



Reprinted
February 4, 2020

SENATE BILL No. 43

DIGEST OF SB 43 (Updated February 3, 2020 3:06 pm - DI 106)

Citations Affected: IC 1-1; IC 9-24; IC 11-8; IC 11-11; IC 12-14; IC 12-15; IC 12-17.6; IC 12-20; IC 13-25; IC 16-42; IC 27-2; IC 27-8; IC 32-37; IC 33-23; IC 33-39; IC 34-24; IC 34-30; IC 35-31.5; IC 35-37; IC 35-41; IC 35-43; IC 35-45.

Synopsis: Fraud consolidation. Repeals and consolidates various fraud, deception, and mischief offenses. Defines "financial institution" for purposes of crimes involving financial institutions. Defines "item of sentimental value" and enhances the penalties for mischief, theft, and fraud if the offense involves an item of sentimental value. Defines "pecuniary loss" for purposes of fraud in connection with insurance. Makes conforming amendments. (The introduced version of this bill was prepared by the interim study committee on corrections and criminal code.)

Effective: July 1, 2020.

**Young M, Freeman,
Randolph Lonnie M**

January 6, 2020, read first time and referred to Committee on Corrections and Criminal Law.
January 30, 2020, amended, reported favorably — Do Pass.
February 3, 2020, read second time, amended, ordered engrossed.

SB 43—LS 6144/DI 106



Reprinted
February 4, 2020

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 43

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 1-1-5.5-23 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2020]: **Sec. 23. (a) A SECTION of IC 35-43-5, as amended and**
4 **enacted during the 2020 regular session of the Indiana general**
5 **assembly, does not affect:**
6 (1) **penalties incurred;**
7 (2) **crimes committed; or**
8 (3) **proceedings begun;**
9 **before the effective date of that SECTION of IC 35-43-5. Those**
10 **penalties, crimes, and proceedings continue and shall be imposed**
11 **and enforced under prior law as if that SECTION of IC 35-43-5**
12 **had not been amended or enacted.**
13 (b) **The general assembly does not intend the doctrine of**
14 **amelioration (see *Vicory v. State*, 400 N.E.2d 1380 (Ind. 1980)) to**
15 **apply to any SECTION of IC 35-43-5, as amended or enacted**
16 **during the 2020 regular session of the Indiana general assembly.**
17 (c) **The general assembly does not intend any SECTION of**

SB 43—LS 6144/DI 106



1 **IC 35-43-5, as amended or enacted during the 2020 regular session**
 2 **of the Indiana general assembly, to affect the:**

3 **(1) statutory or common law as it relates to insurance**
 4 **coverage or the construction of an insurance policy; or**

5 **(2) holding of Colonial Penn Ins. Co. v. Guzorek, 690 N.E.2d**
 6 **664 (Ind. 1997).**

7 SECTION 2. IC 9-24-2-2.5, AS AMENDED BY P.L.257-2017,
 8 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2020]: Sec. 2.5. (a) The bureau shall suspend the driving
 10 privileges or invalidate the learner's permit of an individual who is
 11 under an order entered by a court under ~~IC 35-43-1-2(d)~~.
 12 **IC 35-43-1-2(f).**

13 (b) The bureau shall suspend the driving privileges or invalidate the
 14 learner's permit of an individual who is the subject of an order issued
 15 under IC 31-37-19-17 (or IC 31-6-4-15.9(f) before its repeal) or
 16 ~~IC 35-43-1-2(d)~~. **IC 35-43-1-2(f).**

17 SECTION 3. IC 11-8-5-2, AS AMENDED BY P.L.10-2019,
 18 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2020]: Sec. 2. (a) The department may, under IC 4-22-2,
 20 classify as confidential the following personal information maintained
 21 on a person who has been committed to the department or who has
 22 received correctional services from the department:

23 (1) Medical, psychiatric, or psychological data or opinion which
 24 might adversely affect that person's emotional well-being.

25 (2) Information relating to a pending investigation of alleged
 26 criminal activity or other misconduct.

27 (3) Information which, if disclosed, might result in physical harm
 28 to that person or other persons.

29 (4) Sources of information obtained only upon a promise of
 30 confidentiality.

31 (5) Information required by law or promulgated rule to be
 32 maintained as confidential.

33 (b) The department may deny the person about whom the
 34 information pertains and other persons access to information classified
 35 as confidential under subsection (a). However, confidential information
 36 shall be disclosed:

37 (1) upon the order of a court;

38 (2) to employees of the department who need the information in
 39 the performance of their lawful duties;

40 (3) to other agencies in accord with IC 4-1-6-2(13) and
 41 IC 4-1-6-8.5;

42 (4) to the governor or the governor's designee;



- 1 (5) for research purposes in accord with IC 4-1-6-8.6(a);
 2 (6) to the department of correction ombudsman bureau in accord
 3 with IC 11-11-1.5;
 4 (7) to a person who is or may be the victim of ~~inmate fraud~~
 5 ~~(IC 35-43-5-20)~~ **fraud under IC 35-43-5-4(b)(6)** if the
 6 commissioner determines that the interest in disclosure overrides
 7 the interest to be served by nondisclosure; or
 8 (8) if the commissioner determines there exists a compelling
 9 public interest for disclosure which overrides the interest to be
 10 served by nondisclosure.

11 (c) The department shall disclose information classified as
 12 confidential under subsection (a)(1) to a physician, psychiatrist, or
 13 psychologist designated in writing by the person about whom the
 14 information pertains.

15 (d) The department may disclose confidential information to the
 16 following:

- 17 (1) A provider of sex offender management, treatment, or
 18 programming.
 19 (2) A provider of mental health services.
 20 (3) Any other service provider working with the department to
 21 assist in the successful return of an offender to the community
 22 following the offender's release from incarceration.

23 (e) This subsection does not prohibit the department from sharing
 24 information available on the Indiana sex offender registry with another
 25 person.

26 SECTION 4. IC 11-11-2-1, AS AMENDED BY P.L.81-2008,
 27 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2020]: Sec. 1. As used in this chapter:

29 "Contraband" means property the possession of which is in violation
 30 of an Indiana or federal statute.

31 "Prohibited property" means property other than contraband that the
 32 department does not permit a confined person to possess. The term
 33 includes money in a confined person's account that was derived from
 34 ~~inmate fraud (IC 35-43-5-20)~~ **fraud under IC 35-43-5-4(b)(6)**.

35 SECTION 5. IC 11-11-2-6, AS ADDED BY P.L.81-2008,
 36 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2020]: Sec. 6. (a) This section applies if the department has
 38 reasonable suspicion that money in a confined person's account was
 39 derived from the commission of ~~inmate fraud (IC 35-43-5-20)~~ **fraud**
 40 **under IC 35-43-5-4(b)(6)**.

41 (b) If the department has reasonable suspicion that money in a
 42 confined person's account was derived from the commission of ~~inmate~~



1 fraud, the department may freeze all or a part of the confined person's
 2 account for not more than one hundred eighty (180) days while the
 3 department conducts an investigation to determine whether money in
 4 the confined person's account derives from ~~inmate~~ fraud. If the
 5 department freezes the account of a confined person under this
 6 subsection, the department shall notify the confined person in writing.

7 (c) If the department's investigation reveals that no money in the
 8 confined person's account was derived from ~~inmate~~ fraud, the
 9 department shall unfreeze the account at the conclusion of the
 10 investigation.

11 (d) If the department's investigation reveals that money in the
 12 confined person's account may have been derived from the commission
 13 of ~~inmate~~ fraud, the department shall notify the prosecuting attorney of
 14 the results of the department's investigation.

15 (e) If the prosecuting attorney charges the confined person with
 16 ~~inmate~~ fraud, the department shall freeze the confined person's account
 17 until the case reaches final judgment.

18 (f) If the prosecuting attorney does not charge the confined person
 19 with ~~inmate~~ fraud, or if the confined person is acquitted of the charge
 20 of ~~inmate~~ fraud, the department shall unfreeze the confined person's
 21 account.

22 (g) If the confined person is convicted of ~~inmate~~ fraud, the
 23 department, in consultation with the prosecuting attorney, shall locate
 24 the money or property derived from ~~inmate~~ fraud and return it to the
 25 rightful owner.

26 (h) If, ninety (90) days after the date of a confined person's
 27 conviction for ~~inmate~~ fraud, the department has located the money or
 28 property derived from the commission of ~~inmate~~ fraud but is unable to
 29 return the money to the rightful owner, the department shall deposit the
 30 money in the violent crime victims compensation fund established by
 31 IC 5-2-6.1-40.

32 SECTION 6. IC 12-14-1-1, AS AMENDED BY P.L.161-2007,
 33 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2020]: Sec. 1. (a) Assistance under TANF shall be given to a
 35 dependent child who otherwise qualifies for assistance if the child is
 36 living in a family home of a person who is:

- 37 (1) at least eighteen (18) years of age; and
 38 (2) the child's relative, including:
 39 (A) the child's mother, father, stepmother, stepfather,
 40 grandmother, or grandfather; or
 41 (B) a relative not listed in clause (A) who has custody of the
 42 child.



1 (b) A parent or relative and a dependent child of the parent or
 2 relative are not eligible for TANF assistance when the physical custody
 3 of the dependent child was obtained for the purpose of establishing
 4 TANF eligibility.

5 (c) Except as provided in IC 12-14-28-3.3, a person convicted of a
 6 felony under ~~IC 35-43-5-7~~ **IC 35-43-5 relating to public relief or**
 7 **assistance fraud** or IC 35-48-4 is not eligible to receive assistance
 8 under TANF for ten (10) years after the conviction.

