 35-42-4-2) *(before its repeal*
 3 *on July 1, 2014): (repealed): (before its repeal).*
 4 (C) An offense committed by using or threatening the use of
 5 deadly force or while armed with a deadly weapon.
 6 (D) An offense that results in serious bodily injury.
 7 (E) An offense that is facilitated by furnishing the victim,
 8 without the victim's knowledge, with a drug (as defined in
 9 IC 16-42-19-2(1)) or a controlled substance (as defined in
 10 IC 35-48-1-9) or knowing that the victim was furnished with
 11 the drug or controlled substance without the victim's
 12 knowledge.
 13 (5) The person has not committed another sex offense (as defined
 14 in IC 11-8-8-5.2) (including a delinquent act that would be a sex
 15 offense if committed by an adult) against any other person.
 16 (6) The person did not have a position of authority or substantial
 17 influence over the victim.
 18 (7) The court finds that the person should not be considered a
 19 sexually violent predator.

20 SECTION 67. IC 35-38-1-17, AS AMENDED BY P.L.158-2013,
 21 SECTION 396, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) **This section does not apply**
 23 **to a credit restricted felon.**

24 (b) **At any time Not later than three hundred sixty-five (365)**
 25 **days after:**

- 26 (1) a convicted person begins serving the person's sentence; **and**
 27 ~~(2) a hearing is held:~~
 28 ~~(A) at which the convicted person is present; and~~
 29 ~~(B) of which the prosecuting attorney has been notified; and~~
 30 ~~(3) (2) the court obtains a report from the department of~~
 31 ~~correction concerning the convicted person's conduct while~~
 32 ~~imprisoned;~~

33 the court may reduce or suspend the sentence and impose a sentence
 34 that the court was authorized to impose at the time of sentencing. The
 35 court must incorporate its reasons in the record.

36 (c) **If more than three hundred sixty-five (365) days have**
 37 **elapsed since the convicted person began serving the sentence, the**
 38 **court may reduce or suspend the sentence and impose a sentence**
 39 **that the court was authorized to impose at the time of sentencing.**
 40 **The court must incorporate its reasons in the record.**

41 ~~(b)~~ (d) **If the court sets a hearing on a petition under this section,**
 42 the court must give notice of the order to reduce or suspend the



1 sentence under this section to the prosecuting attorney and the
 2 **prosecuting attorney must give notice to the** victim (as defined in
 3 IC 35-31.5-2-348) of the crime for which the convicted person is
 4 serving the sentence.

5 ~~(e)~~ **(e)** The court may suspend a sentence for a felony under this
 6 section only if suspension is permitted under IC 35-50-2-2.2.

7 ~~(f)~~ **(f)** The court may deny a request to suspend or reduce a sentence
 8 under this section without making written findings and conclusions.

9 ~~(g)~~ **(g)** The court is not required to conduct a hearing before
 10 reducing or suspending a sentence **under this section** if:

11 (1) the prosecuting attorney has filed with the court an agreement
 12 of the reduction or suspension of the sentence; and

13 (2) the convicted person has filed with the court a waiver of the
 14 right to be present when the order to reduce or suspend the
 15 sentence is considered.

16 **(h) A convicted person may file a petition for sentence**
 17 **modification under this section:**

18 **(1) not more than one (1) time in any three hundred sixty-five**
 19 **(365) day period; and**

20 **(2) a maximum of two (2) times during any consecutive period**
 21 **of incarceration.**

22 **(i) A person may not waive the right to sentence modification**
 23 **under this section as part of a plea agreement. Any purported**
 24 **waiver of the right to sentence modification under this section in a**
 25 **plea agreement is invalid and unenforceable as against public**
 26 **policy. This subsection does not prohibit the finding of a waiver of**
 27 **the right to sentence modification for any other reason, including**
 28 **failure to comply with the provisions of this section.**

29 SECTION 68. IC 35-38-2.5-5 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as
 31 provided in section 5.5 of this chapter, as a condition of probation a
 32 court may order an offender confined to the offender's home for a
 33 period of home detention lasting at least sixty (60) days.

34 (b) The period of home detention may be consecutive or
 35 nonconsecutive, as the court orders. However, the aggregate time
 36 actually spent in home detention must not exceed:

37 (1) the minimum term of imprisonment prescribed for a felony
 38 under IC 35-50-2; or

39 (2) the maximum term of imprisonment prescribed for a
 40 misdemeanor under IC 35-50-3;

41 for the crime committed by the offender.

42 (c) The court may order supervision of an offender's home detention



1 to be provided by the probation department for the court or by a
 2 community corrections program that provides supervision of home
 3 detention.

4 (d) A person's term of confinement on home detention under this
 5 chapter is computed on the basis of the actual days the person spends
 6 on home detention.

7 (e) A person confined on home detention as a condition of probation
 8 earns **one (1) day of credit for time served for each day the person**
 9 **is confined on home detention.**

10 SECTION 69. IC 35-38-9-2, AS ADDED BY P.L.159-2013,
 11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2014]: Sec. 2. (a) This section applies only to a person
 13 convicted of a misdemeanor, including a Class D felony (**for a crime**
 14 **committed before July 1, 2014) or a Level 6 felony (for a crime**
 15 **committed after June 30, 2014) reduced to a misdemeanor.**

16 (b) Not earlier than five (5) years after the date of conviction (unless
 17 the prosecuting attorney consents in writing to an earlier period), the
 18 person convicted of the misdemeanor may petition the sentencing court
 19 to expunge conviction records contained in:

- 20 (1) a court's files;
- 21 (2) the files of the department of correction;
- 22 (3) the files of the bureau of motor vehicles; and
- 23 (4) the files of any other person who provided treatment or
 24 services to the petitioning person under a court order;

25 that relate to the person's misdemeanor conviction.

26 (c) A person who files a petition to expunge conviction records shall
 27 pay the filing fees required for filing a civil action, and the clerk shall
 28 distribute the fees as in the case of a civil action. A person who files a
 29 petition to expunge conviction records may not receive a waiver or
 30 reduction of fees upon a showing of indigency.

31 (d) If the court finds by clear and convincing evidence that:

- 32 (1) the period required by this section has elapsed;
- 33 (2) no charges are pending against the person;
- 34 (3) the person does not have an existing or pending driver's
 35 license suspension;
- 36 (4) the person has successfully completed the person's sentence,
 37 including any term of supervised release, and satisfied all other
 38 obligations placed on the person as part of the sentence; and
- 39 (5) the person has not been convicted of a crime within the
 40 previous five (5) years;

41 the court shall order the conviction records described in subsection (b)
 42 expunged in accordance with section 6 of this chapter.



1 SECTION 70. IC 35-38-9-3, AS ADDED BY P.L.159-2013,
 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2014]: Sec. 3. (a) Except as provided in subsection (b), this
 4 section applies only to a person convicted of a Class D felony (**for a**
 5 **crime committed before July 1, 2014) or a Level 6 felony (for a**
 6 **crime committed after June 30, 2014).** This section does not apply to
 7 a person if the person's Class D **or Level 6** felony was reduced to a
 8 Class A misdemeanor.

9 (b) This section does not apply to the following:

- 10 (1) An elected official convicted of an offense while serving the
 11 official's term or as a candidate for public office.
 12 (2) A sex or violent offender (as defined in IC 11-8-8-5).
 13 (3) A person convicted of a felony that resulted in bodily injury to
 14 another person.
 15 (4) A person convicted of perjury (IC 35-44.1-2-1) or official
 16 misconduct (IC 35-44.1-1-1).
 17 (5) A person convicted of an offense described in:
 18 (A) IC 35-42-1;
 19 (B) IC 35-42-3.5; or
 20 (C) IC 35-42-4.

21 (c) Not earlier than eight (8) years after the date of conviction
 22 (unless the prosecuting attorney consents in writing to an earlier
 23 period), the person convicted of the Class D **or Level 6** felony may
 24 petition the sentencing court to expunge conviction records contained
 25 in:

- 26 (1) a court's files;
 27 (2) the files of the department of correction;
 28 (3) the files of the bureau of motor vehicles; and
 29 (4) the files of any other person who provided treatment or
 30 services to the petitioning person under a court order;

31 that relate to the person's Class D **or Level 6** felony conviction.

32 (d) A person who files a petition to expunge conviction records shall
 33 pay the filing fees required for filing a civil action, and the clerk shall
 34 distribute the fees as in the case of a civil action. A person who files a
 35 petition to expunge conviction records may not receive a waiver or
 36 reduction of fees upon a showing of indigency.

37 (e) If the court finds by clear and convincing evidence that:

- 38 (1) the period required by this section has elapsed;
 39 (2) no charges are pending against the person;
 40 (3) the person does not have an existing or pending driver's
 41 license suspension;
 42 (4) the person has successfully completed the person's sentence,



1 including any term of supervised release, and satisfied all other
 2 obligations placed on the person as part of the sentence; and

3 (5) the person has not been convicted of a crime within the
 4 previous eight (8) years;

5 the court shall order the conviction records described in subsection (c)
 6 expunged in accordance with section 6 of this chapter.

7 SECTION 71. IC 35-41-4-2, AS AMENDED BY P.L.44-2013,
 8 SECTION 2, AND AS AMENDED BY P.L.158-2013, SECTION 407,
 9 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as otherwise provided
 11 in this section, a prosecution for an offense is barred unless it is
 12 commenced:

13 (1) within five (5) years after the commission of the offense, in
 14 the case of a Class B, Class C, or Class D felony (*for a crime*
 15 *committed before July 1, 2014*) or a Level 3, Level 4, Level 5, or
 16 *Level 6 felony (for a crime committed after June 30, 2014)*; or

17 (2) within two (2) years after the commission of the offense, in the
 18 case of a misdemeanor.

19 (b) A prosecution for a Class B or Class C felony (*for a crime*
 20 *committed before July 1, 2014*) or a Level 3, Level 4, or Level 5 felony
 21 (*for a crime committed after June 30, 2014*) that would otherwise be
 22 barred under this section may be commenced within one (1) year after
 23 the earlier of the date on which the state:

24 (1) first discovers evidence sufficient to charge the offender with
 25 the offense through DNA (deoxyribonucleic acid) analysis; or

26 (2) could have discovered evidence sufficient to charge the
 27 offender with the offense through DNA (deoxyribonucleic acid)
 28 analysis by the exercise of due diligence.

29 (c) A prosecution for a Class A felony (*for a crime committed*
 30 *before July 1, 2014*) or a Level 1 felony or Level 2 felony (*for a crime*
 31 *committed after June 30, 2014*) may be commenced at any time.

32 (d) A prosecution for murder may be commenced:

33 (1) at any time; and

34 (2) regardless of the amount of time that passes between:

35 (A) the date a person allegedly commits the elements of
 36 murder; and

37 (B) the date the alleged victim of the murder dies.

38 (e) A prosecution for the following offenses is barred unless
 39 commenced before the date that the alleged victim of the offense
 40 reaches thirty-one (31) years of age:

41 (1) IC 35-42-4-3(a) (Child molesting).

42 (2) IC 35-42-4-5 (Vicarious sexual gratification).



- 1 (3) IC 35-42-4-6 (Child solicitation).
 2 (4) IC 35-42-4-7 (Child seduction).
 3 (5) IC 35-46-1-3 (Incest).
 4 (f) A prosecution for forgery of an instrument for payment of
 5 money, or for the uttering of a forged instrument, under IC 35-43-5-2,
 6 is barred unless it is commenced within five (5) years after the maturity
 7 of the instrument.
 8 (g) If a complaint, indictment, or information is dismissed because
 9 of an error, defect, insufficiency, or irregularity, a new prosecution may
 10 be commenced within ninety (90) days after the dismissal even if the
 11 period of limitation has expired at the time of dismissal, or will expire
 12 within ninety (90) days after the dismissal.
 13 (h) The period within which a prosecution must be commenced does
 14 not include any period in which:
 15 (1) the accused person is not usually and publicly resident in
 16 Indiana or so conceals himself or herself that process cannot be
 17 served;
 18 (2) the accused person conceals evidence of the offense, and
 19 evidence sufficient to charge the person with that offense is
 20 unknown to the prosecuting authority and could not have been
 21 discovered by that authority by exercise of due diligence; or
 22 (3) the accused person is a person elected or appointed to office
 23 under statute or constitution, if the offense charged is theft or
 24 conversion of public funds or bribery while in public office.
 25 (i) For purposes of tolling the period of limitation only, a
 26 prosecution is considered commenced on the earliest of these dates:
 27 (1) The date of filing of an indictment, information, or complaint
 28 before a court having jurisdiction.
 29 (2) The date of issuance of a valid arrest warrant.
 30 (3) The date of arrest of the accused person by a law enforcement
 31 officer without a warrant, if the officer has authority to make the
 32 arrest.
 33 (j) A prosecution is considered timely commenced for any offense
 34 to which the defendant enters a plea of guilty, notwithstanding that the
 35 period of limitation has expired.
 36 (k) The following apply to the specified offenses:
 37 (1) A prosecution for an offense under IC 30-2-9-7(b) (misuse of
 38 funeral trust funds) is barred unless commenced within five (5)
 39 years after the date of death of the settlor (as described in
 40 IC 30-2-9).
 41 (2) A prosecution for an offense under IC 30-2-10-9(b) (misuse
 42 of funeral trust funds) is barred unless commenced within five (5)



- 1 years after the date of death of the settlor (as described in
2 IC 30-2-10).
- 3 (3) A prosecution for an offense under IC 30-2-13-38(f) (misuse
4 of funeral trust or escrow account funds) is barred unless
5 commenced within five (5) years after the date of death of the
6 purchaser (as defined in IC 30-2-13-9).
- 7 (l) A prosecution for an offense under IC 23-14-48-9 is barred
8 unless commenced within five (5) years after the earlier of the date on
9 which the state:
- 10 (1) first discovers evidence sufficient to charge the offender with
11 the offense; or
- 12 (2) could have discovered evidence sufficient to charge the
13 offender with the offense by the exercise of due diligence.
- 14 (m) *A prosecution for a sex offense listed in IC 11-8-8-4.5 that is*
15 *committed against a child and that is not:*
- 16 (1) **a Class A felony (for a crime committed before July 1,**
17 **2014) or a Level 1 felony or Level 2 felony (for a crime**
18 **committed after June 30, 2014); or**
- 19 (2) *listed in subsection (e);*
- 20 *is barred unless commenced within ten (10) years after the commission*
21 *of the offense, or within four (4) years after the person ceases to be a*
22 *dependent of the person alleged to have committed the offense,*
23 *whichever occurs later.*
- 24 SECTION 72. IC 35-41-5-1, AS AMENDED BY P.L.247-2013,
25 SECTION 5, AND AS AMENDED BY P.L.158-2013, SECTION 408,
26 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person attempts to commit
28 a crime when, acting with the culpability required for commission of
29 the crime, ~~he~~ *the person* engages in conduct that constitutes a
30 substantial step toward commission of the crime. An attempt to commit
31 a crime is a felony or misdemeanor of the same *level or class* as the
32 crime attempted. However, an attempt to commit murder is a ~~Class A~~
33 *Level 1* felony.
- 34 (b) It is no defense that, because of a misapprehension of the
35 circumstances, *including the age of the intended victim in a*
36 *prosecution for attempted child molesting (IC 35-42-4-3)*, it would
37 have been impossible for the accused person to commit the crime
38 attempted.
- 39 (c) *For purposes of subsection (a), a person engages in conduct that*
40 *constitutes a substantial step if the person, with the intent to commit a*
41 *sex crime against a child or an individual the person believes to be a*
42 *child:*



1 (1) communicates with the child or individual the person believes
2 to be a child concerning the sex crime; and

3 (2) travels to another location to meet the child or individual the
4 person believes to be a child.

5 SECTION 73. IC 35-42-1-1, AS AMENDED BY P.L.158-2013,
6 SECTION 35, AND AS AMENDED BY P.L.214-2013, SECTION 35,
7 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who:

9 (1) knowingly or intentionally kills another human being;

10 (2) kills another human being while committing or attempting to
11 commit arson, burglary, child molesting, consumer product
12 tampering, criminal deviate conduct (*under IC 35-42-4-2 before*
13 *its repeal), on July 1, 2014*), kidnapping, rape, robbery, human
14 trafficking, promotion of human trafficking, sexual trafficking of
15 a minor, or carjacking (*before its repeal*);

16 (3) kills another human being while committing or attempting to
17 commit:

18 (A) dealing in or manufacturing cocaine or a narcotic drug
19 (IC 35-48-4-1);

20 (B) dealing in or manufacturing methamphetamine
21 (IC 35-48-4-1.1);

22 (C) dealing in a schedule I, II, or III controlled substance
23 (IC 35-48-4-2);

24 (D) dealing in a schedule IV controlled substance
25 (IC 35-48-4-3); or

26 (E) dealing in a schedule V controlled substance; or

27 (4) knowingly or intentionally kills a fetus that has attained
28 viability (as defined in IC 16-18-2-365);

29 commits murder, a felony.

30 SECTION 74. IC 35-42-3.5-1, AS AMENDED BY P.L.55-2013,
31 SECTION 1, AND AS AMENDED BY P.L.158-2013, SECTION 436,
32 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who, by force, threat
34 of force, or fraud, knowingly or intentionally recruits, harbors, or
35 transports another person:

36 (1) to engage the other person in:

37 (A) forced labor; or

38 (B) involuntary servitude; or

39 (2) to force the other person into:

40 (A) marriage;

41 (B) prostitution; or

42 (C) participating in sexual conduct (as defined by



- 1 IC 35-42-4-4);
- 2 commits promotion of human trafficking, a ~~Class B~~ *Level 4* felony.
- 3 (b) A person who knowingly or intentionally recruits, harbors, or
- 4 transports a child less than:
- 5 (1) ~~sixteen (16)~~ *eighteen (18)* years of age with the intent of:
- 6 ~~(A)~~ (A) engaging the child in:
- 7 ~~(A)~~ (i) forced labor; or
- 8 ~~(B)~~ (ii) involuntary servitude; or
- 9 ~~(2)~~ (B) inducing or causing the child to:
- 10 ~~(A)~~ (i) engage in prostitution; or
- 11 (ii) *engage in a performance or incident that includes sexual*
- 12 *conduct in violation of IC 35-42-4-4(b) (child exploitation);*
- 13 *or*
- 14 ~~(B)~~ (2) *sixteen (16) years of age with the intent of inducing or*
- 15 *causing the child to participate in sexual conduct (as defined by*
- 16 *IC 35-42-4-4);*
- 17 commits promotion of human trafficking of a minor, a ~~Class B~~ *Level 3*
- 18 felony. Except as provided in subsection (e), it is not a defense to a
- 19 prosecution under this subsection that the child consented to engage in
- 20 prostitution or to participate in sexual conduct.
- 21 (c) A person who is at least eighteen (18) years of age who
- 22 knowingly or intentionally sells or transfers custody of a child less than
- 23 ~~sixteen (16)~~ *eighteen (18)* years of age for the purpose of prostitution
- 24 or participating in sexual conduct (as defined by IC 35-42-4-4)
- 25 commits sexual trafficking of a minor, a ~~Class A~~ *Level 2* felony.
- 26 (d) A person who knowingly or intentionally pays, offers to pay, or
- 27 agrees to pay money or other property to another person for an
- 28 individual who the person knows has been forced into:
- 29 (1) forced labor;
- 30 (2) involuntary servitude; or
- 31 (3) prostitution;
- 32 commits human trafficking, a ~~Class C~~ *Level 5* felony.
- 33 (e) It is a defense to a prosecution under subsection ~~(b)(2)(B)~~ (b)(2)
- 34 if:
- 35 (1) the child is at least fourteen (14) years of age but less than
- 36 sixteen (16) years of age and the person is less than eighteen (18)
- 37 years of age; or
- 38 (2) all the following apply:
- 39 (A) The person is not more than four (4) years older than the
- 40 victim.
- 41 (B) The relationship between the person and the victim was a
- 42 dating relationship or an ongoing personal relationship. The



- 1 term "ongoing personal relationship" does not include a family
 2 relationship.
 3 (C) The crime:
 4 (i) was not committed by a person who is at least twenty-one
 5 (21) years of age;
 6 (ii) was not committed by using or threatening the use of
 7 deadly force;
 8 (iii) was not committed while armed with a deadly weapon;
 9 (iv) did not result in serious bodily injury;
 10 (v) was not facilitated by furnishing the victim, without the
 11 victim's knowledge, with a drug (as defined in
 12 IC 16-42-19-2(1)) or a controlled substance (as defined in
 13 IC 35-48-1-9) or knowing that the victim was furnished with
 14 the drug or controlled substance without the victim's
 15 knowledge; and
 16 (vi) was not committed by a person having a position of
 17 authority or substantial influence over the victim.
 18 (D) The person has not committed another sex offense (as
 19 defined in IC 11-8-8-5.2), including a delinquent act that
 20 would be a sex offense if committed by an adult, against any
 21 other person.
 22 SECTION 75. IC 35-42-4-1, AS AMENDED BY P.L.158-2013,
 23 SECTION 437, AND AS AMENDED BY P.L.214-2013, SECTION
 24 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in
 26 subsection (b), a person who knowingly or intentionally has sexual
 27 intercourse with *a member of the opposite sex another person* or
 28 knowingly or intentionally causes another person to perform or submit
 29 to *deviate sexual conduct other sexual conduct (as defined in*
 30 *IC 35-31.5-2-221.5)* when:
 31 (1) the other person is compelled by force or imminent threat of
 32 force;
 33 (2) the other person is unaware that the sexual intercourse or
 34 *deviate sexual conduct other sexual conduct (as defined in*
 35 *IC 35-31.5-2-221.5)* is occurring; or
 36 (3) the other person is so mentally disabled or deficient that
 37 consent to sexual intercourse or *deviate sexual conduct other*
 38 *sexual conduct (as defined in IC 35-31.5-2-221.5)* cannot be
 39 given;
 40 commits rape, a *Class B Level 3* felony.
 41 (b) An offense described in subsection (a) is a *Class A Level 1*
 42 felony if:



- 1 (1) it is committed by using or threatening the use of deadly force;
 2 (2) it is committed while armed with a deadly weapon;
 3 (3) it results in serious bodily injury to a person other than a
 4 defendant; or
 5 (4) the commission of the offense is facilitated by furnishing the
 6 victim, without the victim's knowledge, with a drug (as defined in
 7 IC 16-42-19-2(1)) or a controlled substance (as defined in
 8 IC 35-48-1-9) or knowing that the victim was furnished with the
 9 drug or controlled substance without the victim's knowledge.

10 SECTION 76. IC 35-42-4-3, AS AMENDED BY P.L.158-2013,
 11 SECTION 439, AND AS AMENDED BY P.L.247-2013, SECTION 6,
 12 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who, with a child
 14 under fourteen (14) years of age, *knowingly or intentionally* performs
 15 or submits to sexual intercourse or *deviate* other sexual conduct (as
 16 defined in IC 35-31.5-2-221.5) commits child molesting, a *Class B*
 17 *Level 3* felony. However, the offense is a *Class A Level 1* felony if:

- 18 (1) it is committed by a person at least twenty-one (21) years of
 19 age;
 20 (2) it is committed by using or threatening the use of deadly force
 21 or while armed with a deadly weapon;
 22 (3) it results in serious bodily injury; or
 23 (4) the commission of the offense is facilitated by furnishing the
 24 victim, without the victim's knowledge, with a drug (as defined in
 25 IC 16-42-19-2(1)) or a controlled substance (as defined in
 26 IC 35-48-1-9) or knowing that the victim was furnished with the
 27 drug or controlled substance without the victim's knowledge.

28 (b) A person who, with a child under fourteen (14) years of age,
 29 performs or submits to any fondling or touching, of either the child or
 30 the older person, with intent to arouse or to satisfy the sexual desires of
 31 either the child or the older person, commits child molesting, a *Class*
 32 *Level 4* felony. However, the offense is a *Class A Level 2* felony if:

- 33 (1) it is committed by using or threatening the use of deadly force;
 34 (2) it is committed while armed with a deadly weapon; or
 35 (3) the commission of the offense is facilitated by furnishing the
 36 victim, without the victim's knowledge, with a drug (as defined in
 37 IC 16-42-19-2(1)) or a controlled substance (as defined in
 38 IC 35-48-1-9) or knowing that the victim was furnished with the
 39 drug or controlled substance without the victim's knowledge.

40 (c) *A person may be convicted of attempted child molesting of an*
 41 *individual at least fourteen (14) years of age if the person believed the*
 42 *individual to be a child under fourteen (14) years of age at the time the*



1 *person attempted to commit the offense.*

2 (d) It is a defense *to a prosecution under this section* that the
3 accused person reasonably believed that the child was sixteen (16)
4 years of age or older at the time of the conduct, unless:

5 (1) the offense is committed by using or threatening the use of
6 deadly force or while armed with a deadly weapon;

7 (2) the offense results in serious bodily injury; or

8 (3) the commission of the offense is facilitated by furnishing the
9 victim, without the victim's knowledge, with a drug (as defined in
10 IC 16-42-19-2(1)) or a controlled substance (as defined in
11 IC 35-48-1-9) or knowing that the victim was furnished with the
12 drug or controlled substance without the victim's knowledge.

13 SECTION 77. IC 35-42-4-4, AS AMENDED BY P.L.214-2013,
14 SECTION 38, AND AS AMENDED BY P.L.158-2013, SECTION
15 440, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The following definitions
17 apply throughout this section:

18 (1) "Disseminate" means to transfer possession for free or for a
19 consideration.

20 (2) "Matter" has the same meaning as in IC 35-49-1-3.

21 (3) "Performance" has the same meaning as in IC 35-49-1-7.

22 (4) "Sexual conduct" means ~~(A)~~ sexual intercourse, ~~(B)~~ *deviate*
23 *other* sexual conduct (as defined in IC 35-31.5-2-221.5), ~~(C)~~,
24 exhibition of the ~~(i)~~ uncovered genitals *or* ~~(ii)~~ *femate breast with*
25 *less than a fully opaque covering of any part of the nipple;*
26 intended to satisfy or arouse the sexual desires of any person, ~~(D)~~
27 sadomasochistic abuse, ~~(E)~~ sexual intercourse or *deviate other*
28 *sexual conduct (as defined in IC 35-31.5-2-221.5)* with an animal,
29 or ~~(F)~~ any fondling or touching of a child by another person or of
30 another person by a child intended to arouse or satisfy the sexual
31 desires of either the child or the other person.

32 (b) A person who:

33 (1) knowingly or intentionally ~~(A)~~ manages, produces, sponsors,
34 presents, exhibits, photographs, films, videotapes, or creates a
35 digitized image of any performance or incident that includes
36 sexual conduct by a child under eighteen (18) years of age;

37 (2) *knowingly or intentionally* disseminates, exhibits to another
38 person, offers to disseminate or exhibit to another person, or
39 sends or brings into Indiana for dissemination or exhibition matter
40 that depicts or describes sexual conduct by a child under eighteen
41 (18) years of age; ~~or~~

42 (3) *knowingly or intentionally* makes available to another person



1 a computer, knowing that the computer's fixed drive or peripheral
 2 device contains matter that depicts or describes sexual conduct by
 3 a child less than eighteen (18) years of age; or
 4 (4) with the intent to satisfy or arouse the sexual desires of any
 5 person:

6 (A) knowingly or intentionally:

7 (i) manages;

8 (ii) produces;

9 (iii) sponsors;

10 (iv) presents;

11 (v) exhibits;

12 (vi) photographs;

13 (vii) films;

14 (viii) videotapes; or

15 (ix) creates a digitized image of;

16 any performance or incident that includes the uncovered
 17 genitals of a child less than eighteen (18) years of age or the
 18 exhibition of the female breast with less than a fully opaque
 19 covering of any part of the nipple by a child less than eighteen
 20 (18) years of age;

21 (B) knowingly or intentionally:

22 (i) disseminates to another person;

23 (ii) exhibits to another person;

24 (iii) offers to disseminate or exhibit to another person; or

25 (iv) sends or brings into Indiana for dissemination or
 26 exhibition;

27 matter that depicts the uncovered genitals of a child less than
 28 eighteen (18) years of age or the exhibition of the female
 29 breast with less than a fully opaque covering of any part of the
 30 nipple by a child less than eighteen (18) years of age; or

31 (C) makes available to another person a computer, knowing
 32 that the computer's fixed drive or peripheral device contains
 33 matter that depicts the uncovered genitals of a child less than
 34 eighteen (18) years of age or the exhibition of the female
 35 breast with less than a fully opaque covering of any part of the
 36 nipple by a child less than eighteen (18) years of age;

37 commits child exploitation, a ~~Class C~~ Level 5 felony.

38 (c) A person who knowingly or intentionally possesses:

39 (1) a picture;

40 (2) a drawing;

41 (3) a photograph;

42 (4) a negative image;



- 1 (5) undeveloped film;
 2 (6) a motion picture;
 3 (7) a videotape;
 4 (8) a digitized image; or
 5 (9) any pictorial representation;
 6 that depicts or describes sexual conduct by a child who the person
 7 knows is less than ~~sixteen (16)~~ *eighteen (18)* years of age or who
 8 appears to be less than ~~sixteen (16)~~ *eighteen (18)* years of age, and that
 9 lacks serious literary, artistic, political, or scientific value commits
 10 possession of child pornography, a ~~Class D Level 6~~ felony.
- 11 (d) Subsections (b) and (c) do not apply to a bona fide school,
 12 museum, or public library that qualifies for certain property tax
 13 exemptions under IC 6-1.1-10, or to an employee of such a school,
 14 museum, or public library acting within the scope of the employee's
 15 employment when the possession of the listed materials is for
 16 legitimate scientific or educational purposes.
- 17 (e) It is a defense to a prosecution under this section that:
 18 (1) the person is a school employee; and
 19 (2) the acts constituting the elements of the offense were
 20 performed solely within the scope of the person's employment as
 21 a school employee.
- 22 (f) Except as provided in subsection (g), it is a defense to a
 23 prosecution under *subsection (b) or (c) subsection (b)(1); subsection*
 24 *(b)(2); or subsection (e)* if all of the following apply:
 25 (1) A cellular telephone, another wireless or cellular
 26 communications device, or a social networking web site was used
 27 to possess, produce, or disseminate the image.
 28 (2) The defendant is not more than four (4) years older or younger
 29 than the person who is depicted in the image or who received the
 30 image.
 31 (3) The relationship between the defendant and the person who
 32 received the image or who is depicted in the image was a dating
 33 relationship or an ongoing personal relationship. For purposes of
 34 this subdivision, the term "ongoing personal relationship" does
 35 not include a family relationship.
 36 (4) The crime was committed by a person less than twenty-two
 37 (22) years of age.
 38 (5) The person receiving the image or who is depicted in the
 39 image acquiesced in the defendant's conduct.
- 40 (g) The defense to a prosecution described in subsection (f) does not
 41 apply if:
 42 (1) the person who receives the image disseminates it to a person



- 1 other than the person:
 2 (A) who sent the image; or
 3 (B) who is depicted in the image;
 4 (2) the image is of a person other than the person who sent the
 5 image or received the image; or
 6 (3) the dissemination of the image violates:
 7 (A) a protective order to prevent domestic or family violence
 8 issued under IC 34-26-5 (or, if the order involved a family or
 9 household member, under IC 34-26-2 or IC 34-4-5.1-5 before
 10 their repeal);
 11 (B) an ex parte protective order issued under IC 34-26-5 (or,
 12 if the order involved a family or household member, an
 13 emergency order issued under IC 34-26-2 or IC 34-4-5.1
 14 before their repeal);
 15 (C) a workplace violence restraining order issued under
 16 IC 34-26-6;
 17 (D) a no contact order in a dispositional decree issued under
 18 IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or
 19 IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an
 20 order issued under IC 31-32-13 (or IC 31-6-7-14 before its
 21 repeal) that orders the person to refrain from direct or indirect
 22 contact with a child in need of services or a delinquent child;
 23 (E) a no contact order issued as a condition of pretrial release,
 24 including release on bail or personal recognizance, or pretrial
 25 diversion, and including a no contact order issued under
 26 IC 35-33-8-3.6;
 27 (F) a no contact order issued as a condition of probation;
 28 (G) a protective order to prevent domestic or family violence
 29 issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2
 30 before their repeal);
 31 (H) a protective order to prevent domestic or family violence
 32 issued under IC 31-14-16-1 in a paternity action;
 33 (I) a no contact order issued under IC 31-34-25 in a child in
 34 need of services proceeding or under IC 31-37-25 in a juvenile
 35 delinquency proceeding;
 36 (J) an order issued in another state that is substantially similar
 37 to an order described in clauses (A) through (I);
 38 (K) an order that is substantially similar to an order described
 39 in clauses (A) through (I) and is issued by an Indian:
 40 (i) tribe;
 41 (ii) band;
 42 (iii) pueblo;



- 1 (iv) nation; or
 2 (v) organized group or community, including an Alaska
 3 Native village or regional or village corporation as defined
 4 in or established under the Alaska Native Claims Settlement
 5 Act (43 U.S.C. 1601 et seq.);
 6 that is recognized as eligible for the special programs and
 7 services provided by the United States to Indians because of
 8 their special status as Indians;
 9 (L) an order issued under IC 35-33-8-3.2; or
 10 (M) an order issued under IC 35-38-1-30.

