

HOUSE BILL No. 1006

DIGEST OF INTRODUCED BILL

Citations Affected: Numerous citations throughout the Indiana Code.

Synopsis: Reconciles technical and substantive conflicts between HEA 1006-2013 (the criminal code revision bill) and other bills touching on 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. Gives a juvenile court jurisdiction over a child charged with criminal gang activity. Authorizes pretrial diversion for persons charged with a Level 5 or 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. 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
(Continued next page)

Effective: July 1, 2014.

**Steuerwald, McMillin, Pierce,
Lawson L**

January 14, 2014, read first time and referred to Committee on Courts and Criminal Code.



Digest Continued

years, for a person convicted of a Level 5 or Level 6 felony. Provides that educational credit time is deducted from the release date that would otherwise apply to the person. 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. (The introduced version of this bill was prepared by the criminal law and sentencing policy study committee.)



Introduced

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.

HOUSE BILL No. 1006

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

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

1 SECTION 1. IC 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

2014

IN 1006—LS 7113/DI 106



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

41 (1) Those declared confidential by state statute.

42 (2) Those declared confidential by rule adopted by a public



1 agency under specific authority to classify public records as
2 confidential granted to the public agency by statute.

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

4 (4) Records containing trade secrets.

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

8 (6) Information concerning research, including actual research
9 documents, conducted under the auspices of a state educational
10 institution, including information:

11 (A) concerning any negotiations made with respect to the
12 research; and

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

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

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

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

21 (10) Application information declared confidential by the board
22 of the Indiana economic development corporation under
23 IC 5-28-16.

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

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

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

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

32 (B) Any document submitted to the court as part of the debtor's
33 loss mitigation package under IC 32-30-10.5-10(a)(3).

34 (b) Except as otherwise provided by subsection (a), the following
35 public records shall be excepted from section 3 of this chapter at the
36 discretion of a public agency:

37 (1) Investigatory records of law enforcement agencies. However,
38 certain law enforcement records must be made available for
39 inspection and copying as provided in section 5 of this chapter.

40 (2) The work product of an attorney representing, pursuant to
41 state employment or an appointment by a public agency:

42 (A) a public agency;



- 1 (B) the state; or
2 (C) an individual.
- 3 (3) Test questions, scoring keys, and other examination data used
4 in administering a licensing examination, examination for
5 employment, or academic examination before the examination is
6 given or if it is to be given again.
- 7 (4) Scores of tests if the person is identified by name and has not
8 consented to the release of the person's scores.
- 9 (5) The following:
- 10 (A) Records relating to negotiations between the Indiana
11 economic development corporation, the ports of Indiana, the
12 Indiana state department of agriculture, the Indiana finance
13 authority, an economic development commission, a local
14 economic development organization (as defined in
15 IC 5-28-11-2(3)), or a governing body of a political
16 subdivision with industrial, research, or commercial prospects,
17 if the records are created while negotiations are in progress.
- 18 (B) Notwithstanding clause (A), the terms of the final offer of
19 public financial resources communicated by the Indiana
20 economic development corporation, the ports of Indiana, the
21 Indiana finance authority, an economic development
22 commission, or a governing body of a political subdivision to
23 an industrial, a research, or a commercial prospect shall be
24 available for inspection and copying under section 3 of this
25 chapter after negotiations with that prospect have terminated.
- 26 (C) When disclosing a final offer under clause (B), the Indiana
27 economic development corporation shall certify that the
28 information being disclosed accurately and completely
29 represents the terms of the final offer.
- 30 (D) Notwithstanding clause (A), an incentive agreement with
31 an incentive recipient shall be available for inspection and
32 copying under section 3 of this chapter after the date the
33 incentive recipient and the Indiana economic development
34 corporation execute the incentive agreement regardless of
35 whether negotiations are in progress with the recipient after
36 that date regarding a modification or extension of the incentive
37 agreement.
- 38 (6) Records that are intra-agency or interagency advisory or
39 deliberative material, including material developed by a private
40 contractor under a contract with a public agency, that are
41 expressions of opinion or are of a speculative nature, and that are
42 communicated for the purpose of decision making.



- 1 (7) Diaries, journals, or other personal notes serving as the
 2 functional equivalent of a diary or journal.
- 3 (8) Personnel files of public employees and files of applicants for
 4 public employment, except for:
- 5 (A) the name, compensation, job title, business address,
 6 business telephone number, job description, education and
 7 training background, previous work experience, or dates of
 8 first and last employment of present or former officers or
 9 employees of the agency;
- 10 (B) information relating to the status of any formal charges
 11 against the employee; and
- 12 (C) the factual basis for a disciplinary action in which final
 13 action has been taken and that resulted in the employee being
 14 suspended, demoted, or discharged.
- 15 However, all personnel file information shall be made available
 16 to the affected employee or the employee's representative. This
 17 subdivision does not apply to disclosure of personnel information
 18 generally on all employees or for groups of employees without the
 19 request being particularized by employee name.
- 20 (9) Minutes or records of hospital medical staff meetings.
- 21 (10) Administrative or technical information that would
 22 jeopardize a record keeping or security system.
- 23 (11) Computer programs, computer codes, computer filing
 24 systems, and other software that are owned by the public agency
 25 or entrusted to it and portions of electronic maps entrusted to a
 26 public agency by a utility.
- 27 (12) Records specifically prepared for discussion or developed
 28 during discussion in an executive session under IC 5-14-1.5-6.1.
 29 However, this subdivision does not apply to that information
 30 required to be available for inspection and copying under
 31 subdivision (8).
- 32 (13) The work product of the legislative services agency under
 33 personnel rules approved by the legislative council.
- 34 (14) The work product of individual members and the partisan
 35 staffs of the general assembly.
- 36 (15) The identity of a donor of a gift made to a public agency if:
- 37 (A) the donor requires nondisclosure of the donor's identity as
 38 a condition of making the gift; or
- 39 (B) after the gift is made, the donor or a member of the donor's
 40 family requests nondisclosure.
- 41 (16) Library or archival records:
- 42 (A) which can be used to identify any library patron; or



1 (B) deposited with or acquired by a library upon a condition
2 that the records be disclosed only:

3 (i) to qualified researchers;

4 (ii) after the passing of a period of years that is specified in
5 the documents under which the deposit or acquisition is
6 made; or

7 (iii) after the death of persons specified at the time of the
8 acquisition or deposit.

9 However, nothing in this subdivision shall limit or affect contracts
10 entered into by the Indiana state library pursuant to IC 4-1-6-8.

11 (17) The identity of any person who contacts the bureau of motor
12 vehicles concerning the ability of a driver to operate a motor
13 vehicle safely and the medical records and evaluations made by
14 the bureau of motor vehicles staff or members of the driver
15 licensing medical advisory board regarding the ability of a driver
16 to operate a motor vehicle safely. However, upon written request
17 to the commissioner of the bureau of motor vehicles, the driver
18 must be given copies of the driver's medical records and
19 evaluations.

20 (18) School safety and security measures, plans, and systems,
21 including emergency preparedness plans developed under 511
22 IAC 6.1-2-2.5.

23 (19) A record or a part of a record, the public disclosure of which
24 would have a reasonable likelihood of threatening public safety
25 by exposing a vulnerability to terrorist attack. A record described
26 under this subdivision includes:

27 (A) a record assembled, prepared, or maintained to prevent,
28 mitigate, or respond to an act of terrorism under IC 35-47-12-1
29 or an act of agricultural terrorism under IC 35-47-12-2;

30 (B) vulnerability assessments;

31 (C) risk planning documents;

32 (D) needs assessments;

33 (E) threat assessments;

34 (F) intelligence assessments;

35 (G) domestic preparedness strategies;

36 (H) the location of community drinking water wells and
37 surface water intakes;

38 (I) the emergency contact information of emergency
39 responders and volunteers;

40 (J) infrastructure records that disclose the configuration of
41 critical systems such as communication, electrical, ventilation,
42 water, and wastewater systems;



1 (K) detailed drawings or specifications of structural elements,
 2 floor plans, and operating, utility, or security systems, whether
 3 in paper or electronic form, of any building or facility located
 4 on an airport (as defined in IC 8-21-1-1) that is owned,
 5 occupied, leased, or maintained by a public agency. A record
 6 described in this clause may not be released for public
 7 inspection by any public agency without the prior approval of
 8 the public agency that owns, occupies, leases, or maintains the
 9 airport. The public agency that owns, occupies, leases, or
 10 maintains the airport:

11 (i) is responsible for determining whether the public
 12 disclosure of a record or a part of a record has a reasonable
 13 likelihood of threatening public safety by exposing a
 14 vulnerability to terrorist attack; and

15 (ii) must identify a record described under item (i) and
 16 clearly mark the record as "confidential and not subject to
 17 public disclosure under IC 5-14-3-4(b)(19)(J) without
 18 approval of (insert name of submitting public agency)"; and

19 (L) the home address, home telephone number, and emergency
 20 contact information for any:

21 (i) emergency management worker (as defined in
 22 IC 10-14-3-3);

23 (ii) public safety officer (as defined in IC 35-47-4.5-3);

24 (iii) emergency medical responder (as defined in
 25 ~~IC 35-42-2-6~~; **IC 16-18-2-109.8**); or

26 (iv) advanced emergency medical technician (as defined in
 27 IC 16-18-2-6.5).

28 This subdivision does not apply to a record or portion of a record
 29 pertaining to a location or structure owned or protected by a
 30 public agency in the event that an act of terrorism under
 31 IC 35-47-12-1 or an act of agricultural terrorism under
 32 IC 35-47-12-2 has occurred at that location or structure, unless
 33 release of the record or portion of the record would have a
 34 reasonable likelihood of threatening public safety by exposing a
 35 vulnerability of other locations or structures to terrorist attack.

36 (20) The following personal information concerning a customer
 37 of a municipally owned utility (as defined in IC 8-1-2-1):

38 (A) Telephone number.

39 (B) Address.

40 (C) Social Security number.

41 (21) The following personal information about a complainant
 42 contained in records of a law enforcement agency:



- 1 (A) Telephone number.
- 2 (B) The complainant's address. However, if the complainant's
- 3 address is the location of the suspected crime, infraction,
- 4 accident, or complaint reported, the address shall be made
- 5 available for public inspection and copying.
- 6 (22) Notwithstanding subdivision (8)(A), the name,
- 7 compensation, job title, business address, business telephone
- 8 number, job description, education and training background,
- 9 previous work experience, or dates of first employment of a law
- 10 enforcement officer who is operating in an undercover capacity.
- 11 (23) Records requested by an offender that:
- 12 (A) contain personal information relating to:
- 13 (i) a correctional officer (as defined in IC 5-10-10-1.5);
- 14 (ii) a law enforcement officer (as defined in
- 15 IC 35-31.5-2-185);
- 16 (iii) a judge (as defined in IC 33-38-12-3);
- 17 (iv) the victim of a crime; or
- 18 (v) a family member of a correctional officer, law
- 19 enforcement officer (as defined in IC 35-31.5-2-185), judge
- 20 (as defined in IC 33-38-12-3), or victim of a crime; or
- 21 (B) concern or could affect the security of a jail or correctional
- 22 facility.
- 23 (24) Information concerning an individual less than eighteen (18)
- 24 years of age who participates in a conference, meeting, program,
- 25 or activity conducted or supervised by a state educational
- 26 institution, including the following information regarding the
- 27 individual or the individual's parent or guardian:
- 28 (A) Name.
- 29 (B) Address.
- 30 (C) Telephone number.
- 31 (D) Electronic mail account address.
- 32 (25) Criminal intelligence information.
- 33 (c) Nothing contained in subsection (b) shall limit or affect the right
- 34 of a person to inspect and copy a public record required or directed to
- 35 be made by any statute or by any rule of a public agency.
- 36 (d) Notwithstanding any other law, a public record that is classified
- 37 as confidential, other than a record concerning an adoption or patient
- 38 medical records, shall be made available for inspection and copying
- 39 seventy-five (75) years after the creation of that record.
- 40 (e) Only the content of a public record may form the basis for the
- 41 adoption by any public agency of a rule or procedure creating an
- 42 exception from disclosure under this section.



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

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

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

10 (1) public records subject to IC 5-15 may be destroyed only in
11 accordance with record retention schedules under IC 5-15; or

12 (2) public records not subject to IC 5-15 may be destroyed in the
13 ordinary course of business.

14 SECTION 9. IC 6-6-2.5-28, AS AMENDED BY P.L.277-2013,
15 SECTION 10, AND AS AMENDED BY P.L.158-2013, SECTION 95,
16 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2014]: Sec. 28. (a) A license tax of sixteen
18 cents (\$0.16) per:

19 (1) gallon;

20 (2) *diesel gallon equivalent (as defined in IC 6-6-4.1-1(f)), in the*
21 *case of a special fuel that is liquid natural gas; or*

22 (3) *gasoline gallon equivalent (as defined in IC 6-6-4.1-1(g)), in*
23 *the case of a special fuel that is compressed natural gas or a fuel*
24 *commonly or commercially known or sold as butane or propane;*

25 is imposed on all special fuel sold or used in producing or generating
26 power for propelling motor vehicles except fuel used under section
27 30(a)(8) or 30.5 of this chapter. The tax shall be paid at those times, in
28 the manner, and by those persons specified in this section and section
29 35 of this chapter.

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

33 (c) Except as provided in subsection (d), the tax imposed on special
34 fuel by subsection (a) shall be measured by invoiced gallons (*or diesel*
35 *or gasoline gallon equivalents in the case of a special fuel described*
36 *in subsection (a)(2) or (a)(3)) of nonexempt special fuel received by a*
37 *licensed supplier in Indiana for sale or resale in Indiana or with respect*
38 *to special fuel subject to a tax precollection agreement under section*
39 *35(d) of this chapter, such special fuel removed by a licensed supplier*
40 *from a terminal outside of Indiana for sale for export or for export to*
41 *Indiana and in any case shall generally be determined in the same*
42 *manner as the tax imposed by Section 4081 of the Internal Revenue*



- 1 Code and Code of Federal Regulations.
- 2 (d) The tax imposed by subsection (a) on special fuel imported into
3 Indiana, other than into a terminal, is imposed at the time the product
4 is entered into Indiana and shall be measured by invoiced gallons
5 received at a terminal or at a bulk plant.
- 6 (e) In computing the tax, all special fuel in process of transfer from
7 tank steamers at boat terminal transfers and held in storage pending
8 wholesale bulk distribution by land transportation, or in tanks and
9 equipment used in receiving and storing special fuel from interstate
10 pipelines pending wholesale bulk reshipment, shall not be subject to
11 tax.
- 12 (f) The department shall consider it a rebuttable presumption that
13 special fuel consumed in a motor vehicle plated for general highway
14 use is subject to the tax imposed under this chapter. A person claiming
15 exempt use of special fuel in such a vehicle must maintain adequate
16 records as required by the department to document the vehicle's taxable
17 and exempt use.
- 18 (g) A person that engages in blending fuel for taxable sale or use in
19 Indiana is primarily liable for the collection and remittance of the tax
20 imposed under subsection (a). The person shall remit the tax due in
21 conjunction with the filing of a monthly report in the form prescribed
22 by the department.
- 23 (h) A person that receives special fuel that has been blended for
24 taxable sale or use in Indiana is secondarily liable to the state for the
25 tax imposed under subsection (a).
- 26 (i) A person may not use special fuel on an Indiana public highway
27 if the special fuel contains a sulfur content that exceeds five
28 one-hundredths of one percent (0.05%). A person who knowingly:
29 (1) violates; or
30 (2) aids or abets another person to violate;
31 this subsection commits a Class A infraction. However, the violation
32 is a Class A misdemeanor if the person has committed one (1) prior
33 unrelated violation of this subsection, and a *Class D Level 6 felony* if
34 the person has committed more than one (1) unrelated violation of this
35 subsection.
- 36 SECTION 10. IC 6-6-13-13, AS ADDED BY P.L.288-2013,
37 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2014]: Sec. 13. (a) A person who knowingly fails to collect or
39 timely remit tax otherwise required to be paid to the department under
40 section 9 of this chapter is liable for the uncollected tax plus a penalty
41 equal to one hundred percent (100%) of the uncollected tax.
- 42 (b) A person who recklessly, knowingly, or intentionally fails or



1 refuses to pay over to the state the aviation fuel excise tax at the time
 2 required in this chapter or who fraudulently withholds or appropriates
 3 or otherwise uses the money or any part thereof belonging to the state
 4 commits a ~~Class D~~ **Level 6** felony.

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

9 SECTION 11. IC 7.1-5-1-9.5, AS AMENDED BY P.L.109-2013,
 10 SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 126,
 11 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2014]: Sec. 9.5. (a) An in state or an out of state
 13 vintner, *artisan distiller*, distiller, brewer, rectifier, or importer that:

- 14 (1) holds a basic permit from the federal Bureau of Alcohol,
 15 Tobacco, Firearms and Explosives; and
- 16 (2) knowingly violates IC 7.1-5-11-1.5;

17 commits a Class A misdemeanor.

18 (b) A person who:

- 19 (1) is not described in subsection (a); and
- 20 (2) knowingly violates IC 7.1-5-11-1.5;

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

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

- 28 (1) notify the federal Bureau of Alcohol, Tobacco, Firearms and
 29 Explosives in writing and by certified mail of the official
 30 determination that state law has been violated; and
- 31 (2) request the federal bureau to take appropriate action.

32 SECTION 12. IC 8-10-1-29, AS AMENDED BY P.L.156-2013,
 33 SECTION 2, AND AS AMENDED BY P.L.158-2013, SECTION 133,
 34 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) *The ports of Indiana may*
 36 *declare an emergency:*

- 37 (1) *in the case of fire, flood, windstorm, casualty, or other*
 38 *extraordinary emergency, including mechanical failure of any*
 39 *part of a building or structure; and*
- 40 (2) *if the health, safety, or welfare of the public or necessary*
 41 *governmental operations are endangered by loss or damage.*

42 *The ports of Indiana shall declare an emergency by recording the*



1 *declaration and grounds for the emergency in the minutes of the*
2 *commission.*

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

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

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

18 (e) *If the ports of Indiana declares an emergency, the ports of*
19 *Indiana may:*

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

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

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

27 (2) *either:*

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

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

31 *The total amount of all contracts the ports of Indiana may award with*
32 *respect to an emergency declared under subsection (a) may not exceed*
33 *one million dollars (\$1,000,000), unless an executive order is issued*
34 *by the governor authorizing the ports of Indiana to exceed this limit.*

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

38 SECTION 13. IC 9-17-3-7, AS AMENDED BY P.L.92-2013,
39 SECTION 42, AS AMENDED BY P.L.262-2013, SECTION 25, AND
40 AS AMENDED BY P.L.158-2013, SECTION 138, IS CORRECTED
41 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
42 2014]: Sec. 7. ~~(a)~~ (a) This section does not apply to section **3.2 or 5** of



1 this chapter.

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

5 ~~(c) (c) A person who knowingly or intentionally violates:~~ **A person**
 6 **who knowingly or intentionally violates:**

7 ~~(1) (1) section 3(a)(1), 3(a)(2), 3(a)(4), or 3(a)(5) section~~
 8 ~~3.4(a)(1) or 3.4(a)(2) of this chapter commits a Class B~~
 9 ~~misdemeanor;~~ **of this chapter commits a Class B**
 10 **misdemeanor; or**

11 ~~(2) (2) section 3(a)(3) section 3.4(a)(3) of this chapter commits:~~
 12 **of this chapter commits:**

13 ~~(A) (A) a Class A misdemeanor for the first violation;~~ **or a**
 14 **Class A misdemeanor for the first violation; or**

15 ~~(B) (B) a Class D felony for the second violation or any~~
 16 ~~subsequent violation.~~ **a Level 6 felony for the second**
 17 **violation or any subsequent violation.**

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

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

- 26 (1) damages;
 27 (2) removes; or
 28 (3) alters;

29 an original or a special identification number commits a ~~Class E~~ **Level**
 30 **5** felony.

31 (b) A person who, with the intent to conceal evidence of the
 32 commission of a crime, covers an original or special identification
 33 number commits a ~~Class E~~ **Level 5** felony.

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

- 39 (1) destroyed;
 40 (2) removed;
 41 (3) altered;
 42 (4) covered; or



1 (5) defaced;
 2 commits a ~~Class D~~ **Level 6** felony.
 3 SECTION 17. IC 9-17-4-17, AS ADDED BY P.L.262-2013,
 4 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2014]: Sec. 17. A person who knowingly or intentionally sells
 6 or offers for sale a motor vehicle part with an identification number
 7 that is:
 8 (1) destroyed;
 9 (2) removed;
 10 (3) altered;
 11 (4) covered; or
 12 (5) defaced;
 13 commits a ~~Class D~~ **Level 6** felony.
 14 SECTION 18. IC 9-17-4-18, AS ADDED BY P.L.262-2013,
 15 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2014]: Sec. 18. (a) For purposes of this section, "identification
 17 number" means a set of numbers, letters, or both numbers and letters
 18 that is assigned to a motor vehicle or motor vehicle part by:
 19 (1) a manufacturer of motor vehicles or motor vehicle parts; or
 20 (2) a governmental entity to replace an original identification
 21 number that is destroyed, removed, altered, or defaced.
 22 (b) Subsection (c) does not apply to a person who manufactures or
 23 installs a plate or label containing an identification number:
 24 (1) in a program authorized by a manufacturer of motor vehicles
 25 or motor vehicle parts; or
 26 (2) as authorized by the bureau under this chapter.
 27 (c) A person who knowingly or intentionally possesses a plate or
 28 label that:
 29 (1) contains an identification number; and
 30 (2) is not attached to the motor vehicle or motor vehicle part to
 31 which the identification number was assigned by the
 32 manufacturer or a governmental entity;
 33 commits a ~~Class D~~ **Level 6** felony.
 34 (d) A person who knowingly or intentionally possesses a plate or
 35 label on which the identification number is altered or removed commits
 36 a ~~Class D~~ **Level 6** felony.
 37 (e) A person who, with intent to defraud, possesses a plate or label
 38 containing a set of numbers, letters, or both numbers and letters that
 39 purports to be an identification number commits a ~~Class D~~ **Level 6**
 40 felony.
 41 SECTION 19. IC 9-22-3-33, AS AMENDED BY P.L.92-2013,
 42 SECTION 49, AND AS AMENDED BY P.L.158-2013, SECTION



1 151, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2014]: Sec. 33. (a) A person who *recklessly*,
 3 knowingly, or *intentionally* violates section 4, 5, 6, 7, or 8 of this
 4 chapter (or section 9 of this chapter before its repeal) commits a ~~Class~~
 5 ~~Level 6~~ felony.

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

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

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

20 (b) A disposal facility or scrap metal processor shall maintain the
 21 following information with respect to each motor vehicle purchase
 22 transaction to which the disposal facility or scrap metal processor is a
 23 party for at least two (2) years following the date of the purchase
 24 transaction:

- 25 (1) The name and address of any secondary metals recycler or
 26 salvage yard.
- 27 (2) The name, initials, or other identifying symbol of the person
 28 entering the information.
- 29 (3) The date of the purchase transaction.
- 30 (4) A description of the motor vehicle that is the subject of the
 31 purchase transaction, including the make and model of the motor
 32 vehicle, if practicable.
- 33 (5) The vehicle identification number of the motor vehicle.
- 34 (6) The amount of consideration given for the motor vehicle.
- 35 (7) A written statement signed by the seller or the seller's agent
 36 certifying that the seller or the seller's agent has the lawful right
 37 to sell and dispose of the motor vehicle.
- 38 (8) The name and address of the person from whom the motor
 39 vehicle is being purchased.
- 40 (9) A photocopy or electronic scan of one (1) of the following
 41 forms of identification issued to the seller or the seller's agent:
 42 (A) A current and valid driver's license.



1 (B) An identification card issued under IC 9-24-16-1 or a
 2 similar card issued under the laws of another state or the
 3 federal government.

4 (C) A government issued document bearing an image of the
 5 seller or seller's agent, as applicable.

6 For purposes of complying with this subdivision, a disposal
 7 facility or scrap metal processor is not required to make a separate
 8 copy of the seller's or seller's agent's identification for each
 9 purchase transaction involving the seller or seller's agent but may
 10 instead refer to a copy maintained in reference to a particular
 11 purchase transaction.

12 (c) A disposal facility or scrap metal processor may not complete a
 13 purchase transaction in the absence of the information required under
 14 subsection (b)(9).

15 (d) A disposal facility, a scrap metal processor, or an agent of a
 16 disposal facility or scrap metal processor that knowingly, intentionally,
 17 or recklessly buys a motor vehicle that is less than fifteen (15) model
 18 years old without a certificate of title for the motor vehicle commits a
 19 **Class D Level 6** felony.

20 SECTION 21. IC 9-30-5-15 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) In addition to
 22 any criminal penalty imposed for an offense under this chapter, the
 23 court shall:

24 (1) order:

25 (A) that the person be imprisoned for at least five (5) days; or

26 (B) the person to perform at least one hundred eighty (180)
 27 hours of community restitution or service; and

28 (2) order the person to receive an assessment of the person's
 29 degree of alcohol and drug abuse and, if appropriate, to
 30 successfully complete an alcohol or drug abuse treatment
 31 program, including an alcohol deterrent program if the person
 32 suffers from alcohol abuse;

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

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

37 (1) order:

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

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

41 (2) order the person to receive an assessment of the person's
 42 degree of alcohol and drug abuse and, if appropriate, to



1 successfully complete an alcohol or drug abuse treatment
 2 program, including an alcohol deterrent program if the person
 3 suffers from alcohol abuse;
 4 if the person has at least two (2) previous convictions of operating
 5 while intoxicated.

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

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

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

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

17 SECTION 22. IC 9-32-17-2, AS ADDED BY P.L.92-2013,
 18 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2014]: Sec. 2. (a) Except as provided in **subsections**
 20 **subsection (b), and (c);** a person who violates IC 9-32-4 commits a
 21 Class C infraction.

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

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

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

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

29 SECTION 23. IC 11-8-8-4.5, AS AMENDED BY P.L.214-2013,
 30 SECTION 4, AND AS AMENDED BY P.L.158-2013, SECTION 171,
 31 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) Except as provided in
 33 section 22 of this chapter, as used in this chapter, "sex offender" means
 34 a person convicted of any of the following offenses:

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

36 (2) Criminal deviate conduct (IC 35-42-4-2) ~~(repealed)~~; ~~(before~~
 37 ~~its repeal on July 1, 2014)~~; **(before its repeal)**.

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

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

40 (5) Vicarious sexual gratification (including performing sexual
 41 conduct in the presence of a minor) (IC 35-42-4-5).

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



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



1 jurisdiction; and

2 (2) a child who has committed a delinquent act and who:

3 (A) is at least fourteen (14) years of age;

4 (B) is on probation, is on parole, is discharged from a facility
5 by the department of correction, is discharged from a secure
6 private facility (as defined in IC 31-9-2-115), or is discharged
7 from a juvenile detention facility as a result of an adjudication
8 as a delinquent child for an act that would be an offense
9 described in subsection (a) if committed by an adult; and

10 (C) is found by a court by clear and convincing evidence to be
11 likely to repeat an act that would be an offense described in
12 subsection (a) if committed by an adult.

13 (c) In making a determination under subsection (b)(2)(C), the court
14 shall consider expert testimony concerning whether a child is likely to
15 repeat an act that would be an offense described in subsection (a) if
16 committed by an adult.

17 SECTION 24. IC 11-8-8-5, AS AMENDED BY P.L.13-2013,
18 SECTION 42, AS AMENDED BY P.L.214-2013, SECTION 5, AND
19 AS AMENDED BY P.L.158-2013, SECTION 172, IS CORRECTED
20 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
21 2014]: Sec. 5. (a) Except as provided in section 22 of this chapter, as
22 used in this chapter, "sex or violent offender" means a person convicted
23 of any of the following offenses:

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

25 (2) Criminal deviate conduct (IC 35-42-4-2) *(before its repeal)*.
26 *on July 1, 2014 (repealed)*.

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

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

29 (5) Vicarious sexual gratification (including performing sexual
30 conduct in the presence of a minor) (IC 35-42-4-5).

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

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

33 (8) Sexual misconduct with a minor (**IC 35-42-4-9**) as a Class A,
34 Class B, or Class C felony *(for a crime committed before July 1,*
35 *2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime*
36 *committed after June 30, 2014), (~~IC 35-42-4-9~~); unless:*

37 (A) the person is convicted of sexual misconduct with a minor
38 as a Class C felony *(for a crime committed before July 1,*
39 *2014) or a Level 5 felony (for a crime committed after June*
40 *30, 2014);*

41 (B) the person is not more than:

42 (i) four (4) years older than the victim if the offense was



- 1 committed after June 30, 2007; or
 2 (ii) five (5) years older than the victim if the offense was
 3 committed before July 1, 2007; and
 4 (C) the sentencing court finds that the person should not be
 5 required to register as a sex offender.
- 6 (9) Incest (IC 35-46-1-3).
 7 (10) Sexual battery (IC 35-42-4-8).
 8 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
 9 (18) years of age, and the person who kidnapped the victim is not
 10 the victim's parent or guardian.
 11 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
 12 than eighteen (18) years of age, and the person who confined or
 13 removed the victim is not the victim's parent or guardian.
 14 (13) Possession of child pornography (IC 35-42-4-4(c)).
 15 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony
 16 *(for a crime committed before July 1, 2014) or a Level 4 felony*
 17 *(for a crime committed after June 30, 2014).*
 18 (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the
 19 victim is less than eighteen (18) years of age.
 20 (16) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).
 21 (17) Human trafficking (IC 35-42-3.5-1(d)(3)) if the victim is less
 22 than eighteen (18) years of age.
 23 (18) Murder (IC 35-42-1-1).
 24 (19) Voluntary manslaughter (IC 35-42-1-3).
 25 (20) Sexual misconduct by a service provider with a detained
 26 child (IC 35-44.1-3-10(c)).
 27 (21) An attempt or conspiracy to commit a crime listed in
 28 subdivisions (1) through (20).
 29 (22) A crime under the laws of another jurisdiction, including a
 30 military court, that is substantially equivalent to any of the
 31 offenses listed in subdivisions (1) through (21).
- 32 (b) The term includes:
 33 (1) a person who is required to register as a sex or violent
 34 offender in any jurisdiction; and
 35 (2) a child who has committed a delinquent act and who:
 36 (A) is at least fourteen (14) years of age;
 37 (B) is on probation, is on parole, is discharged from a facility
 38 by the department of correction, is discharged from a secure
 39 private facility (as defined in IC 31-9-2-115), or is discharged
 40 from a juvenile detention facility as a result of an adjudication
 41 as a delinquent child for an act that would be an offense
 42 described in subsection (a) if committed by an adult; and



1 (C) is found by a court by clear and convincing evidence to be
 2 likely to repeat an act that would be an offense described in
 3 subsection (a) if committed by an adult.

4 (c) In making a determination under subsection (b)(2)(C), the court
 5 shall consider expert testimony concerning whether a child is likely to
 6 repeat an act that would be an offense described in subsection (a) if
 7 committed by an adult.