9 (d) The assistance paid to a dependent child under this section may
 10 not be affected by the conviction of a parent or an essential person of
 11 the dependent child under subsection (c).

12 SECTION 7. IC 12-14-2-21, AS AMENDED BY P.L.160-2012,
 13 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2020]: Sec. 21. (a) A TANF recipient or the parent or
 15 essential person of a TANF recipient, if the TANF recipient is less than
 16 eighteen (18) years of age, must sign a personal responsibility
 17 agreement to do the following:

18 (1) Develop an individual self-sufficiency plan with other family
 19 members and a caseworker.

20 (2) Accept any reasonable employment as soon as it becomes
 21 available.

22 (3) Agree to a loss of assistance, including TANF assistance
 23 under this article, if convicted of a felony under ~~IC 35-43-5-7~~ **or**
 24 ~~IC 35-43-5-7.1~~ **IC 35-43-5 for fraud relating to Medicaid or**
 25 **public relief or assistance** for ten (10) years after the conviction.

26 (4) Subject to section 5.3 of this chapter, understand that
 27 additional TANF assistance under this article will not be available
 28 for a child born more than ten (10) months after the person
 29 qualifies for assistance.

30 (5) Accept responsibility for ensuring that each child of the
 31 person receives all appropriate vaccinations against disease at an
 32 appropriate age.

33 (6) If the person is less than eighteen (18) years of age and is a
 34 parent, live with the person's parents, legal guardian, or an adult
 35 relative other than a parent or legal guardian in order to receive
 36 public assistance.

37 (7) Subject to IC 12-8-1.5-11 and section 5.1 of this chapter,
 38 agree to accept assistance for not more than twenty-four (24)
 39 months under the TANF program (IC 12-14).

40 (8) Be available for and actively seek and maintain employment.

41 (9) Participate in any training program required by the division.

42 (10) Accept responsibility for ensuring that the person and each



1 child of the person attend school until the person and each child
 2 of the person graduate from high school or attain a high school
 3 equivalency certificate (as defined in IC 12-14-5-2).

4 (11) Raise the person's children in a safe, secure home.

5 (12) Agree not to abuse illegal drugs or other substances that
 6 would interfere with the person's ability to attain self-sufficiency.

7 (b) Except as provided in subsection (c), assistance under the TANF
 8 program shall be withheld or denied to a person who does not fulfill the
 9 requirements of the personal responsibility agreement under subsection
 10 (a).

11 (c) A person who is granted an exemption under section 23 of this
 12 chapter may be excused from specific provisions of the personal
 13 responsibility agreement as determined by the director.

14 SECTION 8. IC 12-15-22-1.5 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.5. In addition to any
 16 sanction imposed on a provider under section 1 of this chapter, a
 17 provider convicted of an offense under ~~IC 35-43-5-7.1~~ **IC 35-43-5 for**
 18 **fraud relating to Medicaid** is ineligible to participate in the Medicaid
 19 program for ten (10) years after the conviction.

20 SECTION 9. IC 12-17.6-6-3 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. In addition to any
 22 sanction imposed on a provider under section 2 of this chapter, a
 23 provider convicted of an offense under ~~IC 35-43-5-7.2~~ **IC 35-43-5**
 24 **relating to the program** is ineligible to participate in the program for
 25 ten (10) years after the conviction.

26 SECTION 10. IC 12-20-6-0.5 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 0.5. (a) As used in this
 28 section, "member of the applicant's household" includes any person
 29 who lives in the same residence as the applicant.

30 (b) The township trustee shall determine whether an applicant or a
 31 member of the applicant's household has been denied assistance under
 32 IC 12-14-1-1, IC 12-14-1-1.5, IC 12-14-2-5.1, IC 12-14-2-5.3,
 33 IC 12-14-2-18, IC 12-14-2-20, IC 12-14-2-21, IC 12-14-2-24,
 34 IC 12-14-2-26, IC 12-14-2.5, or IC 12-14-5.5.

35 (c) A township trustee has no obligation to extend aid to an
 36 applicant or to a member of an applicant's household who has been
 37 denied assistance as described in subsection (b).

38 (d) A township trustee shall not extend aid to an applicant or to a
 39 member of an applicant's household if the applicant or the member of
 40 the applicant's household has been convicted of an offense under
 41 ~~IC 35-43-5-7 or IC 35-43-5-7.1~~ **IC 35-43-5 concerning fraud relating**
 42 **to Medicaid or public relief or assistance** as follows:



1 (1) If the conviction is a misdemeanor, a township trustee shall
 2 not extend aid to the applicant or the member of the applicant's
 3 household for one (1) year after the conviction.

4 (2) If the conviction is a felony, a township trustee shall not
 5 extend aid to the applicant or the member of the applicant's
 6 household for ten (10) years after the conviction.

7 SECTION 11. IC 12-20-6-6.5, AS AMENDED BY P.L.73-2005,
 8 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2020]: Sec. 6.5. (a) If an individual has been convicted of an
 10 offense under ~~IC 35-43-5-7~~, **IC 35-43-5 concerning fraud relating to**
 11 **public relief or assistance**, a township trustee may not extend aid to
 12 or for the benefit of that individual for the following periods:

13 (1) If the conviction is for a misdemeanor, for one (1) year after
 14 the conviction.

15 (2) If the conviction is for a felony, for ten (10) years after the
 16 conviction.

17 (b) If a township trustee finds that an individual has obtained
 18 township assistance from any township by means of conduct described
 19 in ~~IC 35-43-5-7~~, **IC 35-43-5**, the township trustee may refuse to extend
 20 aid to or for the benefit of that individual for sixty (60) days after the
 21 later of the:

22 (1) date of the improper conduct; or

23 (2) date aid was last extended to the individual based on the
 24 improper conduct.

25 SECTION 12. IC 13-25-2-10, AS AMENDED BY P.L.85-2015,
 26 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2020]: Sec. 10. (a) On or after January 1 and before March 1
 28 of each year, a facility that is required to prepare or have available a
 29 material safety data sheet for a hazardous chemical under the federal
 30 Occupational Safety and Health Act (29 U.S.C. 651 through 658) and
 31 regulations adopted under the Act shall submit the following to the
 32 commission:

33 (1) A tier II emergency and hazardous chemical inventory form
 34 containing the information required by section 9 of this chapter.

35 (2) A fee in the amount established by section 10.4 of this
 36 chapter. This fee shall be deposited in the local emergency
 37 planning and right to know fund established in section 10.5 of this
 38 chapter.

39 The tier II inventory form must contain data with respect to the
 40 preceding calendar year, and the inventory form and the fee shall be
 41 submitted in the form and manner established by the commission.

42 (b) The commission shall make the tier II emergency and hazardous



1 chemical inventory form information provided to the commission by a
2 facility under subsection (a)(1) available to the following:

- 3 (1) The appropriate local emergency planning committee.
4 (2) The fire department that has jurisdiction over the facility.

5 (c) Upon the request of:

- 6 (1) a local emergency planning committee; or
7 (2) a fire department with jurisdiction over a facility;

8 the owner or operator of a facility that is required to prepare or have
9 available a material safety data sheet for a hazardous chemical under
10 the federal Occupational Safety and Health Act (29 U.S.C. 651 through
11 658) and regulations adopted under the Act shall provide the tier II
12 emergency and hazardous chemical inventory form information to the
13 person making the request. A request must be made with respect to a
14 specific facility.

15 (d) A state or local official acting in the official's capacity may have
16 access to information on the tier II emergency and hazardous chemical
17 inventory forms by submitting a request to the commission or a local
18 emergency planning committee. If the commission or the emergency
19 planning committee does not already possess the requested
20 information, upon receipt of a request for tier II emergency and
21 hazardous chemical inventory form information, the commission or
22 committee shall request the facility owner or operator to provide the
23 tier II emergency and hazardous chemical inventory form information.
24 The commission or the local emergency planning committee shall
25 make the information available to the official.

26 (e) A person may make a request to the commission or a local
27 emergency planning committee for tier II emergency and hazardous
28 chemical inventory form information relating to the preceding year
29 with respect to a facility. The request must be in writing and must be
30 made with respect to a specific facility.

31 (f) Any tier II emergency and hazardous chemical inventory form
32 information that the commission or a local emergency planning
33 committee possesses shall be made available to a person making a
34 request under this section in accordance with section 14 of this chapter.
35 If the commission or local emergency planning committee does not
36 possess the tier II emergency and hazardous chemical inventory form
37 information requested, the commission or local emergency planning
38 committee shall request the facility owner or operator to:

- 39 (1) provide the tier II emergency and hazardous chemical
40 inventory form information with respect to a hazardous chemical
41 that a facility has stored in an amount of at least ten thousand
42 (10,000) pounds present at the facility at any time during the



1 preceding year; and

2 (2) make the information available in accordance with section 14
3 of this chapter;

4 to the person making the request.

5 (g) For tier II emergency and hazardous chemical inventory form
6 information that is not in the possession of the commission or a local
7 emergency planning committee with respect to a hazardous chemical
8 that a facility has stored in an amount that is less than ten thousand
9 (10,000) pounds at the facility at any time during the preceding year,
10 a request from a person must include a statement specifying the general
11 need for the information. The commission or local emergency planning
12 committee may request the facility owner or operator for the tier II
13 emergency and hazardous chemical inventory form information on
14 behalf of the person making the request. Upon receipt of any
15 information requested on behalf of the person, the commission or local
16 emergency planning committee shall make the information available
17 in accordance with section 14 of this chapter to the person.