11 **(h) It is a defense to a prosecution under this section that:**

- 12 **(1) the person was less than eighteen (18) years of age at the**
 13 **time the alleged offense was committed; and**
 14 **(2) the circumstances described in IC 35-45-4-6(a)(2) through**
 15 **IC 35-45-4-6(a)(4) apply.**

16 **(i) A person is entitled to present the defense described in**
 17 **subsection (h) in a pretrial hearing. If a person proves by a**
 18 **preponderance of the evidence in a pretrial hearing that the**
 19 **defense described in subsection (h) applies, the court shall dismiss**
 20 **the charges under this section with prejudice.**

21 SECTION 78. IC 35-42-4-6, AS AMENDED BY P.L.158-2013,
 22 SECTION 442, AND AS AMENDED BY P.L.247-2013, SECTION 7,
 23 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) As used in this section,
 25 "solicit" means to command, authorize, urge, incite, request, or advise
 26 an individual:

- 27 (1) *in person;*
 28 (2) *by telephone or wireless device;*
 29 (3) *in writing;*
 30 (4) *by using a computer network (as defined in IC 35-43-2-3(a));*
 31 (5) *by advertisement of any kind; or*
 32 (6) *by any other means;*

33 to perform an act described in subsection (b) or (c).

34 (b) A person eighteen (18) years of age or older who knowingly or
 35 intentionally solicits a child under fourteen (14) years of age, or an
 36 individual the person believes to be a child under fourteen (14) years
 37 of age, to engage in ~~(1)~~ sexual intercourse, ~~(2)~~ *deviate* other sexual
 38 conduct (as defined in IC 35-31.5-2-221.5), or ~~(3)~~ any fondling or
 39 touching intended to arouse or satisfy the sexual desires of either the
 40 child or the older person, commits child solicitation, a ~~Class D~~ Level
 41 5 felony. *However, the offense is*

42 *(1) a Class C felony if it is committed by using a computer*



1 *network (as defined in IC 35-43-2-3(a)); and*
 2 *(2) a Class B felony if the person* **However, the offense is a**
 3 **Level 4 felony if the person solicits the child or individual the**
 4 *person believes to be a child under fourteen (14) years of age to*
 5 *engage in sexual intercourse or deviate other sexual conduct (as*
 6 **defined in IC 35-31.5-2-221.5) and:**

7 *(A) (1) commits the offense by using a computer network (as*
 8 *defined in IC 35-43-2-3(a)) and commits the offense by using a*
 9 **computer network (as defined in IC 35-43-2-3(a)) and travels**
 10 *to meet the child or individual the person believes to be a child;*
 11 *or*

12 *(B) (2) has a previous unrelated conviction for committing the an*
 13 **offense has a previous unrelated conviction for committing an**
 14 **offense by using a computer network (as defined in**
 15 *IC 35-43-2-3(a)) under this section.*

16 (c) A person at least twenty-one (21) years of age who knowingly or
 17 intentionally solicits a child at least fourteen (14) years of age but less
 18 than sixteen (16) years of age, or an individual the person believes to
 19 be a child at least fourteen (14) years of age but less than sixteen (16)
 20 years of age, to engage in

21 ~~(1)~~ sexual intercourse,

22 ~~(2)~~ *deviate other* sexual conduct (as defined in
 23 *IC 35-31.5-2-221.5), or*

24 ~~(3)~~ any fondling or touching intended to arouse or satisfy the
 25 sexual desires of either the child or the older person,

26 commits child solicitation, a ~~Class D~~ **Level 5** felony.

27 *However, the offense is a Class E felony if it is committed by using a*
 28 *computer network (as defined in IC 35-43-2-3(a)), and a Class B*
 29 *felony if the person commits the offense by using a computer network*
 30 *(as defined in IC 35-43-2-3(a)) and has a previous unrelated*
 31 *conviction for committing the offense by using a computer network (as*
 32 *defined in IC 35-43-2-3(a)).*

33 *However, the offense is*

34 *(1) a Class E felony if the person solicits the child or individual*
 35 *the person believes to be a child at least fourteen (14) but less*
 36 *than sixteen (16) years of age to engage in sexual intercourse or*
 37 *deviate sexual conduct and makes the solicitation by using a*
 38 *computer network (as defined in IC 35-43-2-3(a)); and*

39 *(2) a Class B **Level 4** felony if the person solicits the child or*
 40 *individual the person believes to be a child at least fourteen (14)*
 41 *but less than sixteen (16) years of age to engage in sexual*
 42 *intercourse or deviate other sexual conduct (as defined in*



1 **IC 35-31.5-2-221.5), and:**

2 ~~(A) (1) commits the offense by using a computer network (as~~
 3 ~~defined in IC 35-43-2-3(a)) and travels to meet the child or~~
 4 ~~individual the person believes to be a child; or~~

5 ~~(B) (2) has a previous unrelated conviction for committing the~~
 6 ~~an offense by using a computer network (as defined in~~
 7 ~~IC 35-43-2-3(a)). under this section.~~

8 (d) In a prosecution under this section, including a prosecution for
 9 attempted solicitation, the state is not required to prove that the person
 10 solicited the child to engage in an act described in subsection (b) or (c)
 11 at some immediate time.

12 SECTION 79. IC 35-42-4-7, AS AMENDED BY P.L.208-2013,
 13 SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 443,
 14 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) As used in this section,
 16 "adoptive parent" has the meaning set forth in IC 31-9-2-6.

17 (b) As used in this section, "adoptive grandparent" means the parent
 18 of an adoptive parent.

19 (c) As used in this section, "charter school" has the meaning set
 20 forth in IC 20-18-2-2.5.

21 (d) As used in this section, "child care worker" means a person who:

22 (1) provides care, supervision, or instruction to a child within the
 23 scope of the person's employment in a shelter care facility;

24 (2) is employed by a:

25 (A) school corporation;

26 (B) charter school;

27 (C) nonpublic school; or

28 (D) special education cooperative;

29 attended by a child who is the victim of a crime under this
 30 chapter; or

31 (3) is:

32 (A) affiliated with a:

33 (i) school corporation;

34 (ii) charter school;

35 (iii) nonpublic school; or

36 (iv) special education cooperative;

37 attended by a child who is the victim of a crime under this
 38 chapter, regardless of how or whether the person is
 39 compensated;

40 (B) in a position of trust in relation to a child who attends the
 41 school or cooperative;

42 (C) engaged in the provision of care or supervision to a child



- 1 who attends the school or cooperative; and
 2 (D) at least four (4) years older than the child who is the
 3 victim of a crime under this chapter.
 4 The term does not include a student who attends the school or
 5 cooperative.
 6 (e) As used in this section, "custodian" means any person who
 7 resides with a child and is responsible for the child's welfare.
 8 (f) *As used in this section, "mental health professional" means:*
 9 (1) *a mental health counselor licensed under IC 25-23.6-8.5;*
 10 (2) *a psychologist; or*
 11 (3) *a psychiatrist.*
 12 (f) (g) As used in this section, "military recruiter" means a member
 13 of the armed forces of the United States (as defined in IC 20-33-10-2)
 14 or the Indiana National Guard whose primary job function,
 15 classification, or specialty is recruiting individuals to enlist with the
 16 armed forces of the United States or the Indiana National Guard.
 17 (g) (h) As used in this section, "nonpublic school" has the meaning
 18 set forth in IC 20-18-2-12.
 19 (i) *For purposes of this section, a person has a "professional*
 20 *relationship" with a child if:*
 21 (1) *the person:*
 22 (A) *has a license issued by the state or a political subdivision*
 23 *on the basis of the person's training and experience that*
 24 *authorizes the person to carry out a particular occupation; or*
 25 (B) *is employed in a position in which counseling, supervising,*
 26 *instructing, or recruiting children forms a significant part of*
 27 *the employment; and*
 28 (2) *the person has a relationship with a child that is based on the*
 29 *person's employment or licensed status as described in*
 30 *subdivision (1).*
 31 *The term includes a relationship between a child and a mental health*
 32 *professional or military recruiter. The term does not include a*
 33 *coworker relationship between a child and a person described in*
 34 *subdivision (1)(B).*
 35 (h) (j) As used in this section, "school corporation" has the meaning
 36 set forth in IC 20-18-2-16.
 37 (i) (k) As used in this section, "special education cooperative" has
 38 the meaning set forth in IC 20-35-5-1.
 39 (j) (l) As used in this section, "stepparent" means an individual who
 40 is married to a child's custodial or noncustodial parent and is not the
 41 child's adoptive parent.
 42 (k) (m) If a person who:



- 1 (1) is at least eighteen (18) years of age; and
 2 ~~(2) is:~~
 3 ~~(A) the:~~
 4 ~~(i) guardian, adoptive parent, adoptive grandparent,~~
 5 ~~custodian, or stepparent of; or~~
 6 (2) is the:
 7 (A) guardian, adoptive parent, adoptive grandparent,
 8 custodian, or stepparent of; or
 9 (B) child care worker for;
 10 ~~(ii) child care worker for; or~~
 11 ~~(B) a military recruiter who is attempting to enlist;~~
 12 a child at least sixteen (16) years of age but less than eighteen
 13 (18) years of age;
 14 ~~fondles or touches the child engages with the child in sexual~~
 15 ~~intercourse, deviate other sexual conduct (as defined in~~
 16 ~~IC 35-31.5-2-94), IC 35-31.5-2-221.5), or any fondling or touching~~
 17 ~~with the intent to arouse or satisfy the sexual desires of either the child~~
 18 ~~or the adult, the person commits child seduction, a felony: a Level 6~~
 19 ~~felony. However, the offense is a Level 5 felony if the person engages~~
 20 ~~in sexual intercourse or other sexual conduct (as defined in~~
 21 ~~IC 35-31.5-2-221.5) with the child.~~
 22 (n) A person who:
 23 (1) has or had a professional relationship with a child at least
 24 sixteen (16) years of age but less than eighteen (18) years of age
 25 whom the person knows to be at least sixteen (16) years of age
 26 but less than eighteen (18) years of age;
 27 (2) may exert undue influence on the child because of the person's
 28 current or previous professional relationship with the child; and
 29 (3) uses or exerts the person's professional relationship to engage
 30 in sexual intercourse, ~~deviate other~~ sexual conduct **(as defined**
 31 **in IC 35-31.5-2-221.5)**, or any fondling or touching with the
 32 child with the intent to arouse or satisfy the sexual desires of the
 33 child or the person;
 34 commits child seduction.
 35 (o) A law enforcement officer who:
 36 (1) is at least five (5) years older than a child who is:
 37 (A) at least sixteen (16) years of age; and
 38 (B) less than eighteen (18) years of age;
 39 (2) has contact with the child while acting within the scope of
 40 the law enforcement officer's official duties with respect to the
 41 child; and
 42 (3) uses or exerts the law enforcement officer's professional



1 relationship with the child to engage with the child in:

2 (A) sexual intercourse;

3 (B) other sexual conduct (as defined in IC 35-31.5-2-221.5);

4 or

5 (C) any fondling or touching with the child with the intent
6 to arouse or satisfy the sexual desires of the child or the
7 law enforcement officer;

8 commits child seduction.

9 ~~(p)~~ (p) In determining whether a person used or exerted the
10 person's professional relationship with the child to engage in sexual
11 intercourse, ~~deviate~~ other sexual conduct (as defined in
12 IC 35-31.5-2-221.5), or any fondling or touching with the intent to
13 arouse or satisfy the sexual desires of the child or the person under
14 subsection ~~(n)~~, this section, the trier of fact may consider one (1) or
15 more of the following:

16 (1) The age difference between the person and the child.

17 (2) Whether the person was in a position of trust with respect to
18 the child.

19 (3) Whether the person's conduct with the child violated any
20 ethical obligations of the person's profession or occupation.

21 (4) The authority that the person had over the child.

22 (5) Whether the person exploited any particular vulnerability of
23 the child.

24 (6) Any other evidence relevant to the person's ability to exert
25 undue influence over the child.

26 ~~(p)~~ (q) Child seduction under this section is:

27 (1) a ~~Class D~~ Level 6 felony if the person or law enforcement
28 officer engaged in any fondling or touching with the intent to
29 arouse or satisfy the sexual desires of:

30 (A) the child; or

31 (B) the person or law enforcement officer; and

32 (2) a ~~Class E~~ Level 5 felony if the person or law enforcement
33 officer engaged in sexual intercourse or ~~deviate~~ other sexual
34 conduct (as defined in IC 35-31.5-2-221.5) with the child.

35 SECTION 80. IC 35-42-4-11, AS AMENDED BY P.L.214-2013,
36 SECTION 39, AND AS AMENDED BY P.L.158-2013, SECTION
37 447, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) As used in this section, and
39 except as provided in subsection (d), "offender against children" means
40 a person required to register as a sex or violent offender under
41 IC 11-8-8 who has been:

42 (1) found to be a sexually violent predator under IC 35-38-1-7.5;

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- 1 or
 2 (2) convicted of one (1) or more of the following offenses:
 3 (A) Child molesting (IC 35-42-4-3).
 4 (B) Child exploitation (IC 35-42-4-4(b)).
 5 (C) Child solicitation (IC 35-42-4-6).
 6 (D) Child seduction (IC 35-42-4-7).
 7 (E) Kidnapping (IC 35-42-3-2), if the victim is less than
 8 eighteen (18) years of age, and the person is not the child's
 9 parent or guardian.
 10 (F) Attempt to commit or conspiracy to commit an offense
 11 listed in clauses (A) through (E).
 12 (G) An offense in another jurisdiction that is substantially
 13 similar to an offense described in clauses (A) through (F).
 14 A person is an offender against children by operation of law if the
 15 person meets the conditions described in subdivision (1) or (2) at any
 16 time.
 17 (b) As used in this section, "reside" means to spend more than three
 18 (3) nights in:
 19 (1) a residence; or
 20 (2) if the person does not reside in a residence, a particular
 21 location;
 22 in any thirty (30) day period.
 23 (c) An offender against children who knowingly or intentionally:
 24 (1) resides within one thousand (1,000) feet of:
 25 (A) school property, not including property of an institution
 26 providing post-secondary education;
 27 (B) a youth program center; or
 28 (C) a public park; or
 29 (2) establishes a residence within one (1) mile of the residence of
 30 the victim of the offender's sex offense;
 31 commits a sex offender residency offense, a ~~Class D~~ Level 6 felony.
 32 (d) This subsection does not apply to an offender against children
 33 who has two (2) or more unrelated convictions for an offense described
 34 in subsection (a). A person who is an offender against children may
 35 petition the court to consider whether the person should no longer be
 36 considered an offender against children. The person may file a petition
 37 under this subsection not earlier than ten (10) years after the person is
 38 released from incarceration **or parole, whichever occurs last** (or, if
 39 the person is not incarcerated, not earlier than ten (10) years after the
 40 person is released from probation). ~~or parole, whichever occurs last~~.
 41 A person may file a petition under this subsection not more than one
 42 (1) time per year. A court may dismiss a petition filed under this



1 subsection or conduct a hearing to determine if the person should no
 2 longer be considered an offender against children. If the court conducts
 3 a hearing, the court shall appoint two (2) psychologists or psychiatrists
 4 who have expertise in criminal behavioral disorders to evaluate the
 5 person and testify at the hearing. After conducting the hearing and
 6 considering the testimony of the two (2) psychologists or psychiatrists,
 7 the court shall determine whether the person should no longer be
 8 considered an offender against children. If a court finds that the person
 9 should no longer be considered an offender against children, the court
 10 shall send notice to the department of correction that the person is no
 11 longer considered an offender against children.

12 SECTION 81. IC 35-42-4-12, AS AMENDED BY P.L.247-2013,
 13 SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 448,
 14 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) This section ~~does not apply~~
 16 ~~to a person~~ ~~to~~ ~~applies only to a sex offender (as defined in~~
 17 ~~IC 11-8-8-4.5).~~ ~~whom all of the following apply:~~

18 ~~(1) The person is not more than:~~

19 ~~(A) four (4) years older than the victim if the offense was~~
 20 ~~committed after June 30, 2007; or~~

21 ~~(B) five (5) years older than the victim if the offense was~~
 22 ~~committed before July 1, 2007.~~

23 ~~(2) The relationship between the person and the victim was a~~
 24 ~~dating relationship or an ongoing personal relationship. The~~
 25 ~~term "ongoing personal relationship" does not include a family~~
 26 ~~relationship.~~

27 ~~(3) The crime:~~

28 ~~(A) was not committed by a person who is at least twenty-one~~
 29 ~~(21) years of age;~~

30 ~~(B) was not committed by using or threatening the use of~~
 31 ~~deadly force;~~

32 ~~(C) was not committed while armed with a deadly weapon;~~

33 ~~(D) did not result in serious bodily injury;~~

34 ~~(E) was not facilitated by furnishing the victim, without the~~
 35 ~~victim's knowledge, with a drug (as defined in~~
 36 ~~IC 16-42-19-2(1)) or a controlled substance (as defined in~~
 37 ~~IC 35-48-1-9) or knowing that the victim was furnished with~~
 38 ~~the drug or controlled substance without the victim's~~
 39 ~~knowledge; and~~

40 ~~(F) was not committed by a person having a position of~~
 41 ~~authority or substantial influence over the victim.~~

42 ~~(b) A sex offender who knowingly or intentionally violates a:~~



- 1 (1) condition of probation;
 2 (2) condition of parole; or
 3 (3) rule of a community transition program;
 4 that prohibits the offender from using a social networking web site or
 5 an instant messaging or chat room program to communicate, directly
 6 or through an intermediary, with a child less than sixteen (16) years of
 7 age commits a sex offender Internet offense, a Class A misdemeanor.
 8 However, the offense is a ~~Class D~~ **Level 6** felony if the person has a
 9 prior unrelated conviction under this section.
- 10 (b) This section applies only to a person required to register as a
 11 sex or violent offender under IC 11-8-8 who has been:
- 12 (1) found to be a sexually violent predator under IC 35-38-1-7.5;
 13 or
 14 (2) convicted of one (1) or more of the following offenses:
- 15 (A) Child molesting (IC 35-42-4-3).
 16 (B) Child exploitation (IC 35-42-4-4(b)).
 17 (C) Possession of child pornography (IC 35-42-4-4(c)).
 18 (D) Vicarious sexual gratification (IC 35-42-4-5(a) or
 19 IC 35-42-4-5(b)).
 20 (E) Sexual conduct in the presence of a minor
 21 IC 35-42-4-5(c)).
 22 (F) Child solicitation (IC 35-42-4-6).
 23 (G) Child seduction (IC 35-42-4-7).
 24 (H) Kidnapping (IC 35-42-3-2), if the victim is less than
 25 eighteen (18) years of age and the person is not the child's
 26 parent or guardian.
 27 (I) Attempt to commit or conspiracy to commit an offense
 28 listed in clauses (A) through (H).
 29 (J) An offense in another jurisdiction that is substantially
 30 similar to an offense described in clauses (A) through (H).
- 31 (c) As used in this section, "instant messaging or chat room
 32 program" means a software program that requires a person to register
 33 or create an account, a username, or a password to become a member
 34 or registered user of the program and allows two (2) or more members
 35 or authorized users to communicate over the Internet in real time using
 36 typed text. The term does not include an electronic mail program or
 37 message board program.
- 38 (d) As used in this section, "social networking web site" means an
 39 Internet web site that:
- 40 (1) facilitates the social introduction between two (2) or more
 41 persons;
 42 (2) requires a person to register or create an account, a



1 *username; or a password to become a member of the web site and*
 2 *to communicate with other members;*

3 *(3) allows a member to create a web page or a personal profile;*
 4 *and*

5 *(4) provides a member with the opportunity to communicate with*
 6 *another person.*

7 *The term does not include an electronic mail program or message*
 8 *board program.*

9 *(e) A person described in subsection (b) who knowingly or*
 10 *intentionally uses:*

11 *(1) a social networking web site; or*

12 *(2) an instant messaging or chat room program;*

13 *that the offender knows allows a person who is less than eighteen (18)*
 14 *years of age to access or use the web site or program commits a sex*
 15 *offender Internet offense; a Class A misdemeanor. However, the*
 16 *offense is a Class D Level 6 felony if the person has a prior unrelated*
 17 *conviction under this section.*

18 *(f) It is a defense to a prosecution under this section that the*
 19 *person:*

20 *(1) did not know that the web site or program allowed a person*
 21 *who is less than eighteen (18) years of age to access or use the*
 22 *web site or program; and*

23 *(2) upon discovering that the web site or program allows a*
 24 *person who is less than eighteen (18) years of age to access or*
 25 *use the web site or program; immediately ceased further use or*
 26 *access of the web site or program.*

27 *(c) It is a defense to a prosecution under subsection (b) that the*
 28 *person reasonably believed that the child was at least sixteen (16)*
 29 *years of age.*

30 SECTION 82. IC 35-42-4-13, AS AMENDED BY P.L.247-2013,
 31 SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 449,
 32 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) This section does not apply
 34 to the following:

35 (1) A parent, guardian, or custodian of a child.

36 (2) A person who acts with the permission of a child's parent,
 37 guardian, or custodian.

38 (3) A person to whom a child makes a report of abuse or neglect.

39 (4) A person to whom a child reports medical symptoms that
 40 relate to or may relate to sexual activity.

41 (b) As used in this section, "sexual activity" means sexual
 42 intercourse, *deviate other sexual conduct (as defined in*



1 *IC 35-31.5-2-221.5*), or the fondling or touching of the buttocks,
 2 genitals, or female breasts.
 3 (c) A person at least ~~twenty-one (21)~~ *eighteen (18)* years of age who
 4 knowingly or intentionally communicates with an individual whom the
 5 person believes to be a child less than fourteen (14) years of age
 6 concerning sexual activity with the intent to gratify the sexual desires
 7 of the person or the individual commits inappropriate communication
 8 with a child, a Class B misdemeanor. However, the offense is:
 9 (1) a Class A misdemeanor if the person commits the offense by
 10 using a computer network (as defined in IC 35-43-2-3(a); and
 11 (2) a ~~Class D~~ **Level 6** felony if the person has a prior unrelated
 12 conviction for a sex offense (as defined in IC 11-8-8-5.2).
 13 SECTION 83. IC 35-43-1-1, AS AMENDED BY P.L.158-2013,
 14 SECTION 452, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who, by means of
 16 fire, explosive, or destructive device, knowingly or intentionally
 17 damages:
 18 (1) a dwelling of another person without the other person's
 19 consent;
 20 (2) property of any person under circumstances that endanger
 21 human life;
 22 (3) property of another person without the other person's consent
 23 if the pecuniary loss is at least five thousand dollars (\$5,000); or
 24 (4) a structure used for religious worship without the consent of
 25 the owner of the structure;
 26 commits arson, a Level 4 felony. However, the offense is a Level 3
 27 felony if it results in bodily injury to any person other than a defendant
 28 and a Level 2 felony if it results in serious bodily injury to any person
 29 other than a defendant.
 30 (b) A person who commits arson for hire commits a Level 4 felony.
 31 However, the offense is:
 32 (1) a Level 3 felony if it results in bodily injury to any other
 33 person; and
 34 (2) a Level 2 felony if it results in serious bodily injury to any
 35 other person.
 36 (c) A person who, by means of fire, explosive, or destructive device,
 37 knowingly or intentionally damages property of any person with intent
 38 to defraud commits arson, a ~~Level 5~~ **Level 6** felony.
 39 (d) A person who, by means of fire, explosive, or destructive device,
 40 knowingly or intentionally damages property of another person without
 41 the other person's consent so that the resulting pecuniary loss is at least
 42 two hundred fifty dollars (\$250) but less than five thousand dollars



1 (\$5,000) commits arson, a Level 6 felony.
 2 (e) A person who commits an offense under subsection (a), (b), (c),
 3 or (d) commits a separate offense for each person who suffers a bodily
 4 injury or serious bodily injury that is caused by the violation of
 5 subsection (a), (b), (c), or (d).
 6 SECTION 84. IC 35-43-1-2, AS AMENDED BY P.L.158-2013,
 7 SECTION 453, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who recklessly,
 9 knowingly, or intentionally damages or defaces property of another
 10 person without the other person's consent commits criminal mischief,
 11 a Class B misdemeanor. However, the offense is:
 12 (1) a Class A misdemeanor if the pecuniary loss is at least two
 13 hundred fifty dollars (\$250) but less than two thousand five
 14 hundred dollars (\$2,500); and
 15 (2) a Level 6 felony if:
 16 (A) the pecuniary loss is at least two thousand five hundred
 17 dollars (\$2,500);
 18 (B) the damage causes a substantial interruption or impairment
 19 of utility service rendered to the public;
 20 (C) the damage is to a public record; or
 21 (D) the damage is to a law enforcement animal (as defined in
 22 IC 35-46-3-4.5).
 23 (b) A person who recklessly, knowingly, or intentionally damages:
 24 (1) a structure used for religious worship;
 25 (2) a school or community center;
 26 (3) the grounds:
 27 (A) adjacent to; and
 28 (B) owned or rented in common with;
 29 a structure or facility identified in subdivision (1) or (2); or
 30 (4) personal property contained in a structure or located at a
 31 facility identified in subdivision (1) or (2);
 32 without the consent of the owner, possessor, or occupant of the
 33 property that is damaged, commits institutional criminal mischief, a
 34 Class A misdemeanor. However, the offense is a Level 6 felony if the
 35 pecuniary loss is at least two hundred fifty dollars (\$250). ~~but less than~~
 36 ~~two thousand five hundred dollars (\$2,500); and a Level 5 felony if the~~
 37 ~~pecuniary loss is at least two thousand five hundred dollars (\$2,500).~~
 38 (c) If a person is convicted of an offense under this section that
 39 involves the use of graffiti, the court may, in addition to any other
 40 penalty, order that the person's operator's license be suspended or
 41 invalidated by the bureau of motor vehicles for not more than one (1)
 42 year.



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

6 SECTION 85. IC 35-43-1-7, AS ADDED BY P.L.158-2013,
 7 SECTION 458, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A person who knowingly or
 9 intentionally and who without authorization:

- 10 (1) modifies data, a computer program, or supporting
- 11 documentation;
- 12 (2) destroys data, a computer program, or supporting
- 13 documentation; or
- 14 (3) discloses or takes data, a computer program, or supporting
- 15 documentation that is:
 - 16 (A) a trade secret (as defined in IC 24-2-3-2); or
 - 17 (B) otherwise confidential as provided by law;

18 and that resides or exists internally or externally on a computer,
 19 computer system, or computer network, commits an offense against
 20 intellectual property, a Level 6 felony.

21 (b) ~~However, the offense is a Level 5 felony if the offense is~~
 22 ~~committed for the purpose of devising or executing any scheme or~~
 23 ~~artifice to defraud or to obtain any property.~~

24 SECTION 86. IC 35-43-2-2, AS AMENDED BY P.L.203-2013,
 25 SECTION 25, AND AS AMENDED BY P.L.158-2013, SECTION
 26 462, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who:

- 28 (1) not having a contractual interest in the property, knowingly or
- 29 intentionally enters the real property of another person after
- 30 having been denied entry by the other person or that person's
- 31 agent;
- 32 (2) not having a contractual interest in the property, knowingly or
- 33 intentionally refuses to leave the real property of another person
- 34 after having been asked to leave by the other person or that
- 35 person's agent;
- 36 (3) accompanies another person in a vehicle, with knowledge that
- 37 the other person knowingly or intentionally is exerting
- 38 unauthorized control over the vehicle;
- 39 (4) knowingly or intentionally interferes with the possession or
- 40 use of the property of another person without the person's consent;
- 41 (5) not having a contractual interest in the property, knowingly or
- 42 intentionally enters the dwelling of another person without the



- 1 person's consent;
- 2 (6) knowingly or intentionally:
- 3 (A) travels by train without lawful authority or the railroad
- 4 carrier's consent; and
- 5 (B) rides on the outside of a train or inside a passenger car,
- 6 locomotive, or freight car, including a boxcar, flatbed, or
- 7 container without lawful authority or the railroad carrier's
- 8 consent;
- 9 (7) not having a contractual interest in the property, knowingly or
- 10 intentionally enters or refuses to leave the property of another
- 11 person after having been prohibited from entering or asked to
- 12 leave the property by a law enforcement officer when the property
- 13 is ~~(A)~~ vacant or designated by a municipality or county
- 14 enforcement authority to be abandoned property *and (B) subject*
- 15 *to abatement under IC 32-30-6, IC 32-30-7, IC 32-30-8,*
- 16 *IC 36-7-9, or IC 36-7-36 or an abandoned structure (as defined*
- 17 *in IC 36-7-36-1); or*
- 18 (8) knowingly or intentionally enters the property of another
- 19 person after being denied entry by a court order that has been
- 20 issued to the person or issued to the general public by
- 21 conspicuous posting on or around the premises in areas where a
- 22 person can observe the order when the property ~~(A)~~ has been
- 23 designated by a municipality or county enforcement authority to
- 24 be a vacant property, ~~or~~ an abandoned property, *and (B) is subject*
- 25 *to an abatement order under IC 32-30-6, IC 32-30-7, IC 32-30-8,*
- 26 *IC 36-7-9, or IC 36-7-36 or an abandoned structure (as defined*
- 27 *in IC 36-7-36-1);*
- 28 commits criminal trespass, a Class A misdemeanor. However, the
- 29 offense is a ~~Class D Level 6~~ felony if it is committed on a scientific
- 30 research facility, on a key facility, on a facility belonging to a public
- 31 utility (as defined in IC 32-24-1-5.9(a)), on school property, or on a
- 32 school bus or the person has a prior unrelated conviction for an offense
- 33 under this section concerning the same property.
- 34 (b) A person has been denied entry under ~~subdivision subsection~~
- 35 (a)(1) ~~of this section~~ when the person has been denied entry by means
- 36 of:
- 37 (1) personal communication, oral or written;
- 38 (2) posting or exhibiting a notice at the main entrance in a manner
- 39 that is either prescribed by law or likely to come to the attention
- 40 of the public; or
- 41 (3) a hearing authority or court order under IC 32-30-6,
- 42 IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36.



1 (c) A law enforcement officer may not deny entry to property or ask
 2 a person to leave a property under subsection (a)(7) unless there is
 3 reasonable suspicion that criminal activity has occurred or is occurring.

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

8 (e) A person described in subsection (a)(8) violates subsection
 9 (a)(8) unless the court that issued the order denying the person entry
 10 grants permission for the person to come onto the property.

11 (f) Subsections (a), (b), and (e) do not apply to the following:

12 (1) A passenger on a train.

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

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

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

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

23 (A) as a passenger; or

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

25 (6) A:

26 (A) person; or

27 (B) person's:

28 (i) family member;

29 (ii) invitee;

30 (iii) employee;

31 (iv) agent; or

32 (v) independent contractor;

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

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

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

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

42 (10) A representative of the National Transportation Safety Board



1 while engaged in the performance of official duties.
 2 SECTION 87. IC 35-43-4-2.5, AS AMENDED BY P.L.158-2013,
 3 SECTION 465, IS AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) As used in this section,
 5 "motor vehicle" has the meaning set forth in IC 9-13-2-105(a).
 6 (b) A person who knowingly or intentionally exerts unauthorized
 7 control over the motor vehicle of another person, with intent to deprive
 8 the owner of:
 9 (1) the vehicle's value or use; or
 10 (2) a component part (as defined in IC 9-13-2-34) of the vehicle;
 11 commits auto theft, a Level 6 felony. ~~However, the offense is a Level~~
 12 ~~5 felony if the person has a prior conviction of an offense under this~~
 13 ~~subsection or subsection (c).~~
 14 (c) A person who knowingly or intentionally receives, retains, or
 15 disposes of a motor vehicle or any part of a motor vehicle of another
 16 person that has been the subject of theft commits receiving stolen auto
 17 parts, a Level 6 felony. ~~However, the offense is a Level 5 felony if the~~
 18 ~~person has a prior conviction of an offense under this subsection or~~
 19 ~~subsection (b).~~
 20 SECTION 88. IC 35-43-5-4.6, AS ADDED BY P.L.293-2013(ts),
 21 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2014]: Sec. 4.6. (a) The following definitions apply
 23 throughout this section:
 24 (1) "Automated sales suppression device" means a software
 25 program:
 26 (A) carried on a memory stick or removable compact disc;
 27 (B) accessed through an Internet link; or
 28 (C) accessed through any other means;
 29 that falsifies the electronic records of electronic cash registers and
 30 other point-of-sale systems, including transaction data and
 31 transaction reports.
 32 (2) "Electronic cash register" means a device that keeps a register
 33 or supporting documents through the means of an electronic
 34 device or a computer system designed to record transaction data
 35 for the purpose of computing, compiling, or processing retail sales
 36 transaction data in any manner.
 37 (3) "Phantom-ware" means a hidden, a pre-installed, or an
 38 installed at a later time programming option embedded in the
 39 operating system of an electronic cash register or hardwired into
 40 the electronic cash register that:
 41 (A) can be used to create a virtual second till; or
 42 (B) may eliminate or manipulate transaction records that may



- 1 or may not be preserved in digital formats to represent the true
 2 or manipulated record of transactions in the electronic cash
 3 register.
- 4 (4) "Transaction data" includes information regarding:
 5 (A) items purchased by a customer;
 6 (B) the price for each item;
 7 (C) a taxability determination for each item;
 8 (D) a segregated tax amount for each of the taxed items;
 9 (E) the amount of cash or credit tendered;
 10 (F) the net amount returned to the customer in change;
 11 (G) the date and time of the purchase;
 12 (H) the name, address, and identification number of the
 13 vendor; and
 14 (I) the receipt or invoice number of the transaction.
- 15 (5) "Transaction report" means:
 16 (A) a report that includes:
 17 (i) the sales;
 18 (ii) taxes collected;
 19 (iii) media totals; and
 20 (iv) discount voids;
 21 at an electronic cash register that is printed on cash register
 22 tape at the end of a day or shift; or
 23 (B) a report documenting every action at an electronic cash
 24 register that is stored electronically.
- 25 (6) "Zapper" refers to an automated sales suppression device.
 26 (b) A person who knowingly or intentionally sells, purchases,
 27 installs, transfers, or possesses:
 28 (1) an automated sales suppression device or a zapper; or
 29 (2) phantom-ware;
 30 after June 30, 2013, commits unlawful sale or possession of a
 31 transaction manipulation device, a ~~Class C~~ **Level 5** felony.
- 32 SECTION 89. IC 35-44.1-2-3, AS AMENDED BY P.L.292-2013,
 33 SECTION 11, AND AS AMENDED BY P.L.158-2013, SECTION 503
 34 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) As used in this section,
 36 "consumer product" has the meaning set forth in IC 35-45-8-1.
 37 (b) As used in this section, "misconduct" means a violation of a
 38 departmental rule or procedure of a law enforcement agency.
 39 (c) A person who reports, by telephone, telegraph, mail, or other
 40 written or oral communication, that:
 41 (1) the person or another person has placed or intends to place an
 42 explosive, a destructive device, or other destructive substance in



1 a building or transportation facility;
 2 (2) there has been or there will be tampering with a consumer
 3 product introduced into commerce; or
 4 (3) there has been or will be placed or introduced a weapon of
 5 mass destruction in a building or a place of assembly;
 6 knowing the report to be false, commits false reporting, a ~~Class D Level~~
 7 6 felony.

