

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 ENROLLED ACT No. 23

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

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

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

(1) a Class A misdemeanor if the pecuniary loss is at least seven hundred fifty dollars (\$750) but less than fifty thousand dollars (\$50,000); and

(2) a Level 6 felony if:

(A) the pecuniary loss is at least fifty thousand dollars (\$50,000);

(B) the damage causes a substantial interruption or impairment of utility service rendered to the public;

(C) the damage is to a public record; ~~or~~

(D) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5); ~~or~~

(E) the damage is to a component of an automatic building fire suppression system that is located in a penal facility.

(b) A person who recklessly, knowingly, or intentionally damages:

(1) a structure used for religious worship without the consent of



- the owner, possessor, or occupant of the property that is damaged;
- (2) a school or community center without the consent of the owner, possessor, or occupant of the property that is damaged;
- (3) the property of an agricultural operation (as defined in IC 32-30-6-1) without the consent of the owner, possessor, or occupant of the property that is damaged;
- (4) the property of a scientific research facility (as defined in IC 35-31.5-2-287) without the consent of, or with consent which was fraudulently obtained from, the owner, possessor, or occupant of the property that is damaged;
- (5) the grounds:
- (A) adjacent to; and
 - (B) owned or rented in common with;
- a structure or facility identified in subdivisions (1) through (4) without the consent of the owner, possessor, or occupant of the property that is damaged;
- (6) personal property contained in a structure or located at a facility identified in subdivisions (1) through (4) without the consent of the owner, possessor, or occupant of the property that is damaged;
- (7) property that is vacant real property (as defined in IC 36-7-36-5) or a vacant structure (as defined in IC 36-7-36-6); or
- (8) property after the person has been denied entry to the property by a court order that was issued:
- (A) to the person; or
 - (B) to the general public by conspicuous posting on or around the property in areas where a person could observe the order when the property has been designated by a municipality or county enforcement authority to be a vacant property, an abandoned property, or an abandoned structure (as defined in IC 36-7-36-1);

commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Level 6 felony if the pecuniary loss (or property damage, in the case of an agricultural operation or a scientific research facility) is at least seven hundred fifty dollars (\$750) but less than fifty thousand dollars (\$50,000), and a Level 5 felony if the pecuniary loss (or property damage, in the case of an agricultural operation or a scientific research facility) is at least fifty thousand dollars (\$50,000).

(c) A person who recklessly, knowingly, or intentionally damages property:



(1) during the dealing or manufacture of or attempted dealing or manufacture of a controlled substance; and

(2) by means of a fire or an explosion;

commits controlled substances criminal mischief, a Level 6 felony. However, the offense is a Level 5 felony if the offense results in moderate bodily injury to any person other than a defendant.

(d) If a person is convicted of an offense under this section that involves the use of graffiti, the court may, in addition to any other penalty, order that the person's driver's license be suspended or invalidated by the bureau of motor vehicles for not more than one (1) year.

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

(f) For purposes of this section, "pecuniary loss" includes:

(1) the total costs incurred in inspecting, cleaning, and decontaminating property contaminated by a pollutant; and

(2) a reasonable estimate of all additional costs not already incurred under subdivision (1) that are necessary to inspect, clean, and decontaminate property contaminated by a pollutant, to the extent that the property has not already been:

(A) cleaned;

(B) decontaminated; or

(C) both cleaned and decontaminated.

The term includes inspection, cleaning, or decontamination conducted by a person certified under IC 16-19-3.1.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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