18 (h) The commission or a local emergency planning committee shall
19 respond to a request for tier II emergency and hazardous chemical
20 inventory form information under this section not later than seven (7)
21 days after the date the request is received.

22 (i) The following provisions apply to the fee required by subsection
23 (a)(2):

24 (1) A facility that is subject to the fee required by subsection
25 (a)(2) that fails to pay the entire fee by March 1 of each year shall
26 pay to the commission a late fee of twenty dollars (\$20) in
27 addition to the fee payable under subsection (a)(2). This late fee
28 shall increase by twenty dollars (\$20) for each month that the
29 required fee is not paid. This late fee shall never exceed one
30 hundred percent (100%) of the fee required by subsection (a)(2).

31 (2) If a payment is made by bank draft, check, cashier's check,
32 electronic check, or money order, the liability is not finally
33 discharged and the person has not paid the fee until the draft,
34 check, or money order has been honored by the institution on
35 which it is drawn. If the payment is made by credit card, debit
36 card, charge card, or similar method, the liability is not finally
37 discharged and the person has not paid the fee until the
38 commission receives payment or credit from the institution
39 responsible for making the payment or credit.

40 (3) If a financial institution reports that it dishonors or rejects a
41 person's check, credit card payment, electronic funds transfer, or
42 other form of payment, the commission shall assess and collect



1 the fees and charges authorized in ~~IC 35-43-5-5(e)~~; **IC 35-43-5,**
 2 **if applicable**, in addition to the applicable late fee assessed under
 3 subdivision (1). If the person subject to the penalty under this
 4 subsection can show that there is reasonable cause for the
 5 payment not being honored, the commission may waive the fees
 6 and charges imposed under this subsection.

7 SECTION 13. IC 16-42-1-9 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) This section does
 9 not apply to an advertisement that:

10 (1) is disseminated only to members of the medical, dental,
 11 pharmaceutical, and other legally recognized professions dealing
 12 with the healing arts;

13 (2) appears only in the scientific periodicals of those professions;
 14 or

15 (3) is disseminated only for the purpose of public health education
 16 by persons not commercially interested in the sale of such drugs
 17 or devices.

18 (b) The advertisement of a drug or device that represents that the
 19 drug or device has any effect in:

20 albuminuria
 21 appendicitis
 22 arteriosclerosis
 23 blood poison
 24 bone disease
 25 Bright's disease
 26 carbuncles
 27 cancer
 28 cholecystitis
 29 diabetes
 30 diphtheria
 31 dropsy
 32 erysipelas
 33 gallstones
 34 heart and vascular diseases
 35 high blood pressure
 36 mastoiditis
 37 measles
 38 mumps
 39 nephritis
 40 otitis media
 41 paralysis
 42 pneumonia



- 1 poliomylitis (infantile paralysis)
- 2 prostate gland disorders
- 3 pyelitis
- 4 scarlet fever
- 5 sexual impotence
- 6 sinus infection
- 7 smallpox
- 8 tuberculosis
- 9 tumors
- 10 typhoid
- 11 uremia
- 12 venereal disease
- 13 meningitis

14 is considered false for purposes of ~~IC 35-43-5-3~~. **IC 35-43-5-4.**

15 (c) Whenever the state department determines that an advance in
16 medical science has made a type of self medication safe as to any of the
17 diseases listed in this section, the state department shall adopt rules to
18 authorize the advertisement of drugs having curative or therapeutic
19 effect for the disease, subject to conditions and restrictions the state
20 department considers necessary in the interests of public health.

21 SECTION 14. IC 27-2-16-3, AS AMENDED BY P.L.181-2005,
22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2020]: Sec. 3. (a) All preprinted claim forms provided by an
24 insurer to a claimant that are required as a condition of payment of a
25 claim must contain a statement that clearly states in substance the
26 following:

27 "A person who knowingly and with intent to defraud an insurer
28 files a statement of claim containing any false, incomplete, or
29 misleading information commits a felony."

30 (b) The lack of a statement required under subsection (a) does not
31 constitute a defense against a prosecution under ~~IC 35-43-5-4.5~~.
32 **IC 35-43-5.**

33 SECTION 15. IC 27-8-17-16 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. A provider of
35 record, an enrollee, or the agent of a provider of record or an enrollee
36 who provides fraudulent or misleading information is subject to
37 appropriate administrative, civil, and criminal penalties, including ~~the~~
38 ~~penalty for deception under IC 35-43-5-3~~. **criminal penalties under**
39 **IC 35-43-5.**

40 SECTION 16. IC 32-37-1-1, AS AMENDED BY P.L.181-2005,
41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2020]: Sec. 1. This article does not apply to the following:



- 1 (1) A contract between a performing rights society and:
- 2 (A) a broadcaster licensed by the Federal Communications
- 3 Commission;
- 4 (B) a cable television operator or programmer; or
- 5 (C) another transmission service.
- 6 (2) An investigation by a law enforcement agency.
- 7 (3) An investigation by a law enforcement agency or other person
- 8 concerning a suspected violation of IC 24-4-10-4, IC 35-43-4-2,
- 9 or ~~IC 35-43-5-4(10)~~. **IC 35-43-5-4 relating to a recording that**
- 10 **does not conspicuously display the true name and**
- 11 **manufacturer of the recording.**

12 SECTION 17. IC 33-23-8-4, AS AMENDED BY P.L.181-2005,
 13 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2020]: Sec. 4. If a practitioner: ~~is convicted under~~
 15 ~~IC 35-43-5-4.5 of:~~

- 16 ~~(1) insurance fraud;~~
- 17 ~~(2) an attempt to commit insurance fraud; or~~
- 18 ~~(3) conspiracy to commit insurance fraud;~~
- 19 **(1) violates IC 35-43-5-4.7 (insurance fraud); or**
- 20 **(2) is convicted under IC 35-43-5-4 of an offense that relates**
- 21 **to insurance (including an attempt or a conspiracy);**

22 the sentencing court shall provide notice of the conviction to each
 23 governmental body that has issued a license to the practitioner.

24 SECTION 18. IC 33-39-1-8, AS AMENDED BY P.L.10-2019,
 25 SECTION 127, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) After June 30, 2005, this
 27 section does not apply to a person who:

- 28 (1) holds a commercial driver's license; and
- 29 (2) has been charged with an offense involving the operation of
- 30 a motor vehicle in accordance with the federal Motor Carrier
- 31 Safety Improvement Act of 1999 (MCSIA) (Public Law
- 32 106-159.113 Stat. 1748).

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

- 35 (1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or
- 36 (2) if a person was arrested or charged with an offense under
- 37 IC 9-30-5-1 through IC 9-30-5-5, an offense involving:
- 38 (A) intoxication; or
- 39 (B) the operation of a vehicle;

40 if the offense involving intoxication or the operation of a vehicle was
 41 part of the same episode of criminal conduct as the offense under
 42 IC 9-30-5-1 through IC 9-30-5-5.



- 1 (c) This section does not apply to a person:
 2 (1) who is arrested for or charged with an offense under:
 3 (A) IC 7.1-5-7-7, if the alleged offense occurred while the
 4 person was operating a motor vehicle;
 5 (B) IC 9-30-4-8, if the alleged offense occurred while the
 6 person was operating a motor vehicle;
 7 (C) IC 35-44.1-2-13(b)(1); or
 8 (D) ~~IC 35-43-1-2(a)~~, **IC 35-43-1-2(b)**, if the alleged offense
 9 occurred while the person was operating a motor vehicle; and
 10 (2) who was less than eighteen (18) years of age at the time of the
 11 alleged offense.
 12 (d) A prosecuting attorney may withhold prosecution against an
 13 accused person if:
 14 (1) the person is charged with a misdemeanor, a Level 6 felony,
 15 or a Level 5 felony;
 16 (2) the person agrees to conditions of a pretrial diversion program
 17 offered by the prosecuting attorney;
 18 (3) the terms of the agreement are recorded in an instrument
 19 signed by the person and the prosecuting attorney and filed in the
 20 court in which the charge is pending; and
 21 (4) the prosecuting attorney electronically transmits information
 22 required by the prosecuting attorneys council concerning the
 23 withheld prosecution to the prosecuting attorneys council, in a
 24 manner and format designated by the prosecuting attorneys
 25 council.
 26 (e) An agreement under subsection (d) may include conditions that
 27 the person:
 28 (1) pay to the clerk of the court an initial user's fee and monthly
 29 user's fees in the amounts specified in IC 33-37-4-1;
 30 (2) work faithfully at a suitable employment or faithfully pursue
 31 a course of study or career and technical education that will equip
 32 the person for suitable employment;
 33 (3) undergo available medical treatment or mental health
 34 counseling and remain in a specified facility required for that
 35 purpose, including:
 36 (A) addiction counseling;
 37 (B) inpatient detoxification; and
 38 (C) medication assisted treatment, including a federal Food and
 39 Drug Administration approved long acting, nonaddictive
 40 medication for the treatment of opioid or alcohol dependence;
 41 (4) receive evidence based mental health and addiction,
 42 intellectual disability, developmental disability, autism, and