8 (d) A person who:

9 (1) gives a false report of the commission of a crime or gives false
 10 information in the official investigation of the commission of a
 11 crime, knowing the report or information to be false;

12 (2) gives a false alarm of fire to the fire department of a
 13 governmental entity, knowing the alarm to be false;

14 (3) makes a false request for ambulance service to an ambulance
 15 service provider, knowing the request to be false;

16 (4) gives a false report concerning a missing child (as defined in
 17 IC 10-13-5-4) or missing endangered adult (as defined in
 18 IC 12-7-2-131.3) or gives false information in the official
 19 investigation of a missing child or missing endangered adult
 20 knowing the report or information to be false;

21 (5) makes a complaint against a law enforcement officer to the
 22 state or municipality (as defined in IC 8-1-13-3(b)) that employs
 23 the officer:

24 (A) alleging the officer engaged in misconduct while
 25 performing the officer's duties; and

26 (B) knowing the complaint to be false; ~~or~~

27 (6) makes a false report of a missing person, knowing the report
 28 or information is false; *or*

29 (7) gives a false report of actions, behavior, or conditions
 30 concerning a septic tank soil absorption system under
 31 IC 8-1-2-125 or IC 13-26-5-2.5 knowing the report or
 32 information to be false;

33 commits false informing, a Class B misdemeanor. However, the offense
 34 is a Class A misdemeanor if it substantially hinders any law
 35 enforcement process or if it results in harm to ~~an innocent~~ another
 36 person.

37 SECTION 90. IC 35-44.1-3-1, AS AMENDED BY P.L.172-2013,
 38 SECTION 11, AND AS AMENDED BY P.L.158-2013, SECTION
 39 509, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who knowingly or
 41 intentionally:

42 (1) forcibly resists, obstructs, or interferes with a law enforcement



1 officer or a person assisting the officer while the officer is
2 lawfully engaged in the execution of the officer's duties;

3 (2) forcibly resists, obstructs, or interferes with the authorized
4 service or execution of a civil or criminal process or order of a
5 court; or

6 (3) flees from a law enforcement officer after the officer has, by
7 visible or audible means, including operation of the law
8 enforcement officer's siren or emergency lights, identified himself
9 or herself and ordered the person to stop;

10 commits resisting law enforcement, a Class A misdemeanor, except as
11 provided in subsection (b).

12 (b) The offense under subsection (a) is a:

13 (1) ~~Class D~~ Level 6 felony if:

14 (A) the offense is described in subsection (a)(3) and the person
15 uses a vehicle to commit the offense; or

16 (B) while committing any offense described in subsection (a),
17 the person draws or uses a deadly weapon, inflicts bodily
18 injury on or otherwise causes bodily injury to another person,
19 or operates a vehicle in a manner that creates a substantial risk
20 of bodily injury to another person;

21 (2) ~~Class E~~ Level 5 felony if, while committing any offense
22 described in subsection (a), the person operates a vehicle in a
23 manner that causes serious bodily injury to another person;

24 (3) ~~Class B~~ Level 3 felony if, while committing any offense
25 described in subsection (a), the person operates a vehicle in a
26 manner that causes the death of another person; and

27 (4) ~~Class A~~ Level 2 felony if, while committing any offense
28 described in subsection (a), the person operates a vehicle in a
29 manner that causes the death of a law enforcement officer while
30 the law enforcement officer is engaged in the officer's official
31 duties.

32 ~~(c) For purposes of this section, a law enforcement officer includes~~
33 ~~an enforcement officer of the alcohol and tobacco commission and a~~
34 ~~conservation officer of the department of natural resources.~~

35 ~~(d)~~ (c) If a person uses a vehicle to commit a felony offense under
36 subsection (b)(1)(B), (b)(2), (b)(3), or (b)(4), as part of the criminal
37 penalty imposed for the offense, the court shall impose a minimum
38 executed sentence of at least:

39 (1) thirty (30) days, if the person does not have a prior unrelated
40 conviction under this section;

41 (2) one hundred eighty (180) days, if the person has one (1) prior
42 unrelated conviction under this section; or



- 1 (3) one (1) year, if the person has two (2) or more prior unrelated
- 2 convictions under this section.
- 3 ~~(e)~~ (d) Notwithstanding ~~IC 35-50-2-2~~ IC 35-50-2-2.2 and
- 4 IC 35-50-3-1, the mandatory minimum sentence imposed under
- 5 subsection ~~(c)~~ (c) may not be suspended.
- 6 ~~(f)~~ (e) If a person is convicted of an offense involving the use of a
- 7 motor vehicle under:
- 8 (1) subsection (b)(1)(A), if the person exceeded the speed limit by
- 9 at least twenty (20) miles per hour while committing the offense;
- 10 (2) subsection (b)(2); or
- 11 (3) subsection (b)(3);
- 12 the court may notify the bureau of motor vehicles to suspend or revoke
- 13 the person's driver's license and all certificates of registration and
- 14 license plates issued or registered in the person's name in accordance
- 15 with IC 9-30-4-6(b)(3) for the period described in IC 9-30-4-6(d)(4) or
- 16 IC 9-30-4-6(d)(5). The court shall inform the bureau whether the
- 17 person has been sentenced to a term of incarceration. At the time of
- 18 conviction, the court may obtain the person's current driver's license
- 19 and return the license to the bureau of motor vehicles.
- 20 (f) *A person may not be charged or convicted of a crime under*
- 21 *subsection (a)(3) if the law enforcement officer is a school resource*
- 22 *officer acting in the officer's capacity as a school resource officer.*
- 23 SECTION 91. IC 35-44.1-3-5, AS AMENDED BY P.L.5-2013,
- 24 SECTION 1, AND AS AMENDED BY P.L.158-2013, SECTION 512,
- 25 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 26 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As used in this section,
- 27 "juvenile facility" means the following:
- 28 (1) A secure facility (as defined in IC 31-9-2-114) in which a
- 29 child is detained under IC 31 or used for a child awaiting
- 30 adjudication or adjudicated under IC 31 as a child in need of
- 31 services or a delinquent child.
- 32 (2) A shelter care facility (as defined in IC 31-9-2-117) in which
- 33 a child is detained under IC 31 or used for a child awaiting
- 34 adjudication or adjudicated under IC 31 as a child in need of
- 35 services or a delinquent child.
- 36 (b) ~~Except as provided in subsection (d),~~ A person who, without the
- 37 prior authorization of the person in charge of a penal facility or juvenile
- 38 facility, knowingly or intentionally:
- 39 (1) delivers, or carries into the penal facility or juvenile facility
- 40 with intent to deliver, an article to an inmate or child of the
- 41 facility;
- 42 (2) carries, or receives with intent to carry out of the penal facility



1 or juvenile facility, an article from an inmate or child of the
 2 facility; *or*
 3 (3) delivers, or carries to a worksite with the intent to deliver,
 4 alcoholic beverages to an inmate or child of a jail work crew or
 5 community work crew;
 6 commits trafficking with an inmate, a Class A misdemeanor. *However,*
 7 *the offense is a ~~Class C~~ Level 5 felony under subdivision (1) or (2) if*
 8 *the article is a controlled substance, a deadly weapon, or a cellular*
 9 *telephone or other wireless or cellular communications device.*
 10 (c) If:
 11 (1) the person who committed the offense under subsection (b) is
 12 an employee of:
 13 ~~(1) (A) the department of correction; or~~
 14 ~~(2) (B) a penal facility;~~
 15 and the article is a cigarette or tobacco product (as defined in
 16 IC 6-7-2-5), the court shall ~~impose a mandatory~~ *order the person*
 17 *to pay a fine of at least five hundred dollars (\$500) and not more*
 18 *than five thousand ~~dollar~~ dollars (\$5,000) ~~fine~~* under
 19 IC 35-50-3-2, in addition to any term of imprisonment imposed
 20 under IC 35-50-3-2; *or*
 21 (2) *a person is convicted of committing a ~~Class C~~ Level 5 felony*
 22 *under subsection (b)(1) or (b)(2) because the article was a*
 23 *cellular telephone or other wireless or cellular communication*
 24 *device, the court shall order the person to pay a fine of at least*
 25 *five hundred dollars (\$500) and not more than ten thousand*
 26 *dollars (\$10,000) under IC 35-50-2-6(a) in addition to any term*
 27 *of imprisonment imposed on the person under IC 35-50-2-6(a).*
 28 (d) ~~A person who: without the prior authorization of the person in~~
 29 ~~charge of a penal facility or juvenile facility, knowingly or~~
 30 ~~intentionally possesses in, or carries or causes to be brought into, a~~
 31 ~~penal facility or juvenile facility:~~
 32 ~~(1) a controlled substance;~~
 33 ~~(1) is not an inmate of a penal facility or a child of a juvenile~~
 34 ~~facility; and~~
 35 ~~(2) knowingly or intentionally possesses in, or carries or causes~~
 36 ~~to be brought into, the penal facility or juvenile facility a deadly~~
 37 ~~weapon without the prior authorization of the person in charge~~
 38 ~~of the penal facility or juvenile facility; or~~
 39 ~~(3) a cellular telephone or other wireless or cellular~~
 40 ~~communications device;~~
 41 ~~commits a class D felony trafficking with an inmate, carrying a~~
 42 ~~deadly weapon into a correctional facility, a Level 5 felony.~~



1 SECTION 92. IC 35-45-2-1, AS AMENDED BY P.L.123-2013,
 2 SECTION 3, AND AS AMENDED BY P.L.158-2013, SECTION 523,
 3 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who communicates
 5 a threat to another person, with the intent:

6 (1) that the other person engage in conduct against the other
 7 person's will;

8 (2) that the other person be placed in fear of retaliation for a prior
 9 lawful act; or

10 (3) of:

11 (A) causing:

12 ~~(A) (i)~~ a dwelling, a building, or ~~another~~ other structure; or

13 ~~(B) (ii)~~ a vehicle;

14 to be evacuated; or

15 (B) interfering with the occupancy of:

16 (i) a dwelling, building, or other structure; or

17 (ii) a vehicle;

18 commits intimidation, a Class A misdemeanor.

19 (b) However, the offense is a:

20 (1) ~~Class D Level 6~~ felony if:

21 (A) the threat is to commit a forcible felony;

22 (B) the person to whom the threat is communicated:

23 (i) is a law enforcement officer;

24 ~~(ii) is a judge or bailiff of any court;~~

25 ~~(iii) (ii)~~ is a witness (or the spouse or child of a witness) in
 26 any pending criminal proceeding against the person making
 27 the threat;

28 ~~(iv) (iii)~~ is an employee of a *school* or school corporation;

29 ~~(v) (iv)~~ is a community policing volunteer;

30 ~~(vi) (v)~~ is an employee of a court;

31 ~~(vii) (vi)~~ is an employee of a probation department; ~~or~~

32 ~~(viii) (vii)~~ is an employee of a community corrections
 33 program;

34 ~~(ix) (viii)~~ is an employee of a hospital, church, or religious
 35 organization; or

36 ~~(x) (ix)~~ is a person that owns a building or structure that is
 37 open to the public or is an employee of the person;

38 and, except as provided in item (ii), the threat is
 39 communicated to the person because of the occupation,
 40 profession, employment status, or ownership status of the
 41 person as described in items (i) through (ix) or based on an
 42 act taken by the person within the scope of the occupation,



1 *profession, employment status, or ownership status of the*
 2 *person;*
 3 (C) the person has a prior unrelated conviction for an offense
 4 under this section concerning the same victim; or
 5 (D) the threat is communicated using property, including
 6 electronic equipment or systems, of a school corporation or
 7 other governmental entity; and
 8 (2) ~~Class C~~ *Level 5* felony if:
 9 (A) while committing it, the person draws or uses a deadly
 10 weapon; or
 11 (B) *the person to whom the threat is communicated:*
 12 (i) *is a judge or bailiff of any court; or*
 13 (ii) *is a prosecuting attorney or a deputy prosecuting*
 14 *attorney.*
 15 (c) *"Communicates" includes posting a message electronically,*
 16 *including on a social networking web site (as defined in*
 17 *IC 35-42-4-12(d)).*
 18 ~~(e)~~ (d) "Threat" means an expression, by words or action, of an
 19 intention to:
 20 (1) unlawfully injure the person threatened or another person, or
 21 damage property;
 22 (2) unlawfully subject a person to physical confinement or
 23 restraint;
 24 (3) commit a crime;
 25 (4) unlawfully withhold official action, or cause such withholding;
 26 (5) unlawfully withhold testimony or information with respect to
 27 another person's legal claim or defense, except for a reasonable
 28 claim for witness fees or expenses;
 29 (6) expose the person threatened to hatred, contempt, disgrace, or
 30 ridicule;
 31 (7) falsely harm the credit or business reputation of the person
 32 threatened; or
 33 (8) cause the evacuation of a dwelling, a building, another
 34 structure, or a vehicle.
 35 SECTION 93. IC 35-45-4-6 IS ADDED TO THE INDIANA CODE
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 37 1, 2014]: **Sec. 6. (a) This section applies only to a person to whom**
 38 **all of the following apply:**
 39 **(1) The person is less than eighteen (18) years of age.**
 40 **(2) The person is not more than four (4) years older than the**
 41 **individual who is depicted in the image or who received the**
 42 **image.**



- 1 **(3) The relationship between the person and the individual**
- 2 **who received the image or who is depicted in the image was a**
- 3 **dating relationship or an ongoing personal relationship. For**
- 4 **purposes of this subdivision, the term "ongoing personal**
- 5 **relationship" does not include a family relationship.**
- 6 **(4) The individual receiving the image or who is depicted in**
- 7 **the image acquiesced in the person's conduct.**
- 8 **(b) The following definitions apply throughout this section:**
- 9 **(1) "Disseminate" means to transfer possession for no direct**
- 10 **or indirect consideration.**
- 11 **(2) "Matter" has the meaning set forth in IC 35-49-1-3.**
- 12 **(3) "Performance" has the meaning set forth in IC 35-49-1-7.**
- 13 **(4) "Sexual conduct" means sexual intercourse, other sexual**
- 14 **conduct, exhibition of the uncovered genitals intended to**
- 15 **satisfy or arouse the sexual desires of any person,**
- 16 **sadomasochistic abuse, sexual intercourse or other sexual**
- 17 **conduct with an animal, or any fondling or touching of a child**
- 18 **by another person or of another person by a child intended to**
- 19 **arouse or satisfy the sexual desires of either the child or the**
- 20 **other person.**
- 21 **(c) A person who, on or by means of a cellular telephone, social**
- 22 **media web site, or another wireless or cellular communications**
- 23 **device, knowingly or intentionally:**
- 24 **(1) produces, presents, exhibits, photographs, records, or**
- 25 **creates a digitized image of any performance or incident that**
- 26 **includes sexual conduct by a child at least twelve (12) years of**
- 27 **age;**
- 28 **(2) disseminates, exhibits to another person, or offers to**
- 29 **disseminate or exhibit to another person, matter that depicts**
- 30 **or describes sexual conduct by a child at least twelve (12)**
- 31 **years of age; or**
- 32 **(3) possesses:**
- 33 **(A) a picture;**
- 34 **(B) a drawing;**
- 35 **(C) a photograph;**
- 36 **(D) a motion picture;**
- 37 **(E) a digitized image; or**
- 38 **(F) any pictorial representation;**
- 39 **that depicts or describes sexual conduct by a child at least**
- 40 **twelve (12) years of age who the person knows is less than**
- 41 **sixteen (16) years of age or who appears to be less than sixteen**
- 42 **(16) years of age, and that lacks serious literary, artistic,**



1 **political, or scientific value;**
 2 **commits indecent display by a youth, a Class A misdemeanor.**

3 **(d) Subsection (c) does not apply to a bona fide school, museum,**
 4 **or public library that qualifies for certain property tax exemptions**
 5 **under IC 6-1.1-10, or to an employee of that school, museum, or**
 6 **public library acting within the scope of the employee's**
 7 **employment when the possession of the listed materials is for**
 8 **legitimate scientific or educational purposes.**

9 SECTION 94. IC 35-45-6-1, AS AMENDED BY P.L.196-2013,
 10 SECTION 18, AND AS AMENDED BY P.L.158-2013, SECTION
 11 534, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The definitions in this section
 13 apply throughout this chapter.

14 (b) "Documentary material" means any document, drawing,
 15 photograph, recording, or other tangible item containing compiled data
 16 from which information can be either obtained or translated into a
 17 usable form.

18 (c) "Enterprise" means:

19 (1) a sole proprietorship, corporation, limited liability company,
 20 partnership, business trust, or governmental entity; or

21 (2) a union, an association, or a group, whether a legal entity or
 22 merely associated in fact.

23 (d) "Pattern of racketeering activity" means engaging in at least two
 24 (2) incidents of racketeering activity that have the same or similar
 25 intent, result, accomplice, victim, or method of commission, or that are
 26 otherwise interrelated by distinguishing characteristics that are not
 27 isolated incidents. However, the incidents are a pattern of racketeering
 28 activity only if at least one (1) of the incidents occurred after August
 29 31, 1980, and if the last of the incidents occurred within five (5) years
 30 after a prior incident of racketeering activity.

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

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

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

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

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

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

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

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



- 1 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
- 2 (9) Child exploitation (IC 35-42-4-4).
- 3 (10) Robbery (IC 35-42-5-1).
- 4 (11) Carjacking (IC 35-42-5-2) ~~(repeated)~~. **(before its repeal)**.
- 5 (12) Arson (IC 35-43-1-1).
- 6 (13) Burglary (IC 35-43-2-1).
- 7 (14) Theft (IC 35-43-4-2).
- 8 (15) Receiving stolen property (IC 35-43-4-2).
- 9 (16) Forgery (IC 35-43-5-2).
- 10 (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
- 11 (18) Bribery (IC 35-44.1-1-2).
- 12 (19) Official misconduct (IC 35-44.1-1-1).
- 13 (20) Conflict of interest (IC 35-44.1-1-4).
- 14 (21) Perjury (IC 35-44.1-2-1).
- 15 (22) Obstruction of justice (IC 35-44.1-2-2).
- 16 (23) Intimidation (IC 35-45-2-1).
- 17 (24) Promoting prostitution (IC 35-45-4-4).
- 18 (25) Professional gambling (IC 35-45-5-3).
- 19 (26) Maintaining a professional gambling site
- 20 (IC 35-45-5-3.5(b)).
- 21 (27) Promoting professional gambling (IC 35-45-5-4).
- 22 (28) Dealing in or manufacturing cocaine or a narcotic drug
- 23 (IC 35-48-4-1).
- 24 (29) Dealing in or manufacturing methamphetamine
- 25 (IC 35-48-4-1.1).
- 26 (30) Dealing in a schedule I, II, or III controlled substance
- 27 (IC 35-48-4-2).
- 28 (31) Dealing in a schedule IV controlled substance
- 29 (IC 35-48-4-3).
- 30 (32) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 31 (33) Dealing in marijuana, hash oil, hashish, **or** salvia **or** a
- 32 **synthetic cannabinoid** (IC 35-48-4-10).
- 33 (34) Money laundering (IC 35-45-15-5).
- 34 (35) A violation of IC 35-47.5-5.
- 35 (36) A violation of any of the following:
- 36 (A) IC 23-14-48-9.
- 37 (B) IC 30-2-9-7(b).
- 38 (C) IC 30-2-10-9(b).
- 39 (D) IC 30-2-13-38(f).
- 40 (37) Practice of law by a person who is not an attorney
- 41 (IC 33-43-2-1).
- 42 (38) *Dealing in a synthetic drug or synthetic drug lookalike*



- 1 *substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its*
 2 *amendment in 2013).*
- 3 SECTION 95. IC 35-46-1-4, AS AMENDED BY P.L.193-2013,
 4 SECTION 6, AND AS AMENDED BY P.L.158-2013, SECTION 550,
 5 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person having the care of
 7 a dependent, whether assumed voluntarily or because of a legal
 8 obligation, who knowingly or intentionally:
 9 (1) places the dependent in a situation that endangers the
 10 dependent's life or health;
 11 (2) abandons or cruelly confines the dependent;
 12 (3) deprives the dependent of necessary support; or
 13 (4) deprives the dependent of education as required by law;
 14 commits neglect of a dependent, a ~~Class D~~ *Level 6* felony.
- 15 (b) However, the offense is:
 16 (1) a ~~Class E~~ *Level 5* felony if it is committed under subsection
 17 (a)(1), (a)(2), or (a)(3) and:
 18 (A) results in bodily injury; or
 19 (B) is:
 20 (i) committed in a location where a person is violating
 21 IC 35-48-4-1 ~~(delivery, financing, or manufacture of~~
 22 *(dealing in cocaine or a narcotic drug) or IC 35-48-4-1.1*
 23 ~~(delivery, financing, or manufacture of (dealing in~~
 24 *methamphetamine); or*
 25 (ii) the result of a violation of IC 35-48-4-1 ~~(delivery,~~
 26 ~~financing, or manufacture of~~ *(dealing in cocaine or a*
 27 *narcotic drug) or IC 35-48-4-1.1 (delivery, financing, or*
 28 ~~manufacture of (dealing in methamphetamine);~~
 29 (2) a ~~Class B~~ *Level 3* felony if it is committed under subsection
 30 (a)(1), (a)(2), or (a)(3) and results in serious bodily injury;
 31 (3) a ~~Class A~~ *Level 1* felony if it is committed under subsection
 32 (a)(1), (a)(2), or (a)(3) by a person at least eighteen (18) years of
 33 age and results in the death of a dependent who is less than
 34 fourteen (14) years of age; and
 35 (4) a ~~Class E~~ *Level 5* felony if it is committed under subsection
 36 (a)(2) and consists of cruel confinement or abandonment that:
 37 (A) deprives a dependent of necessary food, water, or sanitary
 38 facilities;
 39 (B) consists of confinement in an area not intended for human
 40 habitation; or
 41 (C) involves the unlawful use of handcuffs, a rope, a cord,
 42 tape, or a similar device to physically restrain a dependent.



- 1 (c) It is a defense to a prosecution based on an alleged act under this
 2 section that:
 3 (1) the accused person left a dependent child who was, at the time
 4 the alleged act occurred, not more than thirty (30) days of age
 5 with an emergency medical provider who took custody of the
 6 child under IC 31-34-2.5 when:
 7 (A) the prosecution is based solely on the alleged act of
 8 leaving the child with the emergency medical services
 9 provider; and
 10 (B) the alleged act did not result in bodily injury or serious
 11 bodily injury to the child; or
 12 (2) the accused person, in the legitimate practice of the accused
 13 person's religious belief, provided treatment by spiritual means
 14 through prayer, in lieu of medical care, to the accused person's
 15 dependent.
 16 (d) Except for property transferred or received:
 17 (1) under a court order made in connection with a proceeding
 18 under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5
 19 or IC 31-6-5 before their repeal); or
 20 (2) under section 9(b) of this chapter;
 21 a person who transfers or receives any property in consideration for the
 22 termination of the care, custody, or control of a person's dependent
 23 child commits child selling, a ~~Class D~~ Level 6 felony.
 24 SECTION 96. IC 35-46-3-11, AS AMENDED BY P.L.161-2013,
 25 SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 563,
 26 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person who knowingly or
 28 intentionally:
 29 (1) strikes, torments, injures, or otherwise mistreats a law
 30 enforcement animal; or
 31 (2) interferes with the actions of a law enforcement animal while
 32 the animal is engaged in assisting a law enforcement officer in the
 33 performance of the officer's duties;
 34 commits a Class A misdemeanor.
 35 (b) An offense under subsection (a)(1) is a ~~Class D~~ Level 6 felony
 36 if the act results in:
 37 (1) serious permanent disfigurement;
 38 (2) unconsciousness;
 39 (3) permanent or protracted loss or impairment of the function of
 40 a bodily member or organ; or
 41 (4) death;
 42 of the law enforcement animal.



1 (c) It is a defense that the accused person:
 2 (1) engaged in a reasonable act of training, handling, or
 3 discipline; and
 4 (2) acted as an employee or agent of a law enforcement agency.
 5 (d) In addition to any sentence or fine imposed for a conviction of
 6 an offense under this section, the court:
 7 (1) may order the person convicted to make restitution to the
 8 person or law enforcement agency owning the animal for
 9 reimbursement of ~~(+) veterinary bills~~; and
 10 (2) *shall order the person convicted to make restitution to the*
 11 *person or law enforcement agency owning the animal for*
 12 *reimbursement of ~~replacement costs of the animal~~ the cost of*
 13 *replacing the animal, which may include the cost of training the*
 14 *animal, if the animal is permanently disabled or killed.*
 15 SECTION 97. IC 35-46-9-6, AS ADDED BY P.L.40-2012,
 16 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2014]: Sec. 6. (a) Except as provided in subsections (b) and
 18 (c), a person who operates a motorboat while:
 19 (1) having an alcohol concentration equivalent (as defined in
 20 IC 9-13-2-2.4) to at least eight-hundredths (0.08) gram of alcohol
 21 per:
 22 (A) one hundred (100) milliliters of the person's blood; or
 23 (B) two hundred ten (210) liters of the person's breath;
 24 (2) having a controlled substance listed in schedule I or II of
 25 IC 35-48-2 or its metabolite in the person's body; or
 26 (3) intoxicated;
 27 commits a Class C misdemeanor.
 28 (b) The offense is a ~~Class D~~ **Level 6** felony if:
 29 (1) the person has a previous conviction under:
 30 (A) IC 14-1-5 (repealed); or
 31 (B) this chapter; or
 32 (2) the offense results in serious bodily injury to another person.
 33 (c) The offense is a ~~Class E~~ **Level 5** felony if the offense results in
 34 the death of another person.
 35 (d) It is a defense to a prosecution under subsection (a)(2) that the
 36 accused person consumed the controlled substance under a valid
 37 prescription or order of a practitioner (as defined in IC 35-48-1-24)
 38 who acted in the course of the practitioner's professional practice.
 39 SECTION 98. IC 35-47-4-5, AS AMENDED BY P.L.158-2013,
 40 SECTION 590, AND AS AMENDED BY P.L.214-2013, SECTION
 41 40, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As used in this section,



- 1 "serious violent felon" means a person who has been convicted of:
 2 (1) committing a serious violent felony in:
 3 (A) Indiana; or
 4 (B) any other jurisdiction in which the elements of the crime
 5 for which the conviction was entered are substantially similar
 6 to the elements of a serious violent felony; or
 7 (2) attempting to commit or conspiring to commit a serious
 8 violent felony in:
 9 (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2;
 10 or
 11 (B) any other jurisdiction in which the elements of the crime
 12 for which the conviction was entered are substantially similar
 13 to the elements of attempting to commit or conspiring to
 14 commit a serious violent felony.
- 15 (b) As used in this section, "serious violent felony" means:
 16 (1) murder (IC 35-42-1-1);
 17 (2) voluntary manslaughter (IC 35-42-1-3);
 18 (3) reckless homicide not committed by means of a vehicle
 19 (IC 35-42-1-5);
 20 (4) battery (*IC 35-42-2-1*) as a:
 21 (A) Class A felony, ~~(IC 35-42-2-1(a)(5))~~; *Class B felony, or*
 22 *Class C felony, for a crime committed before July 1, 2014; or*
 23 *(B) Class B felony (IC 35-42-2-1(a)(4)); or Level 2 felony,*
 24 *Level 3 felony, Level 4 felony, or Level 5 felony, for a crime*
 25 *committed after June 30, 2014;*
 26 ~~(C) Class C felony (IC 35-42-2-1(a)(3));~~
 27 (5) aggravated battery (IC 35-42-2-1.5);
 28 (6) kidnapping (IC 35-42-3-2);
 29 (7) criminal confinement (IC 35-42-3-3);
 30 (8) rape (IC 35-42-4-1);
 31 (9) criminal deviate conduct (IC 35-42-4-2) ~~(repealed)~~; **(before**
 32 **its repeal)**;
 33 (10) child molesting (IC 35-42-4-3);
 34 (11) sexual battery (*IC 35-42-4-8*) as a:
 35 (A) Class C felony, ~~(IC 35-42-4-8)~~ *for a crime committed*
 36 *before July 1, 2014; or*
 37 (B) *Level 5 felony, for a crime committed after June 30, 2014;*
 38 (12) robbery (IC 35-42-5-1);
 39 (13) carjacking (IC 35-42-5-2) ~~(repealed)~~; **(before its repeal)**;
 40 (14) arson (*IC 35-43-1-1(a)*) as a:
 41 (A) Class A felony or Class B felony, ~~(IC 35-43-1-1(a))~~; *for a*
 42 *crime committed before July 1, 2014; or*



- 1 (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a
2 crime committed after June 30, 2014;
- 3 (15) burglary (IC 35-43-2-1) as a:
- 4 (A) Class A felony or Class B felony, ~~(IC 35-43-2-1)~~, for a
5 crime committed before July 1, 2014; or
6 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4
7 felony, for a crime committed after June 30, 2014;
- 8 (16) assisting a criminal (IC 35-44.1-2-5) as a:
- 9 (A) Class C felony, ~~(IC 35-44.1-2-5)~~, for a crime committed
10 before July 1, 2014; or
11 (B) Level 5 felony, for a crime committed after June 30, 2014;
- 12 (17) resisting law enforcement (IC 35-44.1-3-1) as a:
- 13 (A) Class B felony or Class C felony, ~~(IC 35-44.1-3-1)~~, for a
14 crime committed before July 1, 2014; or
15 (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a
16 crime committed after June 30, 2014;
- 17 (18) escape (IC 35-44.1-3-4) as a:
- 18 (A) Class B felony or Class C felony, ~~(IC 35-44.1-3-4)~~, for a
19 crime committed before July 1, 2014; or
20 (B) Level 4 felony or Level 5 felony, for a crime committed
21 after June 30, 2014;
- 22 (19) trafficking with an inmate (IC 35-44.1-3-5) as a:
- 23 (A) Class C felony, ~~(IC 35-44.1-3-5)~~, for a crime committed
24 before July 1, 2014; or
25 (B) Level 5 felony, for a crime committed after June 30, 2014;
- 26 (20) criminal gang intimidation (IC 35-45-9-4);
- 27 (21) stalking (IC 35-45-10-5) as a:
- 28 (A) Class B felony or Class C felony, ~~(IC 35-45-10-5)~~, for a
29 crime committed before July 1, 2014; or
30 (B) Level 4 felony or Level 5 felony, for a crime committed
31 after June 30, 2014;
- 32 (22) incest (IC 35-46-1-3);
- 33 (23) dealing in or manufacturing cocaine or a narcotic drug
34 (IC 35-48-4-1);
- 35 (24) dealing in methamphetamine (IC 35-48-4-1.1);
- 36 (25) dealing in a schedule I, II, or III controlled substance
37 (IC 35-48-4-2);
- 38 (26) dealing in a schedule IV controlled substance (IC 35-48-4-3);
- 39 or
- 40 (27) dealing in a schedule V controlled substance (IC 35-48-4-4).
- 41 (c) A serious violent felon who knowingly or intentionally possesses
42 a firearm commits unlawful possession of a firearm by a serious violent



1 felon, a ~~Class B~~ Level 4 felony.

2 SECTION 99. IC 35-47-9-2, AS AMENDED BY P.L.172-2013,
3 SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION
4 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who *knowingly or*
6 *intentionally* possesses a firearm:

7 (1) in or on school property; *or*

8 ~~(2) in or on property that is being used by a school for a school~~
9 ~~function; *or*~~

10 ~~(3) (2) on a school bus;~~

11 commits a ~~Class D~~ Level 6 felony.

12 SECTION 100. IC 35-48-1-16.5, AS ADDED BY P.L.158-2013,
13 SECTION 619, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2014]: Sec. 16.5. "Enhancing circumstance"
15 means one (1) or more of the following:

16 (1) The person has a prior conviction, **in any jurisdiction**, for
17 dealing in a controlled substance that is not marijuana, hashish,
18 hash oil, salvia divinorum, or a synthetic drug, **including an**
19 **attempt or conspiracy to commit the offense.**

20 (2) The person committed the offense while in possession of a
21 firearm.