8 SECTION 25. IC 11-8-8-15, AS AMENDED BY P.L.214-2013,
 9 SECTION 11, AND AS AMENDED BY P.L.158-2013, SECTION
 10 173, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A sex or violent offender
 12 who is a resident of Indiana shall obtain and keep in the sex or violent
 13 offender's possession:

- 14 (1) a valid Indiana driver's license; or
 15 (2) a valid Indiana identification card (as described in
 16 IC 9-24-16);

17 *that contains the offender's current address and current physical*
 18 *description.*

19 (b) A sex or violent offender required to register in Indiana who is
 20 not a resident of Indiana shall obtain and keep in the sex or violent
 21 offender's possession:

- 22 (1) a valid driver's license issued by the state in which the sex or
 23 violent offender resides; or
 24 (2) a valid state issued identification card issued by the state in
 25 which the sex or violent offender resides;

26 *that contains the offender's current address and current physical*
 27 *description.*

28 (c) A person who knowingly or intentionally violates this section
 29 commits failure of a sex or violent offender to possess identification,
 30 a Class A misdemeanor. However, the offense is a ~~Class D~~ Level 6
 31 felony if the person:

- 32 (1) is a sexually violent predator; or
 33 (2) has a prior unrelated conviction:
 34 (A) under this section; or
 35 (B) based on the person's failure to comply with any
 36 requirement imposed on an offender under this chapter.

37 (d) It is a defense to a prosecution under this section that:

- 38 (1) the person has been unable to obtain a valid driver's license or
 39 state issued identification card because less than thirty (30) days
 40 have passed since the person's release from incarceration; ~~or~~
 41 (2) the person possesses a driver's license or state issued
 42 identification card that expired not more than thirty (30) days



1 before the date the person violated subsection (a) or (b); or
 2 (3) the person possesses a valid driver's license or state issued
 3 identification card, but the card does not reflect the person's
 4 current address or current physical description because fewer
 5 than thirty (30) days have passed since the person changed the
 6 person's current address or physical characteristics.

7 SECTION 26. IC 11-8-8-19, AS AMENDED BY P.L.214-2013,
 8 SECTION 12, AND AS AMENDED BY P.L.158-2013, SECTION
 9 176, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) Except as provided in
 11 subsections (b) through (e), a sex or violent offender is required to
 12 register under this chapter until the expiration of ten (10) years after the
 13 date the sex or violent offender:

- 14 (1) is released from a penal facility (as defined in
 15 IC 35-31.5-2-232) or a secure juvenile detention facility of a state
 16 or another jurisdiction;
 17 (2) is placed in a community transition program;
 18 (3) is placed in a community corrections program;
 19 (4) is placed on parole; or
 20 (5) is placed on probation;

21 for the sex or violent offense requiring registration, whichever occurs
 22 last. The registration period is tolled during any period that the sex or
 23 violent offender is incarcerated. The registration period does not restart
 24 if the offender is convicted of a subsequent offense. However, if the
 25 subsequent offense is a sex or violent offense, a new registration period
 26 may be imposed in accordance with this chapter. The department shall
 27 ensure that an offender who is no longer required to register as a sex or
 28 violent offender is notified that the obligation to register has expired,
 29 and shall ensure that the offender's information is no longer published
 30 to the public portal of the sex and violent offender registry Internet
 31 web site established under IC 36-2-13-5.5.

32 (b) A sex or violent offender who is a sexually violent predator is
 33 required to register for life.

34 (c) A sex or violent offender who is convicted of at least one (1)
 35 offense under section 5(a) of this chapter that the sex or violent
 36 offender committed:

- 37 (1) when the person was at least eighteen (18) years of age; and
 38 (2) against a victim who was less than twelve (12) years of age at
 39 the time of the crime;

40 is required to register for life.

41 (d) A sex or violent offender who is convicted of at least one (1)
 42 offense under section 5(a) of this chapter in which the sex offender:



1 (1) proximately caused serious bodily injury or death to the
2 victim;

3 (2) used force or the threat of force against the victim or a
4 member of the victim's family, unless the offense is sexual battery
5 as a Class D *felony* (for an offense committed before July 1, 2014)
6 or a Level 6 felony (for a crime committed after June 30, 2014);

7 or

8 (3) rendered the victim unconscious or otherwise incapable of
9 giving voluntary consent;

10 is required to register for life.

11 (e) A sex or violent offender who is convicted of at least two (2)
12 unrelated offenses under section 5(a) of this chapter is required to
13 register for life.

14 (f) A person who is required to register as a sex or violent offender
15 in any jurisdiction shall register for the period required by the other
16 jurisdiction or the period described in this section, whichever is longer.

17 SECTION 27. IC 11-12-3.7-11, AS AMENDED BY P.L.192-2007,
18 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2014]: Sec. 11. (a) A person is eligible to participate in a
20 pre-conviction forensic diversion program only if the person meets the
21 following criteria:

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

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

25 (A) not a violent offense; and

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

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

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

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

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

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

42 (2) The court will stay entry of the judgment of conviction during



1 the time in which the individual is successfully participating in
 2 the program. If the individual stops successfully participating in
 3 the program, or does not successfully complete the program, the
 4 court will lift its stay, enter a judgment of conviction, and
 5 sentence the individual accordingly.

6 (3) If the individual participates in the program, the individual
 7 may be required to remain in the program for a period not to
 8 exceed three (3) years.

9 (4) During treatment the individual may be confined in an
 10 institution, be released for treatment in the community, receive
 11 supervised aftercare in the community, or may be required to
 12 receive a combination of these alternatives.

13 (5) If the individual successfully completes the forensic diversion
 14 program, the court will waive entry of the judgment of conviction
 15 and dismiss the charges.

16 (6) The court shall determine, after considering a report from the
 17 forensic diversion program, whether the individual is successfully
 18 participating in or has successfully completed the program.

19 (c) Before an eligible person may participate in a pre-conviction
 20 forensic diversion program, the person must plead guilty to the offense
 21 with which the person is charged.

22 (d) Before an eligible person may be admitted to a facility under the
 23 control of the division of mental health and addiction, the individual
 24 must be committed to the facility under IC 12-26.

25 (e) After the person has pleaded guilty, the court shall stay entry of
 26 judgment of conviction and place the person in the pre-conviction
 27 forensic diversion program for not more than:

28 (1) two (2) years, if the person has been charged with a
 29 misdemeanor; or

30 (2) three (3) years, if the person has been charged with a felony.

31 (f) If, after considering the report of the forensic diversion program,
 32 the court determines that the person has:

33 (1) failed to successfully participate in the forensic diversion
 34 program, or failed to successfully complete the program, the court
 35 shall lift its stay, enter judgment of conviction, and sentence the
 36 person accordingly; or

37 (2) successfully completed the forensic diversion program, the
 38 court shall waive entry of the judgment of conviction and dismiss
 39 the charges.

40 SECTION 28. IC 11-14-1-5 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. "Youthful offender"
 42 means an offender (as defined in IC 11-8-1-9) who:



- 1 (1) is less than twenty-one (21) years of age;
 2 (2) has been committed to the department to serve a maximum
 3 sentence of not more than eight (8) years;
 4 (3) has received a suspendible sentence under IC 35-50-2-2
 5 **(before its repeal), or IC 35-50-2-2.1, or IC 35-50-2-2.2;**
 6 (4) has been sentenced by a court having criminal jurisdiction;
 7 (5) has never been confined in a state or federal adult correctional
 8 facility; and
 9 (6) has not previously participated in a military or correctional
 10 boot camp program.
- 11 SECTION 29. IC 12-7-2-53.2, AS ADDED BY P.L.287-2013,
 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2014]: Sec. 53.2. "Dangerous felony", for purposes of
 14 IC 12-17.2, means one (1) or more of the following felonies:
- 15 (1) Murder (IC 35-42-1-1).
 16 (2) Attempted murder (IC 35-41-5-1).
 17 (3) Voluntary manslaughter (IC 35-42-1-3).
 18 (4) Involuntary manslaughter (IC 35-42-1-4).
 19 (5) Reckless homicide (IC 35-42-1-5).
 20 (6) Aggravated battery (IC 35-42-2-1.5).
 21 (7) Kidnapping (IC 35-42-3-2).
 22 (8) Rape (IC 35-42-4-1).
 23 (9) Criminal deviate conduct (IC 35-42-4-2) **(before its repeal)**.
 24 (10) Child molesting (IC 35-42-4-3).
 25 (11) Sexual misconduct with a minor as a Class A felony **(for a**
 26 **crime committed before July 1, 2014) or a Level 1 felony (for**
 27 **a crime committed after June 30, 2014) under**
 28 **IC 35-42-4-9(a)(2) or a Class B felony (for a crime committed**
 29 **before July 1, 2014) or a Level 2 felony (for a crime**
 30 **committed after June 30, 2014) under IC 35-42-4-9(b)(2).**
 31 (12) Robbery as a Class A or Class B felony **(for a crime**
 32 **committed before July 1, 2014) or a Level 2 or Level 3 felony**
 33 **(for a crime committed after June 30, 2014) (IC 35-42-5-1).**
 34 (13) Burglary as a Class A or Class B felony **(for a crime**
 35 **committed before July 1, 2014) or a Level 2 or Level 3 felony**
 36 **(for a crime committed after June 30, 2014) (IC 35-43-2-1).**
 37 (14) Battery as a felony (IC 35-42-2-1).
 38 (15) Domestic battery (IC 35-42-2-1.3).
 39 (16) Strangulation (IC 35-42-2-9).
 40 (17) Criminal confinement (IC 35-42-3-3).
 41 (18) Sexual battery (IC 35-42-4-8).
 42 (19) A felony committed in another jurisdiction that is



1 substantially similar to a felony in this section.

2 (20) An attempt to commit or a conspiracy to commit an offense
3 listed in subdivisions (1) through (19).

4 SECTION 30. IC 12-17.2-6-14, AS AMENDED BY P.L.287-2013,
5 SECTION 16, AND AS AMENDED BY P.L.158-2013, SECTION
6 179, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2014]: Sec. 14. ~~The~~ (a) A child care ministry
8 must do the following:

9 (1) ~~Conduct a~~ Subject to subsection (c), require, at no expense to
10 the state, an employee or a volunteer who has direct contact with
11 a child who is receiving child care from the child care ministry to
12 submit fingerprints for a national criminal history background
13 check of the child care ministry's employees and volunteers by
14 the Federal Bureau of Investigation.

15 (2) Report to the division any:

16 (A) police investigations;

17 (B) arrests; and

18 (C) criminal convictions;

19 of which the operator or director of the child care ministry is
20 aware regarding an employee or volunteer described in
21 subdivision (1).

22 (2) (3) Refrain from employing, or allowing to serve as a
23 volunteer, an individual who has direct contact with a child who
24 is receiving child care from the child care ministry and who:

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

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

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

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

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

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

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

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

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

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

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

36 (xi) Carjacking (IC 35-42-5-2) (repeated) (for a crime
37 committed before July 1, 2014);

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

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

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

42 (xv) Child selling (IC 35-46-1-4(d)).



1 *(xvi) A felony involving a weapon under IC 35-47 or*
 2 *IC 35-47.5.*

3 *(xvii) A felony relating to controlled substances under*
 4 *IC 35-48-4.*

5 *(xviii) An offense relating to material or a performance that*
 6 *is harmful to minors or obscene under IC 35-49-3.*

7 *(xix) A felony that is substantially equivalent to a felony*
 8 *listed in items (i) through (xviii) for which the conviction*
 9 *was entered in another state: a felony:*

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

11 *(ii) that is a sex offense (as defined in IC 11-8-8-5.2);*

12 *(iii) that is a dangerous felony; or*

13 *(iv) that is not a felony otherwise described in items (i)*
 14 *through (iii), and less than ten (10) years have elapsed from*
 15 *the date the person was discharged from probation,*
 16 *imprisonment, or parole, whichever discharge date is latest;*

17 *(B) has been convicted of a misdemeanor related to the health*
 18 *or safety of a child;*

19 *(C) has been convicted of a misdemeanor under*
 20 *IC 12-17.2-4-35 for operating a child care center without a*
 21 *license, or of a substantially similar offense committed in*
 22 *another jurisdiction if the offense is directly or indirectly*
 23 *related to jeopardizing the health or safety of a child;*

24 *(D) has been convicted of a misdemeanor under*
 25 *IC 12-17.2-5-35 for operating a child care home without a*
 26 *license, or of a substantially similar offense committed in*
 27 *another jurisdiction if the offense is directly or indirectly*
 28 *related to jeopardizing the health or safety of a child; or*

29 ~~(E)~~ *(E) is a person against whom an allegation of child abuse*
 30 *or neglect has been substantiated under IC 31-33, or under a*
 31 *substantially similar provision in another jurisdiction.*

32 ~~(3) Maintain records of each criminal history check.~~

33 *(b) A child care ministry shall require an individual described in*
 34 *subsection (a)(1) to apply for a national criminal history background*
 35 *check before the individual is employed or allowed to volunteer and*
 36 *every three (3) years thereafter that the individual is continuously*
 37 *employed or allowed to volunteer.*

38 *(c) A child care ministry that is registered under this chapter on*
 39 *July 1, 2013, shall, at no expense to the state, meet the requirements*
 40 *under subsection (a)(1) not later than July 1, 2014.*

41 SECTION 31. IC 12-24-3-2, AS AMENDED BY P.L.214-2013,
 42 SECTION 14, AND AS AMENDED BY P.L.158-2013, SECTION



1 183, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2014]: Sec. 2. To provide greater security for
 3 patients, visitors, and employees, the division may not employ in a state
 4 institution an individual who has been convicted of any of the
 5 following offenses:

- 6 (1) Rape (IC 35-42-4-1).
 7 (2) Criminal deviate conduct (IC 35-42-4-2) *(before its repeal on*
 8 *July 1, 2014): (repealed): (before its repeal).*
 9 (3) Child molesting (IC 35-42-4-3).
 10 (4) Child exploitation (IC 35-42-4-4).
 11 (5) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A
 12 or Class B felony (for a crime committed before July 1, 2014) or
 13 a Level 1 felony, Level 2 felony, or Level 4 felony (~~IC 35-42-4-9~~)
 14 (for a crime committed after June 30, 2014).

15 SECTION 32. IC 16-31-3-14, AS AMENDED BY P.L.196-2013,
 16 SECTION 4, AND AS AMENDED BY P.L.158-2013, SECTION 234,
 17 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) A person holding a
 19 certificate or license issued under this article must comply with the
 20 applicable standards and rules established under this article. A
 21 certificate holder or license holder is subject to disciplinary sanctions
 22 under subsection (b) if the department of homeland security determines
 23 that the certificate holder or license holder:

- 24 (1) engaged in or knowingly cooperated in fraud or material
 25 deception in order to obtain a certificate or license, including
 26 cheating on a certification or licensure examination;
 27 (2) engaged in fraud or material deception in the course of
 28 professional services or activities;
 29 (3) advertised services or goods in a false or misleading manner;
 30 (4) falsified or knowingly allowed another person to falsify
 31 attendance records or certificates of completion of continuing
 32 education courses required under this article or rules adopted
 33 under this article;
 34 (5) is convicted of a crime, if the act that resulted in the
 35 conviction has a direct bearing on determining if the certificate
 36 holder or license holder should be entrusted to provide emergency
 37 medical services;
 38 (6) is convicted of violating IC 9-19-14.5;
 39 (7) fails to comply and maintain compliance with or violates any
 40 applicable provision, standard, or other requirement of this article
 41 or rules adopted under this article;
 42 (8) continues to practice if the certificate holder or license holder



- 1 becomes unfit to practice due to:
- 2 (A) professional incompetence that includes the undertaking
- 3 of professional activities that the certificate holder or license
- 4 holder is not qualified by training or experience to undertake;
- 5 (B) failure to keep abreast of current professional theory or
- 6 practice;
- 7 (C) physical or mental disability; or
- 8 (D) addiction to, abuse of, or dependency on alcohol or other
- 9 drugs that endanger the public by impairing the certificate
- 10 holder's or license holder's ability to practice safely;
- 11 (9) engages in a course of lewd or immoral conduct in connection
- 12 with the delivery of services to the public;
- 13 (10) allows the certificate holder's or license holder's name or a
- 14 certificate or license issued under this article to be used in
- 15 connection with a person who renders services beyond the scope
- 16 of that person's training, experience, or competence;
- 17 (11) is subjected to disciplinary action in another state or
- 18 jurisdiction on grounds similar to those contained in this chapter.
- 19 For purposes of this subdivision, a certified copy of a record of
- 20 disciplinary action constitutes prima facie evidence of a
- 21 disciplinary action in another jurisdiction;
- 22 (12) assists another person in committing an act that would
- 23 constitute a ground for disciplinary sanction under this chapter;
- 24 or
- 25 (13) allows a certificate or license issued by the commission to
- 26 be:
- 27 (A) used by another person; or
- 28 (B) displayed to the public when the certificate or license is
- 29 expired, inactive, invalid, revoked, or suspended.
- 30 (b) The department of homeland security may issue an order under
- 31 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if
- 32 the department of homeland security determines that a certificate
- 33 holder or license holder is subject to disciplinary sanctions under
- 34 subsection (a):
- 35 (1) Revocation of a certificate holder's certificate or license
- 36 holder's license for a period not to exceed seven (7) years.
- 37 (2) Suspension of a certificate holder's certificate or license
- 38 holder's license for a period not to exceed seven (7) years.
- 39 (3) Censure of a certificate holder or license holder.
- 40 (4) Issuance of a letter of reprimand.
- 41 (5) Assessment of a civil penalty against the certificate holder or
- 42 license holder in accordance with the following:



- 1 (A) The civil penalty may not exceed five hundred dollars
 2 (\$500) per day per violation.
- 3 (B) If the certificate holder or license holder fails to pay the
 4 civil penalty within the time specified by the department of
 5 homeland security, the department of homeland security may
 6 suspend the certificate holder's certificate or license holder's
 7 license without additional proceedings.
- 8 (6) Placement of a certificate holder or license holder on
 9 probation status and requirement of the certificate holder or
 10 license holder to:
- 11 (A) report regularly to the department of homeland security
 12 upon the matters that are the basis of probation;
- 13 (B) limit practice to those areas prescribed by the department
 14 of homeland security;
- 15 (C) continue or renew professional education approved by the
 16 department of homeland security until a satisfactory degree of
 17 skill has been attained in those areas that are the basis of the
 18 probation; or
- 19 (D) perform or refrain from performing any acts, including
 20 community restitution or service without compensation, that
 21 the department of homeland security considers appropriate to
 22 the public interest or to the rehabilitation or treatment of the
 23 certificate holder or license holder.
- 24 The department of homeland security may withdraw or modify
 25 this probation if the department of homeland security finds after
 26 a hearing that the deficiency that required disciplinary action is
 27 remedied or that changed circumstances warrant a modification
 28 of the order.
- 29 (c) If an applicant or a certificate holder or license holder has
 30 engaged in or knowingly cooperated in fraud or material deception to
 31 obtain a certificate or license, including cheating on the certification or
 32 licensure examination, the department of homeland security may
 33 rescind the certificate or license if it has been granted, void the
 34 examination or other fraudulent or deceptive material, and prohibit the
 35 applicant from reapplying for the certificate or license for a length of
 36 time established by the department of homeland security.
- 37 (d) The department of homeland security may deny certification or
 38 licensure to an applicant who would be subject to disciplinary sanctions
 39 under subsection (b) if that person were a certificate holder or license
 40 holder, has had disciplinary action taken against the applicant or the
 41 applicant's certificate or license to practice in another state or
 42 jurisdiction, or has practiced without a certificate or license in violation



1 of the law. A certified copy of the record of disciplinary action is
2 conclusive evidence of the other jurisdiction's disciplinary action.

3 (e) The department of homeland security may order a certificate
4 holder or license holder to submit to a reasonable physical or mental
5 examination if the certificate holder's or license holder's physical or
6 mental capacity to practice safely and competently is at issue in a
7 disciplinary proceeding. Failure to comply with a department of
8 homeland security order to submit to a physical or mental examination
9 makes a certificate holder or license holder liable to temporary
10 suspension under subsection (i).

11 (f) Except as provided under subsection (a), subsection (g), and
12 section 14.5 of this chapter, a certificate or license may not be denied,
13 revoked, or suspended because the applicant, certificate holder, or
14 license holder has been convicted of an offense. The acts from which
15 the applicant's, certificate holder's, or license holder's conviction
16 resulted may be considered as to whether the applicant or certificate
17 holder or license holder should be entrusted to serve the public in a
18 specific capacity.

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

- 23 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
24 (2) Possession of methamphetamine under IC 35-48-4-6.1.
25 (3) Possession of a controlled substance under IC 35-48-4-7(a).
26 (4) Fraudulently obtaining a controlled substance under
27 ~~IC 35-48-4-7(b)~~ IC 35-48-4-7(c).
28 (5) Manufacture of paraphernalia as a Class D *felony (for a crime*
29 *committed before July 1, 2014) or Level 6 felony (for a crime*
30 *committed after June 30, 2014)* under IC 35-48-4-8.1(b).
31 (6) Dealing in paraphernalia as a Class D *felony (for a crime*
32 *committed before July 1, 2014) or Level 6 felony (for a crime*
33 *committed after June 30, 2014)* under IC 35-48-4-8.5(b).
34 (7) Possession of paraphernalia as a Class D *felony (for a crime*
35 *committed before July 1, 2014) or Level 6 felony (for a crime*
36 *committed after June 30, 2014)* under IC 35-48-4-8.3(b).
37 (8) Possession of marijuana, hash oil, hashish, *or salvia or a*
38 *synthetic drug* as a Class D *felony (for a crime committed before*
39 *July 1, 2014) or Level 6 felony (for a crime committed after June*
40 *30, 2014)* under IC 35-48-4-11.
41 (9) *Possession of a synthetic drug or synthetic drug lookalike*
42 *substance as a Class D felony (for a crime committed before*



1 **July 1, 2014) or Level 6 felony (for a crime committed after**
 2 **June 30, 2014) under IC 35-48-4-11.5 (or under IC 35-48-4-11**
 3 **before its amendment in 2013).**

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

5 ~~(10)~~ (11) An offense relating to registration, labeling, and
 6 prescription forms under IC 35-48-4-14.

7 ~~(11)~~ (12) Conspiracy under IC 35-41-5-2 to commit an offense
 8 listed in *subdivisions (1) through (10) this section.*

9 ~~(12)~~ (13) Attempt under IC 35-41-5-1 to commit an offense listed
 10 in *subdivisions (1) through (10) this section.*

11 ~~(13)~~ (14) An offense in any other jurisdiction in which the
 12 elements of the offense for which the conviction was entered are
 13 substantially similar to the elements of an offense described by
 14 *subdivisions (1) through (12) in this section.*

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

18 (i) The department of homeland security may temporarily suspend
 19 a certificate holder's certificate or license holder's license under
 20 IC 4-21.5-4 before a final adjudication or during the appeals process if
 21 the department of homeland security finds that a certificate holder or
 22 license holder would represent a clear and immediate danger to the
 23 public's health, safety, or property if the certificate holder or license
 24 holder were allowed to continue to practice.

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

30 (k) The department of homeland security shall conduct a factfinding
 31 investigation as the department of homeland security considers proper
 32 in relation to the complaint.

33 (l) The department of homeland security may reinstate a certificate
 34 or license that has been suspended under this section if the department
 35 of homeland security is satisfied that the applicant is able to practice
 36 with reasonable skill, competency, and safety to the public. As a
 37 condition of reinstatement, the department of homeland security may
 38 impose disciplinary or corrective measures authorized under this
 39 chapter.

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

42 (n) The department of homeland security must be consistent in the



1 application of sanctions authorized in this chapter. Significant
 2 departures from prior decisions involving similar conduct must be
 3 explained in the department of homeland security's findings or orders.

4 (o) A certificate holder may not surrender the certificate holder's
 5 certificate, and a license holder may not surrender the license holder's
 6 license, without the written approval of the department of homeland
 7 security, and the department of homeland security may impose any
 8 conditions appropriate to the surrender or reinstatement of a
 9 surrendered certificate or license.

10 (p) For purposes of this section, "certificate holder" means a person
 11 who holds:

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

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

- 17 (1) an unlimited license;
- 18 (2) a limited or probationary license; or
- 19 (3) an inactive license.

20 SECTION 33. IC 16-41-12-15, AS AMENDED BY P.L.213-2013,
 21 SECTION 14, AND AS AMENDED BY P.L.158-2013, SECTION
 22 243, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A blood center shall require
 24 a blood donor to provide to the blood center the following information:

- 25 (1) Name.
- 26 (2) Address.
- 27 (3) Date of birth.
- 28 (4) *The blood donor's Social Security number, if the blood donor*
 29 *is receiving monetary compensation for the donation.*

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

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

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

40 NOTICE

- 41 (1) This blood center performs a screening test for the human
 42 immunodeficiency virus (HIV) on every donor's blood.



1 (2) This blood center reports to the state department of health the
 2 name and address of a blood donor when a confirmatory test of
 3 the blood donor's blood confirms the presence of antibodies to the
 4 human immunodeficiency virus (HIV).

5 (3) A person who recklessly, knowingly, or intentionally donates
 6 (excluding self-donations for stem cell transplantation, *other*
 7 *autologous donations, or donations not intended by the blood*
 8 *center for distribution or use), sells, or transfers blood ~~or a blood~~*
 9 *component* that contains antibodies for the human
 10 immunodeficiency virus (HIV) commits transferring
 11 contaminated blood, a ~~Class C~~ *Level 5* felony. The offense is a
 12 ~~Class A~~ *Level 4* felony if the offense results in the transmission of
 13 the virus to another person.

14 SECTION 34. IC 20-28-5-8, AS AMENDED BY P.L.158-2013,
 15 SECTION 250, AND AS AMENDED BY P.L.214-2013, SECTION
 16 20, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) This section applies when a
 18 prosecuting attorney knows that a licensed employee of a public school
 19 or a nonpublic school has been convicted of an offense listed in
 20 subsection (c). The prosecuting attorney shall immediately give written
 21 notice of the conviction to the following:

22 (1) The state superintendent.

23 (2) Except as provided in subdivision (3), the superintendent of
 24 the school corporation that employs the licensed employee or the
 25 equivalent authority if a nonpublic school employs the licensed
 26 employee.

27 (3) The presiding officer of the governing body of the school
 28 corporation that employs the licensed employee, if the convicted
 29 licensed employee is the superintendent of the school corporation.

30 (b) The superintendent of a school corporation, presiding officer of
 31 the governing body, or equivalent authority for a nonpublic school shall
 32 immediately notify the state superintendent when the individual knows
 33 that a current or former licensed employee of the public school or
 34 nonpublic school has been convicted of an offense listed in subsection
 35 (c), or when the governing body or equivalent authority for a nonpublic
 36 school takes any final action in relation to an employee who engaged
 37 in any offense listed in subsection (c).

38 (c) The department, after holding a hearing on the matter, shall
 39 permanently revoke the license of a person who is known by the
 40 department to have been convicted of any of the following felonies:

41 (1) Kidnapping (IC 35-42-3-2).

42 (2) Criminal confinement (IC 35-42-3-3).



- 1 (3) Rape (IC 35-42-4-1).
 2 (4) Criminal deviate conduct (IC 35-42-4-2) ~~(repeated)~~: **(before**
 3 **its repeal)**.
 4 (5) Child molesting (IC 35-42-4-3).
 5 (6) Child exploitation (IC 35-42-4-4(b)).
 6 (7) Vicarious sexual gratification (IC 35-42-4-5).
 7 (8) Child solicitation (IC 35-42-4-6).
 8 (9) Child seduction (IC 35-42-4-7).
 9 (10) Sexual misconduct with a minor (IC 35-42-4-9).
 10 (11) Incest (IC 35-46-1-3).
 11 (12) Dealing in or manufacturing cocaine or a narcotic drug
 12 (IC 35-48-4-1).
 13 (13) Dealing in methamphetamine (IC 35-48-4-1.1).
 14 (14) Dealing in a schedule I, II, or III controlled substance
 15 (IC 35-48-4-2).
 16 (15) Dealing in a schedule IV controlled substance
 17 (IC 35-48-4-3).
 18 (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
 19 (17) Dealing in a counterfeit substance (IC 35-48-4-5).
 20 (18) Dealing in marijuana, hash oil, hashish, or salvia
 21 (IC 35-48-4-10(b)).
 22 (19) Dealing in a synthetic drug or synthetic drug lookalike
 23 substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its
 24 amendment in 2013).
 25 (20) Possession of child pornography (IC 35-42-4-4(c)).
 26 (21) Homicide (IC 35-42-1).
 27 (22) Voluntary manslaughter (IC 35-42-1-3).
 28 (23) Reckless homicide (IC 35-42-1-5).
 29 (24) Battery as any of the following:
 30 (A) A Class A *felony* (for a crime committed before July 1,
 31 2014) or a Level 2 felony (for a crime committed after June
 32 30, 2014). ~~(IC 35-42-2-1(a)(5))~~.
 33 (B) A Class B *felony* (for a crime committed before July 1,
 34 2014) or a Level 3 felony (for a crime committed after June
 35 30, 2014). ~~(IC 35-42-2-1(a)(4))~~.
 36 (C) A Class C *felony* (for a crime committed before July 1,
 37 2014) or a Level 5 felony (for a crime committed after June
 38 30, 2014). ~~(IC 35-42-2-1(a)(3))~~.
 39 (25) Aggravated battery (IC 35-42-2-1.5).
 40 (26) Robbery (IC 35-42-5-1).
 41 (27) Carjacking (IC 35-42-5-2) ~~(repeated)~~: **(before its repeal)**.
 42 (28) Arson as a Class A felony or ~~a~~ Class B *felony* (for a crime



- 1 *committed before July 1, 2014) or as a Level 2, Level 3, or Level*
 2 *4 felony (for a crime committed after June 30, 2014)*
 3 *(IC 35-43-1-1(a)).*
 4 (29) Burglary as a Class A felony or ~~a~~ Class B felony *(for a crime*
 5 *committed before July 1, 2014) or as a Level 1, Level 2, Level 3,*
 6 *or Level 4 felony (for a crime committed after June 30, 2014)*
 7 *(IC 35-43-2-1).*
 8 (30) Attempt under IC 35-41-5-1 to commit an offense listed in
 9 this subsection.
 10 (31) Conspiracy under IC 35-41-5-2 to commit an offense listed
 11 in this subsection.
 12 (d) The department, after holding a hearing on the matter, shall
 13 permanently revoke the license of a person who is known by the
 14 department to have been convicted of a federal offense or an offense in
 15 another state that is comparable to a felony listed in subsection (c).
 16 (e) A license may be suspended by the state superintendent as
 17 specified in IC 20-28-7.5.
 18 (f) The department shall develop a data base of information on
 19 school corporation employees who have been reported to the
 20 department under this section.
 21 SECTION 35. IC 22-15-5-16, AS AMENDED BY P.L.196-2013,
 22 SECTION 7, AND AS AMENDED BY P.L.158-2013, SECTION 261,
 23 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A practitioner shall comply
 25 with the standards established under this licensing program. A
 26 practitioner is subject to the exercise of the disciplinary sanctions under
 27 subsection (b) if the department finds that a practitioner has:
 28 (1) engaged in or knowingly cooperated in fraud or material
 29 deception in order to obtain a license to practice, including
 30 cheating on a licensing examination;
 31 (2) engaged in fraud or material deception in the course of
 32 professional services or activities;
 33 (3) advertised services or goods in a false or misleading manner;
 34 (4) falsified or knowingly allowed another person to falsify
 35 attendance records or certificates of completion of continuing
 36 education courses provided under this chapter;
 37 (5) been convicted of a crime that has a direct bearing on the
 38 practitioner's ability to continue to practice competently;
 39 (6) knowingly violated a state statute or rule or federal statute or
 40 regulation regulating the profession for which the practitioner is
 41 licensed;
 42 (7) continued to practice although the practitioner has become



1 unfit to practice due to:

- 2 (A) professional incompetence;
- 3 (B) failure to keep abreast of current professional theory or
- 4 practice;
- 5 (C) physical or mental disability; or
- 6 (D) addiction to, abuse of, or severe dependency on alcohol or
- 7 other drugs that endanger the public by impairing a
- 8 practitioner's ability to practice safely;
- 9 (8) engaged in a course of lewd or immoral conduct in connection
- 10 with the delivery of services to the public;
- 11 (9) allowed the practitioner's name or a license issued under this
- 12 chapter to be used in connection with an individual or business
- 13 who renders services beyond the scope of that individual's or
- 14 business's training, experience, or competence;
- 15 (10) had disciplinary action taken against the practitioner or the
- 16 practitioner's license to practice in another state or jurisdiction on
- 17 grounds similar to those under this chapter;
- 18 (11) assisted another person in committing an act that would
- 19 constitute a ground for disciplinary sanction under this chapter;
- 20 or
- 21 (12) allowed a license issued by the department to be:
- 22 (A) used by another person; or
- 23 (B) displayed to the public when the license has expired, is
- 24 inactive, is invalid, or has been revoked or suspended.