- 1 co-occurring autism and mental illness forensic treatment services
- 2 to reduce the risk of recidivism;
- 3 (5) support the person's dependents and meet other family
- 4 responsibilities;
- 5 (6) make restitution or reparation to the victim of the crime for the
- 6 damage or injury that was sustained;
- 7 (7) refrain from harassing, intimidating, threatening, or having
- 8 any direct or indirect contact with the victim or a witness;
- 9 (8) report to the prosecuting attorney at reasonable times;
- 10 (9) answer all reasonable inquiries by the prosecuting attorney
- 11 and promptly notify the prosecuting attorney of any change in
- 12 address or employment; and
- 13 (10) participate in dispute resolution either under IC 34-57-3 or
- 14 a program established by the prosecuting attorney.
- 15 (f) An agreement under subsection (d)(2) may include other
- 16 provisions, including program fees and costs, reasonably related to the
- 17 defendant's rehabilitation, if approved by the court.
- 18 (g) The prosecuting attorney shall notify the victim when
- 19 prosecution is withheld under this section.
- 20 (h) All money collected by the clerk as user's fees or program fees
- 21 and costs under this section shall be deposited in the appropriate user
- 22 fee fund under IC 33-37-8.
- 23 (i) If a court withholds prosecution under this section and the terms
- 24 of the agreement contain conditions described in subsection (e)(7):
- 25 (1) the clerk of the court shall comply with IC 5-2-9; and
- 26 (2) the prosecuting attorney shall file a confidential form
- 27 prescribed or approved by the office of judicial administration
- 28 with the clerk.
- 29 SECTION 19. IC 34-24-1-1, AS AMENDED BY P.L.211-2019,
- 30 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 JULY 1, 2020]: Sec. 1. (a) The following may be seized:
- 32 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used
- 33 or are intended for use by the person or persons in possession of
- 34 them to transport or in any manner to facilitate the transportation
- 35 of the following:
- 36 (A) A controlled substance for the purpose of committing,
- 37 attempting to commit, or conspiring to commit any of the
- 38 following:
- 39 (i) Dealing in or manufacturing cocaine or a narcotic drug
- 40 (IC 35-48-4-1).
- 41 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
- 42 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).



- 1 (iv) Dealing in a schedule I, II, or III controlled substance
 2 (IC 35-48-4-2).
 3 (v) Dealing in a schedule IV controlled substance
 4 (IC 35-48-4-3).
 5 (vi) Dealing in a schedule V controlled substance
 6 (IC 35-48-4-4).
 7 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).
 8 (viii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
 9 (ix) Possession of methamphetamine (IC 35-48-4-6.1).
 10 (x) Dealing in paraphernalia (IC 35-48-4-8.5).
 11 (xi) Dealing in marijuana, hash oil, hashish, or salvia
 12 (IC 35-48-4-10).
 13 (xii) An offense under IC 35-48-4 involving a synthetic drug
 14 (as defined in IC 35-31.5-2-321), a synthetic drug lookalike
 15 substance (as defined in IC 35-31.5-2-321.5 (before its repeal
 16 on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on
 17 July 1, 2019), a controlled substance analog (as defined in
 18 IC 35-48-1-9.3), or a substance represented to be a controlled
 19 substance (as described in IC 35-48-4-4.6).
 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 mass
 25 destruction (as defined in IC 35-31.5-2-354) used to commit,
 26 used in an attempt to commit, or used in a conspiracy to commit
 27 a felony terrorist offense (as defined in IC 35-50-2-18) or an
 28 offense under IC 35-47 as part of or in furtherance of an act of
 29 terrorism (as defined by 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 a felony
 33 terrorist offense (as defined in IC 35-50-2-18) or an offense under
 34 IC 35-47 as part of or in furtherance of an act of terrorism or
 35 commonly used as consideration for a violation of IC 35-48-4
 36 (other than items subject to forfeiture under IC 16-42-20-5 or
 37 IC 16-6-8.5-5.1, before its repeal):
 38 (A) furnished or intended to be furnished by any person in
 39 exchange for an act that is in violation of a criminal statute;
 40 (B) used to facilitate any violation of a criminal statute; or
 41 (C) traceable as proceeds of the violation of a criminal statute.
 42 (3) Any portion of real or personal property purchased with



- 1 money that is traceable as a proceed of a violation of a criminal
 2 statute.
- 3 (4) A vehicle that is used by a person to:
- 4 (A) commit, attempt to commit, or conspire to commit;
- 5 (B) facilitate the commission of; or
- 6 (C) escape from the commission of;
- 7 murder (IC 35-42-1-1), dealing in a controlled substance resulting
 8 in death (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal
 9 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
 10 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
 11 under IC 35-47 as part of or in furtherance of an act of terrorism.
- 12 (5) Real property owned by a person who uses it to commit any of
 13 the following as a Level 1, Level 2, Level 3, Level 4, or Level 5
 14 felony:
- 15 (A) Dealing in or manufacturing cocaine or a narcotic drug
 16 (IC 35-48-4-1).
- 17 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
- 18 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 19 (D) Dealing in a schedule I, II, or III controlled substance
 20 (IC 35-48-4-2).
- 21 (E) Dealing in a schedule IV controlled substance
 22 (IC 35-48-4-3).
- 23 (F) Dealing in marijuana, hash oil, hashish, or salvia
 24 (IC 35-48-4-10).
- 25 (G) Dealing in a synthetic drug (as defined in
 26 IC 35-31.5-2-321) or synthetic drug lookalike substance (as
 27 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
 28 2019)) under IC 35-48-4-10.5 (before its repeal on July 1,
 29 2019).
- 30 (H) Dealing in a controlled substance resulting in death
 31 (IC 35-42-1-1.5).
- 32 (6) Equipment and recordings used by a person to commit fraud
 33 under ~~IC 35-43-5-4(10)~~. **IC 35-43-5.**
- 34 (7) Recordings sold, rented, transported, or possessed by a person
 35 in violation of IC 24-4-10.
- 36 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as
 37 defined by IC 35-45-6-1) that is the object of a corrupt business
 38 influence violation (IC 35-45-6-2).
- 39 (9) Unlawful telecommunications devices (as defined in
 40 IC 35-45-13-6) and plans, instructions, or publications used to
 41 commit an offense under IC 35-45-13.
- 42 (10) Any equipment, including computer equipment and cellular



- 1 telephones, used for or intended for use in preparing,
 2 photographing, recording, videotaping, digitizing, printing,
 3 copying, or disseminating matter in violation of IC 35-42-4.
 4 (11) Destructive devices used, possessed, transported, or sold in
 5 violation of IC 35-47.5.
 6 (12) Tobacco products that are sold in violation of IC 24-3-5,
 7 tobacco products that a person attempts to sell in violation of
 8 IC 24-3-5, and other personal property owned and used by a
 9 person to facilitate a violation of IC 24-3-5.
 10 (13) Property used by a person to commit counterfeiting or
 11 forgery in violation of IC 35-43-5-2.
 12 (14) After December 31, 2005, if a person is convicted of an
 13 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
 14 following real or personal property:
 15 (A) Property used or intended to be used to commit, facilitate,
 16 or promote the commission of the offense.
 17 (B) Property constituting, derived from, or traceable to the
 18 gross proceeds that the person obtained directly or indirectly as
 19 a result of the offense.
 20 (15) Except as provided in subsection (e), a vehicle used by a
 21 person who operates the vehicle:
 22 (A) while intoxicated, in violation of IC 9-30-5-1 through
 23 IC 9-30-5-5, if in the previous five (5) years the person has two
 24 (2) or more prior unrelated convictions:
 25 (i) for operating a motor vehicle while intoxicated in violation
 26 of IC 9-30-5-1 through IC 9-30-5-5; or
 27 (ii) for an offense that is substantially similar to IC 9-30-5-1
 28 through IC 9-30-5-5 in another jurisdiction; or
 29 (B) on a highway while the person's driving privileges are
 30 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,
 31 if in the previous five (5) years the person has two (2) or more
 32 prior unrelated convictions:
 33 (i) for operating a vehicle while intoxicated in violation of
 34 IC 9-30-5-1 through IC 9-30-5-5; or
 35 (ii) for an offense that is substantially similar to IC 9-30-5-1
 36 through IC 9-30-5-5 in another jurisdiction.
 37 If a court orders the seizure of a vehicle under this subdivision,
 38 the court shall transmit an order to the bureau of motor vehicles
 39 recommending that the bureau not permit a vehicle to be
 40 registered in the name of the person whose vehicle was seized
 41 until the person possesses a current driving license (as defined in
 42 IC 9-13-2-41).



- 1 (16) The following real or personal property:
 2 (A) Property used or intended to be used to commit, facilitate,
 3 or promote the commission of an offense specified in
 4 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or
 5 IC 30-2-13-38(f).
 6 (B) Property constituting, derived from, or traceable to the
 7 gross proceeds that a person obtains directly or indirectly as a
 8 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
 9 IC 30-2-10-9(b), or IC 30-2-13-38(f).
 10 ~~(17) An automated sales suppression device (as defined in~~
 11 ~~IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in~~
 12 ~~IC 35-43-5-4.6(a)(3)).~~
 13 ~~(18)~~ (17) Real or personal property, including a vehicle, that is
 14 used by a person to:
 15 (A) commit, attempt to commit, or conspire to commit;
 16 (B) facilitate the commission of; or
 17 (C) escape from the commission of;
 18 a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human
 19 trafficking) or IC 35-45-4-4 (promoting prostitution).
 20 (b) A vehicle used by any person as a common or contract carrier in
 21 the transaction of business as a common or contract carrier is not
 22 subject to seizure under this section, unless it can be proven by a
 23 preponderance of the evidence that the owner of the vehicle knowingly
 24 permitted the vehicle to be used to engage in conduct that subjects it to
 25 seizure under subsection (a).
 26 (c) Equipment under subsection (a)(10) may not be seized unless it
 27 can be proven by a preponderance of the evidence that the owner of the
 28 equipment knowingly permitted the equipment to be used to engage in
 29 conduct that subjects it to seizure under subsection (a)(10).
 30 (d) Money, negotiable instruments, securities, weapons,
 31 communications devices, or any property commonly used as
 32 consideration for a violation of IC 35-48-4 found near or on a person
 33 who is committing, attempting to commit, or conspiring to commit any
 34 of the following offenses shall be admitted into evidence in an action
 35 under this chapter as prima facie evidence that the money, negotiable
 36 instrument, security, or other thing of value is property that has been
 37 used or was to have been used to facilitate the violation of a criminal
 38 statute or is the proceeds of the violation of a criminal statute:
 39 (1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in
 40 death).
 41 (2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
 42 narcotic drug).