22 (3) The person committed the offense:

23 (A) on a school bus; *or*

24 (B) in, on, or within five hundred (500) feet of:

25 (i) school property while a person under eighteen (18) years
26 of age was reasonably expected to be present; *or*

27 (ii) a public park while a person under eighteen (18) years
28 of age was reasonably expected to be present.

29 (4) The person delivered or financed the delivery of the drug to a
30 person under eighteen (18) years of age at least three (3) years
31 junior to the person.

32 (5) The person manufactured or financed the manufacture of the
33 drug.

34 **(6) The person committed the offense in the physical presence**
35 **of a child less than eighteen (18) years of age, knowing that**
36 **the child was present and might be able to see or hear the**
37 **offense.**

38 SECTION 101. IC 35-48-4-1, AS AMENDED BY P.L.158-2013,
39 SECTION 622, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who:

41 (1) knowingly or intentionally:

42 (A) manufactures;



- 1 (B) finances the manufacture of;
 2 (C) delivers; or
 3 (D) finances the delivery of;
 4 cocaine or a narcotic drug, pure or adulterated, classified in
 5 schedule I or II; or
 6 (2) possesses, with intent to:
 7 (A) manufacture;
 8 (B) finance the manufacture of;
 9 (C) deliver; or
 10 (D) finance the delivery of;
 11 cocaine or a narcotic drug, pure or adulterated, classified in
 12 schedule I or II;
 13 commits dealing in cocaine or a narcotic drug, a ~~Level 5~~ **Level 4**
 14 felony, except as provided in subsections (b) through (d).
 15 **(b) A person may be convicted of an offense under subsection**
 16 **(a)(2) only if:**
 17 **(1) the amount of the drug involved is at least five (5) grams;**
 18 **and**
 19 **(2) at least two (2) of the following apply:**
 20 **(A) The drugs are packaged individually in a manner**
 21 **consistent with resale.**
 22 **(B) The person possesses a scale that may be used to weigh**
 23 **drug quantities for resale.**
 24 **(C) At the time of the arrest, the person possesses at least**
 25 **five hundred dollars (\$500) in cash.**
 26 **(D) The person possesses adulterants commonly used to cut**
 27 **a drug for resale.**
 28 ~~(b)~~ **(c) The offense is a ~~Level 4~~ Level 3 felony if:**
 29 **(1) the amount of the drug involved is at least ~~three (3)~~ five (5)**
 30 **but less than ten (10) grams; or**
 31 **(2) the amount of the drug involved is less than ~~three (3)~~ five (5)**
 32 **grams and an enhancing circumstance applies.**
 33 ~~(c)~~ **(d) The offense is a ~~Level 3~~ Level 2 felony if:**
 34 **(1) the amount of the drug involved is at least ten (10) but less**
 35 **than ~~twenty-eight (28)~~ grams; or**
 36 **(2) the amount of the drug involved is at least ~~three (3)~~ five (5)**
 37 **but less than ten (10) grams and an enhancing circumstance**
 38 **applies.**
 39 ~~(d)~~ **The offense is a Level 2 felony if:**
 40 **(1) the amount of the drug involved is at least ~~twenty-eight (28)~~**
 41 **grams; or**
 42 **(2) the amount of the drug involved is at least ~~ten (10)~~ but less**



1 ~~than twenty-eight (28) grams and an enhancing circumstance~~
2 ~~applies.~~
3 SECTION 102. IC 35-48-4-1.1, AS AMENDED BY P.L.158-2013,
4 SECTION 623, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2014]: Sec. 1.1. (a) A person who:
6 (1) knowingly or intentionally:
7 (A) manufactures;
8 (B) finances the manufacture of;
9 (C) delivers; or
10 (D) finances the delivery of;
11 methamphetamine, pure or adulterated; or
12 (2) possesses, with intent to:
13 (A) manufacture;
14 (B) finance the manufacture of;
15 (C) deliver; or
16 (D) finance the delivery of;
17 methamphetamine, pure or adulterated;
18 commits dealing in methamphetamine, a ~~Level 5~~ **Level 4** felony, except
19 as provided in subsections (b) through (d).
20 **(b) A person may be convicted of an offense under subsection**
21 **(a)(2) only if:**
22 **(1) the amount of the drug involved is at least five (5) grams;**
23 **and**
24 **(2) at least two (2) of the following apply:**
25 **(A) The drugs are packaged individually in a manner**
26 **consistent with resale.**
27 **(B) The person possesses a scale that may be used to weigh**
28 **drug quantities for resale.**
29 **(C) At the time of the arrest, the person possesses at least**
30 **five hundred dollars (\$500) in cash.**
31 **(D) The person possesses adulterants commonly used to cut**
32 **a drug for resale.**
33 **(c)** ~~The offense is a Level 4~~ **Level 3** felony if:
34 (1) the amount of the drug involved is at least ~~three (3)~~ **five (5)**
35 but less than ten (10) grams; or
36 (2) the amount of the drug involved is less than ~~three (3)~~ **five (5)**
37 grams and an enhancing circumstance applies.
38 **(d)** ~~The offense is a Level 3~~ **Level 2** felony if:
39 (1) the amount of the drug involved is at least ten (10) ~~but less~~
40 ~~than twenty-eight (28) grams; or~~
41 (2) the amount of the drug involved is at least ~~three (3)~~ **five (5)**
42 but less than ten (10) grams and an enhancing circumstance



- 1 applies;
- 2 ~~(d)~~ The offense is a Level 2 felony if:
- 3 (1) the amount of the drug involved is at least twenty-eight (28)
- 4 grams;
- 5 (2) the amount of the drug involved is at least ten (10) but less
- 6 than twenty-eight (28) grams and an enhancing circumstance
- 7 applies; or
- 8 (3) the person is manufacturing the drug and the manufacture
- 9 results in an explosion causing serious bodily injury to a person
- 10 other than the manufacturer.

11 SECTION 103. IC 35-48-4-2, AS AMENDED BY P.L.158-2013,
 12 SECTION 624, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who:

- 14 (1) knowingly or intentionally:
- 15 (A) manufactures;
- 16 (B) finances the manufacture of;
- 17 (C) delivers; or
- 18 (D) finances the delivery of;
- 19 a controlled substance, pure or adulterated, classified in schedule
- 20 I, II, or III, except marijuana, hash oil, hashish, salvia, or a
- 21 synthetic ~~cannabinoid~~; **drug**; or
- 22 (2) possesses, with intent to:
- 23 (A) manufacture;
- 24 (B) finance the manufacture of;
- 25 (C) deliver; or
- 26 (D) finance the delivery of;
- 27 a controlled substance, pure or adulterated, classified in schedule
- 28 I, II, or III, except marijuana, hash oil, hashish, salvia, or a
- 29 synthetic ~~cannabinoid~~; **drug**;
- 30 commits dealing in a schedule I, II, or III controlled substance, a Level
- 31 5 felony, except as provided in subsections (b) through ~~(d)~~: **(e)**.

32 **(b) A person may be convicted of an offense under subsection**
 33 **(a)(2) only if:**

- 34 **(1) the amount of the drug involved is at least five (5) grams;**
- 35 **and**
- 36 **(2) at least two (2) of the following apply:**
- 37 **(A) The drugs are packaged individually in a manner**
- 38 **consistent with resale.**
- 39 **(B) The person possesses a scale that may be used to weigh**
- 40 **drug quantities for resale.**
- 41 **(C) At the time of the arrest, the person possesses at least**
- 42 **five hundred dollars (\$500) in cash.**



- 1 **(D) The person possesses adulterants commonly used to cut**
- 2 **a drug for resale.**
- 3 ~~(b)~~ **(c)** The offense is a Level 4 felony if:
- 4 (1) the amount of the drug involved is at least ~~three~~ **(3) five (5)**
- 5 but less than ten (10) grams; or
- 6 (2) the amount of the drug involved is less than ~~three~~ **(3) five (5)**
- 7 grams and an enhancing circumstance applies.
- 8 ~~(c)~~ **(d)** The offense is a Level 3 felony if:
- 9 (1) the amount of the drug involved is at least ten (10) but less
- 10 than twenty-eight (28) grams; or
- 11 (2) the amount of the drug involved is at least ~~three~~ **(3) five (5)**
- 12 but less than ten (10) grams and an enhancing circumstance
- 13 applies.
- 14 ~~(d)~~ **(e)** The offense is a Level 2 felony if:
- 15 (1) the amount of the drug involved is at least twenty-eight (28)
- 16 grams; or
- 17 (2) the amount of the drug involved is at least ten (10) but less
- 18 than twenty-eight (28) grams and an enhancing circumstance
- 19 applies.
- 20 SECTION 104. IC 35-48-4-3, AS AMENDED BY P.L.158-2013,
- 21 SECTION 625, IS AMENDED TO READ AS FOLLOWS
- 22 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who:
- 23 (1) knowingly or intentionally:
- 24 (A) manufactures;
- 25 (B) finances the manufacture of;
- 26 (C) delivers; or
- 27 (D) finances the delivery of;
- 28 a controlled substance, pure or adulterated, classified in schedule
- 29 IV; or
- 30 (2) possesses, with intent to manufacture or deliver, a controlled
- 31 substance, pure or adulterated, classified in schedule IV;
- 32 commits dealing in a schedule IV controlled substance, a Level 6
- 33 felony, except as provided in subsections (b) through ~~(d)~~: **(e).**
- 34 **(b) A person may be convicted of an offense under subsection**
- 35 **(a)(2) only if:**
- 36 **(1) the amount of the drug involved is at least five (5) grams;**
- 37 **and**
- 38 **(2) at least two (2) of the following apply:**
- 39 **(A) The drugs are packaged individually in a manner**
- 40 **consistent with resale.**
- 41 **(B) The person possesses a scale that may be used to weigh**
- 42 **drug quantities for resale.**



- 1 **(C) At the time of the arrest, the person possesses at least**
- 2 **five hundred dollars (\$500) in cash.**
- 3 **(D) The person possesses adulterants commonly used to cut**
- 4 **a drug for resale.**
- 5 ~~(b)~~ **(c)** The offense is a Level 5 felony if:
 - 6 (1) the amount of the drug involved is at least ~~three (3)~~ **five (5)**
 - 7 but less than ten (10) grams; or
 - 8 (2) the amount of the drug involved is less than ~~three (3)~~ **five (5)**
 - 9 grams and an enhancing circumstance applies.
- 10 ~~(c)~~ **(d)** The offense is a Level 4 felony if:
 - 11 (1) the amount of the drug involved is at least ten (10) but less
 - 12 than twenty-eight (28) grams; or
 - 13 (2) the amount of the drug involved is at least ~~three (3)~~ **five (5)**
 - 14 but less than ten (10) grams and an enhancing circumstance
 - 15 applies.
- 16 ~~(d)~~ **(e)** The offense is a Level 3 felony if:
 - 17 (1) the amount of the drug involved is at least twenty-eight (28)
 - 18 grams; or
 - 19 (2) the amount of the drug involved is at least ten (10) but less
 - 20 than twenty-eight (28) grams and an enhancing circumstance
 - 21 applies.
- 22 SECTION 105. IC 35-48-4-4, AS AMENDED BY P.L.158-2013,
- 23 SECTION 626, IS AMENDED TO READ AS FOLLOWS
- 24 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who:
 - 25 (1) knowingly or intentionally:
 - 26 (A) manufactures;
 - 27 (B) finances the manufacture of;
 - 28 (C) delivers; or
 - 29 (D) finances the delivery of;
 - 30 a controlled substance, pure or adulterated, classified in schedule
 - 31 V; or
 - 32 (2) possesses, with intent to:
 - 33 (A) manufacture;
 - 34 (B) finance the manufacture of;
 - 35 (C) deliver; or
 - 36 (D) finance the delivery of;
 - 37 a controlled substance, pure or adulterated, classified in schedule
 - 38 V;
- 39 commits dealing in a schedule V controlled substance, a Class A
- 40 misdemeanor, except as provided in subsections (b) through ~~(d)~~: **(e)**.
- 41 **(b) A person may be convicted of an offense under subsection**
- 42 **(a)(2) only if:**



- 1 **(1) the amount of the drug involved is at least five (5) grams;**
- 2 **and**
- 3 **(2) at least two (2) of the following apply:**
 - 4 **(A) The drugs are packaged individually in a manner**
 - 5 **consistent with resale.**
 - 6 **(B) The person possesses a scale that may be used to weigh**
 - 7 **drug quantities for resale.**
 - 8 **(C) At the time of the arrest, the person possesses at least**
 - 9 **five hundred dollars (\$500) in cash.**
 - 10 **(D) The person possesses adulterants commonly used to cut**
 - 11 **a drug for resale.**

- 12 ~~(b)~~ **(c) The offense is a Level 6 felony if:**
 - 13 (1) the amount of the drug involved is at least ~~three (3)~~ **five (5)**
 - 14 but less than ten (10) grams; or
 - 15 (2) the amount of the drug involved is less than ~~three (3)~~ **five (5)**
 - 16 grams and an enhancing circumstance applies.

- 17 ~~(c)~~ **(d) The offense is a Level 5 felony if:**
 - 18 (1) the amount of the drug involved is at least ten (10) but less
 - 19 than twenty-eight (28) grams; or
 - 20 (2) the amount of the drug involved is at least ~~three (3)~~ **five (5)**
 - 21 but less than ten (10) grams and an enhancing circumstance
 - 22 applies.

- 23 ~~(d)~~ **(e) The offense is a Level 4 felony if:**
 - 24 (1) the amount of the drug involved is at least twenty-eight (28)
 - 25 grams; or
 - 26 (2) the amount of the drug involved is at least ten (10) but less
 - 27 than twenty-eight (28) grams and an enhancing circumstance
 - 28 applies.

29 SECTION 106. IC 35-48-4-4.6, AS AMENDED BY P.L.158-2013,
 30 SECTION 629, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2014]: Sec. 4.6. (a) A person who knowingly or
 32 intentionally:

- 33 (1) manufactures;
- 34 (2) finances the manufacture of;
- 35 (3) advertises;
- 36 (4) distributes; or
- 37 (5) possesses with intent to manufacture, finance the manufacture
- 38 of, advertise, or distribute;

39 a substance described in section 4.5 of this chapter commits a Level 5
 40 felony.

41 **(b) A person may be convicted of an offense under subsection**
 42 **(a)(5) only if:**



- 1 **(1) the amount of the substance involved is at least five (5)**
 2 **grams; and**
 3 **(2) at least two (2) of the following apply:**
 4 **(A) The substance is packaged individually in a manner**
 5 **consistent with resale.**
 6 **(B) The person possesses a scale that may be used to weigh**
 7 **drug quantities for resale.**
 8 **(C) At the time of the arrest, the person possesses at least**
 9 **five hundred dollars (\$500) in cash.**
 10 **(D) The person possesses adulterants commonly used to cut**
 11 **a drug for resale.**
 12 ~~(b)~~ **(c)** A person who knowingly or intentionally possesses a
 13 substance described in section 4.5 of this chapter commits a Class C
 14 misdemeanor. However, the offense is a Class A misdemeanor if the
 15 person has a previous conviction under this section.
 16 ~~(c)~~ **(d)** In any prosecution brought under this section it is not a
 17 defense that the person believed the substance actually was a controlled
 18 substance.
 19 ~~(d)~~ **(e)** This section does not apply to the following:
 20 (1) The manufacture, financing the manufacture of, processing,
 21 packaging, distribution, or sale of noncontrolled substances to
 22 licensed medical practitioners for use as placebos in professional
 23 practice or research.
 24 (2) Persons acting in the course and legitimate scope of their
 25 employment as law enforcement officers.
 26 (3) The retention of production samples of noncontrolled
 27 substances produced before September 1, 1986, where such
 28 samples are required by federal law.
 29 SECTION 107. IC 35-48-4-6, AS AMENDED BY P.L.158-2013,
 30 SECTION 631, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who, without a valid
 32 prescription or order of a practitioner acting in the course of the
 33 practitioner's professional practice, knowingly or intentionally
 34 possesses cocaine (pure or adulterated) or a narcotic drug (pure or
 35 adulterated) classified in schedule I or II, commits possession of
 36 cocaine or a narcotic drug, a Level 6 felony, except as provided in
 37 subsections (b) through (d).
 38 (b) The offense is a Level 5 felony if:
 39 (1) the amount of the drug involved is at least ~~three (3)~~ **five (5)**
 40 but less than ten (10) grams; or
 41 (2) the amount of the drug involved is less than ~~three (3)~~ **five (5)**
 42 grams and an enhancing circumstance applies.



- 1 (c) The offense is a Level 4 felony if:
 2 (1) the amount of the drug involved is at least ten (10) but less
 3 than twenty-eight (28) grams; or
 4 (2) the amount of the drug involved is at least ~~three (3)~~ **five (5)**
 5 but less than ten (10) grams and an enhancing circumstance
 6 applies.
- 7 (d) The offense is a Level 3 felony if:
 8 (1) the amount of the drug involved is at least twenty-eight (28)
 9 grams; or
 10 (2) the amount of the drug involved is at least ten (10) but less
 11 than twenty-eight (28) grams and an enhancing circumstance
 12 applies.
- 13 SECTION 108. IC 35-48-4-6.1, AS AMENDED BY P.L.158-2013,
 14 SECTION 632, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2014]: Sec. 6.1. (a) A person who, without a
 16 valid prescription or order of a practitioner acting in the course of the
 17 practitioner's professional practice, knowingly or intentionally
 18 possesses methamphetamine (pure or adulterated) commits possession
 19 of methamphetamine, a Level 6 felony, except as provided in
 20 subsections (b) through (d).
- 21 (b) The offense is a Level 5 felony if:
 22 (1) the amount of the drug involved is at least ~~three (3)~~ **five (5)**
 23 but less than ten (10) grams; or
 24 (2) the amount of the drug involved is less than ~~three (3)~~ **five (5)**
 25 grams and an enhancing circumstance applies.
- 26 (c) The offense is a Level 4 felony if:
 27 (1) the amount of the drug involved is at least ten (10) but less
 28 than twenty-eight (28) grams; or
 29 (2) the amount of the drug involved is at least ~~three (3)~~ **five (5)**
 30 but less than ten (10) grams and an enhancing circumstance
 31 applies.
- 32 (d) The offense is a Level 3 felony if:
 33 (1) the amount of the drug involved is more than twenty-eight
 34 (28) grams; or
 35 (2) the amount of the drug involved is at least ten (10) but less
 36 than twenty-eight (28) grams and an enhancing circumstance
 37 applies.
- 38 SECTION 109. IC 35-48-4-10, AS AMENDED BY P.L.196-2013,
 39 SECTION 21, AND AS AMENDED BY P.L.158-2013, SECTION
 40 637, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A person who:
 42 (1) knowingly or intentionally:



- 1 (A) manufactures;
- 2 (B) finances the manufacture of;
- 3 (C) delivers; or
- 4 (D) finances the delivery of;
- 5 marijuana, hash oil, hashish, *or* salvia, ~~*or a synthetic drug*~~; pure
- 6 or adulterated; or
- 7 (2) possesses, with intent to:
- 8 (A) manufacture;
- 9 (B) finance the manufacture of;
- 10 (C) deliver; or
- 11 (D) finance the delivery of;
- 12 marijuana, hash oil, hashish, *or* salvia, ~~*or a synthetic drug*~~; pure
- 13 or adulterated;
- 14 commits dealing in marijuana, hash oil, hashish, *or* salvia, ~~*or a*~~
- 15 ~~*synthetic drug*~~, a Class A misdemeanor, except as provided in
- 16 ~~*subsection subsections (b) through (c)*~~. **(d)**.
- 17 *(b) The offense is:*
- 18 *(1) a Class D felony if:*
- 19 *(A) the recipient or intended recipient is under eighteen (18)*
- 20 *years of age;*
- 21 *(B) the amount involved is:*
- 22 *(i) more than thirty (30) grams but less than ten (10) pounds*
- 23 *of marijuana or more than two (2) grams but less than three*
- 24 *hundred (300) grams of hash oil, hashish, or salvia; or*
- 25 *(ii) more than two (2) grams of a synthetic drug; or*
- 26 *(C) the person has a prior conviction of an offense involving*
- 27 *marijuana, hash oil, hashish, salvia, or a synthetic drug; and*
- 28 *(2) a Class E felony if:*
- 29 *(A) the amount involved is ten (10) pounds or more of*
- 30 *marijuana or three hundred (300) or more grams of hash oil,*
- 31 *hashish, or salvia, or the person delivered or financed the*
- 32 *delivery of marijuana, hash oil, hashish, or salvia:*
- 33 *(i) on a school bus; or*
- 34 *(ii) in, on, or within one thousand (1,000) feet of, school*
- 35 *property, a public park, a family housing complex, or a*
- 36 *youth program center; or*
- 37 *(B) the amount involved is more than two (2) grams of a*
- 38 *synthetic drug and the person delivered or financed the*
- 39 *delivery of the synthetic drug:*
- 40 *(i) on a school bus; or*
- 41 *(ii) in, on, or within one thousand (1,000) feet of school*
- 42 *property, a public park, a family housing complex, or a*



youth program center.

(b) A person may be convicted of an offense under subsection (a)(2) only if:

(1) the amount of the drug involved is at least:

(A) thirty (30) grams of marijuana; or

(B) five (5) grams of hash oil, hashish, or salvia; and

(2) at least two (2) of the following apply:

(A) The drugs are packaged individually in a manner consistent with resale.

(B) The person possesses a scale that may be used to weigh drug quantities for resale.

(C) At the time of the arrest, the person possesses at least five hundred dollars (\$500) in cash.

(D) The person possesses adulterants commonly used to cut a drug for resale.

~~(b)~~ (c) The offense is a Level 6 felony if:

(1) the person has a prior conviction for a drug offense and the amount of the drug involved is:

(A) less than thirty (30) grams of marijuana; or

(B) less than ~~two (2)~~ **five (5)** grams of hash oil, hashish, or salvia; ~~or a synthetic drug;~~ or

(2) the amount of the drug involved is:

(A) at least thirty (30) grams but less than ten (10) pounds of marijuana; or

(B) at least ~~two (2)~~ **five (5)** grams but less than three hundred (300) grams of hash oil, hashish, or salvia. ~~or a synthetic drug.~~

~~(c)~~ (d) The offense is a Level 5 felony if:

(1) the person has a prior conviction for a drug dealing offense and the amount of the drug involved is:

(A) at least thirty (30) grams but less than ten (10) pounds of marijuana; or

(B) at least ~~two (2)~~ **five (5)** grams but less than three hundred (300) grams of hash oil, hashish, or salvia; ~~or a synthetic drug;~~ or

(2) the:

(A) amount of the drug involved is:

(i) at least ten (10) pounds of marijuana; or

(ii) at least three hundred (300) grams of hash oil, hashish, or salvia; ~~or a synthetic drug;~~ or

(B) offense involved a sale to a minor.

SECTION 110. IC 35-48-4-10.5, AS ADDED BY P.L.196-2013,



1 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2014]: Sec. 10.5. (a) A person who:
 3 (1) manufactures;
 4 (2) finances the manufacture of;
 5 (3) delivers;
 6 (4) finances the delivery of;
 7 (5) possesses, with intent to deliver; or
 8 (6) possesses, with intent to finance the delivery of;
 9 a synthetic drug or a synthetic drug lookalike substance commits
 10 dealing in a synthetic drug or synthetic drug lookalike substance, a
 11 Class A infraction. However, the offense is a ~~Class D~~ **Level 6** felony if
 12 the offense is committed knowingly or intentionally and the person has
 13 a prior unrelated judgment or conviction under this subsection.
 14 **(b) A person may be convicted of an offense under subsection**
 15 **(a)(5) or (a)(6) only if:**
 16 **(1) the amount of the synthetic drug or synthetic drug**
 17 **lookalike substance involved is at least five (5) grams; and**
 18 **(2) at least two (2) of the following apply:**
 19 **(A) The synthetic drug or synthetic drug lookalike**
 20 **substance is packaged individually in a manner consistent**
 21 **with resale.**
 22 **(B) The person possesses a scale that may be used to weigh**
 23 **drug quantities for resale.**
 24 **(C) At the time of the arrest, the person possesses at least**
 25 **five hundred dollars (\$500) in cash.**
 26 **(D) The person possesses adulterants commonly used to cut**
 27 **a synthetic drug or synthetic drug lookalike substance for**
 28 **resale.**
 29 ~~(b)~~ **(c) A person who:**
 30 **(1) knowingly or intentionally:**
 31 **(A) manufactures;**
 32 **(B) finances the manufacture of;**
 33 **(C) delivers; or**
 34 **(D) finances the delivery of;**
 35 **a synthetic drug or synthetic drug lookalike substance; or**
 36 **(2) possesses, with intent to:**
 37 **(A) manufacture;**
 38 **(B) finance the manufacture of;**
 39 **(C) deliver; or**
 40 **(D) finance the delivery of;**
 41 **a synthetic drug or synthetic drug lookalike substance;**
 42 **commits dealing in a synthetic drug or synthetic drug lookalike**



1 substance, a Class A misdemeanor, except as provided in ~~subsection~~
2 ~~subsections (d) through (e).~~ ~~(e)~~;
3 **(d) A person may be convicted of an offense under subsection**
4 **(c)(2) only if:**
5 **(1) the amount of the synthetic drug or synthetic drug**
6 **lookalike substance involved is at least five (5) grams; and**
7 **(2) at least two (2) of the following apply:**
8 **(A) The synthetic drug or synthetic drug lookalike**
9 **substance is packaged individually in a manner consistent**
10 **with resale.**
11 **(B) The person possesses a scale that may be used to weigh**
12 **drug quantities for resale.**
13 **(C) At the time of the arrest, the person possesses at least**
14 **five hundred dollars (\$500) in cash.**
15 **(D) The person possesses adulterants commonly used to cut**
16 **a synthetic drug or synthetic drug lookalike substance for**
17 **resale.**
18 ~~(e)~~ **(e)** The offense in subsection ~~(b)~~ **(c)** is:
19 **(1) a Class B Level 6 felony if:**
20 **(A) the recipient or intended recipient is less than eighteen**
21 **(18) years of age;**
22 **(B) the amount involved is more than ~~two (2)~~ five (5) grams;**
23 **or**
24 **(C) the person has a prior conviction of an offense involving**
25 **a synthetic drug or synthetic drug lookalike substance; and**
26 **(2) a Class C Level 5 felony if the amount involved is more than**
27 **~~two (2)~~ five (5) grams and the person delivered or financed the**
28 **delivery of the synthetic drug or synthetic drug lookalike**
29 **substance:**
30 **(A) on a school bus; or**
31 **(B) in, on, or within five hundred (500) feet of:**
32 **(i) school property; or**
33 **(ii) a public park;**
34 **while a person under eighteen (18) years of age was**
35 **reasonably expected to be present.**
36 ~~(d)~~ **(f)** In addition to a criminal or civil penalty imposed for a
37 violation of this section, if the court finds that a person has violated this
38 section and the violation involved the sale of or offer to sell, in the
39 normal course of business, a synthetic drug or a synthetic drug
40 lookalike substance by a retail merchant in a place of business for
41 which the retail merchant has been issued a registered retail merchant
42 certificate, the court:



1 (1) shall recommend the suspension of the registered retail
 2 merchant certificate for the place of business for one (1) year if
 3 the person's violation of this section resulted in a criminal
 4 conviction; and

5 (2) may recommend the suspension of the registered retail
 6 merchant certificate for the place of business for six (6) months
 7 if the person's violation of this section resulted in an adjudication
 8 that the person committed an infraction.

9 ~~(e)~~ (g) The department of state revenue shall suspend the registered
 10 retail merchant certificate of a retail merchant in accordance with the
 11 recommendation of the court. Whenever the department of state
 12 revenue is required to suspend a retail merchant's registered retail
 13 merchant certificate under this section, the department shall
 14 immediately mail a notice to the retail merchant's address that must
 15 state that the retail merchant's registered retail merchant certificate will
 16 be suspended for the period recommended by the court, commencing
 17 five (5) days after the date of the notice.

18 SECTION 111. IC 35-48-4-11, AS AMENDED BY P.L.196-2013,
 19 SECTION 23, AND AS AMENDED BY P.L.158-2013, SECTION
 20 638, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person who:

22 (1) knowingly or intentionally possesses (pure or adulterated)
 23 marijuana, hash oil, hashish, *or* salvia; ~~or a synthetic drug;~~

24 (2) knowingly or intentionally grows or cultivates marijuana; or

25 (3) knowing that marijuana is growing on the person's premises,
 26 fails to destroy the marijuana plants;

27 commits possession of marijuana, hash oil, hashish, *or* salvia, ~~or a~~
 28 ~~synthetic drug,~~ a *Class A Class B* misdemeanor, *except as provided in*
 29 *subsections (b) through (c). However, the offense is a Class D felony*
 30 *if the amount involved is more than thirty (30) grams of marijuana or*
 31 *two (2) grams of hash oil, hashish, or salvia, or a synthetic drug, or if*
 32 *the person has a prior conviction of an offense involving marijuana,*
 33 *hash oil, or hashish, or salvia, or a synthetic drug.*

34 (b) *The offense described in subsection (a) is a Class A*
 35 *misdemeanor if the person has a prior conviction for a drug offense.*

36 (c) *The offense described in subsection (a) is a Level 6 felony if:*

37 (1) *the person has a prior conviction for a drug offense; and*

38 (2) *the person possesses:*

39 (A) *at least thirty (30) grams of marijuana; or*

40 (B) *at least two (2) grams of hash oil, hashish, or salvia;*

41 **in any thirty (30) day period. ~~or a synthetic drug.~~**

42 SECTION 112. IC 35-48-4-11.5, AS ADDED BY P.L.185-2013,



1 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2014]: Sec. 11.5. (a) As used in this section, "synthetic drug
3 lookalike substance" has the meaning set forth in
4 IC 35-31.5-2-321.5(a)(2).

5 (b) A person who possesses a synthetic drug or synthetic drug
6 lookalike substance commits possession of a synthetic drug or synthetic
7 drug lookalike substance, a Class B infraction.

8 (c) A person who knowingly or intentionally possesses a synthetic
9 drug or synthetic drug lookalike substance commits possession of a
10 synthetic drug or synthetic drug lookalike substance, a Class A
11 misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the
12 person has a prior unrelated conviction under this section or under
13 section 10.5 of this chapter.

14 SECTION 113. IC 35-48-4-12, AS AMENDED BY P.L.196-2013,
15 SECTION 25, AND AS AMENDED BY P.L.158-2013, SECTION
16 639, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2014]: Sec. 12. If a person who has no prior
18 conviction of an offense under this article or under a law of another
19 jurisdiction relating to controlled substances pleads guilty to possession
20 of marijuana, hashish, salvia, or a synthetic drug *or a synthetic drug*
21 *lookalike substance* as a ~~Class A~~ misdemeanor, the court, without
22 entering a judgment of conviction and with the consent of the person,
23 may defer further proceedings and place the person in the custody of
24 the court under ~~such~~ conditions ~~as determined~~ by the court. ~~determines~~.
25 Upon violation of a condition of the custody, the court may enter a
26 judgment of conviction. However, if the person fulfills the conditions
27 of the custody, the court shall dismiss the charges against the person.
28 There may be only one (1) dismissal under this section with respect to
29 a person.

30 SECTION 114. IC 35-48-4-14.5, AS AMENDED BY P.L.193-2013,
31 SECTION 7, AND AS AMENDED BY P.L.158-2013, SECTION 643,
32 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2014]: Sec. 14.5. (a) As used in this section,
34 "chemical reagents or precursors" refers to one (1) or more of the
35 following:

- 36 (1) Ephedrine.
- 37 (2) Pseudoephedrine.
- 38 (3) Phenylpropanolamine.
- 39 (4) The salts, isomers, and salts of isomers of a substance
40 identified in subdivisions (1) through (3).
- 41 (5) Anhydrous ammonia or ammonia solution (as defined in
42 IC 22-11-20-1).



- 1 (6) Organic solvents.
- 2 (7) Hydrochloric acid.
- 3 (8) Lithium metal.
- 4 (9) Sodium metal.
- 5 (10) Ether.
- 6 (11) Sulfuric acid.
- 7 (12) Red phosphorous.
- 8 (13) Iodine.
- 9 (14) Sodium hydroxide (lye).
- 10 (15) Potassium dichromate.
- 11 (16) Sodium dichromate.
- 12 (17) Potassium permanganate.
- 13 (18) Chromium trioxide.
- 14 (19) Benzyl cyanide.
- 15 (20) Phenylacetic acid and its esters or salts.
- 16 (21) Piperidine and its salts.
- 17 (22) Methylamine and its salts.
- 18 (23) Isosafrole.
- 19 (24) Safrole.
- 20 (25) Piperonal.
- 21 (26) Hydriodic acid.
- 22 (27) Benzaldehyde.
- 23 (28) Nitroethane.
- 24 (29) Gamma-butyrolactone.
- 25 (30) White phosphorus.
- 26 (31) Hypophosphorous acid and its salts.
- 27 (32) Acetic anhydride.
- 28 (33) Benzyl chloride.
- 29 (34) Ammonium nitrate.
- 30 (35) Ammonium sulfate.
- 31 (36) Hydrogen peroxide.
- 32 (37) Thionyl chloride.
- 33 (38) Ethyl acetate.
- 34 (39) Pseudoephedrine hydrochloride.
- 35 (b) A person who possesses more than ten (10) grams of ephedrine,
- 36 pseudoephedrine, or phenylpropanolamine, pure or adulterated,
- 37 commits a *Class D Level 6* felony. However, the offense is a *Class E*
- 38 *Level 5* felony if the person possessed:
- 39 (1) a firearm while possessing more than ten (10) grams of
- 40 ephedrine, pseudoephedrine, or phenylpropanolamine, pure or
- 41 adulterated; or
- 42 (2) more than ten (10) grams of ephedrine, pseudoephedrine, or



1 phenylpropanolamine, pure or adulterated, in, on, or within ~~one~~
 2 ~~thousand (1,000)~~ five hundred (500) feet of:

3 (A) school property while a person under eighteen (18) years
 4 of age was reasonably expected to be present; or

5 (B) a public park while a person under eighteen (18) years of
 6 age was reasonably expected to be present.