25 For purposes of subdivision (10), a certified copy of a record of

26 disciplinary action constitutes prima facie evidence of a disciplinary

27 action in another jurisdiction.

28 (b) The department may impose one (1) or more of the following

29 sanctions if the department finds that a practitioner is subject to

30 disciplinary sanctions under subsection (a):

- 31 (1) Permanent revocation of a practitioner's license.
- 32 (2) Suspension of a practitioner's license.
- 33 (3) Censure of a practitioner.
- 34 (4) Issuance of a letter of reprimand.
- 35 (5) Assess a civil penalty against the practitioner in accordance
- 36 with the following:
- 37 (A) The civil penalty may not be more than one thousand
- 38 dollars (\$1,000) for each violation listed in subsection (a),
- 39 except for a finding of incompetency due to a physical or
- 40 mental disability.
- 41 (B) When imposing a civil penalty, the department shall
- 42 consider a practitioner's ability to pay the amount assessed. If



1 the practitioner fails to pay the civil penalty within the time
2 specified by the department, the department may suspend the
3 practitioner's license without additional proceedings. However,
4 a suspension may not be imposed if the sole basis for the
5 suspension is the practitioner's inability to pay a civil penalty.

6 (6) Place a practitioner on probation status and require the
7 practitioner to:

8 (A) report regularly to the department upon the matters that
9 are the basis of probation;

10 (B) limit practice to those areas prescribed by the department;

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

14 (D) perform or refrain from performing any acts, including
15 community restitution or service without compensation, that
16 the department considers appropriate to the public interest or
17 to the rehabilitation or treatment of the practitioner.

18 The department may withdraw or modify this probation if the
19 department finds after a hearing that the deficiency that required
20 disciplinary action has been remedied or that changed
21 circumstances warrant a modification of the order.

22 (c) If an applicant or a practitioner has engaged in or knowingly
23 cooperated in fraud or material deception to obtain a license to
24 practice, including cheating on the licensing examination, the
25 department may rescind the license if it has been granted, void the
26 examination or other fraudulent or deceptive material, and prohibit the
27 applicant from reapplying for the license for a length of time
28 established by the department.

29 (d) The department may deny licensure to an applicant who has had
30 disciplinary action taken against the applicant or the applicant's license
31 to practice in another state or jurisdiction or who has practiced without
32 a license in violation of the law. A certified copy of the record of
33 disciplinary action is conclusive evidence of the other jurisdiction's
34 disciplinary action.

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

41 (f) Except as provided under subsection (g) or (h), a license may not
42 be denied, revoked, or suspended because the applicant or holder has



1 been convicted of an offense. The acts from which the applicant's or
 2 holder's conviction resulted may, however, be considered as to whether
 3 the applicant or holder should be entrusted to serve the public in a
 4 specific capacity.

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

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

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

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

11 (4) Fraudulently obtaining a controlled substance under
 12 IC 35-48-4-7(b) *(for a crime committed before July 1, 2014)* or

13 IC 35-48-4-7(c) *(for a crime committed after June 30, 2014)*.

14 (5) Manufacture 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 35-48-4-8.1(b).

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

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

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

27 (9) Possession of a synthetic drug or synthetic drug lookalike
 28 substance as a:

29 (A) ~~Class D felony under IC 35-48-4-11.5 (or under~~
 30 ~~IC 35-48-4-11 before its amendment in 2013)~~ **for a crime**
 31 **committed before July 1, 2014, under:**

32 (i) **IC 35-48-4-11, before its amendment in 2013; or**

33 (ii) **IC 35-48-4-11.5; or**

34 (B) **Level 6 felony for a crime committed after June 30,**
 35 **2014, under IC 35-48-4-11.5.**

36 ~~(10)~~ (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 subsection.

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



- 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 in
 4 subdivisions ~~(1) through (12)~~; *this subsection.*
- 5 (h) The department shall deny, revoke, or suspend a license issued
 6 under this chapter if the individual who holds the license is convicted
 7 of any of the following:
- 8 (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
 9 (2) Dealing in methamphetamine under IC 35-48-4-1.1.
 10 (3) Dealing in a schedule I, II, or III controlled substance under
 11 IC 35-48-4-2.
 12 (4) Dealing in a schedule IV controlled substance under
 13 IC 35-48-4-3.
 14 (5) Dealing in a schedule V controlled substance under
 15 IC 35-48-4-4.
 16 (6) Dealing in a substance represented to be a controlled
 17 substance under IC 35-48-4-4.5.
 18 (7) Knowingly or intentionally manufacturing, advertising,
 19 distributing, or possessing with intent to manufacture, advertise,
 20 or distribute a substance represented to be a controlled substance
 21 under IC 35-48-4-4.6.
 22 (8) Dealing in a counterfeit substance under IC 35-48-4-5.
 23 (9) Dealing in marijuana, hash oil, hashish, *or salvia or a*
 24 *synthetic drug* under IC 35-48-4-10(b).
 25 (10) *Dealing in a synthetic drug or synthetic drug lookalike*
 26 *substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b)*
 27 *before its amendment in 2013).*
- 28 ~~(10)~~ (11) Conspiracy under IC 35-41-5-2 to commit an offense
 29 listed in *subdivisions (1) through (9)*; *this subsection.*
- 30 ~~(11)~~ (12) Attempt under IC 35-41-5-1 to commit an offense listed
 31 in *subdivisions (1) through (9)*; *this subsection.*
- 32 ~~(12)~~ (13) An offense in any other jurisdiction in which the
 33 elements of the offense for which the conviction was entered are
 34 substantially similar to the elements of an offense described in
 35 subdivisions ~~(1) through (11)~~; *this subsection.*
- 36 ~~(13)~~ (14) A violation of any federal or state drug law or rule
 37 related to wholesale legend drug distributors licensed under
 38 IC 25-26-14.
- 39 (i) A decision of the department under subsections (b) through (h)
 40 may be appealed to the commission under IC 4-21.5-3-7.
- 41 (j) The department may temporarily suspend a practitioner's license
 42 under IC 4-21.5-4 before a final adjudication or during the appeals



1 process if the department finds that a practitioner represents a clear and
2 immediate danger to the public's health, safety, or property if the
3 practitioner is allowed to continue to practice.

4 (k) On receipt of a complaint or an information alleging that a
5 person licensed under this chapter has engaged in or is engaging in a
6 practice that jeopardizes the public health, safety, or welfare, the
7 department shall initiate an investigation against the person.

8 (l) Any complaint filed with the office of the attorney general
9 alleging a violation of this licensing program shall be referred to the
10 department for summary review and for its general information and any
11 authorized action at the time of the filing.

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

14 (n) The department may reinstate a license that has been suspended
15 under this section if, after a hearing, the department is satisfied that the
16 applicant is able to practice with reasonable skill, safety, and
17 competency to the public. As a condition of reinstatement, the
18 department may impose disciplinary or corrective measures authorized
19 under this chapter.

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

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

28 (q) A practitioner may petition the department to accept the
29 surrender of the practitioner's license instead of having a hearing before
30 the commission. The practitioner may not surrender the practitioner's
31 license without the written approval of the department, and the
32 department may impose any conditions appropriate to the surrender or
33 reinstatement of a surrendered license.

34 (r) A practitioner who has been subjected to disciplinary sanctions
35 may be required by the commission to pay the costs of the proceeding.
36 The practitioner's ability to pay shall be considered when costs are
37 assessed. If the practitioner fails to pay the costs, a suspension may not
38 be imposed solely upon the practitioner's inability to pay the amount
39 assessed. The costs are limited to costs for the following:

- 40 (1) Court reporters.
41 (2) Transcripts.
42 (3) Certification of documents.



- 1 (4) Photo duplication.
 2 (5) Witness attendance and mileage fees.
 3 (6) Postage.
 4 (7) Expert witnesses.
 5 (8) Depositions.
 6 (9) Notarizations.
- 7 SECTION 36. IC 23-19-5-8, AS AMENDED BY P.L.146-2013,
 8 SECTION 2, AND AS AMENDED BY P.L.158-2013, SECTION 267,
 9 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A person who knowingly
 11 violates this article, or a rule adopted under this article, except ~~section~~
 12 ~~sections 4 and 11~~ of this chapter or the notice filing requirements of
 13 IC 23-19-3-2 or IC 23-19-4-5, commits a ~~Class C Level 5~~ felony.
- 14 (b) A person who knowingly violates section 1 of this chapter
 15 commits a ~~Class B Level 4~~ felony if the person harmed, defrauded,
 16 misled, or deceived by the violation is at least sixty (60) years of age.
- 17 (c) A person who knowingly violates section 1 of this chapter:
 18 (1) while using or taking advantage of; or
 19 (2) in connection with;
 20 a relationship that is based on religious affiliation or worship commits
 21 a ~~Class B Level 4~~ felony.
- 22 (d) It is the duty of a prosecuting attorney, as well as of the attorney
 23 general, to assist the commissioner upon the commissioner's request in
 24 the prosecution to final judgment of a violation of the penal provisions
 25 of this article. If the commissioner determines that an action based on
 26 the securities division's investigations is meritorious:
 27 (1) the commissioner or a designee empowered by the
 28 commissioner shall refer the facts drawn from the investigation to
 29 the prosecuting attorney of the judicial circuit in which the crime
 30 may have been committed;
 31 (2) the commissioner and the securities division shall assist the
 32 prosecuting attorney in prosecuting an action under this section,
 33 which may include a securities division attorney serving as a
 34 special deputy prosecutor appointed by the prosecuting attorney;
 35 (3) a prosecuting attorney to whom facts concerning fraud are
 36 referred under subdivision (1) may refer the matter to the attorney
 37 general;
 38 (4) if a matter has been referred to the attorney general under
 39 subdivision (3), the attorney general may:
 40 (A) file an information in a court with jurisdiction over the
 41 matter in the county in which the offense is alleged to have
 42 been committed; and



1 (B) prosecute the alleged offense; and
 2 (5) if a matter has been referred to the attorney general under
 3 subdivision (3), the commissioner and the securities division shall
 4 assist the attorney general in prosecuting an action under this
 5 section, which may include a securities division attorney serving
 6 as a special deputy attorney general appointed by the attorney
 7 general.

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

11 SECTION 37. IC 24-4-18-6, AS AMENDED BY P.L.112-2013,
 12 SECTION 4, AND AS AMENDED BY P.L.158-2013, SECTION 273,
 13 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2014]: Sec. 6. ~~(a) A criminal history provider~~
 15 ~~may provide only criminal history information that relates to a~~
 16 ~~conviction.~~

17 ~~(b)~~ (a) Except as provided in subsection (b), a criminal history
 18 provider may not knowingly provide ~~information~~ a criminal history
 19 report that provides criminal history information relating to the
 20 following:

21 ~~(1) An infraction, an arrest, or a charge that did not result in a~~
 22 ~~conviction.~~

23 ~~(2)~~ (1) A record that has been expunged by:

24 (A) marking the record as expunged; or

25 (B) removing the record from public access.

26 ~~(3)~~ (2) A record that is restricted by a court or the rules of a court
 27 and is marked as restricted from public disclosure or removed
 28 from public access.

29 ~~(4)~~ (3) A record indicating a conviction of a Class D felony (for a
 30 crime committed before July 1, 2014) or a Level 6 felony (for a
 31 crime committed after June 30, 2014) if the Class D felony or
 32 Level 6 felony conviction:

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

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

35 ~~(5)~~ (4) A record that the criminal history provider knows is
 36 inaccurate.

37 (b) A criminal history provider may provide information described
 38 in subsection (a)(1) through (a)(3) if the person requesting the criminal
 39 history report is:

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

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



1 SECTION 38. IC 25-1-1.1-2, AS AMENDED BY P.L.196-2013,
 2 SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 277,
 3 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2014]: Sec. 2. Notwithstanding IC 25-1-7, a
 5 board, a commission, or a committee may suspend, deny, or revoke a
 6 license or certificate issued under this title by the board, the
 7 commission, or the committee without an investigation by the office of
 8 the attorney general if the individual who holds the license or
 9 certificate is convicted of any of the following and the board,
 10 commission, or committee determines, after the individual has
 11 appeared in person, that the offense affects the individual's ability to
 12 perform the duties of the profession:

- 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 a 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 a 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 a 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 a Level 6 felony (for a crime committed after*
 30 *June 30, 2014)* under IC 35-48-4-11.
 31 (9) *Possession of a synthetic drug or synthetic drug lookalike*
 32 *substance as a:*
 33 (A) *Class D felony under ~~IC 35-48-4-11.5 (or under~~*
 34 *~~IC 35-48-4-11 before its amendment in 2013)~~ for a crime*
 35 **committed before July 1, 2014, under:**
 36 (i) **IC 35-48-4-11, before its amendment in 2013; or**
 37 (ii) **IC 35-48-4-11.5; or**
 38 (B) **Level 6 felony for a crime committed after June 30,**
 39 **2014, under IC 35-48-4-11.5.**
 40 ~~(9)~~ (10) Maintaining a common nuisance under IC 35-48-4-13.
 41 ~~(10)~~ (11) An offense relating to registration, labeling, and
 42 prescription forms under IC 35-48-4-14.



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

3 ~~(12)~~ (13) Attempt under IC 35-41-5-1 to commit an offense listed
4 in *subdivisions (1) through (10)*; this section.

5 ~~(13)~~ (14) A sex crime under IC 35-42-4.

6 ~~(14)~~ (15) A felony that reflects adversely on the individual's
7 fitness to hold a professional license.

8 ~~(15)~~ (16) An offense in any other jurisdiction in which the
9 elements of the offense for which the conviction was entered are
10 substantially similar to the elements of an offense described in
11 this section.

12 SECTION 39. IC 25-22.5-8-2, AS AMENDED BY P.L.232-2013,
13 SECTION 17, AND AS AMENDED BY P.L.158-2013, SECTION
14 284, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who *knowingly or*
16 *intentionally* violates this article by unlawfully practicing medicine or
17 osteopathic medicine commits a ~~Class C~~ Level 5 felony.

18 (b) A person who, *before January 1, 2014*, practices midwifery
19 without the license required under this article commits a ~~Class D~~ Level
20 6 felony.

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

24 SECTION 40. IC 25-23.4-3-7, AS ADDED BY P.L.232-2013,
25 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2014]: Sec. 7. (a) This section does not apply to an individual
27 who has a license under IC 25-23-1-13.1 to practice midwifery as a
28 certified nurse midwife.

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

32 SECTION 41. IC 29-3-7-7, AS AMENDED BY P.L.158-2013,
33 SECTION 303, AND AS AMENDED BY P.L.214-2013, SECTION
34 22, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2014]: Sec. 7. A court may not appoint a person
36 to serve as the guardian or permit a person to continue to serve as a
37 guardian if the person:

38 (1) is a sexually violent predator (as described in IC 35-38-1-7.5);

39 (2) was at least eighteen (18) years of age at the time of the
40 offense and was convicted of child molesting (IC 35-42-4-3) or
41 sexual misconduct with a minor (IC 35-42-4-9) against a child
42 less than sixteen (16) years of age:



1 (A) by using or threatening the use of deadly force;
 2 (B) while armed with a deadly weapon; or
 3 (C) that resulted in serious bodily injury; or
 4 (3) was less than eighteen (18) years of age at the time of the
 5 offense and was convicted as an adult of:

6 (A) an offense described in:

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

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

9 (iii) IC 35-42-4-3 as a Class A or Class B felony (*for crimes*
 10 *committed before July 1, 2014*) or as a Level 2 or Level 4
 11 *felony (for crimes committed after June 30, 2014)*;

12 (iv) IC 35-42-4-5(a)(1);

13 (v) IC 35-42-4-5(a)(2);

14 (vi) IC 35-42-4-5(a)(3);

15 (vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony (*for*
 16 *crimes committed before July 1, 2014*) or as a Level 2, Level
 17 *3, or Level 4 felony (for crimes committed after June 30,*
 18 *2014)*;

19 (viii) IC 35-42-4-5(b)(2); or

20 (ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony (*for*
 21 *crimes committed before July 1, 2014*) or as a Level 2, Level
 22 *3, or Level 4 felony (for crimes committed after June 30,*
 23 *2014)*;

24 (B) an attempt or conspiracy to commit a crime listed in clause
 25 (A); or

26 (C) a crime under the laws of another jurisdiction, including a
 27 military court, that is substantially equivalent to any of the
 28 offenses listed in clauses (A) and (B).

29 SECTION 42. IC 31-19-9-10, AS AMENDED BY P.L.158-2013,
 30 SECTION 310, AND AS AMENDED BY P.L.214-2013, SECTION
 31 23, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2014]: Sec. 10. A court shall determine that
 33 consent to adoption is not required from a parent if:

34 (1) the parent is convicted of and incarcerated at the time of the
 35 filing of a petition for adoption for:

36 (A) murder (IC 35-42-1-1);

37 (B) causing suicide (IC 35-42-1-2);

38 (C) voluntary manslaughter (IC 35-42-1-3);

39 (D) rape (IC 35-42-4-1);

40 (E) criminal deviate conduct (IC 35-42-4-2) (~~repealed~~);
 41 **(before its repeal)**;

42 (F) child molesting (*IC 35-42-4-3*) as a:



- 1 (i) Class A or Class B felony, ~~(IC 35-42-4-3)~~; for a crime
 2 committed before July 1, 2014; or
 3 (ii) Level 1, Level 2, Level 3, or Level 4 felony, for a crime
 4 committed after June 30, 2014;
- 5 (G) incest (IC 35-46-1-3) as a:
 6 (i) Class B felony, ~~(IC 35-46-1-3)~~; for a crime committed
 7 before July 1, 2014; or
 8 (ii) Level 4 felony, for a crime committed after June 30,
 9 2014;
- 10 (H) neglect of a dependent (IC 35-46-1-4) as a:
 11 (i) Class B felony, ~~(IC 35-46-1-4)~~; for a crime committed
 12 before July 1, 2014; or
 13 (ii) Level 1 or Level 3 felony, for a crime committed after
 14 June 30, 2014;
- 15 (I) battery (IC 35-42-2-1) of a child as a:
 16 (i) Class C felony, ~~(IC 35-42-2-1(a)(3))~~; for a crime
 17 committed before July 1, 2014; or
 18 (ii) Level 5 felony, for a crime committed after June 30,
 19 2014;
- 20 (J) battery (IC 35-42-2-1) as a:
 21 (i) Class A felony ~~(IC 35-42-2-1(a)(5))~~ or Class B felony,
 22 ~~(IC 35-42-2-1(a)(4))~~; for a crime committed before July 1,
 23 2014; or
 24 (ii) Level 2 or Level 3 felony, for a crime committed after
 25 June 30, 2014; or
- 26 (K) an attempt under IC 35-41-5-1 to commit an offense
 27 described in clauses (A) through (J);
- 28 (2) the child or the child's sibling, half-blood sibling, or
 29 step-sibling of the parent's current marriage is the victim of the
 30 offense; and
 31 (3) after notice to the parent and a hearing, the court determines
 32 that dispensing with the parent's consent to adoption is in the
 33 child's best interests.
- 34 SECTION 43. IC 31-30-1-2.5, AS AMENDED BY P.L.158-2013,
 35 SECTION 314, AND AS AMENDED BY P.L.214-2013, SECTION
 36 24, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2014]: Sec. 2.5. A juvenile court may not
 38 appoint a person to serve as the guardian or custodian of a child or
 39 permit a person to continue to serve as a guardian or custodian of a
 40 child if the person:
 41 (1) is a sexually violent predator (as described in IC 35-38-1-7.5);
 42 (2) was at least eighteen (18) years of age at the time of the



1 offense and committed child molesting (IC 35-42-4-3) or sexual
 2 misconduct with a minor (IC 35-42-4-9) against a child less than
 3 sixteen (16) years of age:

4 (A) by using or threatening the use of deadly force;
 5 (B) while armed with a deadly weapon; or
 6 (C) that resulted in serious bodily injury; or
 7 (3) was less than eighteen (18) years of age at the time of the
 8 offense but was tried and convicted as an adult of:

9 (A) an offense described in:

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

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

12 (iii) IC 35-42-4-3 as a Class A or Class B felony (*for crimes*
 13 *committed before July 1, 2014*) or as a Level 1, Level 2, or
 14 *Level 3 felony (for crimes committed after June 30, 2014)*;

15 (iv) IC 35-42-4-5(a)(1);

16 (v) IC 35-42-4-5(a)(2);

17 (vi) IC 35-42-4-5(a)(3);

18 (vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony (*for*
 19 *crimes committed before July 1, 2014*) or as a Level 2, Level
 20 3, or Level 4 felony (*for crimes committed after June 30,*
 21 *2014*);

22 (viii) IC 35-42-4-5(b)(2); or

23 (ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony (*for*
 24 *crimes committed before July 1, 2014*) or as a Level 1, Level
 25 2, or Level 3 felony (*for crimes committed after June 30,*
 26 *2014*);

27 (B) an attempt or conspiracy to commit a crime listed in clause
 28 (A); or

29 (C) a crime under the laws of another jurisdiction, including a
 30 military court, that is substantially equivalent to any of the
 31 offenses listed in clauses (A) and (B).

32 SECTION 44. IC 31-30-1-4, AS AMENDED BY P.L.158-2013,
 33 SECTION 315, AND AS AMENDED BY P.L.214-2013, SECTION
 34 25, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The juvenile court does not
 36 have jurisdiction over an individual for an alleged violation of:

37 (1) IC 35-41-5-1(a) (attempted murder);

38 (2) IC 35-42-1-1 (murder);

39 (3) IC 35-42-3-2 (kidnapping);

40 (4) IC 35-42-4-1 (rape);

41 (5) IC 35-42-4-2 (criminal deviate conduct) ~~(repealed)~~; **(before**
 42 **its repeal)**;



1 (6) IC 35-42-5-1 (robbery) if:

2 (A) the robbery was committed while armed with a deadly
3 weapon; or

4 (B) the robbery results in bodily injury or serious bodily
5 injury;

6 (7) IC 35-42-5-2 (carjacking) ~~(repeated)~~; **(before its repeal)**;

7 ~~(8) IC 35-45-9-3 (criminal gang activity)~~;

8 ~~(9)~~ **(8)** IC 35-45-9-4 (criminal gang intimidation);

9 ~~(10)~~ **(9)** IC 35-47-2-1 (carrying a handgun without a license), if
10 charged as a felony;

11 ~~(11)~~ **(10)** IC 35-47-10 (children and firearms), if charged as a
12 felony;

13 ~~(12)~~ **(11)** IC 35-47-5-4.1 (dealing in a sawed-off shotgun); or

14 ~~(13)~~ **(12)** any offense that may be joined under IC 35-34-1-9(a)(2)
15 with any crime listed in subdivisions (1) through ~~(12)~~; **(11)**;

16 if the individual was at least sixteen (16) years of age at the time of the
17 alleged violation.

18 (b) The juvenile court does not have jurisdiction for an alleged
19 violation of manufacturing or dealing in cocaine or a narcotic drug
20 (IC 35-48-4-1), dealing in methamphetamine (IC 35-48-4-1.1), dealing
21 in a schedule I, II, or III controlled substance (IC 35-48-4-2), or dealing
22 in a schedule IV controlled substance (IC 35-48-4-3), if:

23 (1) the individual has a prior unrelated conviction under

24 IC 35-48-4-1, IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3; or

25 (2) the individual has a prior unrelated juvenile adjudication that,
26 if committed by an adult, would be a crime under IC 35-48-4-1,

27 IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3;

28 and the individual was at least sixteen (16) years of age at the time of
29 the alleged violation.

30 (c) Once an individual described in subsection (a) or (b) has been
31 charged with any crime listed in subsection (a) or (b), the court having
32 adult criminal jurisdiction shall retain jurisdiction over the case even
33 if the individual pleads guilty to or is convicted of a lesser included
34 offense. A plea of guilty to or a conviction of a lesser included offense
35 does not vest jurisdiction in the juvenile court.

36 SECTION 45. IC 31-30-4-2, AS ADDED BY P.L.104-2013,
37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2014]: Sec. 2. (a) Subject to subsection (c), if:

39 (1) an offender is:

40 (A) less than eighteen (18) years of age;

41 (B) waived to a court with criminal jurisdiction under

42 IC 31-30-3 because the offender committed an act that would



- 1 be a felony if committed by an adult; and
 2 (C) convicted of committing the felony or enters a plea of
 3 guilty to committing the felony; or
 4 (2) an offender is:
 5 (A) less than eighteen (18) years of age;
 6 (B) charged with a felony over which a juvenile court does not
 7 have jurisdiction under IC 31-30-1-4; and
 8 (C) convicted of committing the felony by a court with
 9 criminal jurisdiction or enters a plea of guilty to committing
 10 the felony with the court;
 11 the court may, upon its own motion, a motion of the prosecuting
 12 attorney, or a motion of the offender's legal representative, impose a
 13 sentence upon the conviction of the offender under this chapter.
 14 (b) If a court elects to impose a sentence upon conviction of an
 15 offender under subsection (a) and, before the offender is sentenced, the
 16 department of correction determines that there is space available for the
 17 offender in a juvenile facility of the division of youth services of the
 18 department, the sentencing court may:
 19 (1) impose an appropriate criminal sentence on the offender under
 20 IC 35-50-2;
 21 (2) suspend the criminal sentence imposed, notwithstanding
 22 IC 35-50-2-2 (**before its repeal**), and IC 35-50-2-2.1, and
 23 **IC 35-50-2-2.2**;
 24 (3) order the offender to be placed into the custody of the
 25 department of correction to be placed in the juvenile facility of the
 26 division of youth services; and
 27 (4) provide that the successful completion of the placement of the
 28 offender in the juvenile facility is a condition of the suspended
 29 criminal sentence.
 30 (c) The court may not impose a sentence on an offender under
 31 subsection (a) until:
 32 (1) the prosecuting attorney has notified the victim of the felony
 33 of the possible imposition of a sentence on the offender under this
 34 chapter; and
 35 (2) either:
 36 (A) the probation department of the court has conducted a
 37 presentence investigation concerning the offender and reported
 38 its findings to the court; or
 39 (B) the department of correction has conducted a diagnostic
 40 evaluation of the offender and reported its findings to the
 41 court.
 42 SECTION 46. IC 31-30-4-5, AS ADDED BY P.L.104-2013,



1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2014]: Sec. 5. (a) At the request of a sentencing court, the
3 department of correction shall provide a progress report to the
4 sentencing court concerning an offender sentenced and placed in a
5 juvenile facility under section 2(b) of this chapter. When the offender
6 becomes eighteen (18) years of age:

- 7 (1) the department shall notify the sentencing court; and
8 (2) the sentencing court shall hold a review hearing concerning
9 the offender before the offender becomes nineteen (19) years of
10 age.

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

- 13 (1) continue the offender's placement in a juvenile facility until
14 the objectives of the sentence imposed on the offender have been
15 met, if the sentencing court finds that the objectives of the
16 sentence imposed on the offender have not been met;
17 (2) discharge the offender if the sentencing court finds that the
18 objectives of the sentence imposed on the offender have been
19 met;
20 (3) order execution of all or part of the offender's suspended
21 criminal sentence in an adult facility of the department of
22 correction; or
23 (4) place the offender:
24 (A) in home detention under IC 35-38-2.5;
25 (B) in a community corrections program under IC 35-38-2.6;
26 (C) on probation under IC 35-50-7; or
27 (D) in any other appropriate alternative sentencing program.