- 1 (3) IC 35-48-4-1.1 (dealing in methamphetamine).
- 2 (4) IC 35-48-4-1.2 (manufacturing methamphetamine).
- 3 (5) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
- 4 substance).
- 5 (6) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
- 6 (7) IC 35-48-4-4 (dealing in a schedule V controlled substance)
- 7 as a Level 4 felony.
- 8 (8) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
- 9 Level 3, Level 4, or Level 5 felony.
- 10 (9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level
- 11 3, Level 4, or Level 5 felony.
- 12 (10) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or
- 13 salvia) as a Level 5 felony.
- 14 (11) IC 35-48-4-10.5 (before its repeal on July 1, 2019) (dealing
- 15 in a synthetic drug or synthetic drug lookalike substance) as a
- 16 Level 5 felony or Level 6 felony (or as a Class C felony or Class
- 17 D felony under IC 35-48-4-10 before its amendment in 2013).

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

- 19 (1) an owner of the vehicle; or
- 20 (2) the spouse of the person who owns the vehicle;

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

25 SECTION 20. IC 34-30-2-150.2 IS REPEALED [EFFECTIVE
 26 JULY 1, 2020]. ~~Sec. 150.2. IC 35-43-5-5 (Concerning the payee or~~
 27 ~~holder of a check, draft, or order that gives notice that the check, draft,~~
 28 ~~or order was not paid by the credit institution):~~

29 SECTION 21. IC 35-31.5-2-34 IS REPEALED [EFFECTIVE JULY
 30 1, 2020]. ~~Sec. 34. "Card skimming device", for purposes of~~
 31 ~~IC 35-43-5-4.3, has the meaning set forth in IC 35-43-5-4.3(a):~~

32 SECTION 22. IC 35-31.5-2-132.5 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2020]: **Sec. 132.5. "Financial institution":**

- 35 (1) has the meaning set forth in IC 28-1-1-3(1); and
- 36 (2) includes any bank, trust company, corporate fiduciary,
- 37 savings association, credit union, savings bank, bank of
- 38 discount and deposit, or industrial loan and investment
- 39 company organized or reorganized under the laws of this
- 40 state, any other state, or the United States.

41 SECTION 23. IC 35-31.5-2-170 IS REPEALED [EFFECTIVE
 42 JULY 1, 2020]. ~~Sec. 170. "Inmate", for purposes of IC 35-43-5-20, has~~



1 the meaning set forth in IC 35-43-5-20(a):

2 SECTION 24. IC 35-31.5-2-176.8 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2020]: **Sec. 176.8. "Item of sentimental
5 value" means:**

- 6 (1) **an heirloom;**
7 (2) **family papers and photographs;**
8 (3) **a gift from a family member; or**
9 (4) **a trophy;**

10 **that the owner values beyond the fair market value of the item due**
11 **to the owner's reasonable personal or emotional attachment to the**
12 **item.**

13 SECTION 25. IC 35-31.5-2-312 IS REPEALED [EFFECTIVE
14 JULY 1, 2020]. ~~Sec. 312. "State or federally chartered or federally~~
15 ~~insured financial institution"; for purposes of IC 35-43-5-8; has the~~
16 ~~meaning set forth in IC 35-43-5-8(b).~~

17 SECTION 26. IC 35-37-4-7, AS AMENDED BY P.L.153-2017,
18 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2020]: **Sec. 7. (a) Except as provided in subsection**
20 **subsections (b) through (d), whenever an element of an offense**
21 **involves a pecuniary loss or a pecuniary gain, then the element shall be**
22 **established by proof of the fair market value of the property at the time**
23 **of the offense.**

24 (b) For purposes of IC 35-43-1-8, "pecuniary loss" includes:

- 25 (1) damage to the victim's property caused, directly or indirectly,
26 by commission of the offense, based on the actual cost of
27 securing, repairing, or replacing a computer, a computer system,
28 computer software, a network, and data; and
29 (2) revenue, salary, or wages lost by the victim as a result of the
30 crime.

31 (c) For purposes of IC 35-43-1-2, "pecuniary loss" includes:

- 32 (1) **the total costs incurred in inspecting, cleaning, and**
33 **decontaminating property contaminated by a pollutant; and**
34 (2) **a reasonable estimate of all additional costs not already**
35 **incurred under subdivision (1) that are necessary to inspect,**
36 **clean, and decontaminate property contaminated by a**
37 **pollutant, to the extent that the property has not already**
38 **been:**

- 39 (A) **cleaned;**
40 (B) **decontaminated; or**
41 (C) **both cleaned and decontaminated.**

42 **The term includes inspection, cleaning, or decontamination**



1 conducted by a person certified under IC 16-19-3.1.

2 (d) For purposes of a misrepresentation under IC 35-43-5-4
3 relating to the fraudulent provision of goods or services,
4 "pecuniary loss" includes:

5 (1) the total cost charged for the provision of goods or
6 services, and not merely the difference in value between the
7 goods or services provided and the goods or services
8 promised; or

9 (2) the total cost to replace the fraudulently provided goods or
10 services with goods or services equivalent to the goods or
11 services promised;

12 whichever is higher.

13 (e) For purposes of a misrepresentation under IC 35-43-5-4
14 relating to insurance, "pecuniary loss" means the highest policy
15 limit available through any coverage in the policy.

16 SECTION 27. IC 35-41-4-2, AS AMENDED BY P.L.211-2019,
17 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2020]: Sec. 2. (a) Except as otherwise provided in this section,
19 a prosecution for an offense is barred unless it is commenced:

20 (1) within five (5) years after the commission of the offense, in
21 the case of a Class B, Class C, or Class D felony (for a crime
22 committed before July 1, 2014) or a Level 3, Level 4, Level 5, or
23 Level 6 felony (for a crime committed after June 30, 2014); or

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

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

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

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

36 (c) Except as provided in subsection (e), a prosecution for a Class
37 A felony (for a crime committed before July 1, 2014) or a Level 1
38 felony or Level 2 felony (for a crime committed after June 30, 2014)
39 may be commenced at any time.

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

41 (1) at any time; and

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



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



1 to which the defendant enters a plea of guilty, notwithstanding that the
2 period of limitation has expired.

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

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

8 (2) A prosecution for an offense under IC 30-2-10-9(b) (misuse
9 of funeral trust funds) is barred unless commenced within five (5)
10 years after the date of death of the settlor (as described in
11 IC 30-2-10).

12 (3) A prosecution for an offense under IC 30-2-13-38(f) (misuse
13 of funeral trust or escrow account funds) is barred unless
14 commenced within five (5) years after the date of death of the
15 purchaser (as defined in IC 30-2-13-9).

16 (l) A prosecution for an offense under IC 23-2-6, IC 23-2.5,
17 IC 23-14-48-9, or IC 23-19 is barred unless commenced within five (5)
18 years after the earlier of the date on which the state:

19 (1) first discovers evidence sufficient to charge the offender with
20 the offense; or

21 (2) could have discovered evidence sufficient to charge the
22 offender with the offense by the exercise of due diligence.

23 (m) A prosecution for a sex offense listed in IC 11-8-8-4.5 that is
24 committed against a child and that is not:

25 (1) a Class A felony (for a crime committed before July 1, 2014)
26 or a Level 1 felony or Level 2 felony (for a crime committed after
27 June 30, 2014); or

28 (2) listed in subsection (e);

29 is barred unless commenced within ten (10) years after the commission
30 of the offense, or within four (4) years after the person ceases to be a
31 dependent of the person alleged to have committed the offense,
32 whichever occurs later.