7 ~~(C) a family housing complex; or~~

8 ~~(D) a youth program center.~~

9 (c) A person who possesses anhydrous ammonia or ammonia
 10 solution (as defined in IC 22-11-20-1) with the intent to manufacture
 11 methamphetamine or amphetamine, schedule II controlled substances
 12 under IC 35-48-2-6, commits a ~~Class D~~ Level 6 felony. However, the
 13 offense is a ~~Class E~~ Level 5 felony if the person possessed:

14 (1) a firearm while possessing anhydrous ammonia or ammonia
 15 solution (as defined in IC 22-11-20-1) with intent to manufacture
 16 methamphetamine or amphetamine, schedule II controlled
 17 substances under IC 35-48-2-6; or

18 (2) anhydrous ammonia or ammonia solution (as defined in
 19 IC 22-11-20-1) with intent to manufacture methamphetamine or
 20 amphetamine, schedule II controlled substances under
 21 IC 35-48-2-6, in, on, or within ~~one thousand (1,000)~~ five hundred
 22 (500) feet of:

23 (A) school property while a person under eighteen (18) years
 24 of age was reasonably expected to be present; or

25 (B) a public park while a person under eighteen (18) years of
 26 age was reasonably expected to be present.

27 ~~(C) a family housing complex; or~~

28 ~~(D) a youth program center.~~

29 (d) Subsection (b) does not apply to a:

30 (1) licensed health care provider, pharmacist, retail distributor,
 31 wholesaler, manufacturer, warehouseman, or common carrier or
 32 an agent of any of these persons if the possession is in the regular
 33 course of lawful business activities; or

34 (2) person who possesses more than ten (10) grams of a substance
 35 described in subsection (b) if the substance is possessed under
 36 circumstances consistent with typical medicinal or household use,
 37 including:

38 (A) the location in which the substance is stored;

39 (B) the possession of the substance in a variety of:

40 (i) strengths;

41 (ii) brands; or

42 (iii) types; or



- 1 (C) the possession of the substance:
 2 (i) with different expiration dates; or
 3 (ii) in forms used for different purposes.
- 4 (e) A person who possesses two (2) or more chemical reagents or
 5 precursors with the intent to manufacture a controlled substance
 6 commits a ~~Class D Level 6~~ felony.
- 7 (f) An offense under subsection (e) is a ~~Class E Level 5~~ felony if the
 8 person possessed:
 9 (1) a firearm while possessing two (2) or more chemical reagents
 10 or precursors with intent to manufacture a controlled substance;
 11 or
 12 (2) two (2) or more chemical reagents or precursors with intent to
 13 manufacture a controlled substance in, on, or within ~~one thousand~~
 14 ~~(1,000)~~ five hundred (500) feet of:
 15 (A) school property while a person under eighteen (18) years
 16 of age was reasonably expected to be present; or
 17 (B) a public park while a person under eighteen (18) years of
 18 age was reasonably expected to be present.
 19 ~~(C) a family housing complex; or~~
 20 ~~(D) a youth program center.~~
- 21 (g) A person who sells, transfers, distributes, or furnishes a chemical
 22 reagent or precursor to another person with knowledge or the intent that
 23 the recipient will use the chemical reagent or precursors to manufacture
 24 a controlled substance commits unlawful sale of a precursor, a ~~Class D~~
 25 ~~Level 6~~ felony. However, the offense is a ~~Class E Level 5~~ felony if the
 26 person sells, transfers, distributes, or furnishes more than ten (10)
 27 grams of ephedrine, pseudoephedrine, or phenylpropanolamine.
- 28 (h) This subsection does not apply to a drug containing ephedrine,
 29 pseudoephedrine, or phenylpropanolamine that is dispensed under a
 30 prescription. A person who:
 31 (1) has been convicted of:
 32 (A) dealing in methamphetamine (IC 35-48-4-1.1);
 33 (B) possession of more than ten (10) grams of ephedrine,
 34 pseudoephedrine, or phenylpropanolamine (subsection (b));
 35 (C) possession of anhydrous ammonia or ammonia solution
 36 (as defined in IC 22-11-20-1) with intent to manufacture
 37 methamphetamine or amphetamine (subsection (c));
 38 (D) possession of two (2) or more chemical reagents or
 39 precursors with the intent to manufacture a controlled
 40 substance (subsection (e)); or
 41 (E) unlawful sale of a precursor (subsection (g)); and
 42 (2) not later than seven (7) years from the date the person was



1 *sentenced for the offense;*
 2 *knowingly or intentionally possesses ephedrine, pseudoephedrine, or*
 3 *phenylpropanolamine, pure or adulterated, commits possession of a*
 4 *precursor by a methamphetamine offender, a ~~Class D~~ Level 6 felony.*

5 SECTION 115. IC 35-48-4-16, AS AMENDED BY P.L.158-2013,
 6 SECTION 644, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) For an offense under this
 8 chapter that requires proof of:

9 (1) delivery of cocaine, a narcotic drug, methamphetamine, or a
 10 controlled substance;

11 (2) financing the delivery of cocaine, a narcotic drug,
 12 methamphetamine, or a controlled substance; or

13 (3) possession of cocaine, a narcotic drug, methamphetamine, or
 14 a controlled substance;

15 within five hundred (500) feet of school property or a public park while
 16 a person less than eighteen (18) years of age was reasonably expected
 17 to be present, the person charged may assert the defense in subsection
 18 (b) or (c).

19 (b) It is a defense for a person charged under this chapter with an
 20 offense that contains an element listed in subsection (a) that:

21 (1) a person was briefly in, on, or within five hundred (500) feet
 22 of school property or a public park while a person less than
 23 eighteen (18) years of age was reasonably expected to be present;
 24 and

25 (2) no person under eighteen (18) years of age at least three (3)
 26 years junior to the person was in, on, or within five hundred (500)
 27 feet of the school property or public park at the time of the
 28 offense.

29 (c) It is a defense for a person charged under this chapter with an
 30 offense that contains an element listed in subsection (a) that a person
 31 was in, on, or within five hundred (500) feet of school property or a
 32 public park:

33 (1) at the request or suggestion of a law enforcement officer or an
 34 agent of a law enforcement officer; and

35 (2) while a person less than eighteen (18) years of age was
 36 reasonably expected to be present.

37 (d) The defense under this section applies only to the element of the
 38 offense that requires proof that the delivery, financing of the delivery,
 39 or possession of cocaine, a narcotic drug, methamphetamine, or a
 40 controlled substance occurred in, on, or within five hundred (500) feet
 41 of school property or a public park while a person less than eighteen
 42 (18) years of age was reasonably expected to be present.



1 SECTION 116. IC 35-49-3-1, AS AMENDED BY P.L.214-2013,
 2 SECTION 41, AND AS AMENDED BY P.L.158-2013, SECTION
 3 646, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who knowingly or
 5 intentionally:

6 (1) sends or brings into Indiana obscene matter for sale or
 7 distribution; or

8 (2) offers to distribute, distributes, or exhibits to another person
 9 obscene matter;

10 commits a Class A misdemeanor. However, the offense is a *Class D*
 11 *Level 6* felony if the obscene matter depicts or describes sexual conduct
 12 involving any person who is or appears to be under ~~sixteen (16)~~
 13 *eighteen (18)* years of age.

14 SECTION 117. IC 35-49-3-2, AS AMENDED BY P.L.214-2013,
 15 SECTION 42, AND AS AMENDED BY P.L.158-2013, SECTION
 16 647, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who knowingly or
 18 intentionally engages in, participates in, manages, produces, sponsors,
 19 presents, exhibits, photographs, films, or videotapes any obscene
 20 performance commits a Class A misdemeanor. However, the offense
 21 is a *Class D Level 6* felony if the obscene performance depicts or
 22 describes sexual conduct involving any person who is or appears to be
 23 under ~~sixteen (16)~~ *eighteen (18)* years of age.

24 SECTION 118. IC 35-50-1-2, AS AMENDED BY P.L.214-2013,
 25 SECTION 43, AND AS AMENDED BY P.L.158-2013, SECTION
 26 650, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) As used in this section,
 28 "crime of violence" 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) Aggravated battery (IC 35-42-2-1.5).

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

36 (8) Rape (IC 35-42-4-1).

37 (9) Criminal deviate conduct (IC 35-42-4-2) *(before its repeal on*
 38 *July 1, 2014): (repealed). (before its repeal).*

39 (10) Child molesting (IC 35-42-4-3).

40 (11) Sexual misconduct with a minor as a *Class A Level 1* felony
 41 under IC 35-42-4-9(a)(2) or a *Class B Level 2* felony under
 42 IC 35-42-4-9(b)(2).



- 1 (12) Robbery as a *Class A Level 2* felony or a *Class B Level 3*
 2 felony (IC 35-42-5-1).
- 3 (13) Burglary as a *Class A Level 1 felony*, *Level 2* felony, *Level*
 4 *3 felony*, or *Class B Level 4* felony (IC 35-43-2-1).
- 5 (14) Operating a vehicle while intoxicated causing death
 6 (IC 9-30-5-5).
- 7 (15) Operating a vehicle while intoxicated causing serious bodily
 8 injury to another person (IC 9-30-5-4).
- 9 (16) Resisting law enforcement as a felony. (IC 35-44.1-3-1).
- 10 (b) As used in this section, "episode of criminal conduct" means
 11 offenses or a connected series of offenses that are closely related in
 12 time, place, and circumstance.
- 13 (c) Except as provided in subsection (d) or (e), the court shall
 14 determine whether terms of imprisonment shall be served concurrently
 15 or consecutively. The court may consider the:
- 16 (1) aggravating circumstances in IC 35-38-1-7.1(a); and
 17 (2) mitigating circumstances in IC 35-38-1-7.1(b);
- 18 in making a determination under this subsection. The court may order
 19 terms of imprisonment to be served consecutively even if the sentences
 20 are not imposed at the same time. However, except for crimes of
 21 violence, the total of the consecutive terms of imprisonment, exclusive
 22 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10
 23 **(before its repeal)** to which the defendant is sentenced for felony
 24 convictions arising out of an episode of criminal conduct shall not
 25 exceed the advisory sentence for a felony which is one (1) class of
 26 felony higher than the most serious of the felonies for which the person
 27 has been convicted.
- 28 (d) If, after being arrested for one (1) crime, a person commits
 29 another crime:
- 30 (1) before the date the person is discharged from probation,
 31 parole, or a term of imprisonment imposed for the first crime; or
 32 (2) while the person is released:
- 33 (A) upon the person's own recognizance; or
 34 (B) on bond;
- 35 the terms of imprisonment for the crimes shall be served consecutively,
 36 regardless of the order in which the crimes are tried and sentences are
 37 imposed.
- 38 (e) If the factfinder determines under IC 35-50-2-11 that a person
 39 used a firearm in the commission of the offense for which the person
 40 was convicted, the term of imprisonment for the underlying offense and
 41 the additional term of imprisonment imposed under IC 35-50-2-11
 42 must be served consecutively.



1 SECTION 119. IC 35-50-2-0.1, AS AMENDED BY P.L.158-2013,
2 SECTION 651, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2014]: Sec. 0.1. The following amendments to
4 this chapter apply as follows:

5 (1) The amendments described in section 0.2 of this chapter apply
6 as described in section 0.2 of this chapter.

7 (2) The amendments made to sections 3 and 9 of this chapter by
8 P.L.332-1987 do not apply to a case in which a death sentence has
9 been imposed before September 1, 1987.

10 (3) The amendments made to sections 3 and 9 of this chapter by
11 P.L.250-1993 apply only to murders committed after June 30,
12 1993.

13 (4) The amendments made to section 2 of this chapter by
14 P.L.11-1994 (**before the repeal of section 2 of this chapter**)
15 apply only to an offender (as defined in IC 5-2-12-4, as added by
16 P.L.11-1994 and before its repeal) convicted after June 30, 1994.

17 (5) The amendments made to section 8 of this chapter by
18 P.L.166-2001 apply only if the offense for which the state seeks
19 to have the person sentenced as a habitual offender was
20 committed after June 30, 2001.

21 (6) The amendments made to section 1 of this chapter by
22 P.L.243-2001 apply to crimes committed on and after May 11,
23 2001. It is the intent of the general assembly that section 1 of this
24 chapter, as it applies to crimes committed before May 11, 2001,
25 be construed without drawing any inference from the passage of
26 P.L.243-2001.

27 (7) The amendments made to section 8(b)(3) of this chapter by
28 P.L.291-2001 (before its deletion on July 1, 2014) apply only if
29 the last offense for which the state seeks to have the person
30 sentenced as a habitual offender was committed after June 30,
31 2001.

32 (8) The amendments made to section 10 of this chapter by
33 P.L.291-2001 (**before the repeal of section 10 of this chapter**)
34 apply only if the last offense for which the state seeks to have the
35 person sentenced as a habitual substance offender was committed
36 after June 30, 2001. However, a prior unrelated conviction
37 committed before, on, or after July 1, 2001, may be used to
38 qualify an offender as a habitual offender under section 8 of this
39 chapter or as a habitual substance offender under section 10 of
40 this chapter.

41 (9) The amendments made to section 1 of this chapter by
42 P.L.291-2001 apply to crimes committed on and after May 11,



1 2001. It is the intent of the general assembly that section 1 of this
2 chapter, as it applies to crimes committed before May 11, 2001,
3 be construed without drawing any inference from the passage of
4 P.L.291-2001.

5 (10) The amendments made to section 9 of this chapter by
6 P.L.80-2002 apply only to a conviction for murder that occurs
7 after March 20, 2002, including a conviction entered as a result
8 of a retrial of a person, regardless of when the offense occurred.

9 SECTION 120. IC 35-50-2-1.3, AS AMENDED BY P.L.178-2007,
10 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2014]: Sec. 1.3. (a) For purposes of sections 3 through 7 of
12 this chapter, "advisory sentence" means a guideline sentence that the
13 court may voluntarily consider as ~~the midpoint between the maximum~~
14 ~~sentence and the minimum when imposing a~~ sentence.

15 (b) Except as provided in subsection (c), a court is not required to
16 use an advisory sentence.

17 (c) In imposing:

18 (1) consecutive sentences for felony convictions that are not
19 crimes of violence (as defined in IC 35-50-1-2(a)) arising out of
20 an episode of criminal conduct, in accordance with IC 35-50-1-2;

21 **or**

22 ~~(2) an additional fixed term to an habitual offender under section~~
23 ~~8 of this chapter; or~~

24 ~~(3) (2) an additional fixed term to a repeat sexual offender under~~
25 ~~section 14 of this chapter;~~

26 a court is required to use the appropriate advisory sentence in imposing
27 a consecutive sentence or an additional fixed term. However, the court
28 is not required to use the advisory sentence in imposing the sentence
29 for the underlying offense.

30 (d) This section does not require a court to use an advisory sentence
31 in imposing consecutive sentences for felony convictions that do not
32 arise out of an episode of criminal conduct.

33 SECTION 121. IC 35-50-2-2.1 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.1. (a) Except as
35 provided in subsection (b), ~~or section 2 of this chapter~~, the court may
36 not suspend a sentence for a felony for a person with a juvenile record
37 when:

38 (1) the juvenile record includes findings that the juvenile acts, if
39 committed by an adult, would constitute:

40 (A) one (1) Class A or Class B felony;

41 (B) two (2) Class C or Class D felonies; ~~or~~

42 (C) one (1) Class C and one (1) Class D felony;



- 1 **(D) one (1) Level 1, Level 2, Level 3, or Level 4 felony;**
 2 **(E) two (2) Level 5 or Level 6 felonies; or**
 3 **(F) one (1) Level 5 and one (1) Level 6 felony; and**
 4 (2) less than three (3) years have elapsed between commission of
 5 the juvenile acts that would be felonies if committed by an adult
 6 and the commission of the felony for which the person is being
 7 sentenced.
- 8 (b) Notwithstanding subsection (a), the court may suspend any part
 9 of the sentence for a felony ~~except as provided in section 2 of this~~
 10 ~~chapter~~, if it finds that:
- 11 (1) the crime was the result of circumstances unlikely to recur;
 12 (2) the victim of the crime induced or facilitated the offense;
 13 (3) there are substantial grounds tending to excuse or justify the
 14 crime, though failing to establish a defense; or
 15 (4) the acts in the juvenile record would not be Class A, ~~or~~ Class
 16 B, **Level 1, Level 2, Level 3, or Level 4** felonies if committed by
 17 an adult, and the convicted person is to undergo home detention
 18 under IC 35-38-1-21 instead of the minimum sentence specified
 19 for the crime under this chapter.
- 20 SECTION 122. IC 35-50-2-2.2, AS ADDED BY P.L.158-2013,
 21 SECTION 654, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2014]: Sec. 2.2. (a) Except as provided in
 23 subsection (b) or (c) the court may suspend any part of a sentence for
 24 a felony.
- 25 (b) If a person is convicted of a ~~Level 1 felony~~ ~~or~~ a Level 2 felony
 26 **or a Level 3 felony, except a Level 2 felony or a Level 3 felony**
 27 **concerning a controlled substance under IC 35-48-4**, and has any
 28 prior unrelated felony conviction, the court may suspend only that part
 29 of a sentence that is in excess of the minimum sentence for the:
- 30 (1) ~~Level 1~~ **Level 2** felony; or
 31 (2) ~~Level 2~~ **Level 3** felony.
- 32 (c) The court may suspend only that part of a sentence for murder
 33 **or a Level 1 felony conviction** that is in excess of the minimum
 34 sentence for murder **or the Level 1 felony conviction.**
- 35 SECTION 123. IC 35-50-2-4, AS AMENDED BY P.L.158-2013,
 36 SECTION 655, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who commits a Class
 38 A felony (for a crime committed before July 1, 2014) or a Level 1
 39 felony (for a crime committed after June 30, 2014) shall be imprisoned
 40 for a fixed term of between twenty (20) and fifty (50) years, with the
 41 advisory sentence being thirty (30) years. In addition, the person may
 42 be fined not more than ten thousand dollars (\$10,000).



1 SECTION 124. IC 35-50-2-5, AS AMENDED BY P.L.158-2013,
 2 SECTION 657, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person who commits a
 4 Class B felony (for a crime committed before July 1, 2014) shall be
 5 imprisoned for a fixed term of between six (6) and twenty (20) years,
 6 with the advisory sentence being ten (10) years. In addition, the person
 7 may be fined not more than ten thousand dollars (\$10,000).

8 (b) A person who commits a Level 3 felony (for a crime committed
 9 after June 30, 2014) shall be imprisoned for a fixed term of between
 10 three (3) and twenty (20) years, with the advisory sentence being ~~six~~
 11 ~~(6)~~ **ten (10)** years. In addition, the person may be fined not more than
 12 ten thousand dollars (\$10,000).

13 SECTION 125. IC 35-50-2-5.5, AS ADDED BY P.L.158-2013,
 14 SECTION 658, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2014]: Sec. 5.5. A person who commits a Level
 16 4 felony shall be imprisoned for a fixed term of between two (2) and
 17 twelve (12) years, with the advisory sentence being ~~four (4)~~ **six (6)**
 18 years. In addition, the person may be fined not more than ten thousand
 19 dollars (\$10,000).

20 SECTION 126. IC 35-50-2-6, AS AMENDED BY P.L.158-2013,
 21 SECTION 659, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who commits a
 23 Class C felony (for a crime committed before July 1, 2014) shall be
 24 imprisoned for a fixed term of between two (2) and eight (8) years, with
 25 the advisory sentence being four (4) years. In addition, the person may
 26 be fined not more than ten thousand dollars (\$10,000).

27 (b) Notwithstanding subsection (a), if a person has committed
 28 nonsupport of a child as a Class C felony under IC 35-46-1-5 (for a
 29 crime committed before July 1, 2014), upon motion of the prosecuting
 30 attorney, the court may enter judgment of conviction of a Class D
 31 felony under IC 35-46-1-5 and sentence the person accordingly. The
 32 court shall enter in the record detailed reasons for the court's action
 33 when the court enters a judgment of conviction of a Class D felony
 34 under this subsection.

35 (c) A person who commits a Level 5 felony (for a crime committed
 36 after June 30, 2014) shall be imprisoned for a fixed term of between
 37 one (1) and six (6) years, with the advisory sentence being ~~two (2)~~
 38 **three (3)** years. In addition, the person may be fined not more than ten
 39 thousand dollars (\$10,000).

40 (d) Notwithstanding subsection (c), if a person has committed
 41 nonsupport of a child as a Level 5 felony under IC 35-46-1-5 (for a
 42 crime committed after June 30, 2014), upon motion of the prosecuting



1 attorney, the court may enter judgment of conviction of a Level 6
 2 felony under IC 35-46-1-5 and sentence the person accordingly. The
 3 court shall enter in the record detailed reasons for the court's action
 4 when the court enters a judgment of conviction of a Level 6 felony
 5 under this subsection.

6 SECTION 127. IC 35-50-2-7, AS AMENDED BY P.L.159-2013,
 7 SECTION 5, AND AS AMENDED BY P.L.158-2013, SECTION 660,
 8 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A person who commits a
 10 Class D felony (*for a crime committed before July 1, 2014*) shall be
 11 imprisoned for a fixed term of between six (6) months and three (3)
 12 years, with the advisory sentence being one and one-half (1 1/2) years.
 13 In addition, the person may be fined not more than ten thousand dollars
 14 (\$10,000).

15 (b) *A person who commits a Level 6 felony (for a crime committed*
 16 *after June 30, 2014) shall be imprisoned for a fixed term of between six*
 17 *(6) months and two and one-half (2 1/2) years, with the advisory*
 18 *sentence being one (1) year. In addition, the person may be fined not*
 19 *more than ten thousand dollars (\$10,000).*

20 (c) Notwithstanding ~~subsection~~ subsections (a) and (b), if a person
 21 has committed a Class D felony (*for a crime committed before July 1,*
 22 *2014) or a Level 6 felony (for a crime committed after June 30, 2014),*
 23 the court may enter judgment of conviction of a Class A misdemeanor
 24 and sentence accordingly. However, the court shall enter a judgment of
 25 conviction of a Class D felony (*for a crime committed before July 1,*
 26 *2014) or a Level 6 felony (for a crime committed after June 30, 2014)*
 27 if:

28 (1) the court finds that:

29 (A) the person has committed a prior, unrelated felony for
 30 which judgment was entered as a conviction of a Class A
 31 misdemeanor; and

32 (B) the prior felony was committed less than three (3) years
 33 before the second felony was committed;

34 (2) the offense is domestic battery as a Class D felony (*for a crime*
 35 *committed before July 1, 2014) or a Level 6 felony (for a crime*
 36 *committed after June 30, 2014) under IC 35-42-2-1.3; or*

37 (3) the offense is possession of child pornography
 38 (IC 35-42-4-4(c)).

39 The court shall enter in the record, in detail, the reason for its action
 40 whenever it exercises the power to enter judgment of conviction of a
 41 Class A misdemeanor granted in this subsection.

42 ~~(c)~~ (d) Notwithstanding ~~subsection~~ subsections (a) and (b), the



1 sentencing court may convert a Class D felony conviction (*for a crime*
 2 *committed before July 1, 2014*) or a Level 6 felony conviction (*for a*
 3 *crime committed after June 30, 2014*) to a Class A misdemeanor
 4 conviction if, after receiving a verified petition as described in
 5 subsection ~~(d)~~ (e) and after conducting a hearing of which the
 6 prosecuting attorney has been notified, the court makes the following
 7 findings:

8 (1) The person is not a sex or violent offender (as defined in
 9 IC 11-8-8-5).

10 (2) The person was not convicted of a Class D felony (*for a crime*
 11 *committed before July 1, 2014*) or a Level 6 felony (*for a crime*
 12 *committed after June 30, 2014*) that resulted in bodily injury to
 13 another person.

14 (3) The person has not been convicted of perjury under
 15 IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal) or official
 16 misconduct under IC 35-44.1-1-1 (or IC 35-44-1-2 before its
 17 repeal).

18 (4) At least three (3) years have passed since the person:

19 (A) completed the person's sentence; and

20 (B) satisfied any other obligation imposed on the person as
 21 part of the sentence;

22 for the Class D or Level 6 felony.

23 (5) The person has not been convicted of a felony since the
 24 person:

25 (A) completed the person's sentence; and

26 (B) satisfied any other obligation imposed on the person as
 27 part of the sentence;

28 for the Class D or Level 6 felony.

29 (6) No criminal charges are pending against the person.

30 ~~(d)~~ (e) A petition filed under ~~subsection~~ ~~subsections~~ ~~(c)~~ (d) or ~~(e)~~ (f)
 31 must be verified and set forth:

32 (1) the crime the person has been convicted of;

33 (2) the date of the conviction;

34 (3) the date the person completed the person's sentence;

35 (4) any obligations imposed on the person as part of the sentence;

36 (5) the date the obligations were satisfied; and

37 (6) a verified statement that there are no criminal charges pending
 38 against the person.

39 ~~(e)~~ (f) If a person whose Class D or Level 6 felony conviction has
 40 been converted to a Class A misdemeanor conviction under subsection
 41 ~~(c)~~ (d) is convicted of a felony *within not later than five (5) years* after
 42 the conversion under subsection ~~(c)~~ (d), a prosecuting attorney may



1 petition a court to convert the person's Class A misdemeanor
 2 conviction back to a Class D felony conviction (*for a crime committed*
 3 *before July 1, 2014*) or a Level 6 felony conviction (*for a crime*
 4 *committed after June 30, 2014*).

5 SECTION 128. IC 35-50-2-8, AS AMENDED BY P.L.158-2013,
 6 SECTION 661, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The state may seek to have a
 8 person sentenced as a habitual offender for a felony by alleging, on one
 9 (1) or more pages separate from the rest of the charging instrument,
 10 that the person has accumulated the required number of prior unrelated
 11 felony convictions in accordance with this section.

12 (b) A person convicted of murder or of a Level 1 through Level 4
 13 felony is a habitual offender if the state proves beyond a reasonable
 14 doubt that:

- 15 (1) the person has been convicted of two (2) prior unrelated
- 16 felonies; and
- 17 (2) at least one (1) of the prior unrelated felonies is not a Level 6
- 18 felony or a Class D felony.

19 (c) A person convicted of a Level 5 felony is a habitual offender if
 20 the state proves beyond a reasonable doubt that:

- 21 (1) the person has been convicted of two (2) prior unrelated
- 22 felonies;
- 23 (2) at least one (1) of the prior unrelated felonies is not a Level 6
- 24 felony or a Class D felony; and
- 25 (3) if the person is alleged to have committed a prior unrelated:
- 26 (A) Level 5 felony;
- 27 (B) Level 6 felony;
- 28 (C) Class C felony; or
- 29 (D) Class D felony;

30 not more than ten (10) years have elapsed between the time the
 31 person was released from imprisonment, probation, or parole
 32 (whichever is latest) and the time the person committed the
 33 current offense.

34 (d) A person convicted of a Level 6 felony is a habitual offender if
 35 the state proves beyond a reasonable doubt that:

- 36 (1) the person has been convicted of three (3) prior unrelated
- 37 felonies; and
- 38 (2) if the person is alleged to have committed a prior unrelated:
- 39 (A) Level 5 felony;
- 40 (B) Level 6 felony;
- 41 (C) Class C felony; or
- 42 (D) Class D felony;



- 1 not more than ten (10) years have elapsed between the time the
 2 person was released from imprisonment, probation, or parole
 3 (whichever is latest) and the time the person committed the
 4 current offense.
- 5 (e) The state may not seek to have a person sentenced as a habitual
 6 offender for a felony offense under this section if the current offense is
 7 a misdemeanor that is enhanced to a felony in the same proceeding as
 8 the habitual offender proceeding solely because the person had a prior
 9 unrelated conviction. However, a prior unrelated felony conviction may
 10 be used to support a habitual offender determination even if the
 11 sentence for the prior unrelated offense was enhanced for any reason,
 12 including an enhancement because the person had been convicted of
 13 another offense.
- 14 (f) A person has accumulated two (2) or three (3) prior unrelated
 15 felony convictions for purposes of this section only if:
- 16 (1) the second prior unrelated felony conviction was committed
 17 after commission of and sentencing for the first prior unrelated
 18 felony conviction;
 - 19 (2) the offense for which the state seeks to have the person
 20 sentenced as a habitual offender was committed after commission
 21 of and sentencing for the second prior unrelated felony
 22 conviction; and
 - 23 (3) for a conviction requiring proof of three (3) prior unrelated
 24 felonies, the third prior unrelated felony conviction was
 25 committed after commission of and sentencing for the second
 26 prior unrelated felony conviction.
- 27 (g) A conviction does not count for purposes of this section as a
 28 prior unrelated felony conviction if:
- 29 (1) the conviction has been set aside; or
 - 30 (2) the conviction is one for which the person has been pardoned.
- 31 (h) If the person was convicted of the felony in a jury trial, the jury
 32 shall reconvene for the sentencing hearing. If the trial was to the court
 33 or the judgment was entered on a guilty plea, the court alone shall
 34 conduct the sentencing hearing under IC 35-38-1-3. The role of the jury
 35 is to determine whether the defendant has been convicted of the
 36 unrelated felonies. The state or defendant may not conduct any
 37 additional interrogation or questioning of the jury during the habitual
 38 offender part of the trial.
- 39 (i) The court shall sentence a person found to be a habitual offender
 40 to an additional fixed term that is between:
- 41 (1) ~~zero (0)~~ **six (6) years** and twenty (20) years, for a person
 42 convicted of murder or a Level 1 through Level 4 felony; or



- 1 (2) ~~zero (0)~~ **two (2) years** and six (6) years, for a person
- 2 convicted of a Level 5 or Level 6 felony.
- 3 An additional term imposed under this subsection is nonsuspendible.
- 4 (j) Habitual offender is a status that results in an enhanced sentence.
- 5 It is not a separate crime and does not result in a consecutive sentence.
- 6 The court shall attach the habitual offender enhancement to the felony
- 7 conviction with the highest sentence imposed and specify which felony
- 8 count is being enhanced. If the felony enhanced by the habitual
- 9 offender determination is set aside or vacated, the court shall
- 10 resentence the person and apply the habitual offender enhancement to
- 11 the felony conviction with the next highest sentence in the underlying
- 12 cause, if any.
- 13 (k) A prior unrelated felony conviction may not be collaterally
- 14 attacked during a habitual offender proceeding unless the conviction
- 15 is constitutionally invalid.
- 16 (l) The procedural safeguards that apply to other criminal charges,
- 17 including:
 - 18 (1) the requirement that the charge be filed by information or
 - 19 indictment; and
 - 20 (2) the right to an initial hearing;
- 21 also apply to a habitual offender allegation.
- 22 SECTION 129. IC 35-50-2-9, AS AMENDED BY P.L.158-2013,
- 23 SECTION 663, AND AS AMENDED BY P.L.214-2013, SECTION
- 24 45, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 25 [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) The state may seek either a
- 26 death sentence or a sentence of life imprisonment without parole for
- 27 murder by alleging, on a page separate from the rest of the charging
- 28 instrument, the existence of at least one (1) of the aggravating
- 29 circumstances listed in subsection (b). In the sentencing hearing after
- 30 a person is convicted of murder, the state must prove beyond a
- 31 reasonable doubt the existence of at least one (1) of the aggravating
- 32 circumstances alleged. However, the state may not proceed against a
- 33 defendant under this section if a court determines at a pretrial hearing
- 34 under IC 35-36-9 that the defendant is an individual with mental
- 35 retardation.
- 36 (b) The aggravating circumstances are as follows:
 - 37 (1) The defendant committed the murder by intentionally killing
 - 38 the victim while committing or attempting to commit any of the
 - 39 following:
 - 40 (A) Arson (IC 35-43-1-1).
 - 41 (B) Burglary (IC 35-43-2-1).
 - 42 (C) Child molesting (IC 35-42-4-3).