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

- 31 (1) Murder (IC 35-42-1-1).
32 (2) Attempted murder (IC 35-41-5-1).
33 (3) Kidnapping (IC 35-42-3-2).
34 (4) Rape as a Class A felony **(for a crime committed before July**
35 **1, 2014) or a Level 1 felony (for a crime committed after June**
36 **30, 2014)** (IC 35-42-4-1(b)).
37 (5) Criminal deviate conduct as a Class A felony
38 (IC 35-42-4-2(b)) **(before its repeal)**.
39 (6) Robbery as a Class A felony **(for a crime committed before**
40 **July 1, 2014) or a Level 2 felony (for a crime committed after**
41 **June 30, 2014)** (IC 35-42-5-1), if:

- 42 (A) the offense was committed while armed with a deadly



- 1 weapon; and
 2 (B) the offense resulted in bodily injury to any person other
 3 than a defendant.
- 4 The court may not modify the original sentence of an offender to whom
 5 this subsection applies if the prosecuting attorney objects in writing to
 6 the modification. The prosecuting attorney shall set forth in writing the
 7 prosecuting attorney's reasons for objecting to the sentence
 8 modification.
- 9 SECTION 47. IC 31-34-1-3, AS AMENDED BY P.L.158-2013,
 10 SECTION 319, AND AS AMENDED BY P.L.214-2013, SECTION
 11 26, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A child is a child in need of
 13 services if, before the child becomes eighteen (18) years of age:
- 14 (1) the child is the victim of a sex offense under:
- 15 (A) IC 35-42-4-1;
 16 (B) IC 35-42-4-2 (~~repealed~~); **(before its repeal)**;
 17 (C) IC 35-42-4-3;
 18 (D) IC 35-42-4-4;
 19 (E) IC 35-42-4-7;
 20 (F) IC 35-42-4-9;
 21 (G) IC 35-45-4-1;
 22 (H) IC 35-45-4-2;
 23 (I) IC 35-46-1-3; or
 24 (J) the law of another jurisdiction, including a military court,
 25 that is substantially equivalent to any of the offenses listed in
 26 clauses (A) through (I); and
- 27 (2) the child needs care, treatment, or rehabilitation that:
- 28 (A) the child is not receiving; and
 29 (B) is unlikely to be provided or accepted without the coercive
 30 intervention of the court.
- 31 (b) A child is a child in need of services if, before the child becomes
 32 eighteen (18) years of age:
- 33 (1) the child lives in the same household as another child who is
 34 the victim of a sex offense under:
- 35 (A) IC 35-42-4-1;
 36 (B) IC 35-42-4-2 (~~repealed~~); **(before its repeal)**;
 37 (C) IC 35-42-4-3;
 38 (D) IC 35-42-4-4;
 39 (E) IC 35-42-4-7;
 40 (F) IC 35-42-4-9;
 41 (G) IC 35-45-4-1;
 42 (H) IC 35-45-4-2;



- 1 (I) IC 35-46-1-3; or
 2 (J) the law of another jurisdiction, including a military court,
 3 that is substantially equivalent to any of the offenses listed in
 4 clauses (A) through (I);
 5 (2) the child lives in the same household as the adult who:
 6 (A) committed the sex offense under subdivision (1) and the
 7 sex offense resulted in a conviction or a judgment under
 8 IC 31-34-11-2; *or*
 9 (B) *has been charged with a sex offense listed in subdivision*
 10 *(1) and is awaiting trial;*
 11 (3) the child needs care, treatment, or rehabilitation that:
 12 (A) the child is not receiving; and
 13 (B) is unlikely to be provided or accepted without the coercive
 14 intervention of the court; and
 15 (4) a caseworker assigned to provide services to the child:
 16 (A) places the child in a program of informal adjustment or
 17 other family or rehabilitative services based upon the existence
 18 of the circumstances described in subdivisions (1) and (2) and
 19 the assigned caseworker subsequently determines further
 20 intervention is necessary; or
 21 (B) determines that a program of informal adjustment or other
 22 family or rehabilitative services is inappropriate.
- 23 SECTION 48. IC 31-37-4-3, AS AMENDED BY P.L.172-2013,
 24 SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 326,
 25 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) This section applies if a child
 27 is arrested or taken into custody for allegedly committing an act that
 28 would be any of the following crimes if committed by an adult:
 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) Battery (IC 35-42-2-1).
 36 (8) Kidnapping (IC 35-42-3-2).
 37 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
 38 (10) Sexual misconduct with a minor (IC 35-42-4-9).
 39 (11) Incest (IC 35-46-1-3).
 40 (12) Robbery as a *Class A Level 2* felony or a *Class B Level 3*
 41 *felony* (IC 35-42-5-1).
 42 (13) Burglary as a *Class A Level 1 felony, Level 2 felony, Level 3*



- 1 felony, or ~~a~~ *Class B Level 4* felony (IC 35-43-2-1).
 2 ~~(14) Carjacking (IC 35-42-5-2).~~
 3 ~~(15)~~ (14) Assisting a criminal as a *Class C Level 5* felony
 4 (IC 35-44.1-2-5).
 5 ~~(16)~~ (15) Escape (IC 35-44.1-3-4) as a *Class B Level 4* felony or
 6 *Class C Level 5* felony.
 7 ~~(17)~~ (16) Trafficking with an inmate as a *Class C Level 5* felony
 8 (IC 35-44.1-3-5).
 9 ~~(18)~~ (17) Causing death when operating a vehicle (IC 9-30-5-5).
 10 ~~(19)~~ (18) Criminal confinement (IC 35-42-3-3) as a *Class B Level*
 11 *2 or Level 3* felony.
 12 ~~(20)~~ (19) Arson (IC 35-43-1-1) as a *Class A or Class B Level 2*
 13 *felony, Level 3 felony, or Level 4* felony.
 14 ~~(21)~~ (20) Possession, use, or manufacture of a weapon of mass
 15 destruction (IC 35-47-12-1).
 16 ~~(22)~~ (21) Terroristic mischief (IC 35-47-12-3) as a *Class B Level*
 17 *2 or Level 3* felony.
 18 ~~(23)~~ (22) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
 19 ~~(24)~~ (23) A violation of IC 35-47.5 (controlled explosives) as a
 20 *Class A or Class B Level 2 felony, Level 3 felony, or Level 4*
 21 *felony*.
 22 ~~(25)~~ (24) A controlled substances offense under IC 35-48.
 23 ~~(26)~~ (25) A criminal gang offense under IC 35-45-9.
 24 (b) If a child is taken into custody under this chapter for a crime or
 25 act listed in subsection (a) *or a situation to which IC 12-26-4-1 applies*,
 26 the law enforcement agency that employs the law enforcement officer
 27 who takes the child into custody shall notify the chief administrative
 28 officer of the primary or secondary school, including a public or
 29 nonpublic school, in which the child is enrolled or, if the child is
 30 enrolled in a public school, the superintendent of the school district in
 31 which the child is enrolled:
 32 (1) that the child was taken into custody; and
 33 (2) of the reason why the child was taken into custody.
 34 (c) The notification under subsection (b) must occur within
 35 forty-eight (48) hours after the child is taken into custody.
 36 (d) A law enforcement agency may not disclose information that is
 37 confidential under state or federal law to a school or school district
 38 under this section.
 39 (e) *A law enforcement agency shall include in its training for law*
 40 *enforcement officers training concerning the notification requirements*
 41 *under subsection (b).*
 42 SECTION 49. IC 31-37-13-5 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. If a finding of
 2 delinquency is based on a delinquent act that would be a felony if
 3 committed by an adult, the juvenile court shall state in the findings the
 4 following:

- 5 (1) The specific statute that was violated.
- 6 (2) The class **or level** of the felony had the violation been
 7 committed by an adult.

8 SECTION 50. IC 33-37-5-23, AS AMENDED BY P.L.214-2013,
 9 SECTION 30, AND AS AMENDED BY P.L.158-2013, SECTION
 10 341, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) This section applies to
 12 criminal actions.

13 (b) The court shall assess a sexual assault victims assistance fee of
 14 at least ~~two hundred fifty dollars (\$250)~~ five hundred dollars (\$500)
 15 and not more than ~~one thousand dollars (\$1,000)~~ five thousand dollars
 16 (\$5,000) against an individual convicted in Indiana of any of the
 17 following offenses:

- 18 (1) Rape (IC 35-42-4-1).
- 19 (2) Criminal deviate conduct (IC 35-42-4-2) ~~(before its repeal on~~
 20 ~~July 1, 2014); (repealed): (before its repeal).~~
- 21 (3) Child molesting (IC 35-42-4-3).
- 22 (4) Child exploitation (IC 35-42-4-4(b)).
- 23 (5) Vicarious sexual gratification (IC 35-42-4-5).
- 24 (6) Child solicitation (IC 35-42-4-6).
- 25 (7) Child seduction (IC 35-42-4-7).
- 26 (8) Sexual battery (IC 35-42-4-8).
- 27 (9) Sexual misconduct with a minor as a Class A or Class B
 28 felony (for a crime committed before July 1, 2014) or a Level 1
 29 felony or Level 4 felony (for a crime committed after June 30,
 30 2014) (IC 35-42-4-9).
- 31 (10) Incest (IC 35-46-1-3).
- 32 (11) Promotion of human trafficking (IC 35-42-3.5-1(a)).
- 33 (12) Promotion of human trafficking of a minor (IC 35-42-3.5-1(b)).
- 34 (13) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).
- 35 (14) Human trafficking (IC 35-42-3.5-1(d)).

36 SECTION 51. IC 33-39-1-8, AS AMENDED BY P.L.158-2013,
 37 SECTION 342, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) After June 30, 2005, this
 39 section does not apply to a person who:

- 40 (1) holds a commercial driver's license; and
- 41 (2) has been charged with an offense involving the operation of
 42 a motor vehicle in accordance with the federal Motor Carrier



- 1 Safety Improvement Act of 1999 (MCSIA) (Public Law
2 106-159.113 Stat. 1748).
- 3 (b) This section does not apply to a person arrested for or charged
4 with:
- 5 (1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or
6 (2) if a person was arrested or charged with an offense under
7 IC 9-30-5-1 through IC 9-30-5-5, an offense involving:
8 (A) intoxication; or
9 (B) the operation of a vehicle;
10 if the offense involving intoxication or the operation of a vehicle was
11 part of the same episode of criminal conduct as the offense under
12 IC 9-30-5-1 through IC 9-30-5-5.
- 13 (c) This section does not apply to a person:
- 14 (1) who is arrested for or charged with an offense under:
15 (A) IC 7.1-5-7-7(a), if the alleged offense occurred while the
16 person was operating a motor vehicle;
17 (B) IC 9-30-4-8(a), if the alleged offense occurred while the
18 person was operating a motor vehicle;
19 ~~(C) IC 35-42-2-2(c)(1);~~
20 ~~(D) (C) IC 35-44.1-2-13(b)(1);~~ or
21 ~~(E) (D) IC 35-43-1-2(a),~~ if the alleged offense occurred while
22 the person was operating a motor vehicle; and
23 (2) who held a probationary license (as defined in
24 IC 9-24-11-3.3(b)) and was less than eighteen (18) years of age at
25 the time of the alleged offense.
- 26 (d) A prosecuting attorney may withhold prosecution against an
27 accused person if:
- 28 (1) the person is charged with a misdemeanor, **a Level 6 felony,**
29 **or a Level 5 felony;**
30 (2) the person agrees to conditions of a pretrial diversion program
31 offered by the prosecuting attorney;
32 (3) the terms of the agreement are recorded in an instrument
33 signed by the person and the prosecuting attorney and filed in the
34 court in which the charge is pending; and
35 (4) the prosecuting attorney electronically transmits information
36 required by the prosecuting attorneys council concerning the
37 withheld prosecution to the prosecuting attorneys council, in a
38 manner and format designated by the prosecuting attorneys
39 council.
- 40 (e) An agreement under subsection (d) may include conditions that
41 the person:
42 (1) pay to the clerk of the court an initial user's fee and monthly



- 1 user's fees in the amounts specified in IC 33-37-4-1;
 2 (2) work faithfully at a suitable employment or faithfully pursue
 3 a course of study or career and technical education that will equip
 4 the person for suitable employment;
 5 (3) undergo available medical treatment or counseling and remain
 6 in a specified facility required for that purpose;
 7 (4) support the person's dependents and meet other family
 8 responsibilities;
 9 (5) make restitution or reparation to the victim of the crime for the
 10 damage or injury that was sustained;
 11 (6) refrain from harassing, intimidating, threatening, or having
 12 any direct or indirect contact with the victim or a witness;
 13 (7) report to the prosecuting attorney at reasonable times;
 14 (8) answer all reasonable inquiries by the prosecuting attorney
 15 and promptly notify the prosecuting attorney of any change in
 16 address or employment; and
 17 (9) participate in dispute resolution either under IC 34-57-3 or a
 18 program established by the prosecuting attorney.

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

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

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

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

- 28 (1) the clerk of the court shall comply with IC 5-2-9; and
 29 (2) the prosecuting attorney shall file a confidential form
 30 prescribed or approved by the division of state court
 31 administration with the clerk.

32 SECTION 52. IC 34-24-1-1, AS AMENDED BY P.L.196-2013,
 33 SECTION 15, AND AS AMENDED BY P.L.293-2013(ts), SECTION
 34 42, AND AS AMENDED BY P.L.158-2013, SECTION 349, IS
 35 CORRECTED AND AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The following may be seized:

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

41 (A) A controlled substance for the purpose of committing,
 42 attempting to commit, or conspiring to commit any of the



- 1 following:
- 2 (i) Dealing in or manufacturing cocaine or a narcotic drug
- 3 (IC 35-48-4-1).
- 4 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
- 5 (iii) Dealing in a schedule I, II, or III controlled substance
- 6 (IC 35-48-4-2).
- 7 (iv) Dealing in a schedule IV controlled substance
- 8 (IC 35-48-4-3).
- 9 (v) Dealing in a schedule V controlled substance
- 10 (IC 35-48-4-4).
- 11 (vi) Dealing in a counterfeit substance (IC 35-48-4-5).
- 12 (vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
- 13 (viii) Possession of methamphetamine (IC 35-48-4-6.1).
- 14 (ix) Dealing in paraphernalia (IC 35-48-4-8.5).
- 15 (x) Dealing in marijuana, hash oil, hashish, *or salvia or a*
- 16 *synthetic cannabinoid* (IC 35-48-4-10).
- 17 (xi) *Dealing in a synthetic drug or synthetic drug lookalike*
- 18 *substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its*
- 19 *amendment in 2013).*
- 20 (B) Any stolen (IC 35-43-4-2) or converted property
- 21 (IC 35-43-4-3) if the retail or repurchase value of that property
- 22 is one hundred dollars (\$100) or more.
- 23 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
- 24 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of
- 25 mass destruction (as defined in IC 35-31.5-2-354) used to
- 26 commit, used in an attempt to commit, or used in a conspiracy
- 27 to commit an offense under IC 35-47 as part of or in
- 28 furtherance of an act of terrorism (as defined by
- 29 IC 35-31.5-2-329).
- 30 (2) All money, negotiable instruments, securities, weapons,
- 31 communications devices, or any property used to commit, used in
- 32 an attempt to commit, or used in a conspiracy to commit an
- 33 offense under IC 35-47 as part of or in furtherance of an act of
- 34 terrorism or commonly used as consideration for a violation of
- 35 IC 35-48-4 (other than items subject to forfeiture under
- 36 IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):
- 37 (A) furnished or intended to be furnished by any person in
- 38 exchange for an act that is in violation of a criminal statute;
- 39 (B) used to facilitate any violation of a criminal statute; or
- 40 (C) traceable as proceeds of the violation of a criminal statute.
- 41 (3) Any portion of real or personal property purchased with
- 42 money that is traceable as a proceed of a violation of a criminal



- 1 statute.
- 2 (4) A vehicle that is used by a person to:
- 3 (A) commit, attempt to commit, or conspire to commit;
- 4 (B) facilitate the commission of; or
- 5 (C) escape from the commission of;
- 6 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal
- 7 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
- 8 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
- 9 under IC 35-47 as part of or in furtherance of an act of terrorism.
- 10 (5) Real property owned by a person who uses it to commit any of
- 11 the following as a *Class A felony*; ~~a Class B felony~~; *Level 1, Level*
- 12 *2, Level 3, Level 4*, or a ~~Class C~~ *Level 5* felony:
- 13 (A) Dealing in or manufacturing cocaine or a narcotic drug
- 14 (IC 35-48-4-1).
- 15 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
- 16 (C) Dealing in a schedule I, II, or III controlled substance
- 17 (IC 35-48-4-2).
- 18 (D) Dealing in a schedule IV controlled substance
- 19 (IC 35-48-4-3).
- 20 (E) Dealing in marijuana, hash oil, hashish, *or salvia or a*
- 21 *synthetic cannabinoid* (IC 35-48-4-10).
- 22 (F) *Dealing in a synthetic drug or synthetic drug looklike*
- 23 *substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its*
- 24 *amendment in 2013).*
- 25 (6) Equipment and recordings used by a person to commit fraud
- 26 under IC 35-43-5-4(10).
- 27 (7) Recordings sold, rented, transported, or possessed by a person
- 28 in violation of IC 24-4-10.
- 29 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as
- 30 defined by IC 35-45-6-1) that is the object of a corrupt business
- 31 influence violation (IC 35-45-6-2).
- 32 (9) Unlawful telecommunications devices (as defined in
- 33 IC 35-45-13-6) and plans, instructions, or publications used to
- 34 commit an offense under IC 35-45-13.
- 35 (10) Any equipment, including computer equipment and cellular
- 36 telephones, used for or intended for use in preparing,
- 37 photographing, recording, videotaping, digitizing, printing,
- 38 copying, or disseminating matter in violation of IC 35-42-4.
- 39 (11) Destructive devices used, possessed, transported, or sold in
- 40 violation of IC 35-47.5.
- 41 (12) Tobacco products that are sold in violation of IC 24-3-5,
- 42 tobacco products that a person attempts to sell in violation of



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



- 1 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
 2 IC 30-2-10-9(b), or IC 30-2-13-38(f).
 3 (17) *An automated sales suppression device (as defined in*
 4 *IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in*
 5 *IC 35-43-5-4.6(a)(3)).*
- 6 (b) A vehicle used by any person as a common or contract carrier in
 7 the transaction of business as a common or contract carrier is not
 8 subject to seizure under this section, unless it can be proven by a
 9 preponderance of the evidence that the owner of the vehicle knowingly
 10 permitted the vehicle to be used to engage in conduct that subjects it to
 11 seizure under subsection (a).
- 12 (c) Equipment under subsection (a)(10) may not be seized unless it
 13 can be proven by a preponderance of the evidence that the owner of the
 14 equipment knowingly permitted the equipment to be used to engage in
 15 conduct that subjects it to seizure under subsection (a)(10).
- 16 (d) Money, negotiable instruments, securities, weapons,
 17 communications devices, or any property commonly used as
 18 consideration for a violation of IC 35-48-4 found near or on a person
 19 who is committing, attempting to commit, or conspiring to commit any
 20 of the following offenses shall be admitted into evidence in an action
 21 under this chapter as prima facie evidence that the money, negotiable
 22 instrument, security, or other thing of value is property that has been
 23 used or was to have been used to facilitate the violation of a criminal
 24 statute or is the proceeds of the violation of a criminal statute:
- 25 (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
 26 narcotic drug).
 27 (2) IC 35-48-4-1.1 (dealing in methamphetamine).
 28 (3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
 29 substance).
 30 (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
 31 (5) IC 35-48-4-4 (dealing in a schedule V controlled substance)
 32 as a ~~Class B Level 4~~ felony.
 33 (6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
 34 ~~Class A felony, Class B Level 3, Level 4, felony,~~ or ~~Class C Level~~
 35 ~~5~~ felony.
 36 (7) IC 35-48-4-6.1 (possession of methamphetamine) as a ~~Class~~
 37 ~~A felony, Class B felony, Level 3, Level 4, or Class C Level 5~~
 38 ~~felony.~~
 39 (8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or
 40 salvia) ~~or a synthetic cannabinoid~~ as a ~~Class C Level 5~~ felony.
 41 (9) IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic drug
 42 lookalike substance) as a ~~Class C Level 5~~ felony or ~~Class D~~



1 **Level 6 felony (or as a Class C felony or Class D felony under**
 2 **IC 35-48-4-10 before its amendment in 2013).**

3 (e) A vehicle operated by a person who is not:

4 (1) an owner of the vehicle; or

5 (2) the spouse of the person who owns the vehicle;

6 is not subject to seizure under subsection (a)(15) unless it can be
 7 proven by a preponderance of the evidence that the owner of the
 8 vehicle knowingly permitted the vehicle to be used to engage in
 9 conduct that subjects it to seizure under subsection (a)(15).

10 SECTION 53. IC 35-31.5-2-67.2 IS REPEALED [EFFECTIVE
 11 JULY 1, 2014]. Sec. 67.2: "~~Corrections officer~~"; for purposes of
 12 ~~IC 35-42-2-6~~, has the meaning set forth in ~~IC 35-42-2-6(a)~~.

13 SECTION 54. IC 35-31.5-2-115.2 IS REPEALED [EFFECTIVE
 14 JULY 1, 2014]. Sec. 115.2: "~~Emergency medical responder~~"; for
 15 purposes of ~~IC 35-42-2-6~~, has the meaning set forth in ~~IC 35-42-2-6(c)~~.

16 SECTION 55. IC 35-31.5-2-160.5 IS REPEALED [EFFECTIVE
 17 JULY 1, 2014]. Sec. 160.5: "~~Human immunodeficiency virus (HIV)~~";
 18 for purposes of ~~IC 35-42-2-6~~, has the meaning set forth in
 19 ~~IC 35-42-2-6(d)~~.

20 SECTION 56. IC 35-31.5-2-244, AS AMENDED BY P.L.13-2013,
 21 SECTION 126, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2014]: Sec. 244. ~~(a)~~ "Prescription drug", for
 23 purposes of IC 35-48, has the meaning set forth in IC 35-48-1-25.

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

26 SECTION 57. IC 35-32-1-1 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This title shall be
 28 construed in accordance with its general purposes, to:

29 (1) secure simplicity in procedure;

30 (2) insure fairness of administration including the elimination of
 31 unjustifiable delay;

32 (3) insure the effective apprehension and trial of persons accused
 33 of offenses;

34 (4) provide for the just determination of every criminal
 35 proceeding by a fair and impartial trial and adequate review; **and**

36 **(5) reduce crime by promoting the use of evidence based best**
 37 **practices for rehabilitation of offenders in a community**
 38 **setting;**

39 **(6) keep dangerous offenders in prison by avoiding the use of**
 40 **scarce prison space for nonviolent offenders;**

41 **(7) give judges maximum discretion to impose sentences based**
 42 **on a consideration of all the circumstances related to the**



1 offense;

2 **(8) maintain proportionality of penalties across the criminal**
 3 **code, with like sentences for like crimes;**

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

6 ~~(5)~~ **(10) preserve the public welfare and secure the fundamental**
 7 **rights of individuals.**

8 SECTION 58. IC 35-33-14-4 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. Money in the fund
 10 at the end of a particular calendar year does not revert to any other
 11 fund, but remains in the county extradition **and sheriff's assistance**
 12 **fund.**

13 SECTION 59. IC 35-38-1-1.3, AS ADDED BY P.L.178-2007,
 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2014]: Sec. 1.3. After a court has pronounced a sentence for
 16 a felony conviction, the court shall issue a statement of the court's
 17 reasons for selecting the sentence that it imposes **unless the court**
 18 **imposes the advisory sentence for the felony.**

19 SECTION 60. IC 35-38-1-1.5, AS AMENDED BY P.L.159-2013,
 20 SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 393,
 21 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) A court may enter judgment
 23 of conviction as a ~~Class D Level 6~~ felony with the express provision
 24 that the conviction will be converted to a conviction as a Class A
 25 misdemeanor ~~within three (3) years~~ if the person fulfills certain
 26 conditions. A court may enter a judgment of conviction as a ~~Class D~~
 27 ~~Level 6~~ felony with the express provision that the conviction will be
 28 converted to a conviction as a Class A misdemeanor only if the person
 29 pleads guilty to a ~~Class D Level 6~~ felony that qualifies for consideration
 30 as a Class A misdemeanor under IC 35-50-2-7, and the following
 31 conditions are met:

32 (1) The prosecuting attorney consents.

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

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

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

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

42 (2) the period that the conditions set by the court under subsection



1 (a) are in effect expires before the person successfully completes
2 each condition.

3 However, the court may not convert a judgment of conviction entered
4 as a ~~Class D Level 6~~ felony to a Class A misdemeanor if the person
5 commits a new offense before the conditions set by the court under
6 subsection (a) expire.

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

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

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

16 SECTION 61. IC 35-38-1-2 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) As used in this
18 chapter, "victim representative" means a person designated by a
19 sentencing court who is:

20 (1) a spouse, parent, child, sibling, or other relative of; or
21 (2) a person who has had a close personal relationship with;
22 the victim of a felony who is deceased, incapacitated, or less than
23 eighteen (18) years of age.

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

30 (1) inquiring as to whether an adjournment is desired by the
31 defendant; and
32 (2) informing the victim, if present, of a victim's right to make a
33 statement concerning the crime and the sentence.

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

36 (c) If:
37 (1) the state in the manner prescribed by IC 35-34-1-2.5 sought an
38 increased penalty by alleging that the person was previously
39 convicted of the offense; and
40 (2) the person was convicted of the subsequent offense in a jury
41 trial;

42 the jury shall reconvene for the sentencing hearing. The person shall be



1 sentenced to receive the increased penalty if the jury (or the court, if
2 the trial is to the court alone) finds that the state has proved beyond a
3 reasonable doubt that the person had a previous conviction for the
4 offense.

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

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

12 SECTION 62. IC 35-38-1-7.5, AS AMENDED BY P.L.214-2013,
13 SECTION 33, AND AS AMENDED BY P.L.158-2013, SECTION
14 394, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2014]: Sec. 7.5. (a) As used in this section,
16 "sexually violent predator" means a person who suffers from a mental
17 abnormality or personality disorder that makes the individual likely to
18 repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The
19 term includes a person convicted in another jurisdiction who is
20 identified as a sexually violent predator under IC 11-8-8-20. The term
21 does not include a person no longer considered a sexually violent
22 predator under subsection (g).

23 (b) A person who:

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

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

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

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

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

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

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

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

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

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

42 (J) an attempt or conspiracy to commit a crime listed in



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



1 conducted under this subsection may be combined with the person's
2 sentencing hearing.

3 (f) If a person is a sexually violent predator:

4 (1) the person is required to register with the local law
5 enforcement authority as provided in IC 11-8-8; and

6 (2) the court shall send notice to the department of correction.

7 (g) This subsection does not apply to a person who has two (2) or
8 more unrelated convictions for an offense described in IC 11-8-8-4.5
9 for which the person is required to register under IC 11-8-8. A person
10 who is a sexually violent predator may petition the court to consider
11 whether the person should no longer be considered a sexually violent
12 predator. The person may file a petition under this subsection not
13 earlier than ten (10) years after:

14 (1) the sentencing court or juvenile court makes its determination
15 under subsection (e); or

16 (2) the person is released from incarceration or secure detention.

17 A person may file a petition under this subsection not more than one
18 (1) time per year. A court may dismiss a petition filed under this
19 subsection or conduct a hearing to determine if the person should no
20 longer be considered a sexually violent predator. If the court conducts
21 a hearing, the court shall appoint two (2) psychologists or psychiatrists
22 who have expertise in criminal behavioral disorders to evaluate the
23 person and testify at the hearing. After conducting the hearing and
24 considering the testimony of the two (2) psychologists or psychiatrists,
25 the court shall determine whether the person should no longer be
26 considered a sexually violent predator under subsection (a). If a court
27 finds that the person should no longer be considered a sexually violent
28 predator, the court shall send notice to the department of correction that
29 the person is no longer considered a sexually violent predator *or an*
30 *offender against children*. Notwithstanding any other law, a condition
31 imposed on a person due to the person's status as a sexually violent
32 predator, including lifetime parole or GPS monitoring, does not apply
33 to a person no longer considered a sexually violent predator.

34 (h) A person is not a sexually violent predator by operation of law
35 under subsection (b)(1) if all of the following conditions are met:

36 (1) The victim was not less than twelve (12) years of age at the
37 time the offense was committed.

38 (2) The person is not more than four (4) years older than the
39 victim.

40 (3) The relationship between the person and the victim was a
41 dating relationship or an ongoing personal relationship. The term
42 "ongoing personal relationship" does not include a family



1 relationship.

2 (4) The offense committed by the person was not any of the
3 following:

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

5 (B) Criminal deviate conduct (IC 35-42-4-2) *(before its repeal*
6 *on July 1, 2014): (repeated): (before its repeal).*

7 (C) An offense committed by using or threatening the use of
8 deadly force or while armed with a deadly weapon.

9 (D) An offense that results in serious bodily injury.

10 (E) An offense that is facilitated by furnishing the victim,
11 without the 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.

16 (5) The person has not committed another sex offense (as defined
17 in IC 11-8-8-5.2) (including a delinquent act that would be a sex
18 offense if committed by an adult) against any other person.

19 (6) The person did not have a position of authority or substantial
20 influence over the victim.

21 (7) The court finds that the person should not be considered a
22 sexually violent predator.

23 SECTION 63. IC 35-38-1-17, AS AMENDED BY P.L.158-2013,
24 SECTION 396, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) **This section does not apply**
26 **to a credit restricted felon.**

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

29 (1) a convicted person begins serving the person's sentence; **and**

30 ~~(2) a hearing is held:~~

31 ~~(A) at which the convicted person is present; and~~

32 ~~(B) of which the prosecuting attorney has been notified; and~~

33 ~~(3) (2) the court obtains a report from the department of~~
34 ~~correction concerning the convicted person's conduct while~~
35 ~~imprisoned;~~

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

39 **(c) If more than three hundred sixty-five (365) days have**
40 **elapsed since the convicted person began serving the sentence, the**
41 **court may reduce or suspend the sentence and impose a sentence**
42 **that the court was authorized to impose at the time of sentencing.**



- 1 **The court must incorporate its reasons in the record.**
 2 ~~(b)~~ **(d)** The court must give notice of the order to reduce or suspend
 3 the sentence under this section to the prosecuting attorney and the
 4 victim (as defined in IC 35-31.5-2-348) of the crime for which the
 5 convicted person is serving the sentence **if the court:**
 6 **(1) sets a hearing on a petition; or**
 7 **(2) issues an order;**
 8 **to reduce or suspend the sentence under this section.**
 9 ~~(c)~~ **(e)** The court may suspend a sentence for a felony under this
 10 section only if suspension is permitted under IC 35-50-2-2.2.
 11 ~~(d)~~ **(f)** The court may deny a request to suspend or reduce a sentence
 12 under this section without making written findings and conclusions.
 13 ~~(e)~~ **(g)** The court is not required to conduct a hearing before
 14 reducing or suspending a sentence **under this section. if:**
 15 ~~(1)~~ the prosecuting attorney has filed with the court an agreement
 16 of the reduction or suspension of the sentence; and
 17 ~~(2)~~ the convicted person has filed with the court a waiver of the
 18 right to be present when the order to reduce or suspend the
 19 sentence is considered.
 20 **(h) A convicted person may file a petition for sentence**
 21 **modification under this section:**
 22 **(1) not more than one (1) time in any three hundred sixty-five**
 23 **(365) day period; and**
 24 **(2) a maximum of two (2) times during any consecutive period**
 25 **of incarceration.**
 26 SECTION 64. IC 35-38-2.5-5 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as
 28 provided in section 5.5 of this chapter, as a condition of probation a
 29 court may order an offender confined to the offender's home for a
 30 period of home detention lasting at least sixty (60) days.
 31 (b) The period of home detention may be consecutive or
 32 nonconsecutive, as the court orders. However, the aggregate time
 33 actually spent in home detention must not exceed:
 34 (1) the minimum term of imprisonment prescribed for a felony
 35 under IC 35-50-2; or
 36 (2) the maximum term of imprisonment prescribed for a
 37 misdemeanor under IC 35-50-3;
 38 for the crime committed by the offender.
 39 (c) The court may order supervision of an offender's home detention
 40 to be provided by the probation department for the court or by a
 41 community corrections program that provides supervision of home
 42 detention.



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

4 (e) A person confined on home detention as a condition of probation
 5 earns credit **time for the time served on home detention.**

6 SECTION 65. IC 35-38-9-2, AS ADDED BY P.L.159-2013,
 7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2014]: Sec. 2. (a) This section applies only to a person
 9 convicted of a misdemeanor, including a Class D felony (**for a crime**
 10 **committed before July 1, 2014) or a Level 6 felony (for a crime**
 11 **committed after June 30, 2014)** reduced to a misdemeanor.

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

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

21 that relate to the person's misdemeanor conviction.

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

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

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

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

39 SECTION 66. IC 35-38-9-3, AS ADDED BY P.L.159-2013,
 40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2014]: Sec. 3. (a) Except as provided in subsection (b), this
 42 section applies only to a person convicted of a Class D felony (**for a**



1 **crime committed before July 1, 2014) or a Level 6 felony (for a**
 2 **crime committed after June 30, 2014).** This section does not apply to
 3 a person if the person's Class D **or Level 6** felony was reduced to a
 4 Class A misdemeanor.

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

6 (1) An elected official convicted of an offense while serving the
 7 official's term or as a candidate for public office.