33 (n) A prosecution for rape (IC 35-42-4-1) as a Class B felony (for a
34 crime committed before July 1, 2014) or as a Level 3 felony (for a
35 crime committed after June 30, 2014) that would otherwise be barred
36 under this section may be commenced not later than five (5) years after
37 the earlier of the date on which:

38 (1) the state first discovers evidence sufficient to charge the
39 offender with the offense through DNA (deoxyribonucleic acid)
40 analysis;

41 (2) the state first becomes aware of the existence of a recording
42 (as defined in IC 35-31.5-2-273) that provides evidence sufficient



- 1 to charge the offender with the offense; or
 2 (3) a person confesses to the offense.
- 3 (o) A prosecution for criminal deviate conduct (IC 35-42-4-2)
 4 (repealed) as a Class B felony for a crime committed before July 1,
 5 2014, that would otherwise be barred under this section may be
 6 commenced not later than five (5) years after the earliest of the date on
 7 which:
- 8 (1) the state first discovers evidence sufficient to charge the
 9 offender with the offense through DNA (deoxyribonucleic acid)
 10 analysis;
 11 (2) the state first becomes aware of the existence of a recording
 12 (as defined in IC 35-31.5-2-273) that provides evidence sufficient
 13 to charge the offender with the offense; or
 14 (3) a person confesses to the offense.
- 15 SECTION 28. IC 35-43-1-2, AS AMENDED BY P.L.111-2018,
 16 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2020]: Sec. 2. **(a) The following definitions apply
 18 throughout this section:**
- 19 **(1) "Damages, permanently removes an object from, or
 20 defaces real property" means to damage, permanently
 21 remove, or deface one (1) or more of the following:**
- 22 **(A) Fixtures (as defined in IC 26-1-2.1-309) of the real
 23 property.**
 24 **(B) A component or subsystem of the heating, ventilation, or
 25 air conditioning system of the real property.**
 26 **(C) Wiring of the real property.**
 27 **(D) Pipes, fittings, or another part of the plumbing system
 28 of the real property.**
 29 **(E) The structure, including the roof and foundation, of the
 30 real property.**
 31 **(F) The windows of the real property.**
 32 **(G) The floors, ceilings, walls, or doors of the real property.**
 33 **(H) The landscaping of the real property.**
 34 **(I) An unattached structure, carport, patio, fence, or
 35 swimming pool located on the real property.**
- 36 **(2) "Real property in foreclosure" means real property with
 37 respect to which a foreclosure action has been filed or joined
 38 by a person having a security interest in the property that is
 39 used to secure:**
- 40 **(A) a mortgage;**
 41 **(B) a land contract; or**
 42 **(C) another agreement similar to a mortgage or a land**



- 1 **contract.**
 2 **The term does not include property that is the subject of a**
 3 **foreclosure action brought by a person having any other type**
 4 **of security interest in the property, including a mechanic's**
 5 **lien, a tax lien, or a lien placed by a homeowners association,**
 6 **unless the property is also the subject of a foreclosure action**
 7 **described in clauses (A) through (C).**
 8 ~~(a)~~ **(b)** A person who:
 9 **(1)** recklessly, knowingly, or intentionally damages or defaces
 10 property of another person without the other person's consent; **or**
 11 **(2) knowingly or intentionally damages, permanently removes**
 12 **an object from, or defaces real property in foreclosure;**
 13 commits criminal mischief, a Class B misdemeanor, **except as**
 14 **provided under subsection (c).**
 15 ~~(c)~~ **(c)** ~~However, the offense Criminal mischief under subsection (b)~~
 16 is:
 17 (1) a Class A misdemeanor if:
 18 **(A)** the pecuniary loss is at least seven hundred fifty dollars
 19 (\$750) but less than fifty thousand dollars (\$50,000); **or**
 20 **(B) the property is an item of sentimental value;** and
 21 (2) a Level 6 felony if:
 22 (A) the pecuniary loss is at least fifty thousand dollars
 23 (\$50,000);
 24 (B) the damage causes a substantial interruption or impairment
 25 of utility service rendered to the public;
 26 (C) the damage is to a public record; or
 27 (D) the damage is to a law enforcement animal (as defined in
 28 IC 35-46-3-4.5).
 29 ~~(b)~~ **(d)** A person who recklessly, knowingly, or intentionally
 30 damages:
 31 (1) a structure used for religious worship without the consent of
 32 the owner, possessor, or occupant of the property that is damaged;
 33 (2) a school or community center without the consent of the
 34 owner, possessor, or occupant of the property that is damaged;
 35 (3) the property of an agricultural operation (as defined in
 36 IC 32-30-6-1) without the consent of the owner, possessor, or
 37 occupant of the property that is damaged;
 38 (4) the grounds:
 39 (A) adjacent to; and
 40 (B) owned or rented in common with;
 41 a structure or facility identified in subdivisions (1) through (3)
 42 without the consent of the owner, possessor, or occupant of the



1 property that is damaged;
 2 (5) personal property contained in a structure or located at a
 3 facility identified in subdivisions (1) through (3) without the
 4 consent of the owner, possessor, or occupant of the property that
 5 is damaged;
 6 (6) property that is vacant real property (as defined in
 7 IC 36-7-36-5) or a vacant structure (as defined in IC 36-7-36-6);
 8 or
 9 (7) property after the person has been denied entry to the property
 10 by a court order that was issued:
 11 (A) to the person; or
 12 (B) to the general public by conspicuous posting on or around
 13 the property in areas where a person could observe the order
 14 when the property has been designated by a municipality or
 15 county enforcement authority to be a vacant property, an
 16 abandoned property, or an abandoned structure (as defined in
 17 IC 36-7-36-1);
 18 commits institutional criminal mischief, a Class A misdemeanor.
 19 However, the offense is a Level 6 felony if the pecuniary loss (or
 20 property damage, in the case of an agricultural operation) is at least
 21 seven hundred fifty dollars (\$750) but less than fifty thousand dollars
 22 (\$50,000), and a Level 5 felony if the pecuniary loss (or property
 23 damage, in the case of an agricultural operation) is at least fifty
 24 thousand dollars (\$50,000).
 25 ~~(e)~~ (e) A person who recklessly, knowingly, or intentionally
 26 damages property:
 27 (1) during the dealing or manufacture of or attempted dealing or
 28 manufacture of a controlled substance; and
 29 (2) by means of a fire or an explosion;
 30 commits controlled substances criminal mischief, a Level 6 felony.
 31 However, the offense is a Level 5 felony if the offense results in
 32 moderate bodily injury to any person other than a defendant.
 33 ~~(d)~~ (f) If a person is convicted of an offense under this section that
 34 involves the use of graffiti, the court may, in addition to any other
 35 penalty, order that the person's operator's license be suspended or
 36 invalidated by the bureau of motor vehicles for not more than one (1)
 37 year.
 38 ~~(e)~~ (g) The court may rescind an order for suspension or invalidation
 39 under subsection ~~(d)~~ (f) and allow the person to receive a license or
 40 permit before the period of suspension or invalidation ends if the court
 41 determines that the person has removed or painted over the graffiti or
 42 has made other suitable restitution.



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

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

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

8 (A) cleaned;

9 (B) decontaminated; or

10 (C) both cleaned and decontaminated.

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

13 **(h) It is a defense to a prosecution under subsection (b)(2) that**
14 **the damage, removal, or defacement of real property in foreclosure**
15 **was the result of repair, renovation, replacement, or maintenance**
16 **performed in good faith.**

17 SECTION 29. IC 35-43-4-1 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) As used in this
19 chapter, "exert control over property" means to obtain, take, carry,
20 drive, lead away, conceal, abandon, sell, convey, encumber, or possess
21 property, or to secure, transfer, or extend a right to property.

22 (b) Under this chapter, a person's control over property of another
23 person is "unauthorized" if it is exerted:

24 (1) without the other person's consent;

25 (2) in a manner or to an extent other than that to which the other
26 person has consented;

27 (3) by transferring or encumbering other property while failing to
28 disclose a lien, adverse claim, or other legal impediment to the
29 enjoyment of that other property;

30 (4) by creating or confirming a false impression in the other
31 person;

32 (5) by failing to correct a false impression that the person knows
33 is influencing the other person, if the person stands in a
34 relationship of special trust to the other person;

35 (6) by promising performance that the person knows will not be
36 performed;

37 (7) by expressing an intention to damage the property or impair
38 the rights of any other person; or

39 (8) by transferring or reproducing:

40 (A) recorded sounds; or

41 (B) a live performance;

42 without consent of the owner of the master recording or the live



1 performance, with intent to distribute the reproductions for a profit.

2 (c) As used in this chapter, "receiving" means acquiring possession
3 or control of or title to property, or lending on the security of property.

4 **(d) As used in this chapter, "property of another person"**
5 **includes real property in foreclosure (as defined under**
6 **IC 35-43-1-2), if the object over which the person exerts control is**
7 **described in IC 35-43-1-2(a)(1)(A) through IC 35-43-1-2(a)(1)(I).**

8 SECTION 30. IC 35-43-4-2, AS AMENDED BY P.L.276-2019,
9 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2020]: Sec. 2. (a) A person who knowingly or intentionally
11 exerts unauthorized control over property of another person, with intent
12 to deprive the other person of any part of its value or use, commits
13 theft, a Class A misdemeanor. However, the offense is:

14 (1) a Level 6 felony if:

15 (A) the value of the property is at least seven hundred fifty
16 dollars (\$750) and less than fifty thousand dollars (\$50,000);

17 (B) the property is a:

18 (i) firearm;

19 (ii) motor vehicle (as defined in IC 9-13-2-105(a)); or

20 (iii) component part (as defined in IC 9-13-2-34) of a motor
21 vehicle;

22 **(C) the property is an item of sentimental value; or**

23 ~~(D)~~ **(D) the person has a prior unrelated conviction for:**

24 (i) theft under this section; or

25 (ii) criminal conversion under section 3 of this chapter; and

26 (2) a Level 5 felony if:

27 (A) the value of the property is at least fifty thousand dollars
28 (\$50,000);

29 (B) the property that is the subject of the theft is a valuable
30 metal (as defined in IC 25-37.5-1-1) and:

31 (i) relates to transportation safety;

32 (ii) relates to public safety; or

33 (iii) is taken from a hospital or other health care facility,
34 telecommunications provider, public utility (as defined in
35 IC 32-24-1-5.9(a)), or critical infrastructure facility;

36 and the absence of the property creates a substantial risk of
37 bodily injury to a person; or

38 (C) the property is a:

39 (i) motor vehicle (as defined in IC 9-13-2-105(a)); or

40 (ii) component part (as defined in IC 9-13-2-34) of a motor
41 vehicle; and

42 the person has a prior unrelated conviction for theft of a motor



- 1 vehicle (as defined in IC 9-13-2-105(a)) or theft of a component
- 2 part (as defined in IC 9-13-2-34).
- 3 (b) For purposes of this section, "the value of property" means:
- 4 (1) the fair market value of the property at the time and place the
- 5 offense was committed; or
- 6 (2) if the fair market value of the property cannot be satisfactorily
- 7 determined, the cost to replace the property within a reasonable
- 8 time after the offense was committed.
- 9 A price tag or price marking on property displayed or offered for sale
- 10 constitutes prima facie evidence of the value of the property.
- 11 (c) If the offense described in subsection (a) is committed by a
- 12 public servant who exerted unauthorized control over public funds (as
- 13 defined by IC 5-22-2-23) from the public servant's employer, the
- 14 employer may be reimbursed in accordance with IC 2-3.5-4-11,
- 15 IC 2-3.5-5-9, IC 5-10-5.5-19, IC 5-10.3-8-9, IC 5-10.4-5-14,
- 16 IC 10-12-2-10, IC 33-38-6-19.5, IC 33-39-7-10.5, IC 36-8-6-14,
- 17 IC 36-8-7-22, IC 36-8-7.5-19, or IC 36-8-8-17.
- 18 SECTION 31. IC 35-43-4-9 IS REPEALED [EFFECTIVE JULY 1,
- 19 2020]. Sec. 9: (a) This section applies only to real property in
- 20 foreclosure:
- 21 (b) The following definitions apply throughout this section:
- 22 (1) "Damages; permanently removes an object from; or defaces
- 23 real property" means to damage; permanently remove; or deface
- 24 one (1) or more of the following:
- 25 (A) Fixtures (as defined in IC 26-1-2.1-309) of the real
- 26 property.
- 27 (B) A component or subsystem of the heating; ventilation; or air
- 28 conditioning system of the real property.
- 29 (C) Wiring of the real property.
- 30 (D) Pipes; fittings; or another part of the plumbing system of the
- 31 real property.
- 32 (E) The structure; including the roof and foundation; of the real
- 33 property.
- 34 (F) The windows of the real property.
- 35 (G) The floors; ceilings; walls; or doors of the real property.
- 36 (H) The landscaping of the real property.
- 37 (I) An unattached structure; carport; patio; fence; or swimming
- 38 pool located on the real property.
- 39 (2) "Real property in foreclosure" means real property with
- 40 respect to which a foreclosure action has been filed or joined by
- 41 a person having a security interest in the property that is used to
- 42 secure:



- 1 (A) a mortgage;
- 2 (B) a land contract; or
- 3 (C) another agreement similar to a mortgage or a land contract.
- 4 The term does not include property that is the subject of a
- 5 foreclosure action brought by a person having any other type of
- 6 security interest in the property; including a mechanic's lien; a tax
- 7 lien; or a lien placed by a homeowners association; unless the
- 8 property is also the subject of a foreclosure action described in
- 9 clauses (A) through (C).
- 10 (c) A person who knowingly or intentionally damages; permanently
- 11 removes an object from; or defaces real property in foreclosure
- 12 commits foreclosure mischief; a Class B misdemeanor. However; the
- 13 offense is:
- 14 (1) a Class A misdemeanor if the pecuniary loss is at least seven
- 15 hundred fifty dollars (\$750) but less than fifty thousand dollars
- 16 (\$50,000); and
- 17 (2) a Level 6 felony if the pecuniary loss is at least fifty thousand
- 18 dollars (\$50,000).
- 19 (d) It is a defense to a prosecution under this section that the
- 20 damage; removal; or defacement was the result of repair; renovation;
- 21 replacement; or maintenance performed in good faith.
- 22 SECTION 32. IC 35-43-5-2, AS AMENDED BY P.L.197-2015,
- 23 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2020]: Sec. 2. (a) A person who knowingly or intentionally:
- 25 (1) makes or utters a written instrument in such a manner that it
- 26 purports to have been made:
- 27 (A) by another person;
- 28 (B) at another time;
- 29 (C) with different provisions; or
- 30 (D) by authority of one who did not give authority; or
- 31 (2) possesses more than one (1) written instrument knowing that
- 32 the written instruments were made in a manner that they purport
- 33 to have been made:
- 34 (A) by another person;
- 35 (B) at another time;
- 36 (C) with different provisions; or
- 37 (D) by authority of one who did not give authority;
- 38 commits counterfeiting, a Level 6 felony.
- 39 (b) A person who; with intent to defraud:
- 40 (1) makes or delivers to another person:
- 41 (A) a false sales receipt;
- 42 (B) a duplicate of a sales receipt; or



- 1 (c) a label or other item with a false universal product code
 2 (UPC) or other product identification code; or
 3 (2) places a false universal product code (UPC) or another
 4 product identification code on property displayed or offered for
 5 sale;
 6 commits making or delivering a false sales document, a Level 6 felony.
 7 (e) A person who, with intent to defraud, possesses:
 8 (1) a retail sales receipt;
 9 (2) a label or other item with a universal product code (UPC); or
 10 (3) a label or other item that contains a product identification code
 11 that applies to an item other than the item to which the label or
 12 other item applies;
 13 commits possession of a fraudulent sales document, a Class A
 14 misdemeanor. However, the offense is a Level 6 felony if the person
 15 possesses at least fifteen (15) retail sales receipts; at least fifteen (15)
 16 labels containing a universal product code (UPC); at least fifteen (15)
 17 labels containing another product identification code; or at least fifteen
 18 (15) of any combination of the items described in subdivisions (1)
 19 through (3).
 20 (d) (b) A person who, with intent to defraud, makes, utters, or
 21 possesses a written instrument in such a manner that it purports to have
 22 been made:
 23 (1) by another person;
 24 (2) at another time;
 25 (3) with different provisions; or
 26 (4) by authority of one who did not give authority;
 27 commits forgery, a Level 6 felony.
 28 (e) This subsection applies to a person who applies for a driver's
 29 license (as defined in IC 9-13-2-48); a state identification card (as
 30 described in IC 9-24-16); or a photo exempt identification card (as
 31 described in IC 9-24-16.5). A person who:
 32 (1) knowingly or intentionally uses a false or fictitious name or
 33 gives a false or fictitious address in an application for a driver's
 34 license; a state identification card; or a photo exempt
 35 identification card or for a renewal or a duplicate of a driver's
 36 license; a state identification card; or a photo exempt
 37 identification card; or
 38 (2) knowingly or intentionally makes a false statement or conceals
 39 a material fact in an application for a driver's license; a state
 40 identification card; or a photo exempt identification card;
 41 commits application fraud, a Level 6 felony.
 42 SECTION 33. IC 35-43-5-3 IS REPEALED [EFFECTIVE JULY 1,



- 1 2020]. Sec. 3: (a) A person who:
- 2 (1) being an officer, manager, or other person participating in the
- 3 direction of a credit institution, knowingly or intentionally
- 4 receives or permits the receipt of a deposit or other investment,
- 5 knowing that the institution is insolvent;
- 6 (2) knowingly or intentionally makes a false or misleading written
- 7 statement with intent to obtain property, employment, or an
- 8 educational opportunity;
- 9 (3) misapplies entrusted property, property of a governmental
- 10 entity, or property of a credit institution in a manner that the
- 11 person knows is unlawful or that the person knows involves
- 12 substantial risk of loss or detriment to either the owner of the
- 13 property or to a person for whose benefit the property was
- 14 entrusted;
- 15 (4) knowingly or intentionally, in the regular course of business;
- 16 either:
- 17 (A) uses or possesses for use a false weight or measure or other
- 18 device for falsely determining or recording the quality or
- 19 quantity of any commodity; or
- 20 (B) sells, offers, or displays for sale or delivers less than the
- 21 represented quality or quantity of any commodity;
- 22 (5) with intent to defraud another person furnishing electricity,
- 23 gas, water, telecommunication, or any other utility service, avoids
- 24 a lawful charge for that service by scheme or device or by
- 25 tampering with facilities or equipment of the person furnishing
- 26 the service;
- 27 (6) with intent to defraud, misrepresents the identity of the person
- 28 or another person or the identity or quality of property;
- 29 (7) with intent to defraud an owner of a coin machine, deposits a
- 30 slug in that machine;
- 31 (8) with intent to enable the person or another person to deposit
- 32 a slug in a coin machine, makes, possesses, or disposes of a slug;
- 33 (9) disseminates to the public an advertisement that the person
- 34 knows is false, misleading, or deceptive, with intent to promote
- 35 the purchase or sale of property or the acceptance of employment;
- 36 (10) with intent to defraud, misrepresents a person as being a
- 37 physician licensed under IC 25-22.5;
- 38 (11) knowingly and intentionally defrauds another person
- 39 furnishing cable TV service by avoiding paying compensation for
- 40 that service by any scheme or device or by tampering with
- 41 facilities or equipment of the person furnishing the service; or
- 42 (12) knowingly or intentionally provides false information to a