- 1 (D) Criminal deviate conduct (IC 35-42-4-2) (~~repealed~~);
- 2 **(before its repeal).**
- 3 (E) Kidnapping (IC 35-42-3-2).
- 4 (F) Rape (IC 35-42-4-1).
- 5 (G) Robbery (IC 35-42-5-1).
- 6 (H) Carjacking (IC 35-42-5-2) (~~repealed~~); **(before its repeal).**
- 7 (I) Criminal gang activity (IC 35-45-9-3).
- 8 (J) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).
- 9 (*K*) *Criminal confinement* (IC 35-42-3-3).
- 10 (2) The defendant committed the murder by the unlawful
- 11 detonation of an explosive with intent to injure *a* person or
- 12 damage property.
- 13 (3) The defendant committed the murder by lying in wait.
- 14 (4) The defendant who committed the murder was hired to kill.
- 15 (5) The defendant committed the murder by hiring another person
- 16 to kill.
- 17 (6) The victim of the murder was a corrections employee,
- 18 probation officer, parole officer, community corrections worker,
- 19 home detention officer, fireman, judge, or law enforcement
- 20 officer, and either:
- 21 (A) the victim was acting in the course of duty; or
- 22 (B) the murder was motivated by an act the victim performed
- 23 while acting in the course of duty.
- 24 (7) The defendant has been convicted of another murder.
- 25 (8) The defendant has committed another murder, at any time,
- 26 regardless of whether the defendant has been convicted of that
- 27 other murder.
- 28 (9) The defendant was:
- 29 (A) under the custody of the department of correction;
- 30 (B) under the custody of a county sheriff;
- 31 (C) on probation after receiving a sentence for the commission
- 32 of a felony; or
- 33 (D) on parole;
- 34 at the time the murder was committed.
- 35 (10) The defendant dismembered the victim.
- 36 (11) The defendant burned, mutilated, or tortured the victim while
- 37 the victim was alive.
- 38 (12) The victim of the murder was less than twelve (12) years of
- 39 age.
- 40 (13) The victim was a victim of any of the following offenses for
- 41 which the defendant was convicted:
- 42 (A) Battery *committed before July 1, 2014*, as a Class D felony



- 1 or as a Class C felony under IC 35-42-2-1 *or battery*
- 2 *committed after June 30, 2014, as a Level 6 felony, a Level 5*
- 3 *felony, a Level 4 felony, or a Level 3 felony.*
- 4 (B) Kidnapping (IC 35-42-3-2).
- 5 (C) Criminal confinement (IC 35-42-3-3).
- 6 (D) A sex crime under IC 35-42-4.
- 7 (14) The victim of the murder was listed by the state or known by
- 8 the defendant to be a witness against the defendant and the
- 9 defendant committed the murder with the intent to prevent the
- 10 person from testifying.
- 11 (15) The defendant committed the murder by intentionally
- 12 discharging a firearm (as defined in IC 35-47-1-5):
- 13 (A) into an inhabited dwelling; or
- 14 (B) from a vehicle.
- 15 (16) The victim of the murder was pregnant and the murder
- 16 resulted in the intentional killing of a fetus that has attained
- 17 viability (as defined in IC 16-18-2-365).
- 18 (c) The mitigating circumstances that may be considered under this
- 19 section are as follows:
- 20 (1) The defendant has no significant history of prior criminal
- 21 conduct.
- 22 (2) The defendant was under the influence of extreme mental or
- 23 emotional disturbance when the murder was committed.
- 24 (3) The victim was a participant in or consented to the defendant's
- 25 conduct.
- 26 (4) The defendant was an accomplice in a murder committed by
- 27 another person, and the defendant's participation was relatively
- 28 minor.
- 29 (5) The defendant acted under the substantial domination of
- 30 another person.
- 31 (6) The defendant's capacity to appreciate the criminality of the
- 32 defendant's conduct or to conform that conduct to the
- 33 requirements of law was substantially impaired as a result of
- 34 mental disease or defect or of intoxication.
- 35 (7) The defendant was less than eighteen (18) years of age at the
- 36 time the murder was committed.
- 37 (8) Any other circumstances appropriate for consideration.
- 38 (d) If the defendant was convicted of murder in a jury trial, the jury
- 39 shall reconvene for the sentencing hearing. If the trial was to the court,
- 40 or the judgment was entered on a guilty plea, the court alone shall
- 41 conduct the sentencing hearing. The jury or the court may consider all
- 42 the evidence introduced at the trial stage of the proceedings, together



1 with new evidence presented at the sentencing hearing. The court shall
 2 instruct the jury concerning the statutory penalties for murder and any
 3 other offenses for which the defendant was convicted, the potential for
 4 consecutive or concurrent sentencing, and the availability of good time
 5 credit and clemency. The court shall instruct the jury that, in order for
 6 the jury to recommend to the court that the death penalty or life
 7 imprisonment without parole should be imposed, the jury must find at
 8 least one (1) aggravating circumstance beyond a reasonable doubt as
 9 described in subsection (l) and shall provide a special verdict form for
 10 each aggravating circumstance alleged. The defendant may present any
 11 additional evidence relevant to:

12 (1) the aggravating circumstances alleged; or

13 (2) any of the mitigating circumstances listed in subsection (c).

14 (e) For a defendant sentenced after June 30, 2002, except as
 15 provided by IC 35-36-9, if the hearing is by jury, the jury shall
 16 recommend to the court whether the death penalty or life imprisonment
 17 without parole, or neither, should be imposed. The jury may
 18 recommend:

19 (1) the death penalty; or

20 (2) life imprisonment without parole;

21 only if it makes the findings described in subsection (l). If the jury
 22 reaches a sentencing recommendation, the court shall sentence the
 23 defendant accordingly. After a court pronounces sentence, a
 24 representative of the victim's family and friends may present a
 25 statement regarding the impact of the crime on family and friends. The
 26 impact statement may be submitted in writing or given orally by the
 27 representative. The statement shall be given in the presence of the
 28 defendant.

29 (f) If a jury is unable to agree on a sentence recommendation after
 30 reasonable deliberations, the court shall discharge the jury and proceed
 31 as if the hearing had been to the court alone.

32 (g) If the hearing is to the court alone, except as provided by
 33 IC 35-36-9, the court shall:

34 (1) sentence the defendant to death; or

35 (2) impose a term of life imprisonment without parole;

36 only if it makes the findings described in subsection (l).

37 (h) If a court sentences a defendant to death, the court shall order
 38 the defendant's execution to be carried out not later than one (1) year
 39 and one (1) day after the date the defendant was convicted. The
 40 supreme court has exclusive jurisdiction to stay the execution of a
 41 death sentence. If the supreme court stays the execution of a death
 42 sentence, the supreme court shall order a new date for the defendant's



1 execution.

2 (i) If a person sentenced to death by a court files a petition for
3 post-conviction relief, the court, not later than ninety (90) days after the
4 date the petition is filed, shall set a date to hold a hearing to consider
5 the petition. If a court does not, within the ninety (90) day period, set
6 the date to hold the hearing to consider the petition, the court's failure
7 to set the hearing date is not a basis for additional post-conviction
8 relief. The attorney general shall answer the petition for post-conviction
9 relief on behalf of the state. At the request of the attorney general, a
10 prosecuting attorney shall assist the attorney general. The court shall
11 enter written findings of fact and conclusions of law concerning the
12 petition not later than ninety (90) days after the date the hearing
13 concludes. However, if the court determines that the petition is without
14 merit, the court may dismiss the petition within ninety (90) days
15 without conducting a hearing under this subsection.

16 (j) A death sentence is subject to automatic review by the supreme
17 court. The review, which shall be heard under rules adopted by the
18 supreme court, shall be given priority over all other cases. The supreme
19 court's review must take into consideration all claims that the:

20 (1) conviction or sentence was in violation of the:

21 (A) Constitution of the State of Indiana; or

22 (B) Constitution of the United States;

23 (2) sentencing court was without jurisdiction to impose a
24 sentence; and

25 (3) sentence:

26 (A) exceeds the maximum sentence authorized by law; or

27 (B) is otherwise erroneous.

28 If the supreme court cannot complete its review by the date set by the
29 sentencing court for the defendant's execution under subsection (h), the
30 supreme court shall stay the execution of the death sentence and set a
31 new date to carry out the defendant's execution.

32 (k) A person who has been sentenced to death and who has
33 completed state post-conviction review proceedings may file a written
34 petition with the supreme court seeking to present new evidence
35 challenging the person's guilt or the appropriateness of the death
36 sentence if the person serves notice on the attorney general. The
37 supreme court shall determine, with or without a hearing, whether the
38 person has presented previously undiscovered evidence that
39 undermines confidence in the conviction or the death sentence. If
40 necessary, the supreme court may remand the case to the trial court for
41 an evidentiary hearing to consider the new evidence and its effect on
42 the person's conviction and death sentence. The supreme court may not



1 make a determination in the person's favor nor make a decision to
 2 remand the case to the trial court for an evidentiary hearing without
 3 first providing the attorney general with an opportunity to be heard on
 4 the matter.

5 (l) Before a sentence may be imposed under this section, the jury,
 6 in a proceeding under subsection (e), or the court, in a proceeding
 7 under subsection (g), must find that:

8 (1) the state has proved beyond a reasonable doubt that at least
 9 one (1) of the aggravating circumstances listed in subsection (b)
 10 exists; and

11 (2) any mitigating circumstances that exist are outweighed by the
 12 aggravating circumstance or circumstances.

13 SECTION 130. IC 35-50-6-3, AS AMENDED BY P.L.158-2013,
 14 SECTION 667, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) This section applies to a
 16 person ~~convicted~~ **who commits an offense** before July 1, 2014.

17 (b) A person assigned to Class I earns one (1) day of credit time for
 18 each day the person is imprisoned for a crime or confined awaiting trial
 19 or sentencing.

20 (c) A person assigned to Class II earns one (1) day of credit time for
 21 every two (2) days the person is imprisoned for a crime or confined
 22 awaiting trial or sentencing.

23 (d) A person assigned to Class III earns no credit time.

24 (e) A person assigned to Class IV earns one (1) day of credit time
 25 for every six (6) days the person is imprisoned for a crime or confined
 26 awaiting trial or sentencing.

27 SECTION 131. IC 35-50-6-3.1, AS ADDED BY P.L.158-2013,
 28 SECTION 668, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2014]: Sec. 3.1. (a) This section applies to a
 30 person ~~convicted~~ **who commits an offense** after June 30, 2014.

31 **(b) A person assigned to Class A earns one (1) day of credit time**
 32 **for each day the person is imprisoned for a crime or confined**
 33 **awaiting trial or sentencing.**

34 ~~(b)~~ **(c)** A person assigned to ~~Class A~~ **Class B** earns one (1) day of
 35 credit time for every three (3) days the person is imprisoned for a crime
 36 or confined awaiting trial or sentencing.

37 ~~(c)~~ **(d)** A person assigned to ~~Class B~~ **Class C** earns one (1) day of
 38 credit time for every six (6) days the person is imprisoned for a crime
 39 or confined awaiting trial or sentencing.

40 ~~(d)~~ **(e)** A person assigned to ~~Class C~~ **Class D** earns no credit time.

41 SECTION 132. IC 35-50-6-3.3, AS AMENDED BY P.L.158-2013,
 42 SECTION 669, AND AS AMENDED BY P.L.214-2013, SECTION



1 46, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2014]: Sec. 3.3. (a) In addition to any credit
 3 time a person earns under subsection (b) or section 3 of this chapter, a
 4 person earns credit time if the person:

- 5 (1) is in credit Class I, ~~or Class A~~, **or Class B**;
 6 (2) has demonstrated a pattern consistent with rehabilitation; and
 7 (3) successfully completes requirements to obtain one (1) of the
 8 following:

9 (A) A general educational development (GED) diploma under
 10 IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person
 11 has not previously obtained a high school diploma.

12 (B) Except as provided in subsection ~~(n)~~; **(o)**, a high school
 13 diploma, if the person has not previously obtained a general
 14 educational development (GED) diploma.

15 (C) An ~~associate's~~ *associate* degree from an approved
 16 postsecondary educational institution (as defined under
 17 IC 21-7-13-6(a)) *earned during the person's incarceration*.

18 (D) A ~~bachelor's~~ *bachelor* degree from an approved
 19 postsecondary educational institution (as defined under
 20 IC 21-7-13-6(a)) *earned during the person's incarceration*.

21 (b) In addition to any credit time that a person earns under
 22 subsection (a) or section 3 of this chapter, a person may earn credit
 23 time if, while confined by the department of correction, the person:

- 24 (1) is in credit Class I, ~~or Class A~~, **or Class B**;
 25 (2) demonstrates a pattern consistent with rehabilitation; and
 26 (3) successfully completes requirements to obtain at least one (1)
 27 of the following:

28 (A) A certificate of completion of a career and technical *or*
 29 *vocational* education program approved by the department of
 30 correction.

31 (B) A certificate of completion of a substance abuse program
 32 approved by the department of correction.

33 (C) A certificate of completion of a literacy and basic life
 34 skills program approved by the department of correction.

35 (D) A certificate of completion of a reformatory program
 36 approved by the department of correction.

37 (c) The department of correction shall establish admissions criteria
 38 and other requirements for programs available for earning credit time
 39 under subsection (b). A person may not earn credit time under both
 40 subsections (a) and (b) for the same program of study. *The department*
 41 *of correction, in consultation with the department of workforce*
 42 *development, shall approve a program only if the program is likely to*



- 1 *lead to an employable occupation.*
 2 (d) The amount of credit time a person may earn under this section
 3 is the following:
 4 (1) Six (6) months for completion of a state of Indiana general
 5 educational development (GED) diploma under IC 20-20-6
 6 (before its repeal) or IC 22-4.1-18.
 7 (2) One (1) year for graduation from high school.
 8 (3) ~~One~~ *Not more than one* (1) year for completion of an
 9 *associate's* associate degree.
 10 (4) ~~Two~~ *Not more than two* (2) years for completion of a
 11 *bachelor's* bachelor degree.
 12 (5) Not more than a total of ~~six (6) months~~ *one (1) year* of credit,
 13 as determined by the department of correction, for the completion
 14 of one (1) or more career and technical *or vocational* education
 15 programs approved by the department of correction.
 16 (6) Not more than a total of six (6) months of credit, as
 17 determined by the department of correction, for the completion of
 18 one (1) or more substance abuse programs approved by the
 19 department of correction.
 20 (7) Not more than a total of six (6) months credit, as determined
 21 by the department of correction, for the completion of one (1) or
 22 more literacy and basic life skills programs approved by the
 23 department of correction.
 24 (8) Not more than a total of six (6) months credit time, as
 25 determined by the department of correction, for completion of one
 26 (1) or more reformative programs approved by the department of
 27 correction. However, a person who is serving a sentence for an
 28 offense listed under IC 11-8-8-4.5 may not earn credit time under
 29 this subdivision.
 30 However, a person who does not have a substance abuse problem that
 31 qualifies the person to earn credit in a substance abuse program may
 32 earn not more than a total of twelve (12) months of credit, as
 33 determined by the department of correction, for the completion of one
 34 (1) or more career and technical *or vocational* education programs
 35 approved by the department of correction. If a person earns more than
 36 six (6) months of credit for the completion of one (1) or more career
 37 and technical **or vocational** education programs, the person is
 38 ineligible to earn credit for the completion of one (1) or more substance
 39 abuse programs.
 40 (e) *Credit time earned under this section must be directly*
 41 *proportional to the time served and course work completed while*
 42 *incarcerated. The department of correction shall adopt rules under*



- 1 *IC 4-22-2 necessary to implement this subsection.*
- 2 ~~(e)~~ (f) Credit time earned by a person under this section is subtracted
- 3 from the *release date that would otherwise apply to period of*
- 4 *imprisonment imposed on* the person by the sentencing court after
- 5 subtracting all other credit time earned by the person.
- 6 ~~(f)~~ (g) A person does not earn credit time under subsection (a)
- 7 unless the person completes at least a portion of the degree
- 8 requirements after June 30, 1993.
- 9 ~~(g)~~ (h) A person does not earn credit time under subsection (b)
- 10 unless the person completes at least a portion of the program
- 11 requirements after June 30, 1999.
- 12 ~~(h)~~ (i) Credit time earned by a person under subsection (a) for a
- 13 diploma or degree completed before July 1, 1999, shall be subtracted
- 14 from:
- 15 (1) the release date that would otherwise apply to the person after
- 16 subtracting all other credit time earned by the person, if the
- 17 person has not been convicted of an offense described in
- 18 subdivision (2); or
- 19 (2) the period of imprisonment imposed on the person by the
- 20 sentencing court, if the person has been convicted of one (1) of
- 21 the following crimes:
- 22 (A) Rape (IC 35-42-4-1).
- 23 (B) Criminal deviate conduct (IC 35-42-4-2) ~~(repealed):~~
- 24 **(before its repeal).**
- 25 (C) Child molesting (IC 35-42-4-3).
- 26 (D) Child exploitation (IC 35-42-4-4(b)).
- 27 (E) Vicarious sexual gratification (IC 35-42-4-5).
- 28 (F) Child solicitation (IC 35-42-4-6).
- 29 (G) Child seduction (IC 35-42-4-7).
- 30 (H) Sexual misconduct with a minor (*IC 35-42-4-9*) as a:
- 31 (i) Class A felony, Class B felony, or Class C felony
- 32 ~~(IC 35-42-4-9); for a crime committed before July 1, 2014;~~
- 33 *or*
- 34 (ii) Level 1, Level 2, or Level 4 felony, for a crime
- 35 *committed after June 30, 2014.*
- 36 (I) Incest (IC 35-46-1-3).
- 37 (J) Sexual battery (IC 35-42-4-8).
- 38 (K) Kidnapping (IC 35-42-3-2), if the victim is less than
- 39 eighteen (18) years of age.
- 40 (L) Criminal confinement (IC 35-42-3-3), if the victim is less
- 41 than eighteen (18) years of age.
- 42 (M) An attempt or a conspiracy to commit a crime listed in



- 1 clauses (A) through (L).
- 2 ~~(j)~~ (j) The maximum amount of credit time a person may earn under
3 this section is the lesser of:
- 4 (1) ~~four~~ ~~(4)~~ two (2) years; or
- 5 (2) one-third (1/3) of the person's total applicable credit time.
- 6 ~~(k)~~ (k) Credit time earned under this section by an offender serving
7 a sentence for a felony against a person under IC 35-42 or for a crime
8 listed in IC 11-8-8-5 shall be reduced to the extent that application of
9 the credit time would otherwise result in:
- 10 (1) postconviction release (as defined in IC 35-40-4-6); or
- 11 (2) assignment of the person to a community transition program;
12 in less than forty-five (45) days after the person earns the credit time.
- 13 ~~(l)~~ (l) A person may earn credit time for multiple degrees at the
14 same education level under subsection (d) only in accordance with
15 guidelines approved by the department of correction. The department
16 of correction may approve guidelines for proper sequence of education
17 degrees under subsection (d).
- 18 ~~(m)~~ (m) A person may not earn credit time:
- 19 (1) for a general educational development (GED) diploma if the
20 person has previously earned a high school diploma; or
- 21 (2) for a high school diploma if the person has previously earned
22 a general educational development (GED) diploma.
- 23 ~~(n)~~ (n) A person may not earn credit time under this section if the
24 person:
- 25 (1) commits an offense listed in IC 11-8-8-4.5 while the person is
26 required to register as a sex or violent offender under IC 11-8-8-7;
27 and
- 28 (2) is committed to the department of correction after being
29 convicted of the offense listed in IC 11-8-8-4.5.
- 30 ~~(o)~~ (o) For a person to earn credit time under subsection (a)(3)(B)
31 for successfully completing the requirements for a high school diploma
32 through correspondence courses, each correspondence course must be
33 approved by the department before the person begins the
34 correspondence course. The department may approve a correspondence
35 course only if the entity administering the course is recognized and
36 accredited by the department of education in the state where the entity
37 is located.
- 38 SECTION 133. IC 35-50-6-4, AS AMENDED BY P.L.158-2013,
39 SECTION 670, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2014]: Sec. 4. **(a) A person:**
- 41 **(1) who is not a credit restricted felon; and**
- 42 **(2) who is imprisoned for a Level 6 felony or a misdemeanor**



1 **or imprisoned awaiting trial or sentencing for a Level 6 felony**
 2 **or misdemeanor;**
 3 **is initially assigned to Class A.**

4 ~~(a)~~ **(b)** A person:

5 **(1)** who is not a credit restricted felon; and

6 **(2)** who is imprisoned for a crime **other than a Level 6 felony or**
 7 **misdemeanor** or imprisoned awaiting trial or sentencing **for a**
 8 **crime other than a Level 6 felony or misdemeanor;**

9 is initially assigned to ~~Class A:~~ **Class B.**

10 ~~(b)~~ **(c)** A person who is a credit restricted felon and who is
 11 imprisoned for a crime or imprisoned awaiting trial or sentencing is
 12 initially assigned to ~~Class B:~~ **Class C.** A credit restricted felon may not
 13 be assigned to Class A **or Class B.**

14 ~~(c)~~ **(d)** A person who is not a credit restricted felon may be
 15 reassigned to ~~Class B~~ **Class C** or ~~Class C~~ **Class D** if the person violates
 16 any of the following:

17 (1) A rule of the department of correction.

18 (2) A rule of the penal facility in which the person is imprisoned.

19 (3) A rule or condition of a community transition program.

20 However, a violation of a condition of parole or probation may not be
 21 the basis for reassignment. Before a person may be reassigned to a
 22 lower credit time class, the person must be granted a hearing to
 23 determine the person's guilt or innocence and, if found guilty, whether
 24 reassignment is an appropriate disciplinary action for the violation. The
 25 person may waive the right to the hearing.

26 ~~(d)~~ **(e)** A person who is a credit restricted felon may be reassigned
 27 to ~~Class C~~ **Class D** and a person who is assigned to Class IV may be
 28 assigned to Class III if the person violates any of the following:

29 (1) A rule of the department of correction.

30 (2) A rule of the penal facility in which the person is imprisoned.

31 (3) A rule or condition of a community transition program.

32 However, a violation of a condition of parole or probation may not be
 33 the basis for reassignment. Before a person may be reassigned to Class
 34 III or ~~Class C:~~ **Class D**, the person must be granted a hearing to
 35 determine the person's guilt or innocence and, if found guilty, whether
 36 reassignment is an appropriate disciplinary action for the violation. The
 37 person may waive the right to the hearing.

38 ~~(e)~~ **(f)** In connection with the hearing granted under subsection ~~(e)~~
 39 **(d)** or ~~(d)~~; **(e)**, the person is entitled to:

40 (1) have not less than twenty-four (24) hours advance written
 41 notice of the date, time, and place of the hearing, and of the
 42 alleged misconduct and the rule the misconduct is alleged to have



- 1 violated;
- 2 (2) have reasonable time to prepare for the hearing;
- 3 (3) have an impartial decisionmaker;
- 4 (4) appear and speak in the person's own behalf;
- 5 (5) call witnesses and present evidence;
- 6 (6) confront and cross-examine each witness, unless the hearing
- 7 authority finds that to do so would subject a witness to a
- 8 substantial risk of harm;
- 9 (7) have the assistance of a lay advocate (the department may
- 10 require that the advocate be an employee of, or a fellow prisoner
- 11 in, the same facility or program);
- 12 (8) have a written statement of the findings of fact, the evidence
- 13 relied upon, and the reasons for the action taken;
- 14 (9) have immunity if the person's testimony or any evidence
- 15 derived from the person's testimony is used in any criminal
- 16 proceedings; and
- 17 (10) have the person's record expunged of any reference to the
- 18 charge if the person is found not guilty or if a finding of guilt is
- 19 later overturned.

20 Any finding of guilt must be supported by a preponderance of the
 21 evidence presented at the hearing.

22 ~~(f)~~ **(g)** Except for a credit restricted felon, a person may be
 23 reassigned from:

- 24 (1) Class III to Class I, Class II or Class IV;
- 25 (2) Class II to Class I;
- 26 (3) ~~Class C~~ **Class D** to Class A, ~~or Class B, or Class C;~~
- 27 (4) ~~Class B Class C~~ to Class A **or Class B.**

28 A person's assignment to Class III, Class II, ~~Class B;~~ **or Class C, or**
 29 **Class D** shall be reviewed at least once every six (6) months to
 30 determine if the person should be reassigned to a higher credit time
 31 class. A credit restricted felon may not be reassigned to Class I or Class
 32 II or to Class A, ~~or Class B, or Class C.~~

33 **(h) This subsection applies only to a person imprisoned awaiting**
 34 **trial. A person imprisoned awaiting trial is initially assigned to a**
 35 **credit class based on the most serious offense with which the**
 36 **person is charged. If all the offenses of which a person is convicted**
 37 **have a higher credit time class than the most serious offense with**
 38 **which the person is charged, the person earns credit time for the**
 39 **time imprisoned awaiting trial at the credit time class of the most**
 40 **serious offense of which the person was convicted. However, this**
 41 **section does not apply to any period during which the person is**
 42 **reassigned to a lower credit time class for a disciplinary violation.**



1 SECTION 134. IC 35-50-6-5, AS AMENDED BY P.L.158-2013,
 2 SECTION 671, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person may, with respect
 4 to the same transaction, be deprived of any part of the credit time the
 5 person has earned for any of the following:

6 (1) A violation of one (1) or more rules of the department of
 7 correction.

8 (2) If the person is not committed to the department, a violation
 9 of one (1) or more rules of the penal facility in which the person
 10 is imprisoned.

11 (3) A violation of one (1) or more rules or conditions of a:

12 (A) community transition program; or

13 (B) community corrections program.

14 (4) If a court determines that a civil claim brought by the person
 15 in a state or an administrative court is frivolous, unreasonable, or
 16 groundless.

17 (5) If the person is a sex offender (as defined in IC 11-8-8-5) and
 18 refuses to register before being released from the department as
 19 required under IC 11-8-8-7.

20 (6) If the person is a sex offender (as defined in IC 11-8-8-5) and
 21 refuses to participate in a sex offender treatment program
 22 specifically offered to the sex offender by the department of
 23 correction while the person is serving a period of incarceration
 24 with the department of correction.

25 However, the violation of a condition of parole or probation may not be
 26 the basis for deprivation. Whenever a person is deprived of credit time,
 27 the person may also be reassigned to Class II (if the person is not a
 28 credit restricted felon) or Class III, ~~Class B~~, or Class C, or Class D.

29 (b) Before a person may be deprived of earned credit time, the
 30 person must be granted a hearing to determine the person's guilt or
 31 innocence and, if found guilty, whether deprivation of earned credit
 32 time is an appropriate disciplinary action for the violation. In
 33 connection with the hearing, the person is entitled to the procedural
 34 safeguards listed in section 4(c) of this chapter. The person may waive
 35 the person's right to the hearing.

36 (c) Any part of the credit time of which a person is deprived under
 37 this section may be restored.

38 SECTION 135. [EFFECTIVE JULY 1, 2014] **The general**
 39 **assembly recognizes that P.L.214-2013, SECTION 44 amended**
 40 **IC 35-50-2-2, and that P.L.158-2013, SECTION 653 repealed**
 41 **IC 35-50-2-2. The general assembly intends to repeal IC 35-50-2-2.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1006, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 51, delete lines 32 through 42.

Page 52, delete lines 1 through 35, begin a new paragraph and insert:

"SECTION 44. IC 31-30-1-4, AS AMENDED BY P.L.158-2013, SECTION 315, AND AS AMENDED BY P.L.214-2013, SECTION 25, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The juvenile court does not have jurisdiction over an individual for an alleged violation of:

- (1) IC 35-41-5-1(a) (attempted murder);
- (2) IC 35-42-1-1 (murder);
- (3) IC 35-42-3-2 (kidnapping);
- (4) IC 35-42-4-1 (rape);
- (5) IC 35-42-4-2 (criminal deviate conduct) ~~(repealed)~~; **(before its repeal)**;
- (6) IC 35-42-5-1 (robbery) if:
 - (A) the robbery was committed while armed with a deadly weapon; or
 - (B) the robbery results in bodily injury or serious bodily injury;
- (7) IC 35-42-5-2 (carjacking) ~~(repealed)~~; **(before its repeal)**;
- ~~(8) IC 35-45-9-3 (criminal gang activity)~~;
- ~~(9) IC 35-45-9-4 (criminal gang intimidation)~~;
- ~~(10)~~ **(8)** IC 35-47-2-1 (carrying a handgun without a license), if charged as a felony;
- ~~(H)~~ **(9)** IC 35-47-10 (children and firearms), if charged as a felony;
- ~~(12)~~ **(10)** IC 35-47-5-4.1 (dealing in a sawed-off shotgun); or
- ~~(13)~~ **(11)** any offense that may be joined under IC 35-34-1-9(a)(2) with any crime listed in subdivisions (1) through ~~(12)~~; **(10)**;

if the individual was at least sixteen (16) years of age at the time of the alleged violation.

~~(b) The juvenile court does not have jurisdiction for an alleged violation of manufacturing or dealing in cocaine or a narcotic drug (IC 35-48-4-1); dealing in methamphetamine (IC 35-48-4-1.1); dealing in a schedule I, H, or HH controlled substance (IC 35-48-4-2); or dealing in a schedule IV controlled substance (IC 35-48-4-3); if:~~

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~~(1) the individual has a prior unrelated conviction under IC 35-48-4-1, IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3; or~~
~~(2) the individual has a prior unrelated juvenile adjudication that, if committed by an adult, would be a crime under IC 35-48-4-1, IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3;~~
 and the individual was at least sixteen (16) years of age at the time of the alleged violation.

~~(c)~~ **(b)** Once an individual described in subsection (a) ~~or (b)~~ has been charged with any crime listed in subsection (a), ~~or (b)~~; the court having adult criminal jurisdiction shall retain jurisdiction over the case even if the individual pleads guilty to or is convicted of a lesser included offense. A plea of guilty to or a conviction of a lesser included offense does not vest jurisdiction in the juvenile court."

Page 65, between lines 9 and 10, begin a new paragraph and insert:
 "SECTION 54. IC 35-31.5-2-38.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2014]: **Sec. 38.5. "Child care facility" means a:**

- (1) child care center licensed under IC 12-17.2-4;**
- (2) child care home licensed under IC 12-17.2-5; or**
- (3) child care ministry licensed under IC 12-17.2-6."**

Page 71, delete lines 23 through 42, begin a new paragraph and insert:

"SECTION 65. IC 35-38-1-17, AS AMENDED BY P.L.158-2013, SECTION 396, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) **This section does not apply to a credit restricted felon.**

(b) At any time Not later than three hundred sixty-five (365) days after:

- (1) a convicted person begins serving the person's sentence; and**
- ~~(2) a hearing is held:~~
 - ~~(A) at which the convicted person is present; and~~
 - ~~(B) of which the prosecuting attorney has been notified; and~~
 - ~~(3) (2) the court obtains a report from the department of correction concerning the convicted person's conduct while imprisoned;~~

the court may reduce or suspend the sentence and impose a sentence that the court was authorized to impose at the time of sentencing. The court must incorporate its reasons in the record.

(c) If more than three hundred sixty-five (365) days have elapsed since the convicted person began serving the sentence, the court may reduce or suspend the sentence and impose a sentence



that the court was authorized to impose at the time of sentencing. The court must incorporate its reasons in the record.

~~(b)~~ **(d)** **If the court sets a hearing on a petition under this section,** the court must give notice of the order to reduce or suspend the sentence under this section to the prosecuting attorney and the **prosecuting attorney must give notice to the** victim (as defined in IC 35-31.5-2-348) of the crime for which the convicted person is serving the sentence.

~~(c)~~ **(e)** The court may suspend a sentence for a felony under this section only if suspension is permitted under IC 35-50-2-2.2.

~~(d)~~ **(f)** The court may deny a request to suspend or reduce a sentence under this section without making written findings and conclusions.

~~(e)~~ **(g)** The court is not required to conduct a hearing before reducing or suspending a sentence **under this section** if:

- (1) the prosecuting attorney has filed with the court an agreement of the reduction or suspension of the sentence; and
- (2) the convicted person has filed with the court a waiver of the right to be present when the order to reduce or suspend the sentence is considered.

(h) A convicted person may file a petition for sentence modification under this section:

- (1) not more than one (1) time in any three hundred sixty-five (365) day period; and**
- (2) a maximum of two (2) times during any consecutive period of incarceration."**

Delete page 72.

Page 73, delete lines 1 through 5, begin a new paragraph and insert: "SECTION 64. IC 35-38-2.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as provided in section 5.5 of this chapter, as a condition of probation a court may order an offender confined to the offender's home for a period of home detention lasting at least sixty (60) days.

(b) The period of home detention may be consecutive or nonconsecutive, as the court orders. However, the aggregate time actually spent in home detention must not exceed:

- (1) the minimum term of imprisonment prescribed for a felony under IC 35-50-2; or
- (2) the maximum term of imprisonment prescribed for a misdemeanor under IC 35-50-3;

for the crime committed by the offender.

(c) The court may order supervision of an offender's home detention to be provided by the probation department for the court or by a



community corrections program that provides supervision of home detention.

(d) A person's term of confinement on home detention under this chapter is computed on the basis of the actual days the person spends on home detention.