8 (2) A sex or violent offender (as defined in IC 11-8-8-5).

9 (3) A person convicted of a felony that resulted in bodily injury to
 10 another person.

11 (4) A person convicted of perjury (IC 35-44.1-2-1) or official
 12 misconduct (IC 35-44.1-1-1).

13 (5) A person convicted of an offense described in:

14 (A) IC 35-42-1;

15 (B) IC 35-42-3.5; or

16 (C) IC 35-42-4.

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

22 (1) a court's files;

23 (2) the files of the department of correction;

24 (3) the files of the bureau of motor vehicles; and

25 (4) the files of any other person who provided treatment or
 26 services to the petitioning person under a court order;

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

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

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

34 (1) the period required by this section has elapsed;

35 (2) no charges are pending against the person;

36 (3) the person does not have an existing or pending driver's
 37 license suspension;

38 (4) the person has successfully completed the person's sentence,
 39 including any term of supervised release, and satisfied all other
 40 obligations placed on the person as part of the sentence; and

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



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

3 SECTION 67. IC 35-41-4-2, AS AMENDED BY P.L.44-2013,
4 SECTION 2, AND AS AMENDED BY P.L.158-2013, SECTION 407,
5 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as otherwise provided
7 in this section, a prosecution for an offense is barred unless it is
8 commenced:

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

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

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

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

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

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

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

29 (1) at any time; and

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

31 (A) the date a person allegedly commits the elements of
32 murder; and

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

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

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

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

39 (3) IC 35-42-4-6 (Child solicitation).

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

41 (5) IC 35-46-1-3 (Incest).

42 (f) A prosecution for forgery of an instrument for payment of



1 money, or for the uttering of a forged instrument, under IC 35-43-5-2,
 2 is barred unless it is commenced within five (5) years after the maturity
 3 of the instrument.

4 (g) If a complaint, indictment, or information is dismissed because
 5 of an error, defect, insufficiency, or irregularity, a new prosecution may
 6 be commenced within ninety (90) days after the dismissal even if the
 7 period of limitation has expired at the time of dismissal, or will expire
 8 within ninety (90) days after the dismissal.

9 (h) The period within which a prosecution must be commenced does
 10 not include any period in which:

11 (1) the accused person is not usually and publicly resident in
 12 Indiana or so conceals himself or herself that process cannot be
 13 served;

14 (2) the accused person conceals evidence of the offense, and
 15 evidence sufficient to charge the person with that offense is
 16 unknown to the prosecuting authority and could not have been
 17 discovered by that authority by exercise of due diligence; or

18 (3) the accused person is a person elected or appointed to office
 19 under statute or constitution, if the offense charged is theft or
 20 conversion of public funds or bribery while in public office.

21 (i) For purposes of tolling the period of limitation only, a
 22 prosecution is considered commenced on the earliest of these dates:

23 (1) The date of filing of an indictment, information, or complaint
 24 before a court having jurisdiction.

25 (2) The date of issuance of a valid arrest warrant.

26 (3) The date of arrest of the accused person by a law enforcement
 27 officer without a warrant, if the officer has authority to make the
 28 arrest.

29 (j) A prosecution is considered timely commenced for any offense
 30 to which the defendant enters a plea of guilty, notwithstanding that the
 31 period of limitation has expired.

32 (k) The following apply to the specified offenses:

33 (1) A prosecution for an offense under IC 30-2-9-7(b) (misuse of
 34 funeral trust funds) is barred unless commenced within five (5)
 35 years after the date of death of the settlor (as described in
 36 IC 30-2-9).

37 (2) A prosecution for an offense under IC 30-2-10-9(b) (misuse
 38 of 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 30-2-10).

41 (3) A prosecution for an offense under IC 30-2-13-38(f) (misuse
 42 of funeral trust or escrow account funds) is barred unless



- 1 commenced within five (5) years after the date of death of the
 2 purchaser (as defined in IC 30-2-13-9).
- 3 (l) A prosecution for an offense under IC 23-14-48-9 is barred
 4 unless commenced within five (5) years after the earlier of the date on
 5 which the state:
- 6 (1) first discovers evidence sufficient to charge the offender with
 7 the offense; or
- 8 (2) could have discovered evidence sufficient to charge the
 9 offender with the offense by the exercise of due diligence.
- 10 (m) *A prosecution for a sex offense listed in IC 11-8-8-4.5 that is*
 11 *committed against a child and that is not:*
- 12 (1) **a Class A felony (for a crime committed before July 1,**
 13 **2014) or a Level 1 felony or Level 2 felony (for a crime**
 14 **committed after June 30, 2014); or**
- 15 (2) *listed in subsection (e);*
- 16 *is barred unless commenced within ten (10) years after the commission*
 17 *of the offense, or within four (4) years after the person ceases to be a*
 18 *dependent of the person alleged to have committed the offense,*
 19 *whichever occurs later.*
- 20 SECTION 68. IC 35-41-5-1, AS AMENDED BY P.L.247-2013,
 21 SECTION 5, AND AS AMENDED BY P.L.158-2013, SECTION 408,
 22 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person attempts to commit
 24 a crime when, acting with the culpability required for commission of
 25 the crime, ~~he~~ *the person* engages in conduct that constitutes a
 26 substantial step toward commission of the crime. An attempt to commit
 27 a crime is a felony or misdemeanor of the same *level or class* as the
 28 crime attempted. However, an attempt to commit murder is a ~~Class A~~
 29 *Level 1* felony.
- 30 (b) It is no defense that, because of a misapprehension of the
 31 circumstances, *including the age of the intended victim in a*
 32 *prosecution for attempted child molesting (IC 35-42-4-3),* it would
 33 have been impossible for the accused person to commit the crime
 34 attempted.
- 35 (c) *For purposes of subsection (a), a person engages in conduct that*
 36 *constitutes a substantial step if the person, with the intent to commit a*
 37 *sex crime against a child or an individual the person believes to be a*
 38 *child:*
- 39 (1) *communicates with the child or individual the person believes*
 40 *to be a child concerning the sex crime; and*
- 41 (2) *travels to another location to meet the child or individual the*
 42 *person believes to be a child.*



1 SECTION 69. IC 35-42-1-1, AS AMENDED BY P.L.158-2013,
 2 SECTION 35, AND AS AMENDED BY P.L.214-2013, SECTION 35,
 3 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who:

- 5 (1) knowingly or intentionally kills another human being;
 6 (2) kills another human being while committing or attempting to
 7 commit arson, burglary, child molesting, consumer product
 8 tampering, criminal deviate conduct (*under IC 35-42-4-2 before*
 9 *its repeal*), ~~on July 1, 2014~~; kidnapping, rape, robbery, human
 10 trafficking, promotion of human trafficking, sexual trafficking of
 11 a minor, or carjacking (*before its repeal*);
 12 (3) kills another human being while committing or attempting to
 13 commit:
 14 (A) dealing in or manufacturing cocaine or a narcotic drug
 15 (IC 35-48-4-1);
 16 (B) dealing in or manufacturing methamphetamine
 17 (IC 35-48-4-1.1);
 18 (C) dealing in a schedule I, II, or III controlled substance
 19 (IC 35-48-4-2);
 20 (D) dealing in a schedule IV controlled substance
 21 (IC 35-48-4-3); or
 22 (E) dealing in a schedule V controlled substance; or
 23 (4) knowingly or intentionally kills a fetus that has attained
 24 viability (as defined in IC 16-18-2-365);

25 commits murder, a felony.

26 SECTION 70. IC 35-42-3.5-1, AS AMENDED BY P.L.55-2013,
 27 SECTION 1, AND AS AMENDED BY P.L.158-2013, SECTION 436,
 28 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who, by force, threat
 30 of force, or fraud, knowingly or intentionally recruits, harbors, or
 31 transports another person:

- 32 (1) to engage the other person in:
 33 (A) forced labor; or
 34 (B) involuntary servitude; or
 35 (2) to force the other person into:
 36 (A) marriage;
 37 (B) prostitution; or
 38 (C) participating in sexual conduct (as defined by
 39 IC 35-42-4-4);

40 commits promotion of human trafficking, a *Class B Level 4* felony.

41 (b) A person who knowingly or intentionally recruits, harbors, or
 42 transports a child less than:



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



- 1 (21) years of age;
 2 (ii) was not committed by using or threatening the use of
 3 deadly force;
 4 (iii) was not committed while armed with a deadly weapon;
 5 (iv) did not result in serious bodily injury;
 6 (v) was not facilitated by furnishing the victim, without the
 7 victim's knowledge, with a drug (as defined in
 8 IC 16-42-19-2(1)) or a controlled substance (as defined in
 9 IC 35-48-1-9) or knowing that the victim was furnished with
 10 the drug or controlled substance without the victim's
 11 knowledge; and
 12 (vi) was not committed by a person having a position of
 13 authority or substantial influence over the victim.
 14 (D) The person has not committed another sex offense (as
 15 defined in IC 11-8-8-5.2), including a delinquent act that
 16 would be a sex offense if committed by an adult, against any
 17 other person.

18 SECTION 71. IC 35-42-4-1, AS AMENDED BY P.L.158-2013,
 19 SECTION 437, AND AS AMENDED BY P.L.214-2013, SECTION
 20 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in
 22 subsection (b), a person who knowingly or intentionally has sexual
 23 intercourse with *a member of the opposite sex another person* or
 24 knowingly or intentionally causes another person to perform or submit
 25 to *deviate sexual conduct other sexual conduct (as defined in*
 26 *IC 35-31.5-2-221.5)* when:

- 27 (1) the other person is compelled by force or imminent threat of
 28 force;
 29 (2) the other person is unaware that the sexual intercourse *or*
 30 *deviate sexual conduct other sexual conduct (as defined in*
 31 *IC 35-31.5-2-221.5)* is occurring; or
 32 (3) the other person is so mentally disabled or deficient that
 33 consent to sexual intercourse *or deviate sexual conduct other*
 34 *sexual conduct (as defined in IC 35-31.5-2-221.5)* cannot be
 35 given;
 36 commits rape, a *Class B Level 3* felony.

37 (b) An offense described in subsection (a) is a *Class A Level 1*
 38 felony if:

- 39 (1) it is committed by using or threatening the use of deadly force;
 40 (2) it is committed while armed with a deadly weapon;
 41 (3) it results in serious bodily injury to a person other than a
 42 defendant; or



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

6 SECTION 72. IC 35-42-4-3, AS AMENDED BY P.L.158-2013,
 7 SECTION 439, AND AS AMENDED BY P.L.247-2013, SECTION 6,
 8 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who, with a child
 10 under fourteen (14) years of age, *knowingly or intentionally* performs
 11 or submits to sexual intercourse or ~~deviate~~ other sexual conduct (as
 12 defined in IC 35-31.5-2-221.5) commits child molesting, a ~~Class B~~
 13 *Level 3* felony. However, the offense is a ~~Class A Level 1~~ *Level 1* felony if:

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

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

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

36 (c) *A person may be convicted of attempted child molesting of an*
 37 *individual at least fourteen (14) years of age if the person believed the*
 38 *individual to be a child under fourteen (14) years of age at the time the*
 39 *person attempted to commit the offense.*

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



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

9 SECTION 73. IC 35-42-4-4, AS AMENDED BY P.L.214-2013,
 10 SECTION 38, AND AS AMENDED BY P.L.158-2013, SECTION
 11 440, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The following definitions
 13 apply throughout this section:

- 14 (1) "Disseminate" means to transfer possession for free or for a
 15 consideration.
 16 (2) "Matter" has the same meaning as in IC 35-49-1-3.
 17 (3) "Performance" has the same meaning as in IC 35-49-1-7.
 18 (4) "Sexual conduct" means ~~(A)~~ sexual intercourse, ~~(B)~~ *deviate*
 19 *other* sexual conduct (as defined in IC 35-31.5-2-221.5), ~~(C)~~;
 20 exhibition of the ~~(i)~~ uncovered genitals *or* ~~(ii)~~ *female breast with*
 21 *less than a fully opaque covering of any part of the nipple;*
 22 intended to satisfy or arouse the sexual desires of any person, ~~(D)~~
 23 sadomasochistic abuse, ~~(E)~~ sexual intercourse or *deviate other*
 24 *sexual conduct (as defined in IC 35-31.5-2-221.5)* with an animal,
 25 or ~~(F)~~ any fondling or touching of a child by another person or of
 26 another person by a child intended to arouse or satisfy the sexual
 27 desires of either the child or the other person.

28 (b) A person who:

- 29 (1) knowingly or intentionally ~~(i)~~ manages, produces, sponsors,
 30 presents, exhibits, photographs, films, videotapes, or creates a
 31 digitized image of any performance or incident that includes
 32 sexual conduct by a child under eighteen (18) years of age;
 33 (2) *knowingly or intentionally* disseminates, exhibits to another
 34 person, offers to disseminate or exhibit to another person, or
 35 sends or brings into Indiana for dissemination or exhibition matter
 36 that depicts or describes sexual conduct by a child under eighteen
 37 (18) years of age; ~~or~~
 38 (3) *knowingly or intentionally* makes available to another person
 39 a computer, knowing that the computer's fixed drive or peripheral
 40 device contains matter that depicts or describes sexual conduct by
 41 a child less than eighteen (18) years of age; *or*
 42 (4) *with the intent to satisfy or arouse the sexual desires of any*



- 1 *person:*
 2 (A) *knowingly or intentionally:*
 3 (i) *manages;*
 4 (ii) *produces;*
 5 (iii) *sponsors;*
 6 (iv) *presents;*
 7 (v) *exhibits;*
 8 (vi) *photographs;*
 9 (vii) *films;*
 10 (viii) *videotapes; or*
 11 (ix) *creates a digitized image of;*
 12 *any performance or incident that includes the uncovered*
 13 *genitals of a child less than eighteen (18) years of age or the*
 14 *exhibition of the female breast with less than a fully opaque*
 15 *covering of any part of the nipple by a child less than eighteen*
 16 *(18) years of age;*
 17 (B) *knowingly or intentionally:*
 18 (i) *disseminates to another person;*
 19 (ii) *exhibits to another person;*
 20 (iii) *offers to disseminate or exhibit to another person; or*
 21 (iv) *sends or brings into Indiana for dissemination or*
 22 *exhibition;*
 23 *matter that depicts the uncovered genitals of a child less than*
 24 *eighteen (18) years of age or the exhibition of the female*
 25 *breast with less than a fully opaque covering of any part of the*
 26 *nipple by a child less than eighteen (18) years of age; or*
 27 (C) *makes available to another person a computer, knowing*
 28 *that the computer's fixed drive or peripheral device contains*
 29 *matter that depicts the uncovered genitals of a child less than*
 30 *eighteen (18) years of age or the exhibition of the female*
 31 *breast with less than a fully opaque covering of any part of the*
 32 *nipple by a child less than eighteen (18) years of age;*
 33 commits child exploitation, a ~~Class C~~ Level 5 felony.
 34 (c) A person who knowingly or intentionally possesses:
 35 (1) a picture;
 36 (2) a drawing;
 37 (3) a photograph;
 38 (4) a negative image;
 39 (5) undeveloped film;
 40 (6) a motion picture;
 41 (7) a videotape;
 42 (8) a digitized image; or



1 (9) any pictorial representation;
 2 that depicts or describes sexual conduct by a child who the person
 3 knows is less than ~~sixteen (16)~~ *eighteen (18)* years of age or who
 4 appears to be less than ~~sixteen (16)~~ *eighteen (18)* years of age, and that
 5 lacks serious literary, artistic, political, or scientific value commits
 6 possession of child pornography, a ~~Class D Level 6~~ felony.

7 (d) Subsections (b) and (c) do not apply to a bona fide school,
 8 museum, or public library that qualifies for certain property tax
 9 exemptions under IC 6-1.1-10, or to an employee of such a school,
 10 museum, or public library acting within the scope of the employee's
 11 employment when the possession of the listed materials is for
 12 legitimate scientific or educational purposes.

13 (e) It is a defense to a prosecution under this section that:

14 (1) the person is a school employee; and

15 (2) the acts constituting the elements of the offense were
 16 performed solely within the scope of the person's employment as
 17 a school employee.

18 (f) Except as provided in subsection (g), it is a defense to a
 19 prosecution under *subsection (b) or (c) subsection (b)(1); subsection*
 20 *(b)(2); or subsection (e)* if all of the following apply:

21 (1) A cellular telephone, another wireless or cellular
 22 communications device, or a social networking web site was used
 23 to possess, produce, or disseminate the image.

24 (2) The defendant is not more than four (4) years older or younger
 25 than the person who is depicted in the image or who received the
 26 image.

27 (3) The relationship between the defendant and the person who
 28 received the image or who is depicted in the image was a dating
 29 relationship or an ongoing personal relationship. For purposes of
 30 this subdivision, the term "ongoing personal relationship" does
 31 not include a family relationship.

32 (4) The crime was committed by a person less than twenty-two
 33 (22) years of age.

34 (5) The person receiving the image or who is depicted in the
 35 image acquiesced in the defendant's conduct.

36 (g) The defense to a prosecution described in subsection (f) does not
 37 apply if:

38 (1) the person who receives the image disseminates it to a person
 39 other than the person:

40 (A) who sent the image; or

41 (B) who is depicted in the image;

42 (2) the image is of a person other than the person who sent the



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



1 Act (43 U.S.C. 1601 et seq.);
 2 that is recognized as eligible for the special programs and
 3 services provided by the United States to Indians because of
 4 their special status as Indians;
 5 (L) an order issued under IC 35-33-8-3.2; or
 6 (M) an order issued under IC 35-38-1-30.

7 SECTION 74. IC 35-42-4-6, AS AMENDED BY P.L.158-2013,
 8 SECTION 442, AND AS AMENDED BY P.L.247-2013, SECTION 7,
 9 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) As used in this section,
 11 "solicit" means to command, authorize, urge, incite, request, or advise
 12 an individual:
 13 (1) *in person*;
 14 (2) *by telephone or wireless device*;
 15 (3) *in writing*;
 16 (4) *by using a computer network (as defined in IC 35-43-2-3(a))*;
 17 (5) *by advertisement of any kind*; or
 18 (6) *by any other means*;

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

20 (b) A person eighteen (18) years of age or older who knowingly or
 21 intentionally solicits a child under fourteen (14) years of age, or an
 22 individual the person believes to be a child under fourteen (14) years
 23 of age, to engage in ~~(1)~~ sexual intercourse, ~~(2)~~ *deviate other* sexual
 24 conduct *(as defined in IC 35-31.5-2-221.5)*, or ~~(3)~~ any fondling or
 25 touching intended to arouse or satisfy the sexual desires of either the
 26 child or the older person, commits child solicitation, a ~~Class D Level~~
 27 5 felony. *However, the offense is*
 28 *(1) a Class E felony if it is committed by using a computer*
 29 *network (as defined in IC 35-43-2-3(a)), and*
 30 *(2) a Class B felony if the person* **However, the offense is a**
 31 **Level 4 felony if the person solicits the child or individual the**
 32 *person believes to be a child under fourteen (14) years of age to*
 33 *engage in sexual intercourse or deviate other sexual conduct (as*
 34 **defined in IC 35-31.5-2-221.5) and:**
 35 *(A) (1) commits the offense by using a computer network (as*
 36 *defined in IC 35-43-2-3(a)) and commits the offense by using a*
 37 **computer network (as defined in IC 35-43-2-3(a)) and travels**
 38 *to meet the child or individual the person believes to be a child;*
 39 *or*
 40 *(B) (2) has a previous unrelated conviction for committing the an*
 41 **offense has a previous unrelated conviction for committing an**
 42 *offense by using a computer network (as defined in*



1 ~~IC 35-43-2-3(a)~~ under this section.

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

7 ~~(1)~~ sexual intercourse,

8 ~~(2)~~ deviate other sexual conduct (as defined in
9 IC 35-31.5-2-221.5), or

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

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

13 However, the offense is a Class E felony if it is committed by using a
14 computer network (as defined in ~~IC 35-43-2-3(a)~~); and a Class B
15 felony if the person commits the offense by using a computer network
16 (as defined in ~~IC 35-43-2-3(a)~~) and has a previous unrelated
17 conviction for committing the offense by using a computer network (as
18 defined in ~~IC 35-43-2-3(a)~~).

19 However, the offense is

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

25 ~~(2)~~ a Class B Level 4 felony if the person solicits the child or
26 individual the person believes to be a child at least fourteen (14)
27 but less than sixteen (16) years of age to engage in sexual
28 intercourse or deviate other sexual conduct (as defined in
29 IC 35-31.5-2-221.5), and:

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

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

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

40 SECTION 75. IC 35-42-4-7, AS AMENDED BY P.L.208-2013,
41 SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 443,
42 IS CORRECTED AND AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) As used in this section,
2 "adoptive parent" has the meaning set forth in IC 31-9-2-6.

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

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

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

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

10 (2) is employed by a:

11 (A) school corporation;

12 (B) charter school;

13 (C) nonpublic school; or

14 (D) special education cooperative;

15 attended by a child who is the victim of a crime under this
16 chapter; or

17 (3) is:

18 (A) affiliated with a:

19 (i) school corporation;

20 (ii) charter school;

21 (iii) nonpublic school; or

22 (iv) special education cooperative;

23 attended by a child who is the victim of a crime under this
24 chapter, regardless of how or whether the person is
25 compensated;

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

28 (C) engaged in the provision of care or supervision to a child
29 who attends the school or cooperative; and

30 (D) at least four (4) years older than the child who is the
31 victim of a crime under this chapter.

32 The term does not include a student who attends the school or
33 cooperative.

34 (e) As used in this section, "custodian" means any person who
35 resides with a child and is responsible for the child's welfare.

36 (f) *As used in this section, "mental health professional" means:*

37 (1) *a mental health counselor licensed under IC 25-23.6-8.5;*

38 (2) *a psychologist; or*

39 (3) *a psychiatrist.*

40 (ff) (g) As used in this section, "military recruiter" means a member
41 of the armed forces of the United States (as defined in IC 20-33-10-2)
42 or the Indiana National Guard whose primary job function,



1 classification, or specialty is recruiting individuals to enlist with the
2 armed forces of the United States or the Indiana National Guard.

3 ~~(g)~~ (h) As used in this section, "nonpublic school" has the meaning
4 set forth in IC 20-18-2-12.

5 (i) For purposes of this section, a person has a "professional
6 relationship" with a child if:

7 (1) the person:

8 (A) has a license issued by the state or a political subdivision
9 on the basis of the person's training and experience that
10 authorizes the person to carry out a particular occupation; or

11 (B) is employed in a position in which counseling, supervising,
12 instructing, or recruiting children forms a significant part of
13 the employment; and

14 (2) the person has a relationship with a child that is based on the
15 person's employment or licensed status as described in
16 subdivision (1).

17 The term includes a relationship between a child and a mental health
18 professional or military recruiter. The term does not include a
19 coworker relationship between a child and a person described in
20 subdivision (1)(B).

21 ~~(h)~~ (j) As used in this section, "school corporation" has the meaning
22 set forth in IC 20-18-2-16.

23 ~~(i)~~ (k) As used in this section, "special education cooperative" has
24 the meaning set forth in IC 20-35-5-1.

25 ~~(j)~~ (l) As used in this section, "stepparent" means an individual who
26 is married to a child's custodial or noncustodial parent and is not the
27 child's adoptive parent.

28 ~~(k)~~ (m) If a person who:

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

30 ~~(2) is:~~

31 ~~(A) the:~~

32 ~~(i) guardian, adoptive parent, adoptive grandparent,
33 custodian, or stepparent of; or~~

34 (2) is the:

35 (A) guardian, adoptive parent, adoptive grandparent,
36 custodian, or stepparent of; or

37 (B) child care worker for;

38 ~~(ii) child care worker for; or~~

39 ~~(B) a military recruiter who is attempting to enlist;~~

40 a child at least sixteen (16) years of age but less than eighteen
41 (18) years of age;

42 ~~finds or touches the child engages with the child in sexual~~



1 intercourse, ~~deviate~~ **other** sexual conduct (as defined in
 2 ~~IC 35-31.5-2-94~~), **IC 35-31.5-2-221.5**), or any fondling or touching
 3 with the intent to arouse or satisfy the sexual desires of either the child
 4 or the adult, the person commits child seduction, ~~a felony~~; a Level 6
 5 felony. However, the offense is a Level 5 felony if the person engages
 6 in sexual intercourse or other sexual conduct (as defined in
 7 IC 35-31.5-2-221.5) with the child.

8 (n) A person who:

9 (1) has or had a professional relationship with a child at least
 10 sixteen (16) years of age but less than eighteen (18) years of age
 11 whom the person knows to be at least sixteen (16) years of age
 12 but less than eighteen (18) years of age;

13 (2) may exert undue influence on the child because of the person's
 14 current or previous professional relationship with the child; and

15 (3) uses or exerts the person's professional relationship to engage
 16 in sexual intercourse, ~~deviate~~ **other** sexual conduct (**as defined**
 17 **in IC 35-31.5-2-221.5**), or any fondling or touching with the
 18 child with the intent to arouse or satisfy the sexual desires of the
 19 child or the person;

20 commits child seduction.

21 (o) In determining whether a person used or exerted the person's
 22 professional relationship with the child to engage in sexual
 23 intercourse, ~~deviate~~ **other** sexual conduct (**as defined in**
 24 **IC 35-31.5-2-221.5**), or any fondling or touching with the intent to
 25 arouse or satisfy the sexual desires of the child or the person under
 26 subsection (n), the trier of fact may consider one (1) or more of the
 27 following:

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

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

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

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

34 (5) Whether the person exploited any particular vulnerability of
 35 the child.

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

38 (p) Child seduction under this section is:

39 (1) a ~~Class D~~ **Level 6** felony if the person engaged in any
 40 fondling or touching with the intent to arouse or satisfy the sexual
 41 desires of the child or the person; and

42 (2) a ~~Class E~~ **Level 5** felony if the person engaged in sexual



1 intercourse or ~~deviate~~ **other sexual conduct (as defined in**
 2 **IC 35-31.5-2-221.5)** with the child.

3 SECTION 76. IC 35-42-4-11, AS AMENDED BY P.L.214-2013,
 4 SECTION 39, AND AS AMENDED BY P.L.158-2013, SECTION
 5 447, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) As used in this section, and
 7 except as provided in subsection (d), "offender against children" means
 8 a person required to register as a sex or violent offender under
 9 IC 11-8-8 who has been:

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

11 or

12 (2) convicted of one (1) or more of the following offenses:

13 (A) Child molesting (IC 35-42-4-3).

14 (B) Child exploitation (IC 35-42-4-4(b)).

15 (C) Child solicitation (IC 35-42-4-6).

16 (D) Child seduction (IC 35-42-4-7).

17 (E) Kidnapping (IC 35-42-3-2), if the victim is less than
 18 eighteen (18) years of age, and the person is not the child's
 19 parent or guardian.

20 (F) Attempt to commit or conspiracy to commit an offense
 21 listed in clauses (A) through (E).

22 (G) An offense in another jurisdiction that is substantially
 23 similar to an offense described in clauses (A) through (F).

24 A person is an offender against children by operation of law if the
 25 person meets the conditions described in subdivision (1) or (2) at any
 26 time.

27 (b) As used in this section, "reside" means to spend more than three

28 (3) nights in:

29 (1) a residence; or

30 (2) if the person does not reside in a residence, a particular
 31 location;

32 in any thirty (30) day period.

33 (c) An offender against children who knowingly or intentionally:

34 (1) resides within one thousand (1,000) feet of:

35 (A) school property, not including property of an institution
 36 providing post-secondary education;

37 (B) a youth program center; or

38 (C) a public park; or

39 (2) establishes a residence within one (1) mile of the residence of
 40 the victim of the offender's sex offense;

41 commits a sex offender residency offense, a ~~Class D~~ *Level 6* felony.

42 (d) This subsection does not apply to an offender against children



1 who has two (2) or more unrelated convictions for an offense described
 2 in subsection (a). A person who is an offender against children may
 3 petition the court to consider whether the person should no longer be
 4 considered an offender against children. The person may file a petition
 5 under this subsection not earlier than ten (10) years after the person is
 6 released from incarceration **or parole, whichever occurs last** (*or, if*
 7 *the person is not incarcerated, not earlier than ten (10) years after the*
 8 *person is released from probation).* ~~or parole, whichever occurs last~~.
 9 A person may file a petition under this subsection not more than one
 10 (1) time per year. A court may dismiss a petition filed under this
 11 subsection or conduct a hearing to determine if the person should no
 12 longer be considered an offender against children. If the court conducts
 13 a hearing, the court shall appoint two (2) psychologists or psychiatrists
 14 who have expertise in criminal behavioral disorders to evaluate the
 15 person and testify at the hearing. After conducting the hearing and
 16 considering the testimony of the two (2) psychologists or psychiatrists,
 17 the court shall determine whether the person should no longer be
 18 considered an offender against children. If a court finds that the person
 19 should no longer be considered an offender against children, the court
 20 shall send notice to the department of correction that the person is no
 21 longer considered an offender against children.

22 SECTION 77. IC 35-42-4-12, AS AMENDED BY P.L.247-2013,
 23 SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 448,
 24 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) This section *does not apply*
 26 *to a person* ~~to~~ *applies only to a sex offender (as defined in*
 27 *IC 11-8-8-4.5).* ~~whom all of the following apply:~~

28 (1) *The person is not more than:*

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

31 (B) *five (5) years older than the victim if the offense was*
 32 *committed before July 1, 2007.*

33 (2) *The relationship between the person and the victim was a*
 34 *dating relationship or an ongoing personal relationship. The*
 35 *term "ongoing personal relationship" does not include a family*
 36 *relationship.*

37 (3) *The crime:*

38 (A) *was not committed by a person who is at least twenty-one*
 39 *(21) years of age;*

40 (B) *was not committed by using or threatening the use of*
 41 *deadly force;*

42 (C) *was not committed while armed with a deadly weapon;*



- 1 (D) did not result in serious bodily injury;
- 2 (E) was not facilitated by furnishing the victim, without the
- 3 victim's knowledge, with a drug (as defined in
- 4 IC 16-42-19-2(1)) or a controlled substance (as defined in
- 5 IC 35-48-1-9) or knowing that the victim was furnished with
- 6 the drug or controlled substance without the victim's
- 7 knowledge; and
- 8 (F) was not committed by a person having a position of
- 9 authority or substantial influence over the victim.
- 10 (b) A sex offender who knowingly or intentionally violates a:
- 11 (1) condition of probation;
- 12 (2) condition of parole; or
- 13 (3) rule of a community transition program;
- 14 that prohibits the offender from using a social networking web site or
- 15 an instant messaging or chat room program to communicate, directly
- 16 or through an intermediary, with a child less than sixteen (16) years of
- 17 age commits a sex offender Internet offense, a Class A misdemeanor.
- 18 However, the offense is a **Class D Level 6** felony if the person has a
- 19 prior unrelated conviction under this section.
- 20 (b) This section applies only to a person required to register as a
- 21 sex or violent offender under IC 11-8-8 who has been:
- 22 (1) found to be a sexually violent predator under IC 35-38-1-7.5;
- 23 or
- 24 (2) convicted of one (1) or more of the following offenses:
- 25 (A) Child molesting (IC 35-42-4-3);
- 26 (B) Child exploitation (IC 35-42-4-4(b));
- 27 (C) Possession of child pornography (IC 35-42-4-4(c));
- 28 (D) Vicarious sexual gratification (IC 35-42-4-5(a) or
- 29 IC 35-42-4-5(b));
- 30 (E) Sexual conduct in the presence of a minor
- 31 IC 35-42-4-5(c);
- 32 (F) Child solicitation (IC 35-42-4-6);
- 33 (G) Child seduction (IC 35-42-4-7);
- 34 (H) Kidnapping (IC 35-42-3-2), if the victim is less than
- 35 eighteen (18) years of age and the person is not the child's
- 36 parent or guardian.
- 37 (I) Attempt to commit or conspiracy to commit an offense
- 38 listed in clauses (A) through (H);
- 39 (J) An offense in another jurisdiction that is substantially
- 40 similar to an offense described in clauses (A) through (H).
- 41 (c) As used in this section, "instant messaging or chat room
- 42 program" means a software program that requires a person to register



1 or create an account, a username, or a password to become a member
 2 or registered user of the program and allows two (2) or more members
 3 or authorized users to communicate over the Internet in real time using
 4 typed text. The term does not include an electronic mail program or
 5 message board program.

