



January 26, 2024

SENATE BILL No. 23

DIGEST OF SB 23 (Updated January 23, 2024 12:20 pm - DI 106)

Citations Affected: IC 35-31.5; IC 35-43.

Synopsis: Damage to a fire suppression system. Provides that a person who recklessly, knowingly, or intentionally damages a component of an automatic building fire suppression system commits criminal mischief, a Level 6 felony, and increases the penalty to a Level 5 felony if it is committed in a penal facility or a juvenile facility.

Effective: July 1, 2024.

**Becker, Crider, Bohacek, Freeman,
Glick**

January 8, 2024, read first time and referred to Committee on Corrections and Criminal Law.
January 25, 2024, amended, reported favorably — Do Pass.

SB 23—LS 6072/DI 116



January 26, 2024

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

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

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

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

SENATE BILL No. 23

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 35-31.5-2-178, AS AMENDED BY P.L.13-2013,
2 SECTION 117, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2024]: Sec. 178. "Juvenile facility", for
4 purposes of IC 35-44.1-3-5 **and IC 35-43-1-2**, has the meaning set
5 forth in ~~IC 35-44.1-3-5(a)~~: **IC 35-44.1-3-5**.

6 SECTION 2. IC 35-43-1-2, AS AMENDED BY P.L.79-2023,
7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2024]: Sec. 2. (a) A person who recklessly, knowingly, or
9 intentionally damages or defaces property of another person without
10 the other person's consent commits criminal mischief, a Class B
11 misdemeanor. However, the offense is:

12 (1) a Class A misdemeanor if the pecuniary loss is at least seven
13 hundred fifty dollars (\$750) but less than fifty thousand dollars
14 (\$50,000); ~~and~~
15 (2) a Level 6 felony if:
16 (A) the pecuniary loss is at least fifty thousand dollars
17 (\$50,000);

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- 1 (B) the damage causes a substantial interruption or impairment
 2 of utility service rendered to the public;
 3 (C) the damage is to a public record; ~~or~~
 4 (D) the damage is to a law enforcement animal (as defined in
 5 IC 35-46-3-4.5); **or**
 6 **(E) the damage is to a component of an automatic building**
 7 **fire suppression system; and**
 8 **(3) a Level 5 felony if the damage is to a component of an**
 9 **automatic building fire suppression system that is located in**
 10 **a penal facility or a juvenile facility (as defined in**
 11 **IC 35-44.1-3-5).**
- 12 (b) A person who recklessly, knowingly, or intentionally damages:
 13 (1) a structure used for religious worship without the consent of
 14 the owner, possessor, or occupant of the property that is damaged;
 15 (2) a school or community center without the consent of the
 16 owner, possessor, or occupant of the property that is damaged;
 17 (3) the property of an agricultural operation (as defined in
 18 IC 32-30-6-1) without the consent of the owner, possessor, or
 19 occupant of the property that is damaged;
 20 (4) the property of a scientific research facility (as defined in
 21 IC 35-31.5-2-287) without the consent of, or with consent which
 22 was fraudulently obtained from, the owner, possessor, or occupant
 23 of the property that is damaged;
 24 (5) the grounds:
 25 (A) adjacent to; and
 26 (B) owned or rented in common with;
 27 a structure or facility identified in subdivisions (1) through (4)
 28 without the consent of the owner, possessor, or occupant of the
 29 property that is damaged;
 30 (6) personal property contained in a structure or located at a
 31 facility identified in subdivisions (1) through (4) without the
 32 consent of the owner, possessor, or occupant of the property that
 33 is damaged;
 34 (7) property that is vacant real property (as defined in
 35 IC 36-7-36-5) or a vacant structure (as defined in IC 36-7-36-6);
 36 or
 37 (8) property after the person has been denied entry to the property
 38 by a court order that was issued:
 39 (A) to the person; or
 40 (B) to the general public by conspicuous posting on or around
 41 the property in areas where a person could observe the order
 42 when the property has been designated by a municipality or



1 county enforcement authority to be a vacant property, an
 2 abandoned property, or an abandoned structure (as defined in
 3 IC 36-7-36-1);
 4 commits institutional criminal mischief, a Class A misdemeanor.
 5 However, the offense is a Level 6 felony if the pecuniary loss (or
 6 property damage, in the case of an agricultural operation or a scientific
 7 research facility) is at least seven hundred fifty dollars (\$750) but less
 8 than fifty thousand dollars (\$50,000), and a Level 5 felony if the
 9 pecuniary loss (or property damage, in the case of an agricultural
 10 operation or a scientific research facility) is at least fifty thousand
 11 dollars (\$50,000).
 12 (c) A person who recklessly, knowingly, or intentionally damages
 13 property:
 14 (1) during the dealing or manufacture of or attempted dealing or
 15 manufacture of a controlled substance; and
 16 (2) by means of a fire or an explosion;
 17 commits controlled substances criminal mischief, a Level 6 felony.
 18 However, the offense is a Level 5 felony if the offense results in
 19 moderate bodily injury to any person other than a defendant.
 20 (d) If a person is convicted of an offense under this section that
 21 involves the use of graffiti, the court may, in addition to any other
 22 penalty, order that the person's driver's license be suspended or
 23 invalidated by the bureau of motor vehicles for not more than one (1)
 24 year.
 25 (e) The court may rescind an order for suspension or invalidation
 26 under subsection (d) and allow the person to receive a license or permit
 27 before the period of suspension or invalidation ends if the court
 28 determines that the person has removed or painted over the graffiti or
 29 has made other suitable restitution.
 30 (f) For purposes of this section, "pecuniary loss" includes:
 31 (1) the total costs incurred in inspecting, cleaning, and
 32 decontaminating property contaminated by a pollutant; and
 33 (2) a reasonable estimate of all additional costs not already
 34 incurred under subdivision (1) that are necessary to inspect, clean,
 35 and decontaminate property contaminated by a pollutant, to the
 36 extent that the property has not already been:
 37 (A) cleaned;
 38 (B) decontaminated; or
 39 (C) both cleaned and decontaminated.
 40 The term includes inspection, cleaning, or decontamination conducted
 41 by a person certified under IC 16-19-3.1.



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 23, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-31.5-2-178, AS AMENDED BY P.L.13-2013, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 178. "Juvenile facility", for purposes of IC 35-44.1-3-5 **and IC 35-43-1-2**, has the meaning set forth in ~~IC 35-44.1-3-5(a)~~: **IC 35-44.1-3-5**."

Page 1, line 9, strike "and".

Page 2, line 2, delete "system." and insert "**system; and**

(3) a Level 5 felony if the damage is to a component of an automatic building fire suppression system that is located in a penal facility or a juvenile facility (as defined in IC 35-44.1-3-5)."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 23 as introduced.)

FREEMAN, Chairperson

Committee Vote: Yeas 5, Nays 2.