(e) A person confined on home detention as a condition of probation earns **one (1) day of credit for time served for each day the person is confined on home detention.**"

Page 112, delete lines 19 through 40, begin a new paragraph and insert:

"SECTION 94. IC 35-48-1-16.5, AS ADDED BY P.L.158-2013, SECTION 619, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16.5. "Enhancing circumstance" means one (1) or more of the following:

- (1) The person has a prior conviction, **in any jurisdiction**, for dealing in a controlled substance that is not marijuana, hashish, hash oil, salvia divinorum, or a synthetic drug, **including an attempt or conspiracy to commit the offense.**
- (2) The person committed the offense while in possession of a firearm.
- (3) The person committed the offense:
 - (A) on a school bus; or
 - (B) in, on, or within ~~five~~ **two** hundred ~~(500)~~ **fifty (250)** feet of:
 - (i) school property; ~~while a person under eighteen (18) years of age was reasonably expected to be present;~~ or
 - (ii) a public park; ~~while a person under eighteen (18) years of age was reasonably expected to be present.~~
 - (iii) a family housing complex; or**
 - (iv) a child care facility.**
- (4) The person delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the person.
- (5) The person manufactured or financed the manufacture of the drug.
- (6) The person committed the offense in the physical presence of a child less than eighteen (18) years of age, knowing that the child was present and might be able to see or hear the offense.**

SECTION 95. IC 35-48-4-1, AS AMENDED BY P.L.158-2013, SECTION 622, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who:

- (1) knowingly or intentionally:

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- (A) manufactures;
 - (B) finances the manufacture of;
 - (C) delivers; or
 - (D) finances the delivery of;
- cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II; or
- (2) possesses, with intent to:
 - (A) manufacture;
 - (B) finance the manufacture of;
 - (C) deliver; or
 - (D) finance the delivery of;
 cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II;
- commits dealing in cocaine or a narcotic drug, a ~~Level 5~~ **Level 4** felony, except as provided in subsections (b) through ~~(d)~~: **(c)**.
- (b) The offense is a ~~Level 4~~ **Level 3** felony if:
 - (1) the amount of the drug involved is at least three (3) but less than ten (10) grams; or
 - (2) the amount of the drug involved is less than three (3) grams and an enhancing circumstance applies.
 - (c) The offense is a ~~Level 3~~ **Level 2** felony if:
 - (1) the amount of the drug involved is at least ten (10) ~~but less than twenty-eight (28)~~ grams; or
 - (2) the amount of the drug involved is at least three (3) but less than ten (10) grams and an enhancing circumstance applies.
 - ~~(d) The offense is a Level 2 felony if:~~
 - ~~(1) the amount of the drug involved is at least twenty-eight (28) grams; or~~
 - ~~(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.~~

SECTION 96. IC 35-48-4-1.1, AS AMENDED BY P.L.158-2013, SECTION 623, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.1. (a) A person who:

- (1) knowingly or intentionally:
 - (A) manufactures;
 - (B) finances the manufacture of;
 - (C) delivers; or
 - (D) finances the delivery of;
 methamphetamine, pure or adulterated; or
- (2) possesses, with intent to:
 - (A) manufacture;

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(B) finance the manufacture of;
 (C) deliver; or
 (D) finance the delivery of;
 methamphetamine, pure or adulterated;
 commits dealing in methamphetamine, a ~~Level 5~~ **Level 4** felony, except
 as provided in subsections (b) through ~~(d)~~: **(c)**.

(b) The offense is a ~~Level 4~~ **Level 3** felony if:
 (1) the amount of the drug involved is at least three (3) but less
 than ten (10) grams; or
 (2) the amount of the drug involved is less than three (3) grams
 and an enhancing circumstance applies.

(c) The offense is a ~~Level 3~~ **Level 2** felony if:
 (1) the amount of the drug involved is at least ten (10) ~~but less
 than twenty-eight (28)~~ grams; or
 (2) the amount of the drug involved is at least three (3) but less
 than ten (10) grams and an enhancing circumstance applies;

~~(d) The offense is a Level 2 felony if:~~
~~(1) the amount of the drug involved is at least twenty-eight (28)~~
~~grams;~~
~~(2) the amount of the drug involved is at least ten (10) but less~~
~~than twenty-eight (28) grams and an enhancing circumstance~~
~~applies; or~~
 (3) the person is manufacturing the drug and the manufacture
 results in an explosion causing serious bodily injury to a person
 other than the manufacturer."

Page 115, delete lines 24 through 42, begin a new paragraph and
 insert:

"SECTION 99. IC 35-48-4-10.5, AS ADDED BY P.L.196-2013,
 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2014]: Sec. 10.5. (a) A person who:

- (1) manufactures;
- (2) finances the manufacture of;
- (3) delivers;
- (4) finances the delivery of;
- (5) possesses, with intent to deliver; or
- (6) possesses, with intent to finance the delivery of;

a synthetic drug or a synthetic drug lookalike substance commits
 dealing in a synthetic drug or synthetic drug lookalike substance, a
 Class A infraction. However, the offense is a ~~Class B~~ **Level 6** felony if
 the offense is committed knowingly or intentionally and the person has
 a prior unrelated judgment or conviction under this subsection.

(b) A person who:

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- (1) knowingly or intentionally:
 - (A) manufactures;
 - (B) finances the manufacture of;
 - (C) delivers; or
 - (D) finances the delivery of;
 a synthetic drug or synthetic drug lookalike substance; or
 - (2) possesses, with intent to:
 - (A) manufacture;
 - (B) finance the manufacture of;
 - (C) deliver; or
 - (D) finance the delivery of;
 a synthetic drug or synthetic drug lookalike substance;
- commits dealing in a synthetic drug or synthetic drug lookalike substance, a Class A misdemeanor, except as provided in subsection (c).

(c) The offense in subsection (b) is:

(1) a ~~Class B~~ **Level 6** felony if:

- (A) the recipient or intended recipient is less than eighteen (18) years of age;
- (B) the amount involved is more than two (2) grams; or
- (C) the person has a prior conviction of an offense involving a synthetic drug or synthetic drug lookalike substance; and

(2) a ~~Class C~~ **Level 5** felony if the amount involved is more than two (2) grams and the person delivered or financed the delivery of the synthetic drug or synthetic drug lookalike substance:

- (A) on a school bus; or
- (B) in, on, or within ~~five~~ **two** hundred (~~500~~) **fifty (250)** feet of:
 - (i) school property; or
 - (ii) a public park;

~~while a person under eighteen (18) years of age was reasonably expected to be present.~~

(iii) a family housing complex; or

(iv) a child care facility.

(d) In addition to a criminal or civil penalty imposed for a violation of this section, if the court finds that a person has violated this section and the violation involved the sale of or offer to sell, in the normal course of business, a synthetic drug or a synthetic drug lookalike substance by a retail merchant in a place of business for which the retail merchant has been issued a registered retail merchant certificate, the court:

- (1) shall recommend the suspension of the registered retail merchant certificate for the place of business for one (1) year if



the person's violation of this section resulted in a criminal conviction; and

(2) may recommend the suspension of the registered retail merchant certificate for the place of business for six (6) months if the person's violation of this section resulted in an adjudication that the person committed an infraction.

(e) The department of state revenue shall suspend the registered retail merchant certificate of a retail merchant in accordance with the recommendation of the court. Whenever the department of state revenue is required to suspend a retail merchant's registered retail merchant certificate under this section, the department shall immediately mail a notice to the retail merchant's address that must state that the retail merchant's registered retail merchant certificate will be suspended for the period recommended by the court, commencing five (5) days after the date of the notice."

Delete page 116.

Page 117, delete lines 1 through 9.

Page 118, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 103. IC 35-48-4-14.5, AS AMENDED BY P.L.193-2013, SECTION 7, AND AS AMENDED BY P.L.158-2013, SECTION 643, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14.5. (a) As used in this section, "chemical reagents or precursors" refers to one (1) or more of the following:

- (1) Ephedrine.
- (2) Pseudoephedrine.
- (3) Phenylpropanolamine.
- (4) The salts, isomers, and salts of isomers of a substance identified in subdivisions (1) through (3).
- (5) Anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1).
- (6) Organic solvents.
- (7) Hydrochloric acid.
- (8) Lithium metal.
- (9) Sodium metal.
- (10) Ether.
- (11) Sulfuric acid.
- (12) Red phosphorous.
- (13) Iodine.
- (14) Sodium hydroxide (lye).
- (15) Potassium dichromate.



- (16) Sodium dichromate.
- (17) Potassium permanganate.
- (18) Chromium trioxide.
- (19) Benzyl cyanide.
- (20) Phenylacetic acid and its esters or salts.
- (21) Piperidine and its salts.
- (22) Methylamine and its salts.
- (23) Isosafrole.
- (24) Safrole.
- (25) Piperonal.
- (26) Hydriodic acid.
- (27) Benzaldehyde.
- (28) Nitroethane.
- (29) Gamma-butyrolactone.
- (30) White phosphorus.
- (31) Hypophosphorous acid and its salts.
- (32) Acetic anhydride.
- (33) Benzyl chloride.
- (34) Ammonium nitrate.
- (35) Ammonium sulfate.
- (36) Hydrogen peroxide.
- (37) Thionyl chloride.
- (38) Ethyl acetate.
- (39) Pseudoephedrine hydrochloride.

(b) A person who possesses more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits a ~~Class D~~ Level 6 felony. However, the offense is a ~~Class E~~ Level 5 felony if the person possessed:

- (1) a firearm while possessing more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated; or
- (2) more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, in, on, or within ~~one thousand (1,000) five~~ two hundred ~~(500)~~ fifty (250) feet of:
 - (A) school property; ~~while a person under eighteen (18) years of age was reasonably expected to be present; or~~
 - (B) a public park; ~~while a person under eighteen (18) years of age was reasonably expected to be present.~~
 - (C) a family housing complex; or
 - ~~(D) a youth program center.~~
 - (D) a child care facility.**

(c) A person who possesses anhydrous ammonia or ammonia



solution (as defined in IC 22-11-20-1) with the intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6, commits a *Class D Level 6* felony. However, the offense is a *Class E Level 5* felony if the person possessed:

(1) a firearm while possessing anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6; or

(2) anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6, in, on, or within *one thousand (1,000) five two hundred (500) fifty (250)* feet of:

(A) school property; *while a person under eighteen (18) years of age was reasonably expected to be present; or*

(B) a public park; *while a person under eighteen (18) years of age was reasonably expected to be present.*

(C) a family housing complex; or

~~(D) a youth program center.~~

(D) a child care facility.

(d) Subsection (b) does not apply to a:

(1) licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier or an agent of any of these persons if the possession is in the regular course of lawful business activities; or

(2) person who possesses more than ten (10) grams of a substance described in subsection (b) if the substance is possessed under circumstances consistent with typical medicinal or household use, including:

(A) the location in which the substance is stored;

(B) the possession of the substance in a variety of:

(i) strengths;

(ii) brands; or

(iii) types; or

(C) the possession of the substance:

(i) with different expiration dates; or

(ii) in forms used for different purposes.

(e) A person who possesses two (2) or more chemical reagents or precursors with the intent to manufacture a controlled substance commits a *Class D Level 6* felony.

(f) An offense under subsection (e) is a *Class E Level 5* felony if the person possessed:



(1) a firearm while possessing two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance;
or

(2) two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance in, on, or within *one thousand (1,000) five two hundred (500) fifty (250)* feet of:

(A) school property; *while a person under eighteen (18) years of age was reasonably expected to be present; or*

(B) a public park; *while a person under eighteen (18) years of age was reasonably expected to be present.*

(C) a family housing complex; or

~~(D) a youth program center.~~

(D) a child care facility.

(g) A person who sells, transfers, distributes, or furnishes a chemical reagent or precursor to another person with knowledge or the intent that the recipient will use the chemical reagent or precursors to manufacture a controlled substance commits unlawful sale of a precursor, a ~~Class D~~ Level 6 felony. *However, the offense is a ~~Class C~~ Level 5 felony if the person sells, transfers, distributes, or furnishes more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine.*

(h) This subsection does not apply to a drug containing ephedrine, pseudoephedrine, or phenylpropanolamine that is dispensed under a prescription. A person who:

(1) has been convicted of:

(A) dealing in methamphetamine (IC 35-48-4-1.1);

(B) possession of more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine (subsection (b));

(C) possession of anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine (subsection (c));

(D) possession of two (2) or more chemical reagents or precursors with the intent to manufacture a controlled substance (subsection (e)); or

(E) unlawful sale of a precursor (subsection (g)); and

(2) not later than seven (7) years from the date the person was sentenced for the offense;

knowingly or intentionally possesses ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits possession of a precursor by a methamphetamine offender, a ~~Class D~~ Level 6 felony.

SECTION 104. IC 35-48-4-16, AS AMENDED BY P.L.158-2013, SECTION 644, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) For an offense under this



chapter that requires proof of:

- (1) delivery of cocaine, a narcotic drug, methamphetamine, or a controlled substance;
- (2) financing the delivery of cocaine, a narcotic drug, methamphetamine, or a controlled substance; or
- (3) possession of cocaine, a narcotic drug, methamphetamine, or a controlled substance;

within ~~five two~~ hundred ~~(500)~~ **fifty (250)** feet of school property, or a public park, ~~while a person less than eighteen (18) years of age was reasonably expected to be present;~~ **a family housing complex, or a child care facility**, the person charged may assert the defense in subsection (b). ~~or (c):~~

(b) It is a defense for a person charged under this chapter with an offense that contains an element listed in subsection (a) that:

- (1) a person was briefly in, on, or within five hundred (500) feet of school property or a public park while a person less than eighteen (18) years of age was reasonably expected to be present; and
- (2) no person under eighteen (18) years of age at least three (3) years junior to the person was in, on, or within five hundred (500) feet of the school property or public park at the time of the offense.

(c) (b) It is a defense for a person charged under this chapter with an offense that contains an element listed in subsection (a) that a person was in, on, or within ~~five two~~ hundred ~~(500)~~ **fifty (250)** feet of school property, or a public park, **a family housing complex, or a child care facility**

- (1) at the request or suggestion of a law enforcement officer or an agent of a law enforcement officer. and
- (2) while a person less than eighteen (18) years of age was reasonably expected to be present.

(d) (c) The defense under this section applies only to the element of the offense that requires proof that the delivery, financing of the delivery, or possession of cocaine, a narcotic drug, methamphetamine, or a controlled substance occurred in, on, or within ~~five two~~ hundred ~~(500)~~ **fifty (250)** feet of school property, or a public park, ~~while a person less than eighteen (18) years of age was reasonably expected to be present.~~ **a family housing complex, or a child care facility."**

Delete pages 119 through 120.

Page 121, delete lines 1 through 38.

Page 126, delete lines 16 through 29, begin a new paragraph and insert:

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"SECTION 110. IC 35-50-2-2.2, AS ADDED BY P.L.158-2013, SECTION 654, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.2. (a) Except as provided in subsection (b) or (c) the court may suspend any part of a sentence for a felony.

(b) If a person is convicted of a ~~Level 1 felony~~ or a Level 2 felony **or a Level 3 felony, except a Level 2 felony or a Level 3 felony concerning a controlled substance under IC 35-48-4**, and has any prior unrelated felony conviction, the court may suspend only that part of a sentence that is in excess of the minimum sentence for the:

- (1) ~~Level 1~~ **Level 2** felony; or
- (2) ~~Level 2~~ **Level 3** felony.

(c) The court may suspend only that part of a sentence for murder **or a Level 1 felony conviction** that is in excess of the minimum sentence for murder **or the Level 1 felony conviction."**

Page 136, delete line 42, begin a new paragraph and insert:

"SECTION 117. IC 35-50-6-3, AS AMENDED BY P.L.158-2013, SECTION 667, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) This section applies to a person ~~convicted who commits an offense~~ before July 1, 2014.

(b) A person assigned to Class I earns one (1) day of credit time for each day the person is imprisoned for a crime or confined awaiting trial or sentencing.

(c) A person assigned to Class II earns one (1) day of credit time for every two (2) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

(d) A person assigned to Class III earns no credit time.

(e) A person assigned to Class IV earns one (1) day of credit time for every six (6) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

SECTION 118. IC 35-50-6-3.1, AS ADDED BY P.L.158-2013, SECTION 668, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.1. (a) This section applies to a person ~~convicted who commits an offense~~ after June 30, 2014.

(b) A person assigned to Class A earns one (1) day of credit time for each day the person is imprisoned for a crime or confined awaiting sentencing.

~~(b)~~ (c) A person assigned to ~~Class A~~ **Class B** earns one (1) day of credit time for every three (3) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

~~(c)~~ (d) A person assigned to ~~Class B~~ **Class C** earns one (1) day of credit time for every six (6) days the person is imprisoned for a crime



or confined awaiting trial or sentencing.

~~(d)~~ (e) A person assigned to ~~Class C~~ **Class D** earns no credit time.

SECTION 119. IC 35-50-6-3.3, AS AMENDED BY P.L.158-2013, SECTION 669, AND AS AMENDED BY P.L.214-2013, SECTION 46, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.3. (a) In addition to any credit time a person earns under subsection (b) or section 3 of this chapter, a person earns credit time if the person:

- (1) is in credit Class I, ~~or Class A~~, **or Class B**;
- (2) has demonstrated a pattern consistent with rehabilitation; and
- (3) successfully completes requirements to obtain one (1) of the following:

(A) A general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person has not previously obtained a high school diploma.

(B) Except as provided in subsection ~~(n)~~, (o), a high school diploma, if the person has not previously obtained a general educational development (GED) diploma.

(C) An ~~associate's~~ *associate* degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) *earned during the person's incarceration*.

(D) A ~~bachelor's~~ *bachelor* degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) *earned during the person's incarceration*.

(b) In addition to any credit time that a person earns under subsection (a) or section 3 of this chapter, a person may earn credit time if, while confined by the department of correction, the person:

- (1) is in credit Class I, ~~or Class A~~, **or Class B**;
- (2) demonstrates a pattern consistent with rehabilitation; and
- (3) successfully completes requirements to obtain at least one (1) of the following:

(A) A certificate of completion of a career and technical *or vocational* education program approved by the department of correction.

(B) A certificate of completion of a substance abuse program approved by the department of correction.

(C) A certificate of completion of a literacy and basic life skills program approved by the department of correction.

(D) A certificate of completion of a reformatory program approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning credit time



under subsection (b). A person may not earn credit time under both subsections (a) and (b) for the same program of study. *The department of correction, in consultation with the department of workforce development, shall approve a program only if the program is likely to lead to an employable occupation.*

(d) The amount of credit time a person may earn under this section is the following:

- (1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18.
- (2) One (1) year for graduation from high school.
- (3) ~~One~~ *Not more than one* (1) year for completion of an ~~associate's~~ *associate* degree.
- (4) ~~Two~~ *Not more than two* (2) years for completion of a ~~bachelor's~~ *bachelor* degree.
- (5) Not more than a total of ~~six (6) months~~ *one (1) year* of credit, as determined by the department of correction, for the completion of one (1) or more career and technical *or vocational* education programs approved by the department of correction.
- (6) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the department of correction.
- (7) Not more than a total of six (6) months credit, as determined by the department of correction, for the completion of one (1) or more literacy and basic life skills programs approved by the department of correction.
- (8) Not more than a total of six (6) months credit time, as determined by the department of correction, for completion of one (1) or more reformatory programs approved by the department of correction. However, a person who is serving a sentence for an offense listed under IC 11-8-8-4.5 may not earn credit time under this subdivision.

However, a person who does not have a substance abuse problem that qualifies the person to earn credit in a substance abuse program may earn not more than a total of twelve (12) months of credit, as determined by the department of correction, for the completion of one (1) or more career and technical *or vocational* education programs approved by the department of correction. If a person earns more than six (6) months of credit for the completion of one (1) or more career and technical education programs, the person is ineligible to earn credit for the completion of one (1) or more substance abuse programs.



(e) Credit time earned under this section must be directly proportional to the time served and course work completed while incarcerated. The department of correction shall adopt rules under IC 4-22-2 necessary to implement this subsection.

~~(e)~~ (f) Credit time earned by a person under this section is subtracted from the release date that would otherwise apply to ~~period of imprisonment imposed on~~ the person by the sentencing court after subtracting all other credit time earned by the person.

~~(f)~~ (g) A person does not earn credit time under subsection (a) unless the person completes at least a portion of the degree requirements after June 30, 1993.

~~(g)~~ (h) A person does not earn credit time under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

~~(h)~~ (i) Credit time earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from:

- (1) the release date that would otherwise apply to the person after subtracting all other credit time earned by the person, if the person has not been convicted of an offense described in subdivision (2); or
- (2) the period of imprisonment imposed on the person by the sentencing court, if the person has been convicted of one (1) of the following crimes:
 - (A) Rape (IC 35-42-4-1).
 - (B) Criminal deviate conduct (IC 35-42-4-2) ~~(repealed)~~: **(before its repeal)**.
 - (C) Child molesting (IC 35-42-4-3).
 - (D) Child exploitation (IC 35-42-4-4(b)).
 - (E) Vicarious sexual gratification (IC 35-42-4-5).
 - (F) Child solicitation (IC 35-42-4-6).
 - (G) Child seduction (IC 35-42-4-7).
 - (H) Sexual misconduct with a minor (IC 35-42-4-9) as a:
 - (i) Class A felony, Class B felony, or Class C felony ~~(IC 35-42-4-9)~~; for a crime committed before July 1, 2014; or
 - (ii) Level 1, Level 2, or Level 4 felony, for a crime committed after June 30, 2014.
 - (I) Incest (IC 35-46-1-3).
 - (J) Sexual battery (IC 35-42-4-8).
 - (K) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.



(L) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(M) An attempt or a conspiracy to commit a crime listed in clauses (A) through (L).

~~(j)~~ (j) The maximum amount of credit time a person may earn under this section is the lesser of:

(1) ~~four~~ ~~(4)~~ two (2) years; or

(2) one-third (1/3) of the person's total applicable credit time.

~~(k)~~ (k) Credit time earned under this section by an offender serving a sentence for a felony against a person under IC 35-42 or for a crime listed in IC 11-8-8-5 shall be reduced to the extent that application of the credit time would otherwise result in:

(1) postconviction release (as defined in IC 35-40-4-6); or

(2) assignment of the person to a community transition program; in less than forty-five (45) days after the person earns the credit time.

~~(l)~~ (l) A person may earn credit time for multiple degrees at the same education level under subsection (d) only in accordance with guidelines approved by the department of correction. The department of correction may approve guidelines for proper sequence of education degrees under subsection (d).

~~(m)~~ (m) A person may not earn credit time:

(1) for a general educational development (GED) diploma if the person has previously earned a high school diploma; or

(2) for a high school diploma if the person has previously earned a general educational development (GED) diploma.

~~(n)~~ (n) A person may not earn credit time under this section if the person:

(1) commits an offense listed in IC 11-8-8-4.5 while the person is required to register as a sex or violent offender under IC 11-8-8-7; and

(2) is committed to the department of correction after being convicted of the offense listed in IC 11-8-8-4.5.

~~(o)~~ (o) For a person to earn credit time under subsection (a)(3)(B) for successfully completing the requirements for a high school diploma through correspondence courses, each correspondence course must be approved by the department before the person begins the correspondence course. The department may approve a correspondence course only if the entity administering the course is recognized and accredited by the department of education in the state where the entity is located.

SECTION 120. IC 35-50-6-4, AS AMENDED BY P.L.158-2013, SECTION 670, IS AMENDED TO READ AS FOLLOWS

EH 1006—LS 7113/DI 106



[EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person:

- (1) who is not a credit restricted felon; and
- (2) who is imprisoned for a Level 6 felony or a misdemeanor or imprisoned awaiting trial or sentencing for a Level 6 felony or misdemeanor;

is initially assigned to Class A.

(a) (b) A person:

- (1) who is not a credit restricted felon; and
- (2) who is imprisoned for a crime **other than a Level 6 felony or misdemeanor** or imprisoned awaiting trial or sentencing for a **crime other than a Level 6 felony or misdemeanor**;

is initially assigned to ~~Class A~~: **Class B**.

(b) (c) A person who is a credit restricted felon and who is imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to ~~Class B~~: **Class C**. A credit restricted felon may not be assigned to Class A or **Class B**.

(c) (d) A person who is not a credit restricted felon may be reassigned to ~~Class B~~ **Class C** or ~~Class C~~ **Class D** if the person violates any of the following:

- (1) A rule of the department of correction.
- (2) A rule of the penal facility in which the person is imprisoned.
- (3) A rule or condition of a community transition program.

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to a lower credit time class, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive the right to the hearing.

(d) (e) A person who is a credit restricted felon may be reassigned to ~~Class C~~ **Class D** and a person who is assigned to Class IV may be assigned to Class III if the person violates any of the following:

- (1) A rule of the department of correction.
- (2) A rule of the penal facility in which the person is imprisoned.
- (3) A rule or condition of a community transition program.

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to Class III or ~~Class C~~: **Class D**, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive the right to the hearing.

(e) (f) In connection with the hearing granted under subsection (c) (d) or (d) (e), the person is entitled to:



- (1) have not less than twenty-four (24) hours advance written notice of the date, time, and place of the hearing, and of the alleged misconduct and the rule the misconduct is alleged to have violated;
- (2) have reasonable time to prepare for the hearing;
- (3) have an impartial decisionmaker;
- (4) appear and speak in the person's own behalf;
- (5) call witnesses and present evidence;
- (6) confront and cross-examine each witness, unless the hearing authority finds that to do so would subject a witness to a substantial risk of harm;
- (7) have the assistance of a lay advocate (the department may require that the advocate be an employee of, or a fellow prisoner in, the same facility or program);
- (8) have a written statement of the findings of fact, the evidence relied upon, and the reasons for the action taken;
- (9) have immunity if the person's testimony or any evidence derived from the person's testimony is used in any criminal proceedings; and
- (10) have the person's record expunged of any reference to the charge if the person is found not guilty or if a finding of guilt is later overturned.

Any finding of guilt must be supported by a preponderance of the evidence presented at the hearing.

(f) (g) Except for a credit restricted felon, a person may be reassigned from:

- (1) Class III to Class I, Class II or Class IV;
- (2) Class II to Class I;
- (3) ~~Class C~~ **Class D** to Class A, ~~or Class B,~~ **or Class C;**
- (4) ~~Class B~~ **Class C** to Class A **or Class B.**

A person's assignment to Class III, Class II, ~~Class B,~~ **or Class C, or Class D** shall be reviewed at least once every six (6) months to determine if the person should be reassigned to a higher credit time class. A credit restricted felon may not be reassigned to Class I or Class II or to Class A, ~~or Class B,~~ **or Class C.**

SECTION 121. IC 35-50-6-5, AS AMENDED BY P.L.158-2013, SECTION 671, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person may, with respect to the same transaction, be deprived of any part of the credit time the person has earned for any of the following:

- (1) A violation of one (1) or more rules of the department of correction.



- (2) If the person is not committed to the department, a violation of one (1) or more rules of the penal facility in which the person is imprisoned.
- (3) A violation of one (1) or more rules or conditions of a:
 - (A) community transition program; or
 - (B) community corrections program.
- (4) If a court determines that a civil claim brought by the person in a state or an administrative court is frivolous, unreasonable, or groundless.
- (5) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to register before being released from the department as required under IC 11-8-8-7.
- (6) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to participate in a sex offender treatment program specifically offered to the sex offender by the department of correction while the person is serving a period of incarceration with the department of correction.

However, the violation of a condition of parole or probation may not be the basis for deprivation. Whenever a person is deprived of credit time, the person may also be reassigned to Class II (if the person is not a credit restricted felon) or Class III, ~~Class B~~, or Class C, **or Class D**.

(b) Before a person may be deprived of earned credit time, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether deprivation of earned credit time is an appropriate disciplinary action for the violation. In connection with the hearing, the person is entitled to the procedural safeguards listed in section 4(c) of this chapter. The person may waive the person's right to the hearing.

(c) Any part of the credit time of which a person is deprived under this section may be restored."

Delete pages 137 through 139.

Page 140, delete lines 1 through 37.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1006 as introduced.)

MCMILLIN, Chair

Committee Vote: yeas 9, nays 1.

EH 1006—LS 7113/DI 106



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1006, 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 65, between lines 9 and 10, begin a new paragraph and insert:
 "SECTION 53. IC 35-31.5-2-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 15.5. "Amount involved", or "amount of the drug involved", for purposes of IC 35-48-4, means the aggregate amount of a controlled substance that a person:**

- (1) possessed;**
- (2) manufactured;**
- (3) financed; or**
- (4) delivered;**

in any thirty (30) day period."

Page 65, line 16, delete "licensed" and insert "**registered**".

Page 119, line 34, after "salvia" delete "." and insert "**;**

in any thirty (30) day period."

Page 140, line 25, after "awaiting" insert "**trial or**".

Page 142, line 29, after "technical" insert "**or vocational**".

Page 146, between lines 23 and 24, begin a new paragraph and insert:

"(h) This subsection applies only to a person imprisoned awaiting trial. A person imprisoned awaiting trial is initially assigned to a credit class based on the most serious offense with which the person is charged. If all the offenses of which a person is convicted have a higher credit time class than the most serious offense with which the person is charged, the person earns credit time for the time imprisoned awaiting trial at the credit time class of the most serious offense of which the person was convicted. However, this section does not apply to any period during which



the person is reassigned to a lower credit time class for a disciplinary violation."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1006 as printed January 24, 2014.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 6, Nays 2.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill No. 1006, 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:

Delete the title and insert the following:

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

Page 26, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 27. IC 11-12-2-1, AS AMENDED BY P.L.105-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) For the purpose of encouraging counties to develop a coordinated local corrections-criminal justice system and providing effective alternatives to imprisonment at the state level, the commissioner shall, out of funds appropriated for such purposes, make grants to counties for the establishment and operation of community corrections programs. Appropriations intended for this purpose may not be used by the department for any other purpose. Money appropriated to the department of correction for the purpose of making grants under this chapter and any financial aid payments suspended under section 6 of this chapter do not revert to the state general fund at the close of any fiscal year, but remain available to the department of correction for its use in making grants under this chapter.

(b) Before March 1, 2015, the department shall estimate the amount of any operational cost savings that will be realized in the state fiscal year ending June 30, 2015, from a reduction in the number of individuals who are in the custody or made a ward of the department of correction (as described in IC 11-8-1-5) that is

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attributable to the sentencing changes made in HEA 1006-2014 as enacted in the 2014 session of the general assembly. The department shall make the estimate under this subsection based on the best available information. If the department estimates that operational cost savings described in this subsection will be realized in the state fiscal year ending June 30, 2015, the following apply to the department:

(1) The department shall certify the estimated amount of operational cost savings that will be realized to the budget agency and to the auditor of state.

(2) The department may, after review by the budget committee and approval by the budget agency, make additional grants as provided in this chapter to counties for the establishment and operation of community corrections programs from funds appropriated to the department for the department's operating expenses for the state fiscal year.

(3) The department may, after review by the budget committee and approval by the budget agency, transfer funds appropriated to the department for the department's operating expenses for the state fiscal year to the judicial conference of Indiana to be used by the judicial conference of Indiana to provide additional financial aid for the support of court probation services under the program established under IC 11-13-2.

(4) The maximum aggregate amount of additional grants and transfers that may be made by the department under subdivisions (2) and (3) for the state fiscal year may not exceed the lesser of:

(A) the amount of operational cost savings certified under subdivision (1); or

(B) eleven million dollars (\$11,000,000).

Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of funds necessary to make any additional grants authorized and approved under this subsection and for any transfers authorized and approved under this subsection, and for providing the additional financial aid to courts from transfers authorized and approved under this subsection, is appropriated for those purposes for the state fiscal year ending June 30, 2015, and the amount of the department's appropriation for operating expenses for the state fiscal year ending June 30, 2015, is reduced by a corresponding amount. This subsection expires June 30, 2015.

(b) (c) The commissioner shall give priority in issuing community



corrections grants to programs that provide alternative sentencing projects for persons with mental illness, addictive disorders, mental retardation, and developmental disabilities."

Page 86, between lines 23 and 24, begin a new paragraph and insert:

"(h) It is a defense to a prosecution under this section that:

- (1) the person was less than eighteen (18) years of age at the time the alleged offense was committed; and**
- (2) the circumstances described in IC 35-45-4-6(a)(2) through IC 35-45-4-6(a)(4) apply.**

(i) A person is entitled to present the defense described in subsection (h) in a pretrial hearing. If a person proves by a preponderance of the evidence in a pretrial hearing that the defense described in subsection (h) applies, the court shall dismiss the charges under this section with prejudice."

Page 90, between lines 37 and 38, begin a new paragraph and insert:

"(o) A law enforcement officer who:

- (1) is at least five (5) years older than a child who is:**
 - (A) at least sixteen (16) years of age; and**
 - (B) less than eighteen (18) years of age;**
- (2) has contact with the child while acting within the scope of the law enforcement officer's official duties with respect to the child; and**
- (3) uses or exerts the law enforcement officer's professional relationship with the child to engage with the child in:**
 - (A) sexual intercourse;**
 - (B) other sexual conduct (as defined in IC 35-31.5-2-221.5);**
 - or**
 - (C) any fondling or touching with the child with the intent to arouse or satisfy the sexual desires of the child or the law enforcement officer;**

commits child seduction."

Page 90, line 38, strike "(o)" and insert "**(p)**".

Page 91, line 1, strike "subsection (n)," and insert "**this section,**".

Page 91, line 13, strike "(p)" and insert "**(q)**".

Page 91, line 14, after "person" insert "**or law enforcement officer**".

Page 91, line 16, after "of" insert "":

(A)".

Page 91, line 16, after "child" insert ";

Page 91, line 16, after "or" begin a new line double block indented and insert:

"(B)".



Page 91, line 16, after "person" delete ";" and insert "**or law enforcement officer;**".

Page 91, line 17, after "person" insert "**or law enforcement officer**".

Page 95, between lines 39 and 40, begin a new paragraph and insert:
 "SECTION 82. IC 35-43-1-1, AS AMENDED BY P.L.158-2013, SECTION 452, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages:

- (1) a dwelling of another person without the other person's consent;
- (2) property of any person under circumstances that endanger human life;
- (3) property of another person without the other person's consent if the pecuniary loss is at least five thousand dollars (\$5,000); or
- (4) a structure used for religious worship without the consent of the owner of the structure;

commits arson, a Level 4 felony. However, the offense is a Level 3 felony if it results in bodily injury to any person other than a defendant and a Level 2 felony if it results in serious bodily injury to any person other than a defendant.