6 (d) As used in this section, "social networking web site" means an
 7 Internet web site that:

8 (1) facilitates the social introduction between two (2) or more
 9 persons;

10 (2) requires a person to register or create an account, a
 11 username, or a password to become a member of the web site and
 12 to communicate with other members;

13 (3) allows a member to create a web page or a personal profile;
 14 and

15 (4) provides a member with the opportunity to communicate with
 16 another person.

17 The term does not include an electronic mail program or message
 18 board program.

19 (e) A person described in subsection (b) who knowingly or
 20 intentionally uses:

21 (1) a social networking web site; or

22 (2) an instant messaging or chat room program;

23 that the offender knows allows a person who is less than eighteen (18)
 24 years of age to access or use the web site or program commits a sex
 25 offender Internet offense, a Class A misdemeanor. However, the
 26 offense is a Class D Level 6 felony if the person has a prior unrelated
 27 conviction under this section.

28 (f) It is a defense to a prosecution under this section that the
 29 person:

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

33 (2) upon discovering that the web site or program allows a
 34 person who is less than eighteen (18) years of age to access or
 35 use the web site or program, immediately ceased further use or
 36 access of the web site or program.

37 (c) It is a defense to a prosecution under subsection (b) that the
 38 person reasonably believed that the child was at least sixteen (16)
 39 years of age.

40 SECTION 78. IC 35-42-4-13, AS AMENDED BY P.L.247-2013,
 41 SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 449,
 42 IS CORRECTED AND AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) This section does not apply
2 to the following:

- 3 (1) A parent, guardian, or custodian of a child.
4 (2) A person who acts with the permission of a child's parent,
5 guardian, or custodian.
6 (3) A person to whom a child makes a report of abuse or neglect.
7 (4) A person to whom a child reports medical symptoms that
8 relate to or may relate to sexual activity.

9 (b) As used in this section, "sexual activity" means sexual
10 intercourse, ~~deviate other~~ *sexual conduct (as defined in*
11 *IC 35-31.5-2-221.5)*, or the fondling or touching of the buttocks,
12 genitals, or female breasts.

13 (c) A person at least ~~twenty-one (21)~~ *eighteen (18)* years of age who
14 knowingly or intentionally communicates with an individual whom the
15 person believes to be a child less than fourteen (14) years of age
16 concerning sexual activity with the intent to gratify the sexual desires
17 of the person or the individual commits inappropriate communication
18 with a child, a Class B misdemeanor. However, the offense is:

- 19 (1) a Class A misdemeanor if the person commits the offense by
20 using a computer network (as defined in IC 35-43-2-3(a); *and*
21 (2) a ~~Class D~~ **Level 6** *felony if the person has a prior unrelated*
22 *conviction for a sex offense (as defined in IC 11-8-8-5.2).*

23 SECTION 79. IC 35-43-2-2, AS AMENDED BY P.L.203-2013,
24 SECTION 25, AND AS AMENDED BY P.L.158-2013, SECTION
25 462, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who:

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



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



1 a person to leave a property under subsection (a)(7) unless there is
2 reasonable suspicion that criminal activity has occurred or is occurring.

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

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

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

11 (1) A passenger on a train.

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

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

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

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

22 (A) as a passenger; or

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

24 (6) A:

25 (A) person; or

26 (B) person's:

27 (i) family member;

28 (ii) invitee;

29 (iii) employee;

30 (iv) agent; or

31 (v) independent contractor;

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

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

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

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

41 (10) A representative of the National Transportation Safety Board
42 while engaged in the performance of official duties.



1 SECTION 80. IC 35-43-5-4.6, AS ADDED BY P.L.293-2013(ts),
 2 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2014]: Sec. 4.6. (a) The following definitions apply
 4 throughout this section:

5 (1) "Automated sales suppression device" means a software
 6 program:

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

8 (B) accessed through an Internet link; or

9 (C) accessed through any other means;

10 that falsifies the electronic records of electronic cash registers and
 11 other point-of-sale systems, including transaction data and
 12 transaction reports.

13 (2) "Electronic cash register" means a device that keeps a register
 14 or supporting documents through the means of an electronic
 15 device or a computer system designed to record transaction data
 16 for the purpose of computing, compiling, or processing retail sales
 17 transaction data in any manner.

18 (3) "Phantom-ware" means a hidden, a pre-installed, or an
 19 installed at a later time programming option embedded in the
 20 operating system of an electronic cash register or hardwired into
 21 the electronic cash register that:

22 (A) can be used to create a virtual second till; or

23 (B) may eliminate or manipulate transaction records that may
 24 or may not be preserved in digital formats to represent the true
 25 or manipulated record of transactions in the electronic cash
 26 register.

27 (4) "Transaction data" includes information regarding:

28 (A) items purchased by a customer;

29 (B) the price for each item;

30 (C) a taxability determination for each item;

31 (D) a segregated tax amount for each of the taxed items;

32 (E) the amount of cash or credit tendered;

33 (F) the net amount returned to the customer in change;

34 (G) the date and time of the purchase;

35 (H) the name, address, and identification number of the
 36 vendor; and

37 (I) the receipt or invoice number of the transaction.

38 (5) "Transaction report" means:

39 (A) a report that includes:

40 (i) the sales;

41 (ii) taxes collected;

42 (iii) media totals; and



- 1 (iv) discount voids;
 2 at an electronic cash register that is printed on cash register
 3 tape at the end of a day or shift; or
 4 (B) a report documenting every action at an electronic cash
 5 register that is stored electronically.
- 6 (6) "Zapper" refers to an automated sales suppression device.
 7 (b) A person who knowingly or intentionally sells, purchases,
 8 installs, transfers, or possesses:
 9 (1) an automated sales suppression device or a zapper; or
 10 (2) phantom-ware;
 11 after June 30, 2013, commits unlawful sale or possession of a
 12 transaction manipulation device, a ~~Class C~~ **Level 5** felony.
- 13 SECTION 81. IC 35-44.1-2-3, AS AMENDED BY P.L.292-2013,
 14 SECTION 11, AND AS AMENDED BY P.L.158-2013, SECTION 503
 15 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) As used in this section,
 17 "consumer product" has the meaning set forth in IC 35-45-8-1.
 18 (b) As used in this section, "misconduct" means a violation of a
 19 departmental rule or procedure of a law enforcement agency.
 20 (c) A person who reports, by telephone, telegraph, mail, or other
 21 written or oral communication, that:
 22 (1) the person or another person has placed or intends to place an
 23 explosive, a destructive device, or other destructive substance in
 24 a building or transportation facility;
 25 (2) there has been or there will be tampering with a consumer
 26 product introduced into commerce; or
 27 (3) there has been or will be placed or introduced a weapon of
 28 mass destruction in a building or a place of assembly;
 29 knowing the report to be false, commits false reporting, a ~~Class D~~ **Level**
 30 **6** felony.
 31 (d) A person who:
 32 (1) gives a false report of the commission of a crime or gives false
 33 information in the official investigation of the commission of a
 34 crime, knowing the report or information to be false;
 35 (2) gives a false alarm of fire to the fire department of a
 36 governmental entity, knowing the alarm to be false;
 37 (3) makes a false request for ambulance service to an ambulance
 38 service provider, knowing the request to be false;
 39 (4) gives a false report concerning a missing child (as defined in
 40 IC 10-13-5-4) or missing endangered adult (as defined in
 41 IC 12-7-2-131.3) or gives false information in the official
 42 investigation of a missing child or missing endangered adult



- 1 knowing the report or information to be false;
- 2 (5) makes a complaint against a law enforcement officer to the
- 3 state or municipality (as defined in IC 8-1-13-3(b)) that employs
- 4 the officer:
- 5 (A) alleging the officer engaged in misconduct while
- 6 performing the officer's duties; and
- 7 (B) knowing the complaint to be false; ~~or~~
- 8 (6) makes a false report of a missing person, knowing the report
- 9 or information is false; *or*
- 10 (7) gives a false report of actions, behavior, or conditions
- 11 concerning a septic tank soil absorption system under
- 12 IC 8-1-2-125 or IC 13-26-5-2.5 knowing the report or
- 13 information to be false;

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

18 SECTION 82. IC 35-44.1-3-1, AS AMENDED BY P.L.172-2013,
 19 SECTION 11, AND AS AMENDED BY P.L.158-2013, SECTION
 20 509, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who knowingly or
 22 intentionally:

- 23 (1) forcibly resists, obstructs, or interferes with a law enforcement
- 24 officer or a person assisting the officer while the officer is
- 25 lawfully engaged in the execution of the officer's duties;
- 26 (2) forcibly resists, obstructs, or interferes with the authorized
- 27 service or execution of a civil or criminal process or order of a
- 28 court; or
- 29 (3) flees from a law enforcement officer after the officer has, by
- 30 visible or audible means, including operation of the law
- 31 enforcement officer's siren or emergency lights, identified himself
- 32 or herself and ordered the person to stop;

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

- 35 (b) The offense under subsection (a) is a:
- 36 (1) ~~Class B~~ Level 6 felony if:
- 37 (A) the offense is described in subsection (a)(3) and the person
- 38 uses a vehicle to commit the offense; or
- 39 (B) while committing any offense described in subsection (a),
- 40 the person draws or uses a deadly weapon, inflicts bodily
- 41 injury on or otherwise causes bodily injury to another person,
- 42 or operates a vehicle in a manner that creates a substantial risk



- 1 of bodily injury to another person;
 2 (2) ~~Class C Level 5~~ felony if, while committing any offense
 3 described in subsection (a), the person operates a vehicle in a
 4 manner that causes serious bodily injury to another person;
 5 (3) ~~Class B Level 3~~ felony if, while committing any offense
 6 described in subsection (a), the person operates a vehicle in a
 7 manner that causes the death of another person; and
 8 (4) ~~Class A Level 2~~ felony if, while committing any offense
 9 described in subsection (a), the person operates a vehicle in a
 10 manner that causes the death of a law enforcement officer while
 11 the law enforcement officer is engaged in the officer's official
 12 duties.

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

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

- 20 (1) thirty (30) days, if the person does not have a prior unrelated
 21 conviction under this section;
 22 (2) one hundred eighty (180) days, if the person has one (1) prior
 23 unrelated conviction under this section; or
 24 (3) one (1) year, if the person has two (2) or more prior unrelated
 25 convictions under this section.

26 ~~(e)~~ (d) Notwithstanding ~~IC 35-50-2-2~~ IC 35-50-2-2.2 and
 27 IC 35-50-3-1, the mandatory minimum sentence imposed under
 28 subsection ~~(d)~~ (c) may not be suspended.

29 ~~(f)~~ (e) If a person is convicted of an offense involving the use of a
 30 motor vehicle under:

- 31 (1) subsection (b)(1)(A), if the person exceeded the speed limit by
 32 at least twenty (20) miles per hour while committing the offense;
 33 (2) subsection (b)(2); or
 34 (3) subsection (b)(3);

35 the court may notify the bureau of motor vehicles to suspend or revoke
 36 the person's driver's license and all certificates of registration and
 37 license plates issued or registered in the person's name in accordance
 38 with IC 9-30-4-6(b)(3) for the period described in IC 9-30-4-6(d)(4) or
 39 IC 9-30-4-6(d)(5). The court shall inform the bureau whether the
 40 person has been sentenced to a term of incarceration. At the time of
 41 conviction, the court may obtain the person's current driver's license
 42 and return the license to the bureau of motor vehicles.



1 (f) *A person may not be charged or convicted of a crime under*
 2 *subsection (a)(3) if the law enforcement officer is a school resource*
 3 *officer acting in the officer's capacity as a school resource officer.*

4 SECTION 83. IC 35-44.1-3-5, AS AMENDED BY P.L.5-2013,
 5 SECTION 1, AND AS AMENDED BY P.L.158-2013, SECTION 512,
 6 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As used in this section,
 8 "juvenile facility" means the following:

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

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

17 (b) ~~Except as provided in subsection (d),~~ A person who, without the
 18 prior authorization of the person in charge of a penal facility or juvenile
 19 facility, knowingly or intentionally:

20 (1) delivers, or carries into the penal facility or juvenile facility
 21 with intent to deliver, an article to an inmate or child of the
 22 facility;

23 (2) carries, or receives with intent to carry out of the penal facility
 24 or juvenile facility, an article from an inmate or child of the
 25 facility; *or*

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

29 commits trafficking with an inmate, a Class A misdemeanor. *However,*
 30 *the offense is a ~~Class C~~ Level 5 felony under subdivision (1) or (2) if*
 31 *the article is a controlled substance, a deadly weapon, or a cellular*
 32 *telephone or other wireless or cellular communications device.*

33 (c) If:

34 (1) the person who committed the offense under subsection (b) is
 35 an employee of:

36 ~~(A)~~ (A) the department of correction; or

37 ~~(B)~~ (B) a penal facility;

38 and the article is a cigarette or tobacco product (as defined in
 39 IC 6-7-2-5), the court shall ~~impose a mandatory~~ *order the person*
 40 *to pay a fine of at least five hundred dollars (\$500) and not more*
 41 *than five thousand ~~dollar~~ dollars (\$5,000) ~~fine~~* under
 42 IC 35-50-3-2, in addition to any term of imprisonment imposed



1 under IC 35-50-3-2; or
 2 (2) a person is convicted of committing a ~~Class C~~ **Level 5** felony
 3 under subsection (b)(1) or (b)(2) because the article was a
 4 cellular telephone or other wireless or cellular communication
 5 device, the court shall order the person to pay a fine of at least
 6 five hundred dollars (\$500) and not more than ten thousand
 7 dollars (\$10,000) under IC 35-50-2-6(a) in addition to any term
 8 of imprisonment imposed on the person under IC 35-50-2-6(a).

9 (d) A person who: ~~without the prior authorization of the person in~~
 10 ~~charge of a penal facility or juvenile facility; knowingly or~~
 11 ~~intentionally possesses in, or carries or causes to be brought into, a~~
 12 ~~penal facility or juvenile facility:~~

13 ~~(1) a controlled substance;~~
 14 ~~(1) is not an inmate of a penal facility or a child of a juvenile~~
 15 ~~facility; and~~

16 ~~(2) knowingly or intentionally possesses in, or carries or causes~~
 17 ~~to be brought into, the penal facility or juvenile facility a deadly~~
 18 ~~weapon without the prior authorization of the person in charge~~
 19 ~~of the penal facility or juvenile facility; or~~

20 ~~(3) a cellular telephone or other wireless or cellular~~
 21 ~~communications device;~~

22 commits a ~~class D~~ **felony trafficking with an inmate, carrying a**
 23 **deadly weapon into a correctional facility, a Level 5 felony.**

24 SECTION 84. IC 35-45-2-1, AS AMENDED BY P.L.123-2013,
 25 SECTION 3, AND AS AMENDED BY P.L.158-2013, SECTION 523,
 26 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who communicates
 28 a threat to another person, with the intent:

29 (1) that the other person engage in conduct against the other
 30 person's will;

31 (2) that the other person be placed in fear of retaliation for a prior
 32 lawful act; or

33 (3) of:

34 (A) causing:
 35 ~~(A) (i) a dwelling, a building, or another other structure; or~~
 36 ~~(B) (ii) a vehicle;~~

37 to be evacuated; or
 38 (B) interfering with the occupancy of:

39 (i) a dwelling, building, or other structure; or
 40 (ii) a vehicle;

41 commits intimidation, a Class A misdemeanor.
 42 (b) However, the offense is a:



- 1 (1) ~~Class D~~ Level 6 felony if:
 2 (A) the threat is to commit a forcible felony;
 3 (B) the person to whom the threat is communicated:
 4 (i) is a law enforcement officer;
 5 ~~(ii) is a judge or bailiff of any court;~~
 6 ~~(iii)~~ (ii) is a witness (or the spouse or child of a witness) in
 7 any pending criminal proceeding against the person making
 8 the threat;
 9 ~~(iv)~~ (iii) is an employee of a *school* or school corporation;
 10 ~~(v)~~ (iv) is a community policing volunteer;
 11 ~~(vi)~~ (v) is an employee of a court;
 12 ~~(vii)~~ (vi) is an employee of a probation department; ~~or~~
 13 ~~(viii)~~ (vii) is an employee of a community corrections
 14 program;
 15 (viii) is an employee of a hospital, church, or religious
 16 organization; or
 17 (ix) is a person that owns a building or structure that is
 18 open to the public or is an employee of the person;
 19 and, except as provided in item (ii), the threat is
 20 communicated to the person because of the occupation,
 21 profession, employment status, or ownership status of the
 22 person as described in items (i) through (ix) or based on an
 23 act taken by the person within the scope of the occupation,
 24 profession, employment status, or ownership status of the
 25 person;
 26 (C) the person has a prior unrelated conviction for an offense
 27 under this section concerning the same victim; or
 28 (D) the threat is communicated using property, including
 29 electronic equipment or systems, of a school corporation or
 30 other governmental entity; and
 31 (2) ~~Class C~~ Level 5 felony if:
 32 (A) while committing it, the person draws or uses a deadly
 33 weapon; or
 34 (B) the person to whom the threat is communicated:
 35 (i) is a judge or bailiff of any court; or
 36 (ii) is a prosecuting attorney or a deputy prosecuting
 37 attorney.
 38 (c) "Communicates" includes posting a message electronically,
 39 including on a social networking web site (as defined in
 40 IC 35-42-4-12(d)).
 41 ~~(e)~~ (d) "Threat" means an expression, by words or action, of an
 42 intention to:



- 1 (1) unlawfully injure the person threatened or another person, or
 2 damage property;
 3 (2) unlawfully subject a person to physical confinement or
 4 restraint;
 5 (3) commit a crime;
 6 (4) unlawfully withhold official action, or cause such withholding;
 7 (5) unlawfully withhold testimony or information with respect to
 8 another person's legal claim or defense, except for a reasonable
 9 claim for witness fees or expenses;
 10 (6) expose the person threatened to hatred, contempt, disgrace, or
 11 ridicule;
 12 (7) falsely harm the credit or business reputation of the person
 13 threatened; or
 14 (8) cause the evacuation of a dwelling, a building, another
 15 structure, or a vehicle.

16 SECTION 85. IC 35-45-6-1, AS AMENDED BY P.L.196-2013,
 17 SECTION 18, AND AS AMENDED BY P.L.158-2013, SECTION
 18 534, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The definitions in this section
 20 apply throughout this chapter.

21 (b) "Documentary material" means any document, drawing,
 22 photograph, recording, or other tangible item containing compiled data
 23 from which information can be either obtained or translated into a
 24 usable form.

25 (c) "Enterprise" means:

- 26 (1) a sole proprietorship, corporation, limited liability company,
 27 partnership, business trust, or governmental entity; or
 28 (2) a union, an association, or a group, whether a legal entity or
 29 merely associated in fact.

30 (d) "Pattern of racketeering activity" means engaging in at least two
 31 (2) incidents of racketeering activity that have the same or similar
 32 intent, result, accomplice, victim, or method of commission, or that are
 33 otherwise interrelated by distinguishing characteristics that are not
 34 isolated incidents. However, the incidents are a pattern of racketeering
 35 activity only if at least one (1) of the incidents occurred after August
 36 31, 1980, and if the last of the incidents occurred within five (5) years
 37 after a prior incident of racketeering activity.

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

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



- 1 (2) A violation of IC 35-45-9.
- 2 (3) A violation of IC 35-47.
- 3 (4) A violation of IC 35-49-3.
- 4 (5) Murder (IC 35-42-1-1).
- 5 (6) Battery as a Class C felony before July 1, 2014, or a Level 5
- 6 felony after June 30, 2014 (IC 35-42-2-1).
- 7 (7) Kidnapping (IC 35-42-3-2).
- 8 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
- 9 (9) Child exploitation (IC 35-42-4-4).
- 10 (10) Robbery (IC 35-42-5-1).
- 11 (11) Carjacking (IC 35-42-5-2) ~~(repealed)~~: **(before its repeal)**.
- 12 (12) Arson (IC 35-43-1-1).
- 13 (13) Burglary (IC 35-43-2-1).
- 14 (14) Theft (IC 35-43-4-2).
- 15 (15) Receiving stolen property (IC 35-43-4-2).
- 16 (16) Forgery (IC 35-43-5-2).
- 17 (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
- 18 (18) Bribery (IC 35-44.1-1-2).
- 19 (19) Official misconduct (IC 35-44.1-1-1).
- 20 (20) Conflict of interest (IC 35-44.1-1-4).
- 21 (21) Perjury (IC 35-44.1-2-1).
- 22 (22) Obstruction of justice (IC 35-44.1-2-2).
- 23 (23) Intimidation (IC 35-45-2-1).
- 24 (24) Promoting prostitution (IC 35-45-4-4).
- 25 (25) Professional gambling (IC 35-45-5-3).
- 26 (26) Maintaining a professional gambling site
- 27 (IC 35-45-5-3.5(b)).
- 28 (27) Promoting professional gambling (IC 35-45-5-4).
- 29 (28) Dealing in or manufacturing cocaine or a narcotic drug
- 30 (IC 35-48-4-1).
- 31 (29) Dealing in or manufacturing methamphetamine
- 32 (IC 35-48-4-1.1).
- 33 (30) Dealing in a schedule I, II, or III controlled substance
- 34 (IC 35-48-4-2).
- 35 (31) Dealing in a schedule IV controlled substance
- 36 (IC 35-48-4-3).
- 37 (32) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 38 (33) Dealing in marijuana, hash oil, hashish, **or** salvia **or** a
- 39 **synthetic cannabinoid** (IC 35-48-4-10).
- 40 (34) Money laundering (IC 35-45-15-5).
- 41 (35) A violation of IC 35-47.5-5.
- 42 (36) A violation of any of the following:



- 1 (A) IC 23-14-48-9.
 2 (B) IC 30-2-9-7(b).
 3 (C) IC 30-2-10-9(b).
 4 (D) IC 30-2-13-38(f).
- 5 (37) Practice of law by a person who is not an attorney
 6 (IC 33-43-2-1).
 7 (38) *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 SECTION 86. IC 35-46-1-4, AS AMENDED BY P.L.193-2013,
 11 SECTION 6, AND AS AMENDED BY P.L.158-2013, SECTION 550,
 12 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person having the care of
 14 a dependent, whether assumed voluntarily or because of a legal
 15 obligation, who knowingly or intentionally:
 16 (1) places the dependent in a situation that endangers the
 17 dependent's life or health;
 18 (2) abandons or cruelly confines the dependent;
 19 (3) deprives the dependent of necessary support; or
 20 (4) deprives the dependent of education as required by law;
 21 commits neglect of a dependent, a ~~Class D~~ Level 6 felony.
 22 (b) However, the offense is:
 23 (1) a ~~Class E~~ Level 5 felony if it is committed under subsection
 24 (a)(1), (a)(2), or (a)(3) and:
 25 (A) results in bodily injury; or
 26 (B) is:
 27 (i) committed in a location where a person is violating
 28 IC 35-48-4-1 ~~(delivery, financing, or manufacture of~~
 29 ~~(dealing in cocaine or a narcotic drug) or IC 35-48-4-1.1~~
 30 ~~(delivery, financing, or manufacture of (dealing in~~
 31 ~~methamphetamine); or~~
 32 (ii) the result of a violation of IC 35-48-4-1 ~~(delivery,~~
 33 ~~financing, or manufacture of~~ (dealing in cocaine or a
 34 narcotic drug) ~~or IC 35-48-4-1.1 (delivery, financing, or~~
 35 ~~manufacture of (dealing in methamphetamine);~~
 36 (2) a ~~Class B~~ Level 3 felony if it is committed under subsection
 37 (a)(1), (a)(2), or (a)(3) and results in serious bodily injury;
 38 (3) a ~~Class A~~ Level 1 felony if it is committed under subsection
 39 (a)(1), (a)(2), or (a)(3) by a person at least eighteen (18) years of
 40 age and results in the death of a dependent who is less than
 41 fourteen (14) years of age; and
 42 (4) a ~~Class E~~ Level 5 felony if it is committed under subsection



- 1 (a)(2) and consists of cruel confinement or abandonment that:
- 2 (A) deprives a dependent of necessary food, water, or sanitary
- 3 facilities;
- 4 (B) consists of confinement in an area not intended for human
- 5 habitation; or
- 6 (C) involves the unlawful use of handcuffs, a rope, a cord,
- 7 tape, or a similar device to physically restrain a dependent.
- 8 (c) It is a defense to a prosecution based on an alleged act under this
- 9 section that:
- 10 (1) the accused person left a dependent child who was, at the time
- 11 the alleged act occurred, not more than thirty (30) days of age
- 12 with an emergency medical provider who took custody of the
- 13 child under IC 31-34-2.5 when:
- 14 (A) the prosecution is based solely on the alleged act of
- 15 leaving the child with the emergency medical services
- 16 provider; and
- 17 (B) the alleged act did not result in bodily injury or serious
- 18 bodily injury to the child; or
- 19 (2) the accused person, in the legitimate practice of the accused
- 20 person's religious belief, provided treatment by spiritual means
- 21 through prayer, in lieu of medical care, to the accused person's
- 22 dependent.
- 23 (d) Except for property transferred or received:
- 24 (1) under a court order made in connection with a proceeding
- 25 under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5
- 26 or IC 31-6-5 before their repeal); or
- 27 (2) under section 9(b) of this chapter;
- 28 a person who transfers or receives any property in consideration for the
- 29 termination of the care, custody, or control of a person's dependent
- 30 child commits child selling, a *Class D Level 6* felony.
- 31 SECTION 87. IC 35-46-3-11, AS AMENDED BY P.L.161-2013,
- 32 SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 563,
- 33 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 34 [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person who knowingly or
- 35 intentionally:
- 36 (1) strikes, torments, injures, or otherwise mistreats a law
- 37 enforcement animal; or
- 38 (2) interferes with the actions of a law enforcement animal while
- 39 the animal is engaged in assisting a law enforcement officer in the
- 40 performance of the officer's duties;
- 41 commits a Class A misdemeanor.
- 42 (b) An offense under subsection (a)(1) is a *Class D Level 6* felony



- 1 if the act results in:
- 2 (1) serious permanent disfigurement;
- 3 (2) unconsciousness;
- 4 (3) permanent or protracted loss or impairment of the function of
- 5 a bodily member or organ; or
- 6 (4) death;
- 7 of the law enforcement animal.
- 8 (c) It is a defense that the accused person:
- 9 (1) engaged in a reasonable act of training, handling, or
- 10 discipline; and
- 11 (2) acted as an employee or agent of a law enforcement agency.
- 12 (d) In addition to any sentence or fine imposed for a conviction of
- 13 an offense under this section, the court:
- 14 (1) may order the person convicted to make restitution to the
- 15 person or law enforcement agency owning the animal for
- 16 reimbursement of ~~(1)~~ veterinary bills; and
- 17 (2) *shall order the person convicted to make restitution to the*
- 18 *person or law enforcement agency owning the animal for*
- 19 *reimbursement of ~~replacement costs of the animal~~ the cost of*
- 20 *replacing the animal, which may include the cost of training the*
- 21 *animal, if the animal is permanently disabled or killed.*
- 22 SECTION 88. IC 35-46-9-6, AS ADDED BY P.L.40-2012,
- 23 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2014]: Sec. 6. (a) Except as provided in subsections (b) and
- 25 (c), a person who operates a motorboat while:
- 26 (1) having an alcohol concentration equivalent (as defined in
- 27 IC 9-13-2-2.4) to at least eight-hundredths (0.08) gram of alcohol
- 28 per:
- 29 (A) one hundred (100) milliliters of the person's blood; or
- 30 (B) two hundred ten (210) liters of the person's breath;
- 31 (2) having a controlled substance listed in schedule I or II of
- 32 IC 35-48-2 or its metabolite in the person's body; or
- 33 (3) intoxicated;
- 34 commits a Class C misdemeanor.
- 35 (b) The offense is a ~~Class D~~ **Level 6** felony if:
- 36 (1) the person has a previous conviction under:
- 37 (A) IC 14-1-5 (repealed); or
- 38 (B) this chapter; or
- 39 (2) the offense results in serious bodily injury to another person.
- 40 (c) The offense is a ~~Class E~~ **Level 5** felony if the offense results in
- 41 the death of another person.
- 42 (d) It is a defense to a prosecution under subsection (a)(2) that the



1 accused person consumed the controlled substance under a valid
 2 prescription or order of a practitioner (as defined in IC 35-48-1-24)
 3 who acted in the course of the practitioner's professional practice.

4 SECTION 89. IC 35-47-4-5, AS AMENDED BY P.L.158-2013,
 5 SECTION 590, AND AS AMENDED BY P.L.214-2013, SECTION
 6 40, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As used in this section,
 8 "serious violent felon" means a person who has been convicted of:

9 (1) committing a serious violent felony in:

10 (A) Indiana; 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 a serious violent felony; or

14 (2) attempting to commit or conspiring to commit a serious
 15 violent felony in:

16 (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2;

17 or

18 (B) any other jurisdiction in which the elements of the crime
 19 for which the conviction was entered are substantially similar
 20 to the elements of attempting to commit or conspiring to
 21 commit a serious violent felony.