(b) A person who commits arson for hire commits a Level 4 felony. However, the offense is:

- (1) a Level 3 felony if it results in bodily injury to any other person; and
- (2) a Level 2 felony if it results in serious bodily injury to any other person.

(c) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages property of any person with intent to defraud commits arson, a ~~Level 5~~ **Level 6** felony.

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

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

SECTION 83. IC 35-43-1-2, AS AMENDED BY P.L.158-2013, SECTION 453, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent commits criminal mischief, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500); and

(2) a Level 6 felony if:

(A) the pecuniary loss is at least two thousand five hundred dollars (\$2,500);

(B) the damage causes a substantial interruption or impairment of utility service rendered to the public;

(C) the damage is to a public record; or

(D) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5).

(b) A person who recklessly, knowingly, or intentionally damages:

(1) a structure used for religious worship;

(2) a school or community center;

(3) the grounds:

(A) adjacent to; and

(B) owned or rented in common with;

a structure or facility identified in subdivision (1) or (2); or

(4) personal property contained in a structure or located at a facility identified in subdivision (1) or (2);

without the consent of the owner, possessor, or occupant of the property that is damaged, commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Level 6 felony if the pecuniary loss is at least two hundred fifty dollars (\$250). ~~but less than two thousand five hundred dollars (\$2,500); and a Level 5 felony if the pecuniary loss is at least two thousand five hundred dollars (\$2,500).~~

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

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

SECTION 84. IC 35-43-1-7, AS ADDED BY P.L.158-2013, SECTION 458, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A person who knowingly or intentionally and who without authorization:

- (1) modifies data, a computer program, or supporting documentation;
- (2) destroys data, a computer program, or supporting documentation; or
- (3) discloses or takes data, a computer program, or supporting documentation that is:
 - (A) a trade secret (as defined in IC 24-2-3-2); or
 - (B) otherwise confidential as provided by law;

and that resides or exists internally or externally on a computer, computer system, or computer network, commits an offense against intellectual property, a Level 6 felony.

(b) ~~However, the offense is a Level 5 felony if the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property."~~

Page 98, between lines 17 and 18, begin a new paragraph and insert:
 "SECTION 87. IC 35-43-4-2.5, AS AMENDED BY P.L.158-2013, SECTION 465, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) As used in this section, "motor vehicle" has the meaning set forth in IC 9-13-2-105(a).

(b) A person who knowingly or intentionally exerts unauthorized control over the motor vehicle of another person, with intent to deprive the owner of:

- (1) the vehicle's value or use; or
- (2) a component part (as defined in IC 9-13-2-34) of the vehicle; commits auto theft, a Level 6 felony. ~~However, the offense is a Level 5 felony if the person has a prior conviction of an offense under this subsection or subsection (c):~~

(c) A person who knowingly or intentionally receives, retains, or disposes of a motor vehicle or any part of a motor vehicle of another person that has been the subject of theft commits receiving stolen auto parts, a Level 6 felony. ~~However, the offense is a Level 5 felony if the person has a prior conviction of an offense under this subsection or subsection (b):"~~

Page 105, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 92. IC 35-45-4-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6. (a) This section applies only to a person to whom all of the following apply:**

- (1) **The person is less than eighteen (18) years of age.**



(2) The person is not more than four (4) years older than the individual who is depicted in the image or who received the image.

(3) The relationship between the person and the individual who received the image or who is depicted in the image was a dating relationship or an ongoing personal relationship. For purposes of this subdivision, the term "ongoing personal relationship" does not include a family relationship.

(4) The individual receiving the image or who is depicted in the image acquiesced in the person's conduct.

(b) The following definitions apply throughout this section:

(1) "Disseminate" means to transfer possession for no direct or indirect consideration.

(2) "Matter" has the meaning set forth in IC 35-49-1-3.

(3) "Performance" has the meaning set forth in IC 35-49-1-7.

(4) "Sexual conduct" means sexual intercourse, other sexual conduct, exhibition of the uncovered genitals intended to satisfy or arouse the sexual desires of any person, sadomasochistic abuse, sexual intercourse or other sexual conduct with an animal, or any fondling or touching of a child by another person or of another person by a child intended to arouse or satisfy the sexual desires of either the child or the other person.

(c) A person who, on or by means of a cellular telephone, social media web site, or another wireless or cellular communications device, knowingly or intentionally:

(1) produces, presents, exhibits, photographs, records, or creates a digitized image of any performance or incident that includes sexual conduct by a child at least twelve (12) years of age;

(2) disseminates, exhibits to another person, or offers to disseminate or exhibit to another person, matter that depicts or describes sexual conduct by a child at least twelve (12) years of age; or

(3) possesses:

(A) a picture;

(B) a drawing;

(C) a photograph;

(D) a motion picture;

(E) a digitized image; or

(F) any pictorial representation;

that depicts or describes sexual conduct by a child at least



twelve (12) years of age who the person knows is less than sixteen (16) years of age or who appears to be less than sixteen (16) years of age, and that lacks serious literary, artistic, political, or scientific value;

commits indecent display by a youth, a Class A misdemeanor.

(d) Subsection (c) does not apply to a bona fide school, museum, or public library that qualifies for certain property tax exemptions under IC 6-1.1-10, or to an employee of that school, museum, or public library acting within the scope of the employee's employment when the possession of the listed materials is for legitimate scientific or educational purposes."

Page 130, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 115. IC 35-50-2-4, AS AMENDED BY P.L.158-2013, SECTION 655, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. **(a)** A person who commits a Class A felony (for a crime committed before July 1, 2014) ~~or a Level 1 felony (for a crime committed after June 30, 2014)~~ shall be imprisoned for a fixed term of between twenty (20) and fifty (50) years, with the advisory sentence being thirty (30) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

(b) A person who commits a Level 1 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between twenty (20) and forty (40) years, with the advisory sentence being thirty (30) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000)."

Page 130, line 12, strike "twenty (20)" and insert "**fifteen (15)**".

Page 130, line 13, delete "ten (10)" and insert "**eight (8)**".

Page 130, line 19, strike "twelve (12)" and insert "**ten (10)**".

Page 130, line 39, strike "six (6)" and insert "**five (5)**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to EHB 1006 as printed February 14, 2014.)

KENLEY, Chairperson

Committee Vote: Yeas 9, Nays 2.



SENATE MOTION

Madam President: I move that Engrossed House Bill 1006 be amended to read as follows:

Page 74, between lines 21 and 22, begin a new paragraph and insert:

"(i) A person may not waive the right to sentence modification under this section as part of a plea agreement. Any purported waiver of the right to sentence modification under this section in a plea agreement is invalid and unenforceable as against public policy. This subsection does not prohibit the finding of a waiver of the right to sentence modification for any other reason, including failure to comply with the provisions of this section."

(Reference is to EHB 1006 as printed February 28, 2014.)

STEELE

 SENATE MOTION

Madam President: I move that Engrossed House Bill 1006 be amended to read as follows:

Page 66, delete lines 32 through 41.

Page 136, line 16, delete "(a)".

Page 136, line 17, reset in roman "or a Level".

Page 136, line 18, reset in roman "1 felony (for a crime committed after June 30, 2014)".

Page 136, delete lines 22 through 26.

Page 136, line 36, reset in roman "twenty (20)".

Page 136, line 36, delete "fifteen (15)".

Page 136, line 37, delete "eight (8)" and insert "**ten (10)**".

Page 137, line 1, reset in roman "twelve (12)".

Page 137, line 1, delete "ten (10)".

Page 137, line 21, reset in roman "six (6)".

Page 137, line 21, delete "five (5)".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1006 as printed February 28, 2014.)

HEAD



SENATE MOTION

Madam President: I move that Engrossed House Bill 1006 be amended to read as follows:

Page 5, between lines 34 and 35, begin a new paragraph and insert: "SECTION 8. IC 5-2-6-3, AS AMENDED BY P.L.85-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The institute is established to do the following:

- (1) Evaluate state and local programs associated with:
 - (A) the prevention, detection, and solution of criminal offenses;
 - (B) law enforcement; and
 - (C) the administration of criminal and juvenile justice.
- (2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.
- (3) Stimulate criminal and juvenile justice research.
- (4) Develop new methods for the prevention and reduction of crime.
- (5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.
- (6) Administer victim and witness assistance funds.
- (7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.
- (8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.
- (9) Serve as the criminal justice statistical analysis center for this state.
- (10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.
- (11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.
- (12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.
- (13) Establish, maintain, and operate, subject to specific appropriation by the general assembly, a web site containing a list of properties (as defined in IC 5-2-6-19(b)) that have been used as the site of a methamphetamine laboratory.
- (14) Develop and manage the gang crime witness protection



program established by section 21 of this chapter.

(15) Identify grants and other funds that can be used to fund the gang crime witness protection program.

(16) Administer any sexual offense services.

(17) Administer domestic violence programs.

(18) Administer assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.

(19) Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.

(20) Administer the family violence and victim assistance fund under IC 5-2-6.8.

(21) Monitor and evaluate criminal code reform under IC 5-2-6-24.

SECTION 9. IC 5-2-6-24, IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 24. (a) As used in this section, "criminal code reform" refers to statutory provisions relating to criminal law enacted by P.L.158-2013 and HEA 1006-2014.**

(b) The institute shall monitor and evaluate criminal code reform as described in this section.

(c) The institute shall annually gather data and analyze the impact of criminal code reform on:

- (1) local units of government;**
- (2) the department of correction; and**
- (3) the judicial center.**

(d) The institute shall prepare an annual report containing the results of its analysis before July 1 of each year. The report shall be provided to the governor and the legislative council. The report provided to the legislative council shall be in an electronic format under IC 5-14-6.

(e) The report required under this section shall include an analysis of:

- (1) the effect of criminal code reform on:**
 - (A) county jails;**
 - (B) community corrections programs;**
 - (C) probation departments; and**
 - (D) courts;**
- (2) recidivism rates;**
- (3) reentry court programs; and**
- (4) data relevant to the availability and effectiveness of mental health and addiction programs for persons who are at risk of entering the criminal justice system, who are in the criminal**



justice system, and who have left the criminal justice system.

(f) All local units of government and local elected officials, including sheriffs, prosecuting attorneys, judges, and county fiscal bodies, shall cooperate with the institute by providing data as requested by the institute.

(g) State agencies, including the department of correction, the Indiana prosecuting attorneys council, the Indiana public defender council, and the judicial center, shall assist the institute by providing requested data in a timely manner.

(h) Based on its analysis, the institute shall include recommendations to improve the criminal justice system in Indiana, with particular emphasis being placed on recommendations that relate to sentencing policies and reform.

(i) The institute shall include research data relevant to its analysis and recommendations in the report."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1006 as printed February 28, 2014.)

TOMES

SENATE MOTION

Madam President: I move that Engrossed House Bill 1006 be amended to read as follows:

Page 120, line 9, reset in roman "(d)".

Page 120, line 9, delete "(c)".

Page 120, between lines 9 and 10, begin a new paragraph and insert:

"(b) A person may be convicted of an offense under subsection

(a)(2) only if:

(1) the amount of the drug involved is at least five (5) grams; and

(2) at least two (2) of the following apply:

(A) The drugs are packaged individually in a manner consistent with resale.

(B) The person possesses a scale that may be used to weigh drug quantities for resale.

(C) At the time of the arrest, the person possesses at least five hundred dollars (\$500) in cash.

(D) The person possesses adulterants commonly used to cut a drug for resale."

Page 120, line 10, strike "(b)" and insert "(c)".

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Page 120, line 11, strike "three (3)" and insert "**five (5)**".

Page 120, line 13, strike "three (3)" and insert "**five (5)**".

Page 120, line 15, strike "(c)" and insert "**(d)**".

Page 120, line 18, strike "three (3)" and insert "**five (5)**".

Page 120, line 42, reset in roman "(d)".

Page 120, line 42, delete "(c)".

Page 120, after line 42, begin a new paragraph and insert:

"(b) A person may be convicted of an offense under subsection

(a)(2) only if:

(1) the amount of the drug involved is at least five (5) grams;

and

(2) at least two (2) of the following apply:

(A) The drugs are packaged individually in a manner consistent with resale.

(B) The person possesses a scale that may be used to weigh drug quantities for resale.

(C) At the time of the arrest, the person possesses at least five hundred dollars (\$500) in cash.

(D) The person possesses adulterants commonly used to cut a drug for resale."

Page 121, line 1, strike "(b)" and insert "(c)".

Page 121, line 2, strike "three (3)" and insert "**five (5)**".

Page 121, line 4, strike "three (3)" and insert "**five (5)**".

Page 121, line 6, strike "(c)" and insert "**(d)**".

Page 121, line 9, strike "three (3)" and insert "**five (5)**".

Page 121, line 40, strike "(d)." and insert "**(e)**".

Page 121, between lines 40 and 41, begin a new paragraph and insert:

"(b) A person may be convicted of an offense under subsection

(a)(2) only if:

(1) the amount of the drug involved is at least five (5) grams;

and

(2) at least two (2) of the following apply:

(A) The drugs are packaged individually in a manner consistent with resale.

(B) The person possesses a scale that may be used to weigh drug quantities for resale.

(C) At the time of the arrest, the person possesses at least five hundred dollars (\$500) in cash.

(D) The person possesses adulterants commonly used to cut a drug for resale."

Page 121, line 41, strike "(b)" and insert "(c)".



Page 121, line 42, strike "three (3)" and insert "**five (5)**".

Page 122, line 2, strike "three (3)" and insert "**five (5)**".

Page 122, line 4, strike "(c)" and insert "**(d)**".

Page 122, line 7, strike "three (3)" and insert "**five (5)**".

Page 122, line 9, strike "(d)" and insert "**(e)**".

Page 122, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 103. IC 35-48-4-3, AS AMENDED BY P.L.158-2013, SECTION 625, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

a controlled substance, pure or adulterated, classified in schedule IV; or

(2) possesses, with intent to manufacture or deliver, a controlled substance, pure or adulterated, classified in schedule IV; commits dealing in a schedule IV controlled substance, a Level 6 felony, except as provided in subsections (b) through ~~(d)~~: **(e)**.

(b) A person may be convicted of an offense under subsection (a)(2) only if:

(1) the amount of the drug involved is at least five (5) grams; and

(2) at least two (2) of the following apply:

(A) The drugs are packaged individually in a manner consistent with resale.

(B) The person possesses a scale that may be used to weigh drug quantities for resale.

(C) At the time of the arrest, the person possesses at least five hundred dollars (\$500) in cash.

(D) The person possesses adulterants commonly used to cut a drug for resale.

~~(b)~~ **(c)** The offense is a Level 5 felony if:

(1) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams; or

(2) the amount of the drug involved is less than ~~three (3)~~ **five (5)** grams and an enhancing circumstance applies.

~~(c)~~ **(d)** The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or



(2) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams and an enhancing circumstance applies.

~~(d)~~ **(e)** The offense is a Level 3 felony if:

- (1) the amount of the drug involved is at least twenty-eight (28) grams; or
- (2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 104. IC 35-48-4-4, AS AMENDED BY P.L.158-2013, SECTION 626, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who:

- (1) knowingly or intentionally:
 - (A) manufactures;
 - (B) finances the manufacture of;
 - (C) delivers; or
 - (D) finances the delivery of;
 a controlled substance, pure or adulterated, classified in schedule V; or
- (2) possesses, with intent to:
 - (A) manufacture;
 - (B) finance the manufacture of;
 - (C) deliver; or
 - (D) finance the delivery of;
 a controlled substance, pure or adulterated, classified in schedule V;

commits dealing in a schedule V controlled substance, a Class A misdemeanor, except as provided in subsections (b) through ~~(d)~~: **(e)**.

(b) A person may be convicted of an offense under subsection (a)(2) only if:

- (1) the amount of the drug involved is at least five (5) grams; and**
- (2) at least two (2) of the following apply:**
 - (A) The drugs are packaged individually in a manner consistent with resale.**
 - (B) The person possesses a scale that may be used to weigh drug quantities for resale.**
 - (C) At the time of the arrest, the person possesses at least five hundred dollars (\$500) in cash.**
 - (D) The person possesses adulterants commonly used to cut a drug for resale.**

~~(b)~~ **(c)** The offense is a Level 6 felony if:



- (1) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams; or
 - (2) the amount of the drug involved is less than ~~three (3)~~ **five (5)** grams and an enhancing circumstance applies.
- ~~(c)~~ **(d)** The offense is a Level 5 felony if:
- (1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or
 - (2) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams and an enhancing circumstance applies.
- ~~(d)~~ **(e)** The offense is a Level 4 felony if:
- (1) the amount of the drug involved is at least twenty-eight (28) grams; or
 - (2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 105. IC 35-48-4-4.6, AS AMENDED BY P.L.158-2013, SECTION 629, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.6. (a) A person who knowingly or intentionally:

- (1) manufactures;
- (2) finances the manufacture of;
- (3) advertises;
- (4) distributes; or
- (5) possesses with intent to manufacture, finance the manufacture of, advertise, or distribute;

a substance described in section 4.5 of this chapter commits a Level 5 felony.

(b) A person may be convicted of an offense under subsection (a)(5) only if:

- (1) the amount of the substance involved is at least five (5) grams; and**
- (2) at least two (2) of the following apply:**
 - (A) The substance is packaged individually in a manner consistent with resale.**
 - (B) The person possesses a scale that may be used to weigh drug quantities for resale.**
 - (C) At the time of the arrest, the person possesses at least five hundred dollars (\$500) in cash.**
 - (D) The person possesses adulterants commonly used to cut a drug for resale.**

~~(b)~~ **(c)** A person who knowingly or intentionally possesses a



substance described in section 4.5 of this chapter commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous conviction under this section.

~~(c)~~ **(d)** In any prosecution brought under this section it is not a defense that the person believed the substance actually was a controlled substance.

~~(d)~~ **(e)** This section does not apply to the following:

- (1) The manufacture, financing the manufacture of, processing, packaging, distribution, or sale of noncontrolled substances to licensed medical practitioners for use as placebos in professional practice or research.
- (2) Persons acting in the course and legitimate scope of their employment as law enforcement officers.
- (3) The retention of production samples of noncontrolled substances produced before September 1, 1986, where such samples are required by federal law.

SECTION 106. IC 35-48-4-6, AS AMENDED BY P.L.158-2013, SECTION 631, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses cocaine (pure or adulterated) or a narcotic drug (pure or adulterated) classified in schedule I or II, commits possession of cocaine or a narcotic drug, a Level 6 felony, except as provided in subsections (b) through (d).

(b) The offense is a Level 5 felony if:

- (1) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams; or
- (2) the amount of the drug involved is less than ~~three (3)~~ **five (5)** grams and an enhancing circumstance applies.

(c) The offense is a Level 4 felony if:

- (1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or
- (2) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams and an enhancing circumstance applies.

(d) The offense is a Level 3 felony if:

- (1) the amount of the drug involved is at least twenty-eight (28) grams; or
- (2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.



SECTION 107. IC 35-48-4-6.1, AS AMENDED BY P.L.158-2013, SECTION 632, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6.1. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses methamphetamine (pure or adulterated) commits possession of methamphetamine, a Level 6 felony, except as provided in subsections (b) through (d).

(b) The offense is a Level 5 felony if:

- (1) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams; or
- (2) the amount of the drug involved is less than ~~three (3)~~ **five (5)** grams and an enhancing circumstance applies.

(c) The offense is a Level 4 felony if:

- (1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or
- (2) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams and an enhancing circumstance applies.

(d) The offense is a Level 3 felony if:

- (1) the amount of the drug involved is more than twenty-eight (28) grams; or
- (2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies."

Page 122, line 35, strike "(c)." and insert "**(d)**."

Page 123, between lines 20 and 21, begin a new paragraph and insert:

"(b) A person may be convicted of an offense under subsection (a)(2) only if:

(1) the amount of the drug involved is at least:

- (A) thirty (30) grams of marijuana; or**
- (B) five (5) grams of hash oil, hashish, or salvia; and**

(2) at least two (2) of the following apply:

- (A) The drugs are packaged individually in a manner consistent with resale.**
- (B) The person possesses a scale that may be used to weigh drug quantities for resale.**
- (C) At the time of the arrest, the person possesses at least five hundred dollars (\$500) in cash.**
- (D) The person possesses adulterants commonly used to cut a drug for resale."**



Page 123, line 21, strike "(b)" and insert "(c)".

Page 123, line 25, strike "two (2)" and insert "five (5)".

Page 123, line 30, strike "two (2)" and insert "five (5)".

Page 123, line 32, strike "(c)" and insert "(d)".

Page 123, line 37, strike "two (2)" and insert "five (5)".

Page 124, between lines 16 and 17, begin a new paragraph, and insert:

"(b) A person may be convicted of an offense under subsection (a)(5) or (a)(6) only if:

(1) the amount of the synthetic drug or synthetic drug lookalike substance involved is at least five (5) grams; and

(2) at least two (2) of the following apply:

(A) The synthetic drug or synthetic drug lookalike substance is packaged individually in a manner consistent with resale.

(B) The person possesses a scale that may be used to weigh drug quantities for resale.

(C) At the time of the arrest, the person possesses at least five hundred dollars (\$500) in cash.

(D) The person possesses adulterants commonly used to cut a synthetic drug or synthetic drug lookalike substance for resale."

Page 124, line 17, strike "(b)" and insert "(c)".

Page 124, line 31, strike "subsection" and insert "subsections (d) through (e)".

Page 124, strike line 32, begin a new paragraph and insert:

"(d) A person may be convicted of an offense under subsection (c)(2) only if:

(1) the amount of the synthetic drug or synthetic drug lookalike substance involved is at least five (5) grams; and

(2) at least two (2) of the following apply:

(A) The synthetic drug or synthetic drug lookalike substance is packaged individually in a manner consistent with resale.

(B) The person possesses a scale that may be used to weigh drug quantities for resale.

(C) At the time of the arrest, the person possesses at least five hundred dollars (\$500) in cash.

(D) The person possesses adulterants commonly used to cut a synthetic drug or synthetic drug lookalike substance for resale."

Page 124, line 33, strike "(c)" and insert "(e)".



Page 124, line 33, strike "(b)" and insert "(c)".
 Page 124, line 37, strike "two (2)" and insert "**five (5)**".
 Page 124, line 41, strike "two (2)" and insert "**five (5)**".
 Page 125, line 9, strike "(d)" and insert "(f)".
 Page 125, line 24, strike "(e)" and insert "(g)".
 Renumber all SECTIONS consecutively.

(Reference is to EHB 1006 as printed February 28, 2014.)

GLICK

SENATE MOTION

Madam President: I move that Engrossed House Bill 1006 be amended to read as follows:

Page 119, delete lines 5 through 32, begin a new paragraph and insert:

"SECTION 99. IC 35-48-1-16.5, AS ADDED BY P.L.158-2013, SECTION 619, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16.5. "Enhancing circumstance" means one (1) or more of the following:

- (1) The person has a prior conviction, **in any jurisdiction**, for dealing in a controlled substance that is not marijuana, hashish, hash oil, salvia divinorum, or a synthetic drug, **including an attempt or conspiracy to commit the offense.**
- (2) The person committed the offense while in possession of a firearm.
- (3) The person committed the offense:
 - (A) on a school bus; or
 - (B) in, on, or within five hundred (500) feet of:
 - (i) school property while a person under eighteen (18) years of age was reasonably expected to be present; or
 - (ii) a public park while a person under eighteen (18) years of age was reasonably expected to be present.
- (4) The person delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the person.
- (5) The person manufactured or financed the manufacture of the drug.
- (6) The person committed the offense in the physical presence of a child less than eighteen (18) years of age, knowing that**



the child was present and might be able to see or hear the offense."

Page 124, delete lines 3 through 42, begin a new paragraph and insert:

"SECTION 104. IC 35-48-4-10.5, AS ADDED BY P.L.196-2013, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10.5. (a) A person who:

- (1) manufactures;
- (2) finances the manufacture of;
- (3) delivers;
- (4) finances the delivery of;
- (5) possesses, with intent to deliver; or
- (6) possesses, with intent to finance the delivery of;

a synthetic drug or a synthetic drug lookalike substance commits dealing in a synthetic drug or synthetic drug lookalike substance, a Class A infraction. However, the offense is a ~~Class D~~ **Level 6** felony if the offense is committed knowingly or intentionally and the person has a prior unrelated judgment or conviction under this subsection.

(b) A person who:

- (1) knowingly or intentionally:
 - (A) manufactures;
 - (B) finances the manufacture of;
 - (C) delivers; or
 - (D) finances the delivery of;

a synthetic drug or synthetic drug lookalike substance; or

(2) possesses, with intent to:

- (A) manufacture;
- (B) finance the manufacture of;
- (C) deliver; or
- (D) finance the delivery of;

a synthetic drug or synthetic drug lookalike substance; commits dealing in a synthetic drug or synthetic drug lookalike substance, a Class A misdemeanor, except as provided in subsection (c).

(c) The offense in subsection (b) is:

- (1) a ~~Class D~~ **Level 6** felony if:
 - (A) the recipient or intended recipient is less than eighteen (18) years of age;
 - (B) the amount involved is more than two (2) grams; or
 - (C) the person has a prior conviction of an offense involving a synthetic drug or synthetic drug lookalike substance; and
- (2) a ~~Class E~~ **Level 5** felony if the amount involved is more than



two (2) grams and the person delivered or financed the delivery of the synthetic drug or synthetic drug lookalike substance:

(A) on a school bus; or

(B) in, on, or within five hundred (500) feet of:

(i) school property; or

(ii) a public park;

while a person under eighteen (18) years of age was reasonably expected to be present.

(d) In addition to a criminal or civil penalty imposed for a violation of this section, if the court finds that a person has violated this section and the violation involved the sale of or offer to sell, in the normal course of business, a synthetic drug or a synthetic drug lookalike substance by a retail merchant in a place of business for which the retail merchant has been issued a registered retail merchant certificate, the court:

(1) shall recommend the suspension of the registered retail merchant certificate for the place of business for one (1) year if the person's violation of this section resulted in a criminal conviction; and

(2) may recommend the suspension of the registered retail merchant certificate for the place of business for six (6) months if the person's violation of this section resulted in an adjudication that the person committed an infraction.

(e) The department of state revenue shall suspend the registered retail merchant certificate of a retail merchant in accordance with the recommendation of the court. Whenever the department of state revenue is required to suspend a retail merchant's registered retail merchant certificate under this section, the department shall immediately mail a notice to the retail merchant's address that must state that the retail merchant's registered retail merchant certificate will be suspended for the period recommended by the court, commencing five (5) days after the date of the notice."

Page 125, delete lines 1 through 32.

Page 127, delete lines 3 through 42, begin a new paragraph and insert:

"SECTION 108. IC 35-48-4-14.5, AS AMENDED BY P.L.193-2013, SECTION 7, AND AS AMENDED BY P.L.158-2013, SECTION 643, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14.5. (a) As used in this section, "chemical reagents or precursors" refers to one (1) or more of the following:

(1) Ephedrine.

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- (2) Pseudoephedrine.
 - (3) Phenylpropanolamine.
 - (4) The salts, isomers, and salts of isomers of a substance identified in subdivisions (1) through (3).
 - (5) Anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1).
 - (6) Organic solvents.
 - (7) Hydrochloric acid.
 - (8) Lithium metal.
 - (9) Sodium metal.
 - (10) Ether.
 - (11) Sulfuric acid.
 - (12) Red phosphorous.
 - (13) Iodine.
 - (14) Sodium hydroxide (lye).
 - (15) Potassium dichromate.
 - (16) Sodium dichromate.
 - (17) Potassium permanganate.
 - (18) Chromium trioxide.
 - (19) Benzyl cyanide.
 - (20) Phenylacetic acid and its esters or salts.
 - (21) Piperidine and its salts.
 - (22) Methylamine and its salts.
 - (23) Isosafrole.
 - (24) Safrole.
 - (25) Piperonal.
 - (26) Hydriodic acid.
 - (27) Benzaldehyde.
 - (28) Nitroethane.
 - (29) Gamma-butyrolactone.
 - (30) White phosphorus.
 - (31) Hypophosphorous acid and its salts.
 - (32) Acetic anhydride.
 - (33) Benzyl chloride.
 - (34) Ammonium nitrate.
 - (35) Ammonium sulfate.
 - (36) Hydrogen peroxide.
 - (37) Thionyl chloride.
 - (38) Ethyl acetate.
 - (39) Pseudoephedrine hydrochloride.
- (b) A person who possesses more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated,



commits a ~~Class D~~ *Level 6* felony. However, the offense is a *Class E Level 5* felony if the person possessed:

(1) a firearm while possessing more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated; or

(2) more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, in, on, or within ~~one thousand (1,000)~~ *five hundred (500)* feet of:

(A) school property *while a person under eighteen (18) years of age was reasonably expected to be present; or*

(B) a public park *while a person under eighteen (18) years of age was reasonably expected to be present.*

~~(C) a family housing complex; or~~

~~(D) a youth program center.~~

(c) A person who possesses anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with the intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6, commits a ~~Class D~~ *Level 6* felony. However, the offense is a *Class E Level 5* felony if the person possessed:

(1) a firearm while possessing anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6; or

(2) anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6, in, on, or within ~~one thousand (1,000)~~ *five hundred (500)* feet of:

(A) school property *while a person under eighteen (18) years of age was reasonably expected to be present; or*

(B) a public park *while a person under eighteen (18) years of age was reasonably expected to be present.*

~~(C) a family housing complex; or~~

~~(D) a youth program center.~~

(d) Subsection (b) does not apply to a:

(1) licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier or an agent of any of these persons if the possession is in the regular course of lawful business activities; or

(2) person who possesses more than ten (10) grams of a substance described in subsection (b) if the substance is possessed under circumstances consistent with typical medicinal or household use,



including:

- (A) the location in which the substance is stored;
- (B) the possession of the substance in a variety of:
 - (i) strengths;
 - (ii) brands; or
 - (iii) types; or
- (C) the possession of the substance:
 - (i) with different expiration dates; or
 - (ii) in forms used for different purposes.

(e) A person who possesses two (2) or more chemical reagents or precursors with the intent to manufacture a controlled substance commits a ~~Class D~~ Level 6 felony.

(f) An offense under subsection (e) is a ~~Class E~~ Level 5 felony if the person possessed:

- (1) a firearm while possessing two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance; or
- (2) two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance in, on, or within ~~one thousand (1,000)~~ five hundred (500) feet of:
 - (A) school property while a person under eighteen (18) years of age was reasonably expected to be present; or
 - (B) a public park while a person under eighteen (18) years of age was reasonably expected to be present.
 - ~~(C) a family housing complex; or~~
 - ~~(D) a youth program center.~~

(g) A person who sells, transfers, distributes, or furnishes a chemical reagent or precursor to another person with knowledge or the intent that the recipient will use the chemical reagent or precursors to manufacture a controlled substance commits unlawful sale of a precursor, a ~~Class D~~ Level 6 felony. However, the offense is a ~~Class E~~ Level 5 felony if the person sells, transfers, distributes, or furnishes more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine.

(h) This subsection does not apply to a drug containing ephedrine, pseudoephedrine, or phenylpropanolamine that is dispensed under a prescription. A person who:

- (1) has been convicted of:
 - (A) dealing in methamphetamine (IC 35-48-4-1.1);
 - (B) possession of more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine (subsection (b));
 - (C) possession of anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture



methamphetamine or amphetamine (subsection (c));

(D) possession of two (2) or more chemical reagents or precursors with the intent to manufacture a controlled substance (subsection (e)); or

(E) unlawful sale of a precursor (subsection (g)); and

(2) not later than seven (7) years from the date the person was sentenced for the offense;

knowingly or intentionally possesses ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits possession of a precursor by a methamphetamine offender, a ~~Class D~~ Level 6 felony.

SECTION 109. IC 35-48-4-16, AS AMENDED BY P.L.158-2013, SECTION 644, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) For an offense under this chapter that requires proof of:

- (1) delivery of cocaine, a narcotic drug, methamphetamine, or a controlled substance;
- (2) financing the delivery of cocaine, a narcotic drug, methamphetamine, or a controlled substance; or
- (3) possession of cocaine, a narcotic drug, methamphetamine, or a controlled substance;

within five hundred (500) feet of school property or a public park while a person less than eighteen (18) years of age was reasonably expected to be present, the person charged may assert the defense in subsection (b) or (c).

(b) It is a defense for a person charged under this chapter with an offense that contains an element listed in subsection (a) that:

- (1) a person was briefly in, on, or within five hundred (500) feet of school property or a public park while a person less than eighteen (18) years of age was reasonably expected to be present; and
- (2) no person under eighteen (18) years of age at least three (3) years junior to the person was in, on, or within five hundred (500) feet of the school property or public park at the time of the offense.

(c) It is a defense for a person charged under this chapter with an offense that contains an element listed in subsection (a) that a person was in, on, or within five hundred (500) feet of school property or a public park:

- (1) at the request or suggestion of a law enforcement officer or an agent of a law enforcement officer; and
- (2) while a person less than eighteen (18) years of age was reasonably expected to be present.



(d) The defense under this section applies only to the element of the offense that requires proof that the delivery, financing of the delivery, or possession of cocaine, a narcotic drug, methamphetamine, or a controlled substance occurred in, on, or within five hundred (500) feet of school property or a public park while a person less than eighteen (18) years of age was reasonably expected to be present."

Delete pages 128 through 130.

Page 131, delete lines 1 through 21.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1006 as printed February 28, 2014.)

BRAY