22 (b) As used in this section, "serious violent felony" means:

23 (1) murder (IC 35-42-1-1);

24 (2) voluntary manslaughter (IC 35-42-1-3);

25 (3) reckless homicide not committed by means of a vehicle
 26 (IC 35-42-1-5);

27 (4) battery (*IC 35-42-2-1*) as a:

28 (A) Class A felony, ~~(IC 35-42-2-1(a)(5))~~; Class B felony, or
 29 Class C felony, for a crime committed before July 1, 2014; or

30 (B) Class B felony ~~(IC 35-42-2-1(a)(4))~~; or Level 2 felony,
 31 Level 3 felony, Level 4 felony, or Level 5 felony, for a crime
 32 committed after June 30, 2014;

33 ~~(C) Class C felony (IC 35-42-2-1(a)(3))~~;

34 (5) aggravated battery (IC 35-42-2-1.5);

35 (6) kidnapping (IC 35-42-3-2);

36 (7) criminal confinement (IC 35-42-3-3);

37 (8) rape (IC 35-42-4-1);

38 (9) criminal deviate conduct (IC 35-42-4-2) ~~(repeated)~~; **(before
 39 its repeal)**;

40 (10) child molesting (IC 35-42-4-3);

41 (11) sexual battery (*IC 35-42-4-8*) as a:

42 (A) Class C felony, ~~(IC 35-42-4-8)~~ for a crime committed



- 1 *before July 1, 2014; or*
 2 *(B) Level 5 felony, for a crime committed after June 30, 2014;*
 3 (12) robbery (IC 35-42-5-1);
 4 (13) carjacking (IC 5-42-5-2) ~~(repealed)~~; **(before its repeal)**;
 5 (14) arson (IC 35-43-1-1(a)) as a:
 6 *(A) Class A felony or Class B felony, ~~(IC 35-43-1-1(a))~~, for a*
 7 *crime committed before July 1, 2014; or*
 8 *(B) Level 2 felony, Level 3 felony, or Level 4 felony, for a*
 9 *crime committed after June 30, 2014;*
 10 (15) burglary (IC 35-43-2-1) as a:
 11 *(A) Class A felony or Class B felony, ~~(IC 35-43-2-1)~~, for a*
 12 *crime committed before July 1, 2014; or*
 13 *(B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4*
 14 *felony, for a crime committed after June 30, 2014;*
 15 (16) assisting a criminal (IC 35-44.1-2-5) as a:
 16 *(A) Class C felony, ~~(IC 35-44.1-2-5)~~, for a crime committed*
 17 *before July 1, 2014; or*
 18 *(B) Level 5 felony, for a crime committed after June 30, 2014;*
 19 (17) resisting law enforcement (IC 35-44.1-3-1) as a:
 20 *(A) Class B felony or Class C felony, ~~(IC 35-44.1-3-1)~~, for a*
 21 *crime committed before July 1, 2014; or*
 22 *(B) Level 2 felony, Level 3 felony, or Level 5 felony, for a*
 23 *crime committed after June 30, 2014;*
 24 (18) escape (IC 35-44.1-3-4) as a:
 25 *(A) Class B felony or Class C felony, ~~(IC 35-44.1-3-4)~~, for a*
 26 *crime committed before July 1, 2014; or*
 27 *(B) Level 4 felony or Level 5 felony, for a crime committed*
 28 *after June 30, 2014;*
 29 (19) trafficking with an inmate (IC 35-44.1-3-5) as a:
 30 *(A) Class C felony, ~~(IC 35-44.1-3-5)~~, for a crime committed*
 31 *before July 1, 2014; or*
 32 *(B) Level 5 felony, for a crime committed after June 30, 2014;*
 33 (20) criminal gang intimidation (IC 35-45-9-4);
 34 (21) stalking (IC 35-45-10-5) as a:
 35 *(A) Class B felony or Class C felony, ~~(IC 35-45-10-5)~~, for a*
 36 *crime committed before July 1, 2014; or*
 37 *(B) Level 4 felony or Level 5 felony, for a crime committed*
 38 *after June 30, 2014;*
 39 (22) incest (IC 35-46-1-3);
 40 (23) dealing in or manufacturing cocaine or a narcotic drug
 41 (IC 35-48-4-1);
 42 (24) dealing in methamphetamine (IC 35-48-4-1.1);



- 1 (25) dealing in a schedule I, II, or III controlled substance
 2 (IC 35-48-4-2);
 3 (26) dealing in a schedule IV controlled substance (IC 35-48-4-3);
 4 or
 5 (27) dealing in a schedule V controlled substance (IC 35-48-4-4).
 6 (c) A serious violent felon who knowingly or intentionally possesses
 7 a firearm commits unlawful possession of a firearm by a serious violent
 8 felon, a *Class B Level 4* felony.
 9 SECTION 90. IC 35-47-9-2, AS AMENDED BY P.L.172-2013,
 10 SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION
 11 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who *knowingly or*
 13 *intentionally* possesses a firearm:
 14 (1) in or on school property; *or*
 15 ~~(2) in or on property that is being used by a school for a school~~
 16 ~~function; or~~
 17 ~~(3) (2) on a school bus;~~
 18 commits a *Class D Level 6* felony.
 19 SECTION 91. IC 35-48-1-16.5, AS ADDED BY P.L.158-2013,
 20 SECTION 619, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2014]: Sec. 16.5. "Enhancing circumstance"
 22 means one (1) or more of the following:
 23 (1) The person has a prior conviction, **in any jurisdiction**, for
 24 dealing in a controlled substance that is not marijuana, hashish,
 25 hash oil, salvia divinorum, or a synthetic drug, **including an**
 26 **attempt or conspiracy to commit the offense.**
 27 (2) The person committed the offense while in possession of a
 28 firearm.
 29 (3) The person committed the offense:
 30 (A) on a school bus; or
 31 (B) in, on, or within five hundred (500) feet of:
 32 (i) school property while a person under eighteen (18) years
 33 of age was reasonably expected to be present; or
 34 (ii) a public park while a person under eighteen (18) years
 35 of age was reasonably expected to be present.
 36 (4) The person delivered or financed the delivery of the drug to a
 37 person under eighteen (18) years of age at least three (3) years
 38 junior to the person.
 39 (5) The person manufactured or financed the manufacture of the
 40 drug.
 41 SECTION 92. IC 35-48-4-2, AS AMENDED BY P.L.158-2013,
 42 SECTION 624, IS AMENDED TO READ AS FOLLOWS



- 1 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who:
 2 (1) knowingly or intentionally:
 3 (A) manufactures;
 4 (B) finances the manufacture of;
 5 (C) delivers; or
 6 (D) finances the delivery of;
 7 a controlled substance, pure or adulterated, classified in schedule
 8 I, II, or III, except marijuana, hash oil, hashish, salvia, or a
 9 synthetic ~~cannabinoid~~; **drug**; or
 10 (2) possesses, with intent to:
 11 (A) manufacture;
 12 (B) finance the manufacture of;
 13 (C) deliver; or
 14 (D) finance the delivery of;
 15 a controlled substance, pure or adulterated, classified in schedule
 16 I, II, or III, except marijuana, hash oil, hashish, salvia, or a
 17 synthetic ~~cannabinoid~~; **drug**;
 18 commits dealing in a schedule I, II, or III controlled substance, a Level
 19 5 felony, except as provided in subsections (b) through (d).
 20 (b) The offense is a Level 4 felony if:
 21 (1) the amount of the drug involved is at least three (3) but less
 22 than ten (10) grams; or
 23 (2) the amount of the drug involved is less than three (3) grams
 24 and an enhancing circumstance applies.
 25 (c) The offense is a Level 3 felony if:
 26 (1) the amount of the drug involved is at least ten (10) but less
 27 than twenty-eight (28) grams; or
 28 (2) the amount of the drug involved is at least three (3) but less
 29 than ten (10) grams and an enhancing circumstance applies.
 30 (d) The offense is a Level 2 felony if:
 31 (1) the amount of the drug involved is at least twenty-eight (28)
 32 grams; or
 33 (2) the amount of the drug involved is at least ten (10) but less
 34 than twenty-eight (28) grams and an enhancing circumstance
 35 applies.
 36 SECTION 93. IC 35-48-4-10, AS AMENDED BY P.L.196-2013,
 37 SECTION 21, AND AS AMENDED BY P.L.158-2013, SECTION
 38 637, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A person who:
 40 (1) knowingly or intentionally:
 41 (A) manufactures;
 42 (B) finances the manufacture of;



- 1 (C) delivers; or
 2 (D) finances the delivery of;
 3 marijuana, hash oil, hashish, *or salvia*, ~~or a synthetic drug~~; pure
 4 or adulterated; or
 5 (2) possesses, with intent to:
 6 (A) manufacture;
 7 (B) finance the manufacture of;
 8 (C) deliver; or
 9 (D) finance the delivery of;
 10 marijuana, hash oil, hashish, *or salvia*, ~~or a synthetic drug~~; pure
 11 or adulterated;
 12 commits dealing in marijuana, hash oil, hashish, *or salvia*, ~~or a~~
 13 ~~synthetic drug~~, a Class A misdemeanor, except as provided in
 14 ~~subsection subsections (b) through (c)~~.
 15 *(b) The offense is:*
 16 *(1) a Class D felony if:*
 17 *(A) the recipient or intended recipient is under eighteen (18)*
 18 *years of age;*
 19 *(B) the amount involved is:*
 20 *(i) more than thirty (30) grams but less than ten (10) pounds*
 21 *of marijuana or more than two (2) grams but less than three*
 22 *hundred (300) grams of hash oil, hashish, or salvia; or*
 23 *(ii) more than two (2) grams of a synthetic drug; or*
 24 *(C) the person has a prior conviction of an offense involving*
 25 *marijuana, hash oil, hashish, salvia, or a synthetic drug; and*
 26 *(2) a Class E felony if:*
 27 *(A) the amount involved is ten (10) pounds or more of*
 28 *marijuana or three hundred (300) or more grams of hash oil,*
 29 *hashish, or salvia; or the person delivered or financed the*
 30 *delivery of marijuana, hash oil, hashish, or salvia:*
 31 *(i) on a school bus; or*
 32 *(ii) in, on, or within one thousand (1,000) feet of, school*
 33 *property, a public park, a family housing complex, or a*
 34 *youth program center; or*
 35 *(B) the amount involved is more than two (2) grams of a*
 36 *synthetic drug and the person delivered or financed the*
 37 *delivery of the synthetic drug:*
 38 *(i) on a school bus; or*
 39 *(ii) in, on, or within one thousand (1,000) feet of school*
 40 *property, a public park, a family housing complex, or a*
 41 *youth program center.*
 42 *(b) The offense is a Level 6 felony if:*



- 1 (1) the person has a prior conviction for a drug offense and the
- 2 amount of the drug involved is:
- 3 (A) less than thirty (30) grams of marijuana; or
- 4 (B) less than two (2) grams of hash oil, hashish, **or** salvia; ~~or~~
- 5 ~~a synthetic drug; or~~
- 6 (2) the amount of the drug involved is:
- 7 (A) at least thirty (30) grams but less than ten (10) pounds of
- 8 marijuana; or
- 9 (B) at least two (2) grams but less than three hundred (300)
- 10 grams of hash oil, hashish, **or** salvia. ~~or a synthetic drug.~~
- 11 (c) The offense is a Level 5 felony if:
- 12 (1) the person has a prior conviction for a drug dealing offense
- 13 and the amount of the drug involved is:
- 14 (A) at least thirty (30) grams but less than ten (10) pounds of
- 15 marijuana; or
- 16 (B) at least two (2) grams but less than three hundred (300)
- 17 grams of hash oil, hashish, **or** salvia; ~~or a synthetic drug; or~~
- 18 (2) the:
- 19 (A) amount of the drug involved is:
- 20 (i) at least ten (10) pounds of marijuana; or
- 21 (ii) at least three hundred (300) grams of hash oil, hashish,
- 22 **or** salvia; ~~or a synthetic drug; or~~
- 23 (B) offense involved a sale to a minor.
- 24 SECTION 94. IC 35-48-4-10.5, AS ADDED BY P.L.196-2013,
- 25 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2014]: Sec. 10.5. (a) A person who:
- 27 (1) manufactures;
- 28 (2) finances the manufacture of;
- 29 (3) delivers;
- 30 (4) finances the delivery of;
- 31 (5) possesses, with intent to deliver; or
- 32 (6) possesses, with intent to finance the delivery of;
- 33 a synthetic drug or a synthetic drug lookalike substance commits
- 34 dealing in a synthetic drug or synthetic drug lookalike substance, a
- 35 Class A infraction. However, the offense is a ~~Class D~~ **Level 6** felony if
- 36 the offense is committed knowingly or intentionally and the person has
- 37 a prior unrelated judgment or conviction under this subsection.
- 38 (b) A person who:
- 39 (1) knowingly or intentionally:
- 40 (A) manufactures;
- 41 (B) finances the manufacture of;
- 42 (C) delivers; or



1 (D) finances the delivery of;
 2 a synthetic drug or synthetic drug lookalike substance; or
 3 (2) possesses, with intent to:
 4 (A) manufacture;
 5 (B) finance the manufacture of;
 6 (C) deliver; or
 7 (D) finance the delivery of;
 8 a synthetic drug or synthetic drug lookalike substance;
 9 commits dealing in a synthetic drug or synthetic drug lookalike
 10 substance, a Class A misdemeanor, except as provided in subsection
 11 (c).

12 (c) The offense in subsection (b) is:

13 (1) a ~~Class B~~ **Level 6** felony if:

14 (A) the recipient or intended recipient is less than eighteen
 15 (18) years of age;

16 (B) the amount involved is more than two (2) grams; or

17 (C) the person has a prior conviction of an offense involving
 18 a synthetic drug or synthetic drug lookalike substance; and

19 (2) a ~~Class C~~ **Level 5** felony if the amount involved is more than
 20 two (2) grams and the person delivered or financed the delivery
 21 of the synthetic drug or synthetic drug lookalike substance:

22 (A) on a school bus; or

23 (B) in, on, or within five hundred (500) feet of:

24 (i) school property; or

25 (ii) a public park;

26 while a person under eighteen (18) years of age was
 27 reasonably expected to be present.

28 (d) In addition to a criminal or civil penalty imposed for a violation
 29 of this section, if the court finds that a person has violated this section
 30 and the violation involved the sale of or offer to sell, in the normal
 31 course of business, a synthetic drug or a synthetic drug lookalike
 32 substance by a retail merchant in a place of business for which the
 33 retail merchant has been issued a registered retail merchant certificate,
 34 the court:

35 (1) shall recommend the suspension of the registered retail
 36 merchant certificate for the place of business for one (1) year if
 37 the person's violation of this section resulted in a criminal
 38 conviction; and

39 (2) may recommend the suspension of the registered retail
 40 merchant certificate for the place of business for six (6) months
 41 if the person's violation of this section resulted in an adjudication
 42 that the person committed an infraction.



1 (e) The department of state revenue shall suspend the registered
 2 retail merchant certificate of a retail merchant in accordance with the
 3 recommendation of the court. Whenever the department of state
 4 revenue is required to suspend a retail merchant's registered retail
 5 merchant certificate under this section, the department shall
 6 immediately mail a notice to the retail merchant's address that must
 7 state that the retail merchant's registered retail merchant certificate will
 8 be suspended for the period recommended by the court, commencing
 9 five (5) days after the date of the notice.

10 SECTION 95. IC 35-48-4-11, AS AMENDED BY P.L.196-2013,
 11 SECTION 23, AND AS AMENDED BY P.L.158-2013, SECTION
 12 638, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person who:

- 14 (1) knowingly or intentionally possesses (pure or adulterated)
 15 marijuana, hash oil, hashish, or salvia; ~~or a synthetic drug;~~
 16 (2) knowingly or intentionally grows or cultivates marijuana; or
 17 (3) knowing that marijuana is growing on the person's premises,
 18 fails to destroy the marijuana plants;

19 commits possession of marijuana, hash oil, hashish, or salvia, ~~or a~~
 20 ~~synthetic drug;~~ a ~~Class A Class B~~ misdemeanor, ~~except as provided in~~
 21 ~~subsections (b) through (c). However, the offense is a Class D felony~~
 22 ~~if the amount involved is more than thirty (30) grams of marijuana or~~
 23 ~~two (2) grams of hash oil, hashish, or salvia, or a synthetic drug; or if~~
 24 ~~the person has a prior conviction of an offense involving marijuana,~~
 25 ~~hash oil, or hashish, or salvia, or a synthetic drug.~~

26 (b) ~~The offense described in subsection (a) is a Class A~~
 27 ~~misdemeanor if the person has a prior conviction for a drug offense.~~

28 (c) ~~The offense described in subsection (a) is a Level 6 felony if:~~

- 29 (1) ~~the person has a prior conviction for a drug offense; and~~
 30 (2) ~~the person possesses:~~
 31 (A) ~~at least thirty (30) grams of marijuana; or~~
 32 (B) ~~at least two (2) grams of hash oil, hashish, or salvia. ~~or a~~~~
 33 ~~synthetic drug.~~

34 SECTION 96. IC 35-48-4-11.5, AS ADDED BY P.L.185-2013,
 35 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2014]: Sec. 11.5. (a) As used in this section, "synthetic drug
 37 lookalike substance" has the meaning set forth in
 38 IC 35-31.5-2-321.5(a)(2).

39 (b) A person who possesses a synthetic drug or synthetic drug
 40 lookalike substance commits possession of a synthetic drug or synthetic
 41 drug lookalike substance, a Class B infraction.

42 (c) A person who knowingly or intentionally possesses a synthetic



1 drug or synthetic drug lookalike substance commits possession of a
 2 synthetic drug or synthetic drug lookalike substance, a Class A
 3 misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the
 4 person has a prior unrelated conviction under this section or under
 5 section 10.5 of this chapter.

6 SECTION 97. IC 35-48-4-12, AS AMENDED BY P.L.196-2013,
 7 SECTION 25, AND AS AMENDED BY P.L.158-2013, SECTION
 8 639, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2014]: Sec. 12. If a person who has no prior
 10 conviction of an offense under this article or under a law of another
 11 jurisdiction relating to controlled substances pleads guilty to possession
 12 of marijuana, hashish, salvia, or a synthetic drug *or a synthetic drug*
 13 *lookalike substance* as a ~~Class A~~ misdemeanor, the court, without
 14 entering a judgment of conviction and with the consent of the person,
 15 may defer further proceedings and place the person in the custody of
 16 the court under ~~such~~ conditions ~~as determined by~~ the court. ~~determines~~.
 17 Upon violation of a condition of the custody, the court may enter a
 18 judgment of conviction. However, if the person fulfills the conditions
 19 of the custody, the court shall dismiss the charges against the person.
 20 There may be only one (1) dismissal under this section with respect to
 21 a person.

22 SECTION 98. IC 35-48-4-14.5, AS AMENDED BY P.L.193-2013,
 23 SECTION 7, AND AS AMENDED BY P.L.158-2013, SECTION 643,
 24 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2014]: Sec. 14.5. (a) As used in this section,
 26 "chemical reagents or precursors" refers to one (1) or more of the
 27 following:

- 28 (1) Ephedrine.
- 29 (2) Pseudoephedrine.
- 30 (3) Phenylpropanolamine.
- 31 (4) The salts, isomers, and salts of isomers of a substance
- 32 identified in subdivisions (1) through (3).
- 33 (5) Anhydrous ammonia or ammonia solution (as defined in
- 34 IC 22-11-20-1).
- 35 (6) Organic solvents.
- 36 (7) Hydrochloric acid.
- 37 (8) Lithium metal.
- 38 (9) Sodium metal.
- 39 (10) Ether.
- 40 (11) Sulfuric acid.
- 41 (12) Red phosphorous.
- 42 (13) Iodine.



- 1 (14) Sodium hydroxide (lye).
 2 (15) Potassium dichromate.
 3 (16) Sodium dichromate.
 4 (17) Potassium permanganate.
 5 (18) Chromium trioxide.
 6 (19) Benzyl cyanide.
 7 (20) Phenylacetic acid and its esters or salts.
 8 (21) Piperidine and its salts.
 9 (22) Methylamine and its salts.
 10 (23) Isosafrole.
 11 (24) Safrole.
 12 (25) Piperonal.
 13 (26) Hydriodic acid.
 14 (27) Benzaldehyde.
 15 (28) Nitroethane.
 16 (29) Gamma-butyrolactone.
 17 (30) White phosphorus.
 18 (31) Hypophosphorous acid and its salts.
 19 (32) Acetic anhydride.
 20 (33) Benzyl chloride.
 21 (34) Ammonium nitrate.
 22 (35) Ammonium sulfate.
 23 (36) Hydrogen peroxide.
 24 (37) Thionyl chloride.
 25 (38) Ethyl acetate.
 26 (39) Pseudoephedrine hydrochloride.
 27 (b) A person who possesses more than ten (10) grams of ephedrine,
 28 pseudoephedrine, or phenylpropanolamine, pure or adulterated,
 29 commits a *Class D Level 6* felony. However, the offense is a *Class E*
 30 *Level 5* felony if the person possessed:
 31 (1) a firearm while possessing more than ten (10) grams of
 32 ephedrine, pseudoephedrine, or phenylpropanolamine, pure or
 33 adulterated; or
 34 (2) more than ten (10) grams of ephedrine, pseudoephedrine, or
 35 phenylpropanolamine, pure or adulterated, in, on, or within ~~one~~
 36 ~~thousand (1,000)~~ *five hundred (500)* feet of:
 37 (A) school property *while a person under eighteen (18) years*
 38 *of age was reasonably expected to be present; or*
 39 (B) a public park *while a person under eighteen (18) years of*
 40 *age was reasonably expected to be present.*
 41 ~~(C) a family housing complex; or~~
 42 ~~(D) a youth program center.~~



1 (c) A person who possesses anhydrous ammonia or ammonia
 2 solution (as defined in IC 22-11-20-1) with the intent to manufacture
 3 methamphetamine or amphetamine, schedule II controlled substances
 4 under IC 35-48-2-6, commits a ~~Class D~~ Level 6 felony. However, the
 5 offense is a ~~Class E~~ Level 5 felony if the person possessed:

6 (1) a firearm while possessing anhydrous ammonia or ammonia
 7 solution (as defined in IC 22-11-20-1) with intent to manufacture
 8 methamphetamine or amphetamine, schedule II controlled
 9 substances under IC 35-48-2-6; or

10 (2) anhydrous ammonia or ammonia solution (as defined in
 11 IC 22-11-20-1) with intent to manufacture methamphetamine or
 12 amphetamine, schedule II controlled substances under
 13 IC 35-48-2-6, in, on, or within ~~one thousand (1,000)~~ five hundred
 14 (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 (d) Subsection (b) does not apply to a:

22 (1) licensed health care provider, pharmacist, retail distributor,
 23 wholesaler, manufacturer, warehouseman, or common carrier or
 24 an agent of any of these persons if the possession is in the regular
 25 course of lawful business activities; or

26 (2) person who possesses more than ten (10) grams of a substance
 27 described in subsection (b) if the substance is possessed under
 28 circumstances consistent with typical medicinal or household use,
 29 including:

30 (A) the location in which the substance is stored;

31 (B) the possession of the substance in a variety of:

32 (i) strengths;

33 (ii) brands; or

34 (iii) types; or

35 (C) the possession of the substance:

36 (i) with different expiration dates; or

37 (ii) in forms used for different purposes.

38 (e) A person who possesses two (2) or more chemical reagents or
 39 precursors with the intent to manufacture a controlled substance
 40 commits a ~~Class D~~ Level 6 felony.

41 (f) An offense under subsection (e) is a ~~Class E~~ Level 5 felony if the
 42 person possessed:



1 (1) a firearm while possessing two (2) or more chemical reagents
 2 or precursors with intent to manufacture a controlled substance;
 3 or

4 (2) two (2) or more chemical reagents or precursors with intent to
 5 manufacture a controlled substance in, on, or within ~~one thousand~~
 6 ~~(1,000)~~ five hundred (500) feet of:

7 (A) school property while a person under eighteen (18) years
 8 of age was reasonably expected to be present; or

9 (B) a public park while a person under eighteen (18) years of
 10 age was reasonably expected to be present.

11 ~~(C) a family housing complex; or~~

12 ~~(D) a youth program center.~~

13 (g) A person who sells, transfers, distributes, or furnishes a chemical
 14 reagent or precursor to another person with knowledge or the intent that
 15 the recipient will use the chemical reagent or precursors to manufacture
 16 a controlled substance commits unlawful sale of a precursor, a ~~Class D~~
 17 ~~Level 6~~ felony. However, the offense is a ~~Class C~~ **Level 5** felony if the
 18 person sells, transfers, distributes, or furnishes more than ten (10)
 19 grams of ephedrine, pseudoephedrine, or phenylpropanolamine.

20 (h) This subsection does not apply to a drug containing ephedrine,
 21 pseudoephedrine, or phenylpropanolamine that is dispensed under a
 22 prescription. A person who:

23 (1) has been convicted of:

24 (A) dealing in methamphetamine (IC 35-48-4-1.1);

25 (B) possession of more than ten (10) grams of ephedrine,
 26 pseudoephedrine, or phenylpropanolamine (subsection (b));

27 (C) possession of anhydrous ammonia or ammonia solution
 28 (as defined in IC 22-11-20-1) with intent to manufacture
 29 methamphetamine or amphetamine (subsection (c));

30 (D) possession of two (2) or more chemical reagents or
 31 precursors with the intent to manufacture a controlled
 32 substance (subsection (e)); or

33 (E) unlawful sale of a precursor (subsection (g)); and

34 (2) not later than seven (7) years from the date the person was
 35 sentenced for the offense;

36 knowingly or intentionally possesses ephedrine, pseudoephedrine, or
 37 phenylpropanolamine, pure or adulterated, commits possession of a
 38 precursor by a methamphetamine offender, a ~~Class D~~ **Level 6** felony.

39 SECTION 99. IC 35-49-3-1, AS AMENDED BY P.L.214-2013,
 40 SECTION 41, AND AS AMENDED BY P.L.158-2013, SECTION
 41 646, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who knowingly or



- 1 intentionally:
- 2 (1) sends or brings into Indiana obscene matter for sale or
- 3 distribution; or
- 4 (2) offers to distribute, distributes, or exhibits to another person
- 5 obscene matter;
- 6 commits a Class A misdemeanor. However, the offense is a *Class D*
- 7 *Level 6* felony if the obscene matter depicts or describes sexual conduct
- 8 involving any person who is or appears to be under ~~sixteen (16)~~
- 9 *eighteen (18)* years of age.
- 10 SECTION 100. IC 35-49-3-2, AS AMENDED BY P.L.214-2013,
- 11 SECTION 42, AND AS AMENDED BY P.L.158-2013, SECTION
- 12 647, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 13 [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who knowingly or
- 14 intentionally engages in, participates in, manages, produces, sponsors,
- 15 presents, exhibits, photographs, films, or videotapes any obscene
- 16 performance commits a Class A misdemeanor. However, the offense
- 17 is a *Class D Level 6* felony if the obscene performance depicts or
- 18 describes sexual conduct involving any person who is or appears to be
- 19 under ~~sixteen (16)~~ *eighteen (18)* years of age.
- 20 SECTION 101. IC 35-50-1-2, AS AMENDED BY P.L.214-2013,
- 21 SECTION 43, AND AS AMENDED BY P.L.158-2013, SECTION
- 22 650, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 23 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) As used in this section,
- 24 "crime of violence" means the following:
- 25 (1) Murder (IC 35-42-1-1).
- 26 (2) Attempted murder (IC 35-41-5-1).
- 27 (3) Voluntary manslaughter (IC 35-42-1-3).
- 28 (4) Involuntary manslaughter (IC 35-42-1-4).
- 29 (5) Reckless homicide (IC 35-42-1-5).
- 30 (6) Aggravated battery (IC 35-42-2-1.5).
- 31 (7) Kidnapping (IC 35-42-3-2).
- 32 (8) Rape (IC 35-42-4-1).
- 33 (9) Criminal deviate conduct (IC 35-42-4-2) ~~(before its repeal on~~
- 34 ~~July 1, 2014): (repealed).~~ **(before its repeal).**
- 35 (10) Child molesting (IC 35-42-4-3).
- 36 (11) Sexual misconduct with a minor as a ~~Class A Level 1~~ felony
- 37 under IC 35-42-4-9(a)(2) or a *Class B Level 2* felony under
- 38 IC 35-42-4-9(b)(2).
- 39 (12) Robbery as a *Class A Level 2* felony or a *Class B Level 3*
- 40 felony (IC 35-42-5-1).
- 41 (13) Burglary as a *Class A Level 1 felony, Level 2 felony, Level*
- 42 *3 felony, or Class B Level 4* felony (IC 35-43-2-1).



1 (14) Operating a vehicle while intoxicated causing death
 2 (IC 9-30-5-5).
 3 (15) Operating a vehicle while intoxicated causing serious bodily
 4 injury to another person (IC 9-30-5-4).
 5 (16) Resisting law enforcement as a felony. (IC 35-44.1-3-1).
 6 (b) As used in this section, "episode of criminal conduct" means
 7 offenses or a connected series of offenses that are closely related in
 8 time, place, and circumstance.
 9 (c) Except as provided in subsection (d) or (e), the court shall
 10 determine whether terms of imprisonment shall be served concurrently
 11 or consecutively. The court may consider the:
 12 (1) aggravating circumstances in IC 35-38-1-7.1(a); and
 13 (2) mitigating circumstances in IC 35-38-1-7.1(b);
 14 in making a determination under this subsection. The court may order
 15 terms of imprisonment to be served consecutively even if the sentences
 16 are not imposed at the same time. However, except for crimes of
 17 violence, the total of the consecutive terms of imprisonment, exclusive
 18 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10
 19 **(before its repeal)** to which the defendant is sentenced for felony
 20 convictions arising out of an episode of criminal conduct shall not
 21 exceed the advisory sentence for a felony which is one (1) class of
 22 felony higher than the most serious of the felonies for which the person
 23 has been convicted.
 24 (d) If, after being arrested for one (1) crime, a person commits
 25 another crime:
 26 (1) before the date the person is discharged from probation,
 27 parole, or a term of imprisonment imposed for the first crime; or
 28 (2) while the person is released:
 29 (A) upon the person's own recognizance; or
 30 (B) on bond;
 31 the terms of imprisonment for the crimes shall be served consecutively,
 32 regardless of the order in which the crimes are tried and sentences are
 33 imposed.
 34 (e) If the factfinder determines under IC 35-50-2-11 that a person
 35 used a firearm in the commission of the offense for which the person
 36 was convicted, the term of imprisonment for the underlying offense and
 37 the additional term of imprisonment imposed under IC 35-50-2-11
 38 must be served consecutively.
 39 SECTION 102. IC 35-50-2-0.1, AS AMENDED BY P.L.158-2013,
 40 SECTION 651, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2014]: Sec. 0.1. The following amendments to
 42 this chapter apply as follows:



- 1 (1) The amendments described in section 0.2 of this chapter apply
2 as described in section 0.2 of this chapter.
- 3 (2) The amendments made to sections 3 and 9 of this chapter by
4 P.L.332-1987 do not apply to a case in which a death sentence has
5 been imposed before September 1, 1987.
- 6 (3) The amendments made to sections 3 and 9 of this chapter by
7 P.L.250-1993 apply only to murders committed after June 30,
8 1993.
- 9 (4) The amendments made to section 2 of this chapter by
10 P.L.11-1994 **(before the repeal of section 2 of this chapter)**
11 apply only to an offender (as defined in IC 5-2-12-4, as added by
12 P.L.11-1994 and before its repeal) convicted after June 30, 1994.
- 13 (5) The amendments made to section 8 of this chapter by
14 P.L.166-2001 apply only if the offense for which the state seeks
15 to have the person sentenced as a habitual offender was
16 committed after June 30, 2001.
- 17 (6) The amendments made to section 1 of this chapter by
18 P.L.243-2001 apply to crimes committed on and after May 11,
19 2001. It is the intent of the general assembly that section 1 of this
20 chapter, as it applies to crimes committed before May 11, 2001,
21 be construed without drawing any inference from the passage of
22 P.L.243-2001.
- 23 (7) The amendments made to section 8(b)(3) of this chapter by
24 P.L.291-2001 (before its deletion on July 1, 2014) apply only if
25 the last offense for which the state seeks to have the person
26 sentenced as a habitual offender was committed after June 30,
27 2001.
- 28 (8) The amendments made to section 10 of this chapter by
29 P.L.291-2001 **(before the repeal of section 10 of this chapter)**
30 apply only if the last offense for which the state seeks to have the
31 person sentenced as a habitual substance offender was committed
32 after June 30, 2001. However, a prior unrelated conviction
33 committed before, on, or after July 1, 2001, may be used to
34 qualify an offender as a habitual offender under section 8 of this
35 chapter or as a habitual substance offender under section 10 of
36 this chapter.
- 37 (9) The amendments made to section 1 of this chapter by
38 P.L.291-2001 apply to crimes committed on and after May 11,
39 2001. It is the intent of the general assembly that section 1 of this
40 chapter, as it applies to crimes committed before May 11, 2001,
41 be construed without drawing any inference from the passage of
42 P.L.291-2001.



1 (10) The amendments made to section 9 of this chapter by
 2 P.L.80-2002 apply only to a conviction for murder that occurs
 3 after March 20, 2002, including a conviction entered as a result
 4 of a retrial of a person, regardless of when the offense occurred.
 5 SECTION 103. IC 35-50-2-1.3, AS AMENDED BY P.L.178-2007,
 6 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2014]: Sec. 1.3. (a) For purposes of sections 3 through 7 of
 8 this chapter, "advisory sentence" means a guideline sentence that the
 9 court may voluntarily consider ~~as the midpoint between the maximum~~
 10 ~~sentence and the minimum when imposing a~~ sentence.
 11 (b) Except as provided in subsection (c), a court is not required to
 12 use an advisory sentence.
 13 (c) In imposing:
 14 (1) consecutive sentences for felony convictions that are not
 15 crimes of violence (as defined in IC 35-50-1-2(a)) arising out of
 16 an episode of criminal conduct, in accordance with IC 35-50-1-2;
 17 **or**
 18 ~~(2) an additional fixed term to an habitual offender under section~~
 19 ~~8 of this chapter; or~~
 20 ~~(3) (2) an additional fixed term to a repeat sexual offender under~~
 21 ~~section 14 of this chapter;~~
 22 a court is required to use the appropriate advisory sentence in imposing
 23 a consecutive sentence or an additional fixed term. However, the court
 24 is not required to use the advisory sentence in imposing the sentence
 25 for the underlying offense.
 26 (d) This section does not require a court to use an advisory sentence
 27 in imposing consecutive sentences for felony convictions that do not
 28 arise out of an episode of criminal conduct.
 29 SECTION 104. IC 35-50-2-2.1 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.1. (a) Except as
 31 provided in subsection (b), ~~or section 2 of this chapter~~, the court may
 32 not suspend a sentence for a felony for a person with a juvenile record
 33 when:
 34 (1) the juvenile record includes findings that the juvenile acts, if
 35 committed by an adult, would constitute:
 36 (A) one (1) Class A or Class B felony;
 37 (B) two (2) Class C or Class D felonies; ~~or~~
 38 (C) one (1) Class C and one (1) Class D felony;
 39 **(D) one (1) Level 1, Level 2, Level 3, or Level 4 felony;**
 40 **(E) two (2) Level 5 or Level 6 felonies; or**
 41 **(F) one (1) Level 5 and one (1) Level 6 felony; and**
 42 (2) less than three (3) years have elapsed between commission of



1 the juvenile acts that would be felonies if committed by an adult
 2 and the commission of the felony for which the person is being
 3 sentenced.

4 (b) Notwithstanding subsection (a), the court may suspend any part
 5 of the sentence for a felony ~~except as provided in section 2 of this~~
 6 ~~chapter~~, if it finds that:

- 7 (1) the crime was the result of circumstances unlikely to recur;
 8 (2) the victim of the crime induced or facilitated the offense;
 9 (3) there are substantial grounds tending to excuse or justify the
 10 crime, though failing to establish a defense; or
 11 (4) the acts in the juvenile record would not be Class A, ~~or~~ Class
 12 B, **Level 1, Level 2, Level 3, or Level 4** felonies if committed by
 13 an adult, and the convicted person is to undergo home detention
 14 under IC 35-38-1-21 instead of the minimum sentence specified
 15 for the crime under this chapter.

16 SECTION 105. IC 35-50-2-2.2, AS ADDED BY P.L.158-2013,
 17 SECTION 654, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2014]: Sec. 2.2. (a) Except as provided in
 19 subsection (b) or (c) the court may suspend any part of a sentence for
 20 a felony.

21 (b) If a person is convicted of a ~~Level 1 felony~~ **or** a Level 2 felony
 22 **or a Level 3 felony** and has any prior unrelated felony conviction, the
 23 court may suspend only that part of a sentence that is in excess of the
 24 minimum sentence for the:

- 25 (1) ~~Level 1~~ **Level 2** felony; or
 26 (2) ~~Level 2~~ **Level 3** felony.

27 (c) The court may suspend only that part of a sentence for murder
 28 **or a Level 1 felony conviction** that is in excess of the minimum
 29 sentence for murder **or the Level 1 felony conviction.**

30 SECTION 106. IC 35-50-2-5, AS AMENDED BY P.L.158-2013,
 31 SECTION 657, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person who commits a
 33 Class B felony (for a crime committed before July 1, 2014) shall be
 34 imprisoned for a fixed term of between six (6) and twenty (20) years,
 35 with the advisory sentence being ten (10) years. In addition, the person
 36 may be fined not more than ten thousand dollars (\$10,000).

37 (b) A person who commits a Level 3 felony (for a crime committed
 38 after June 30, 2014) shall be imprisoned for a fixed term of between
 39 three (3) and twenty (20) years, with the advisory sentence being ~~six~~
 40 ~~(6)~~ **ten (10)** years. In addition, the person may be fined not more than
 41 ten thousand dollars (\$10,000).

42 SECTION 107. IC 35-50-2-5.5, AS ADDED BY P.L.158-2013,



1 SECTION 658, IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2014]: Sec. 5.5. A person who commits a Level
3 4 felony shall be imprisoned for a fixed term of between two (2) and
4 twelve (12) years, with the advisory sentence being ~~four (4)~~ **six (6)**
5 years. In addition, the person may be fined not more than ten thousand
6 dollars (\$10,000).

7 SECTION 108. IC 35-50-2-6, AS AMENDED BY P.L.158-2013,
8 SECTION 659, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who commits a
10 Class C felony (for a crime committed before July 1, 2014) shall be
11 imprisoned for a fixed term of between two (2) and eight (8) years, with
12 the advisory sentence being four (4) years. In addition, the person may
13 be fined not more than ten thousand dollars (\$10,000).

14 (b) Notwithstanding subsection (a), if a person has committed
15 nonsupport of a child as a Class C felony under IC 35-46-1-5 (for a
16 crime committed before July 1, 2014), upon motion of the prosecuting
17 attorney, the court may enter judgment of conviction of a Class D
18 felony under IC 35-46-1-5 and sentence the person accordingly. The
19 court shall enter in the record detailed reasons for the court's action
20 when the court enters a judgment of conviction of a Class D felony
21 under this subsection.

22 (c) A person who commits a Level 5 felony (for a crime committed
23 after June 30, 2014) shall be imprisoned for a fixed term of between
24 one (1) and six (6) years, with the advisory sentence being ~~two (2)~~
25 **three (3)** years. In addition, the person may be fined not more than ten
26 thousand dollars (\$10,000).

27 (d) Notwithstanding subsection (c), if a person has committed
28 nonsupport of a child as a Level 5 felony under IC 35-46-1-5 (for a
29 crime committed after June 30, 2014), upon motion of the prosecuting
30 attorney, the court may enter judgment of conviction of a Level 6
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 Level 6 felony
34 under this subsection.

35 SECTION 109. IC 35-50-2-7, AS AMENDED BY P.L.159-2013,
36 SECTION 5, AND AS AMENDED BY P.L.158-2013, SECTION 660,
37 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A person who commits a
39 Class D felony (*for a crime committed before July 1, 2014*) shall be
40 imprisoned for a fixed term of between six (6) months and three (3)
41 years, with the advisory sentence being one and one-half (1 1/2) years.
42 In addition, the person may be fined not more than ten thousand dollars



1 (\$10,000).

2 (b) *A person who commits a Level 6 felony (for a crime committed*
 3 *after June 30, 2014) shall be imprisoned for a fixed term of between six*
 4 *(6) months and two and one-half (2 1/2) years, with the advisory*
 5 *sentence being one (1) year. In addition, the person may be fined not*
 6 *more than ten thousand dollars (\$10,000).*

7 (c) Notwithstanding ~~subsection~~ subsections (a) and (b), if a person
 8 has committed a Class D felony (*for a crime committed before July 1,*
 9 *2014) or a Level 6 felony (for a crime committed after June 30, 2014),*
 10 the court may enter judgment of conviction of a Class A misdemeanor
 11 and sentence accordingly. However, the court shall enter a judgment of
 12 conviction of a Class D felony (*for a crime committed before July 1,*
 13 *2014) or a Level 6 felony (for a crime committed after June 30, 2014)*
 14 if:

15 (1) the court finds that:

16 (A) the person has committed a prior, unrelated felony for
 17 which judgment was entered as a conviction of a Class A
 18 misdemeanor; and

19 (B) the prior felony was committed less than three (3) years
 20 before the second felony was committed;

21 (2) the offense is domestic battery as a Class D felony (*for a crime*
 22 *committed before July 1, 2014) or a Level 6 felony (for a crime*
 23 *committed after June 30, 2014) under IC 35-42-2-1.3; or*

24 (3) the offense is possession of child pornography
 25 (IC 35-42-4-4(c)).

26 The court shall enter in the record, in detail, the reason for its action
 27 whenever it exercises the power to enter judgment of conviction of a
 28 Class A misdemeanor granted in this subsection.

29 ~~(c)~~ (d) Notwithstanding ~~subsection~~ subsections (a) and (b), the
 30 sentencing court may convert a Class D felony conviction (*for a crime*
 31 *committed before July 1, 2014) or a Level 6 felony conviction (for a*
 32 *crime committed after June 30, 2014) to a Class A misdemeanor*
 33 *conviction if, after receiving a verified petition as described in*
 34 *subsection ~~(d)~~ (e) and after conducting a hearing of which the*
 35 *prosecuting attorney has been notified, the court makes the following*
 36 *findings:*

37 (1) The person is not a sex or violent offender (as defined in
 38 IC 11-8-8-5).

39 (2) The person was not convicted of a Class D felony (*for a crime*
 40 *committed before July 1, 2014) or a Level 6 felony (for a crime*
 41 *committed after June 30, 2014) that resulted in bodily injury to*
 42 *another person.*



1 (3) The person has not been convicted of perjury under
 2 IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal) or official
 3 misconduct under IC 35-44.1-1-1 (or IC 35-44-1-2 before its
 4 repeal).

5 (4) At least three (3) years have passed since the person:

6 (A) completed the person's sentence; and

7 (B) satisfied any other obligation imposed on the person as
 8 part of the sentence;

9 for the Class D *or Level 6* felony.

10 (5) The person has not been convicted of a felony since the
 11 person:

12 (A) completed the person's sentence; and

13 (B) satisfied any other obligation imposed on the person as
 14 part of the sentence;

15 for the *Class D or Level 6* felony.

16 (6) No criminal charges are pending against the person.

17 ~~(d)~~ (e) A petition filed under *subsection* ~~subsections~~ ~~(c)~~ (d) or ~~(e)~~ (f)
 18 must be verified and set forth:

19 (1) the crime the person has been convicted of;

20 (2) the date of the conviction;

21 (3) the date the person completed the person's sentence;

22 (4) any obligations imposed on the person as part of the sentence;

23 (5) the date the obligations were satisfied; and

24 (6) a verified statement that there are no criminal charges pending
 25 against the person.

26 ~~(e)~~ (f) If a person whose Class D *or Level 6* felony conviction has
 27 been converted to a Class A misdemeanor conviction under subsection
 28 ~~(c)~~ (d) is convicted of a felony *within not later than* five (5) years after
 29 the conversion under subsection ~~(c)~~ (d), a prosecuting attorney may
 30 petition a court to convert the person's Class A misdemeanor
 31 conviction back to a Class D felony conviction (*for a crime committed*
 32 *before July 1, 2014*) or a Level 6 felony conviction (*for a crime*
 33 *committed after June 30, 2014*).

34 SECTION 110. IC 35-50-2-8, AS AMENDED BY P.L.158-2013,
 35 SECTION 661, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The state may seek to have a
 37 person sentenced as a habitual offender for a felony by alleging, on one
 38 (1) or more pages separate from the rest of the charging instrument,
 39 that the person has accumulated the required number of prior unrelated
 40 felony convictions in accordance with this section.

41 (b) A person convicted of murder or of a Level 1 through Level 4
 42 felony is a habitual offender if the state proves beyond a reasonable



- 1 doubt that:
- 2 (1) the person has been convicted of two (2) prior unrelated
3 felonies; and
- 4 (2) at least one (1) of the prior unrelated felonies is not a Level 6
5 felony or a Class D felony.
- 6 (c) A person convicted of a Level 5 felony is a habitual offender if
7 the state proves beyond a reasonable doubt that:
- 8 (1) the person has been convicted of two (2) prior unrelated
9 felonies;
- 10 (2) at least one (1) of the prior unrelated felonies is not a Level 6
11 felony or a Class D felony; and
- 12 (3) if the person is alleged to have committed a prior unrelated:
- 13 (A) Level 5 felony;
- 14 (B) Level 6 felony;
- 15 (C) Class C felony; or
- 16 (D) Class D felony;
- 17 not more than ten (10) years have elapsed between the time the
18 person was released from imprisonment, probation, or parole
19 (whichever is latest) and the time the person committed the
20 current offense.
- 21 (d) A person convicted of a Level 6 felony is a habitual offender if
22 the state proves beyond a reasonable doubt that:
- 23 (1) the person has been convicted of three (3) prior unrelated
24 felonies; and
- 25 (2) 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 (e) The state may not seek to have a person sentenced as a habitual
35 offender for a felony offense under this section if the current offense is
36 a misdemeanor that is enhanced to a felony in the same proceeding as
37 the habitual offender proceeding solely because the person had a prior
38 unrelated conviction. However, a prior unrelated felony conviction may
39 be used to support a habitual offender determination even if the
40 sentence for the prior unrelated offense was enhanced for any reason,
41 including an enhancement because the person had been convicted of
42 another offense.



1 (f) A person has accumulated two (2) or three (3) prior unrelated
2 felony convictions for purposes of this section only if:

3 (1) the second prior unrelated felony conviction was committed
4 after commission of and sentencing for the first prior unrelated
5 felony conviction;

6 (2) the offense for which the state seeks to have the person
7 sentenced as a habitual offender was committed after commission
8 of and sentencing for the second prior unrelated felony
9 conviction; and

10 (3) for a conviction requiring proof of three (3) prior unrelated
11 felonies, the third prior unrelated felony conviction was
12 committed after commission of and sentencing for the second
13 prior unrelated felony conviction.

14 (g) A conviction does not count for purposes of this section as a
15 prior unrelated felony conviction if:

16 (1) the conviction has been set aside; or

17 (2) the conviction is one for which the person has been pardoned.

18 (h) If the person was convicted of the felony in a jury trial, the jury
19 shall reconvene for the sentencing hearing. If the trial was to the court
20 or the judgment was entered on a guilty plea, the court alone shall
21 conduct the sentencing hearing under IC 35-38-1-3. The role of the jury
22 is to determine whether the defendant has been convicted of the
23 unrelated felonies. The state or defendant may not conduct any
24 additional interrogation or questioning of the jury during the habitual
25 offender part of the trial.

26 (i) The court shall sentence a person found to be a habitual offender
27 to an additional fixed term that is between:

28 (1) ~~zero (0)~~ **six (6) years** and twenty (20) years, for a person
29 convicted of murder or a Level 1 through Level 4 felony; or

30 (2) ~~zero (0)~~ **two (2) years** and six (6) years, for a person
31 convicted of a Level 5 or Level 6 felony.

32 An additional term imposed under this subsection is nonsuspendible.

33 (j) Habitual offender is a status that results in an enhanced sentence.
34 It is not a separate crime and does not result in a consecutive sentence.
35 The court shall attach the habitual offender enhancement to the felony
36 conviction with the highest sentence imposed and specify which felony
37 count is being enhanced. If the felony enhanced by the habitual
38 offender determination is set aside or vacated, the court shall
39 resentence the person and apply the habitual offender enhancement to
40 the felony conviction with the next highest sentence in the underlying
41 cause, if any.

42 (k) A prior unrelated felony conviction may not be collaterally



1 attacked during a habitual offender proceeding unless the conviction
2 is constitutionally invalid.

3 (l) The procedural safeguards that apply to other criminal charges,
4 including:

5 (1) the requirement that the charge be filed by information or
6 indictment; and

7 (2) the right to an initial hearing;

8 also apply to a habitual offender allegation.

9 SECTION 111. IC 35-50-2-9, AS AMENDED BY P.L.158-2013,
10 SECTION 663, AND AS AMENDED BY P.L.214-2013, SECTION
11 45, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) The state may seek either a
13 death sentence or a sentence of life imprisonment without parole for
14 murder by alleging, on a page separate from the rest of the charging
15 instrument, the existence of at least one (1) of the aggravating
16 circumstances listed in subsection (b). In the sentencing hearing after
17 a person is convicted of murder, the state must prove beyond a
18 reasonable doubt the existence of at least one (1) of the aggravating
19 circumstances alleged. However, the state may not proceed against a
20 defendant under this section if a court determines at a pretrial hearing
21 under IC 35-36-9 that the defendant is an individual with mental
22 retardation.

23 (b) The aggravating circumstances are as follows:

24 (1) The defendant committed the murder by intentionally killing
25 the victim while committing or attempting to commit any of the
26 following:

27 (A) Arson (IC 35-43-1-1).

28 (B) Burglary (IC 35-43-2-1).

29 (C) Child molesting (IC 35-42-4-3).

30 (D) Criminal deviate conduct (IC 35-42-4-2) ~~(repealed)~~
31 **(before its repeal).**

32 (E) Kidnapping (IC 35-42-3-2).

33 (F) Rape (IC 35-42-4-1).

34 (G) Robbery (IC 35-42-5-1).

35 (H) Carjacking (IC 35-42-5-2) ~~(repealed)~~ **(before its repeal).**

36 (I) Criminal gang activity (IC 35-45-9-3).

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

38 (K) *Criminal confinement (IC 35-42-3-3).*

39 (2) The defendant committed the murder by the unlawful
40 detonation of an explosive with intent to injure *a* person or
41 damage property.

42 (3) The defendant committed the murder by lying in wait.



- 1 (4) The defendant who committed the murder was hired to kill.
 2 (5) The defendant committed the murder by hiring another person
 3 to kill.
 4 (6) The victim of the murder was a corrections employee,
 5 probation officer, parole officer, community corrections worker,
 6 home detention officer, fireman, judge, or law enforcement
 7 officer, and either:
 8 (A) the victim was acting in the course of duty; or
 9 (B) the murder was motivated by an act the victim performed
 10 while acting in the course of duty.
 11 (7) The defendant has been convicted of another murder.
 12 (8) The defendant has committed another murder, at any time,
 13 regardless of whether the defendant has been convicted of that
 14 other murder.
 15 (9) The defendant was:
 16 (A) under the custody of the department of correction;
 17 (B) under the custody of a county sheriff;
 18 (C) on probation after receiving a sentence for the commission
 19 of a felony; or
 20 (D) on parole;
 21 at the time the murder was committed.
 22 (10) The defendant dismembered the victim.
 23 (11) The defendant burned, mutilated, or tortured the victim while
 24 the victim was alive.
 25 (12) The victim of the murder was less than twelve (12) years of
 26 age.
 27 (13) The victim was a victim of any of the following offenses for
 28 which the defendant was convicted:
 29 (A) *Battery committed before July 1, 2014, as a Class D felony*
 30 *or as a Class C felony under IC 35-42-2-1 or battery*
 31 *committed after June 30, 2014, as a Level 6 felony, a Level 5*
 32 *felony, a **Level 4 felony**, or a Level 3 felony.*
 33 (B) Kidnapping (IC 35-42-3-2).
 34 (C) Criminal confinement (IC 35-42-3-3).
 35 (D) A sex crime under IC 35-42-4.
 36 (14) The victim of the murder was listed by the state or known by
 37 the defendant to be a witness against the defendant and the
 38 defendant committed the murder with the intent to prevent the
 39 person from testifying.
 40 (15) The defendant committed the murder by intentionally
 41 discharging a firearm (as defined in IC 35-47-1-5):
 42 (A) into an inhabited dwelling; or



- 1 (B) from a vehicle.
- 2 (16) The victim of the murder was pregnant and the murder
- 3 resulted in the intentional killing of a fetus that has attained
- 4 viability (as defined in IC 16-18-2-365).
- 5 (c) The mitigating circumstances that may be considered under this
- 6 section are as follows:
- 7 (1) The defendant has no significant history of prior criminal
- 8 conduct.
- 9 (2) The defendant was under the influence of extreme mental or
- 10 emotional disturbance when the murder was committed.
- 11 (3) The victim was a participant in or consented to the defendant's
- 12 conduct.
- 13 (4) The defendant was an accomplice in a murder committed by
- 14 another person, and the defendant's participation was relatively
- 15 minor.
- 16 (5) The defendant acted under the substantial domination of
- 17 another person.
- 18 (6) The defendant's capacity to appreciate the criminality of the
- 19 defendant's conduct or to conform that conduct to the
- 20 requirements of law was substantially impaired as a result of
- 21 mental disease or defect or of intoxication.
- 22 (7) The defendant was less than eighteen (18) years of age at the
- 23 time the murder was committed.
- 24 (8) Any other circumstances appropriate for consideration.
- 25 (d) If the defendant was convicted of murder in a jury trial, the jury
- 26 shall reconvene for the sentencing hearing. If the trial was to the court,
- 27 or the judgment was entered on a guilty plea, the court alone shall
- 28 conduct the sentencing hearing. The jury or the court may consider all
- 29 the evidence introduced at the trial stage of the proceedings, together
- 30 with new evidence presented at the sentencing hearing. The court shall
- 31 instruct the jury concerning the statutory penalties for murder and any
- 32 other offenses for which the defendant was convicted, the potential for
- 33 consecutive or concurrent sentencing, and the availability of good time
- 34 credit and clemency. The court shall instruct the jury that, in order for
- 35 the jury to recommend to the court that the death penalty or life
- 36 imprisonment without parole should be imposed, the jury must find at
- 37 least one (1) aggravating circumstance beyond a reasonable doubt as
- 38 described in subsection (1) and shall provide a special verdict form for
- 39 each aggravating circumstance alleged. The defendant may present any
- 40 additional evidence relevant to:
- 41 (1) the aggravating circumstances alleged; or
- 42 (2) any of the mitigating circumstances listed in subsection (c).



1 (e) For a defendant sentenced after June 30, 2002, except as
2 provided by IC 35-36-9, if the hearing is by jury, the jury shall
3 recommend to the court whether the death penalty or life imprisonment
4 without parole, or neither, should be imposed. The jury may
5 recommend:

6 (1) the death penalty; or

7 (2) life imprisonment without parole;

8 only if it makes the findings described in subsection (l). If the jury
9 reaches a sentencing recommendation, the court shall sentence the
10 defendant accordingly. After a court pronounces sentence, a
11 representative of the victim's family and friends may present a
12 statement regarding the impact of the crime on family and friends. The
13 impact statement may be submitted in writing or given orally by the
14 representative. The statement shall be given in the presence of the
15 defendant.

16 (f) If a jury is unable to agree on a sentence recommendation after
17 reasonable deliberations, the court shall discharge the jury and proceed
18 as if the hearing had been to the court alone.

19 (g) If the hearing is to the court alone, except as provided by
20 IC 35-36-9, the court shall:

21 (1) sentence the defendant to death; or

22 (2) impose a term of life imprisonment without parole;

23 only if it makes the findings described in subsection (l).

24 (h) If a court sentences a defendant to death, the court shall order
25 the defendant's execution to be carried out not later than one (1) year
26 and one (1) day after the date the defendant was convicted. The
27 supreme court has exclusive jurisdiction to stay the execution of a
28 death sentence. If the supreme court stays the execution of a death
29 sentence, the supreme court shall order a new date for the defendant's
30 execution.

31 (i) If a person sentenced to death by a court files a petition for
32 post-conviction relief, the court, not later than ninety (90) days after the
33 date the petition is filed, shall set a date to hold a hearing to consider
34 the petition. If a court does not, within the ninety (90) day period, set
35 the date to hold the hearing to consider the petition, the court's failure
36 to set the hearing date is not a basis for additional post-conviction
37 relief. The attorney general shall answer the petition for post-conviction
38 relief on behalf of the state. At the request of the attorney general, a
39 prosecuting attorney shall assist the attorney general. The court shall
40 enter written findings of fact and conclusions of law concerning the
41 petition not later than ninety (90) days after the date the hearing
42 concludes. However, if the court determines that the petition is without



1 merit, the court may dismiss the petition within ninety (90) days
2 without conducting a hearing under this subsection.

3 (j) A death sentence is subject to automatic review by the supreme
4 court. The review, which shall be heard under rules adopted by the
5 supreme court, shall be given priority over all other cases. The supreme
6 court's review must take into consideration all claims that the:

7 (1) conviction or sentence was in violation of the:

8 (A) Constitution of the State of Indiana; or

9 (B) Constitution of the United States;

10 (2) sentencing court was without jurisdiction to impose a
11 sentence; and

12 (3) sentence:

13 (A) exceeds the maximum sentence authorized by law; or

14 (B) is otherwise erroneous.

15 If the supreme court cannot complete its review by the date set by the
16 sentencing court for the defendant's execution under subsection (h), the
17 supreme court shall stay the execution of the death sentence and set a
18 new date to carry out the defendant's execution.

19 (k) A person who has been sentenced to death and who has
20 completed state post-conviction review proceedings may file a written
21 petition with the supreme court seeking to present new evidence
22 challenging the person's guilt or the appropriateness of the death
23 sentence if the person serves notice on the attorney general. The
24 supreme court shall determine, with or without a hearing, whether the
25 person has presented previously undiscovered evidence that
26 undermines confidence in the conviction or the death sentence. If
27 necessary, the supreme court may remand the case to the trial court for
28 an evidentiary hearing to consider the new evidence and its effect on
29 the person's conviction and death sentence. The supreme court may not
30 make a determination in the person's favor nor make a decision to
31 remand the case to the trial court for an evidentiary hearing without
32 first providing the attorney general with an opportunity to be heard on
33 the matter.

34 (l) Before a sentence may be imposed under this section, the jury,
35 in a proceeding under subsection (e), or the court, in a proceeding
36 under subsection (g), must find that:

37 (1) the state has proved beyond a reasonable doubt that at least
38 one (1) of the aggravating circumstances listed in subsection (b)
39 exists; and

40 (2) any mitigating circumstances that exist are outweighed by the
41 aggravating circumstance or circumstances.

42 SECTION 112. IC 35-50-6-3.3, AS AMENDED BY P.L.158-2013,



1 SECTION 669, AND AS AMENDED BY P.L.214-2013, SECTION
 2 46, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2014]: Sec. 3.3. (a) In addition to any credit
 4 time a person earns under subsection (b) or section 3 of this chapter, a
 5 person earns credit time if the person:

- 6 (1) is in credit Class I *or* Class A;
 7 (2) has demonstrated a pattern consistent with rehabilitation; and
 8 (3) successfully completes requirements to obtain one (1) of the
 9 following:

10 (A) A general educational development (GED) diploma under
 11 IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person
 12 has not previously obtained a high school diploma.

13 (B) Except as provided in subsection ~~(n)~~; **(o)**, a high school
 14 diploma, if the person has not previously obtained a general
 15 educational development (GED) diploma.

16 (C) An ~~associate's~~ *associate* degree from an approved
 17 postsecondary educational institution (as defined under
 18 IC 21-7-13-6(a)) *earned during the person's incarceration.*

19 (D) A ~~bachelor's~~ *bachelor* degree from an approved
 20 postsecondary educational institution (as defined under
 21 IC 21-7-13-6(a)) *earned during the person's incarceration.*

22 (b) In addition to any credit time that a person earns under
 23 subsection (a) or section 3 of this chapter, a person may earn credit
 24 time if, while confined by the department of correction, the person:

- 25 (1) is in credit Class I *or* Class A;
 26 (2) demonstrates a pattern consistent with rehabilitation; and
 27 (3) successfully completes requirements to obtain at least one (1)
 28 of the following:

29 (A) A certificate of completion of a career and technical *or*
 30 *vocational* education program approved by the department of
 31 correction.

32 (B) A certificate of completion of a substance abuse program
 33 approved by the department of correction.

34 (C) A certificate of completion of a literacy and basic life
 35 skills program approved by the department of correction.

36 (D) A certificate of completion of a reformative program
 37 approved by the department of correction.

38 (c) The department of correction shall establish admissions criteria
 39 and other requirements for programs available for earning credit time
 40 under subsection (b). A person may not earn credit time under both
 41 subsections (a) and (b) for the same program of study. *The department*
 42 *of correction, in consultation with the department of workforce*



1 *development, shall approve a program only if the program is likely to*
 2 *lead to an employable occupation.*

3 (d) The amount of credit time a person may earn under this section
 4 is the following:

5 (1) Six (6) months for completion of a state of Indiana general
 6 educational development (GED) diploma under IC 20-20-6
 7 (before its repeal) or IC 22-4.1-18.

8 (2) One (1) year for graduation from high school.

9 (3) ~~One~~ *Not more than one* (1) year for completion of an
 10 *associate's* associate degree.

11 (4) ~~Two~~ *Not more than two* (2) years for completion of a
 12 *bachelor's* bachelor degree.

13 (5) Not more than a total of ~~six (6) months~~ *one (1) year* of credit,
 14 as determined by the department of correction, for the completion
 15 of one (1) or more career and technical *or vocational* education
 16 programs approved by the department of correction.

17 (6) Not more than a total of six (6) months of credit, as
 18 determined by the department of correction, for the completion of
 19 one (1) or more substance abuse programs approved by the
 20 department of correction.

21 (7) Not more than a total of six (6) months credit, as determined
 22 by the department of correction, for the completion of one (1) or
 23 more literacy and basic life skills programs approved by the
 24 department of correction.

25 (8) Not more than a total of six (6) months credit time, as
 26 determined by the department of correction, for completion of one
 27 (1) or more reformative programs approved by the department of
 28 correction. However, a person who is serving a sentence for an
 29 offense listed under IC 11-8-8-4.5 may not earn credit time under
 30 this subdivision.

31 However, a person who does not have a substance abuse problem that
 32 qualifies the person to earn credit in a substance abuse program may
 33 earn not more than a total of twelve (12) months of credit, as
 34 determined by the department of correction, for the completion of one
 35 (1) or more career and technical *or vocational* education programs
 36 approved by the department of correction. If a person earns more than
 37 six (6) months of credit for the completion of one (1) or more career
 38 and technical education programs, the person is ineligible to earn credit
 39 for the completion of one (1) or more substance 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) ~~(repeated):~~
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 113. [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.**