1 governmental entity to obtain a contract from the governmental
 2 entity;
 3 commits deception; a Class A misdemeanor, except as provided in
 4 subsection (b):
 5 (b) An offense under:
 6 (1) subsection (a)(12) is a Level 6 felony if the provision of false
 7 information results in financial loss to the governmental entity;
 8 and
 9 (2) subsection (a)(6) is a Level 6 felony if the misrepresentation
 10 relates to:
 11 (A) a medical procedure, medical device, or drug; and
 12 (B) human reproductive material (as defined in IC 34-24-5-1).
 13 (c) In determining whether an advertisement is false, misleading, or
 14 deceptive under subsection (a)(9), there shall be considered, among
 15 other things, not only representations contained or suggested in the
 16 advertisement, by whatever means, including device or sound; but also
 17 the extent to which the advertisement fails to reveal material facts in
 18 the light of the representations.
 19 (d) A person who knowingly or intentionally falsely represents:
 20 (1) any entity as:
 21 (A) a disadvantaged business enterprise (as defined in
 22 IC 5-16-6.5-1); or
 23 (B) a women-owned business enterprise (as defined in
 24 IC 5-16-6.5-3);
 25 in order to qualify for certification as such an enterprise under a
 26 program conducted by a public agency (as defined in
 27 IC 5-16-6.5-2) designed to assist disadvantaged business
 28 enterprises or women-owned business enterprises in obtaining
 29 contracts with public agencies for the provision of goods and
 30 services; or
 31 (2) an entity with which the person will subcontract all or part of
 32 a contract with a public agency (as defined in IC 5-16-6.5-2) as:
 33 (A) a disadvantaged business enterprise (as defined in
 34 IC 5-16-6.5-1); or
 35 (B) a women-owned business enterprise (as defined in
 36 IC 5-16-6.5-3);
 37 in order to qualify for certification as an eligible bidder under a
 38 program that is conducted by a public agency designed to assist
 39 disadvantaged business enterprises or women-owned business
 40 enterprises in obtaining contracts with public agencies for the
 41 provision of goods and services;
 42 commits a Level 6 felony:



1 SECTION 34. IC 35-43-5-4, AS AMENDED BY P.L.158-2013,
 2 SECTION 474, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2020]: Sec. 4. A person who:

4 (1) with intent to defraud; obtains property by:

5 (A) using a credit card; knowing that the credit card was
 6 unlawfully obtained or retained;

7 (B) using a credit card; knowing that the credit card is forged;
 8 revoked; or expired;

9 (C) using, without consent, a credit card that was issued to
 10 another person;

11 (D) representing, without the consent of the credit card holder,
 12 that the person is the authorized holder of the credit card; or

13 (E) representing that the person is the authorized holder of a
 14 credit card when the card has not in fact been issued;

15 (2) being authorized by an issuer to furnish property upon
 16 presentation of a credit card; fails to furnish the property and; with
 17 intent to defraud the issuer or the credit card holder; represents in
 18 writing to the issuer that the person has furnished the property;

19 (3) being authorized by an issuer to furnish property upon
 20 presentation of a credit card; furnishes; with intent to defraud the
 21 issuer or the credit card holder; property upon presentation of a
 22 credit card; knowing that the credit card was unlawfully obtained
 23 or retained or that the credit card is forged; revoked; or expired;

24 (4) not being the issuer; knowingly or intentionally sells a credit
 25 card;

26 (5) not being the issuer; receives a credit card; knowing that the
 27 credit card was unlawfully obtained or retained or that the credit
 28 card is forged; revoked; or expired;

29 (6) with intent to defraud; receives a credit card as security for
 30 debt;

31 (7) receives property; knowing that the property was obtained in
 32 violation of subdivision (1) of this section;

33 (8) with intent to defraud the person's creditor or purchaser;
 34 conceals; encumbers; or transfers property;

35 (9) with intent to defraud; damages property; or

36 (10) knowingly or intentionally:

37 (A) sells;

38 (B) rents;

39 (C) transports; or

40 (D) possesses;

41 a recording for commercial gain or personal financial gain that
 42 does not conspicuously display the true name and address of the



- 1 manufacturer of the recording;
 2 commits fraud; a Level 6 felony.
- 3 (a) A person who:
- 4 (1) with the intent to obtain property or data to which the
 5 person is not entitled or an educational, governmental, or
 6 employment benefit to which the person is not entitled,
 7 knowingly or intentionally:
- 8 (A) makes a false or misleading statement; or
 9 (B) creates a false impression in another person;
- 10 (2) with the intent to cause another person to obtain property
 11 to which the other person would not otherwise be entitled,
 12 knowingly or intentionally:
- 13 (A) makes a false or misleading statement;
 14 (B) creates a false impression in a third person; or
 15 (C) causes to be presented a claim that:
- 16 (i) contains a false or misleading statement; or
 17 (ii) creates a false or misleading impression in a third
 18 person;
- 19 (3) possesses, manufactures, uses, or alters a document,
 20 instrument, computer program, or device with the intent to
 21 obtain:
- 22 (A) property;
 23 (B) data; or
 24 (C) an educational, governmental, or employment benefit;
 25 to which the person is not entitled; or
- 26 (4) knowingly or intentionally engages in a scheme or artifice
 27 to commit an offense described in subdivision (1) through (3);
 28 commits fraud, a Class A misdemeanor except as otherwise
 29 provided in this section.
- 30 (b) The offense described in subsection (a) is a Level 6 felony if
 31 one (1) or more of the following apply:
- 32 (1) The offense is committed not later than seven (7) years
 33 from the date the person:
- 34 (A) was convicted of a prior unrelated conviction for an
 35 offense under this article; or
 36 (B) was released from a term of incarceration, probation, or
 37 parole (whichever occurred last) imposed for a prior
 38 unrelated conviction for an offense under this article;
 39 whichever occurred last.
- 40 (2) The pecuniary loss is at least seven hundred fifty dollars
 41 (\$750) but less than fifty thousand dollars (\$50,000).
 42 (3) The victim is:



- 1 (A) an endangered adult (as defined in IC 12-10-3-2(a)); or
 2 (B) less than eighteen (18) years of age.
- 3 (4) The person makes a false or misleading statement
 4 representing an entity as:
 5 (A) a disadvantaged business enterprise (as defined in
 6 IC 5-16-6.5-1); or
 7 (B) a women-owned business enterprise (as defined in
 8 IC 5-16-6.5-3);
 9 in order to qualify for certification as such an enterprise
 10 under a program conducted by a public agency (as defined in
 11 IC 5-16-6.5-2) designed to assist disadvantaged business
 12 enterprises or women-owned business enterprises in obtaining
 13 contracts with public agencies for the provision of goods and
 14 services.
- 15 (5) The person makes a false or misleading statement
 16 representing an entity with which the person will subcontract
 17 all or part of a contract with a public agency (as defined in
 18 IC 5-16-6.5-2) as:
 19 (A) a disadvantaged business enterprise (as defined in
 20 IC 5-16-6.5-1); or
 21 (B) a women-owned business enterprise (as defined in
 22 IC 5-16-6.5-3);
 23 in order to qualify for certification as an eligible bidder under
 24 a program that is conducted by a public agency designed to
 25 assist disadvantaged business enterprises or women-owned
 26 business enterprises in obtaining contracts with public
 27 agencies for the provision of goods and services.
- 28 (6) The offense is committed by a person who is confined in:
 29 (A) the department of correction;
 30 (B) a county jail; or
 31 (C) a secure juvenile facility.
- 32 (7) The document or instrument that the person possesses,
 33 manufactures, uses, or alters is a document or instrument:
 34 (A) issued by a public servant or a governmental entity;
 35 (B) that has been manufactured or altered to appear to have
 36 been issued by a public servant or a governmental entity; or
 37 (C) that the person tendered to, or intends to tender to a
 38 public servant or a governmental entity.
- 39 (8) The property is an item of sentimental value.
- 40 (9) Except as provided in subsection (d), the person:
 41 (A) made the false or misleading statement; or
 42 (B) created the false impression in another person;



- 1 on or by means of a document or written instrument.
- 2 (c) The offense described in subsection (a) is a Level 5 felony if
- 3 one (1) or more of the following apply:
- 4 (1) The pecuniary loss is at least fifty thousand dollars
- 5 (\$50,000).
- 6 (2) The pecuniary loss is at least seven hundred fifty dollars
- 7 (\$750) and the victim is:
- 8 (A) an endangered adult (as defined in IC 12-10-3-2(a)); or
- 9 (B) less than eighteen (18) years of age.
- 10 (3) The victim was a financial institution.
- 11 (d) The offense described in subsection (b)(9) is a Class A
- 12 misdemeanor if the defendant proves by a preponderance of the
- 13 evidence that the:
- 14 (1) value of the property, data, or benefit intended to be
- 15 obtained; and
- 16 (2) actual pecuniary loss;
- 17 is less than seven hundred fifty dollars (\$750).
- 18 SECTION 35. IC 35-43-5-4.3 IS REPEALED [EFFECTIVE JULY
- 19 1, 2020]. Sec. 4.3: (a) As used in this section, "card skimming device"
- 20 means a device that is designed to read information encoded on a credit
- 21 card. The term includes a device designed to read, record, or transmit
- 22 information encoded on a credit card:
- 23 (1) directly from a credit card; or
- 24 (2) from another device that reads information directly from a
- 25 credit card.
- 26 (b) A person who possesses a card skimming device with intent to
- 27 commit:
- 28 (1) identity deception (IC 35-43-5-3.5);
- 29 (2) synthetic identity deception (IC 35-43-5-3.8);
- 30 (3) fraud (IC 35-43-5-4); or
- 31 (4) terroristic deception (IC 35-46.5-2-4) (or IC 35-43-5-3.6
- 32 before its repeal);
- 33 commits unlawful possession of a card skimming device. Unlawful
- 34 possession of a card skimming device under subdivision (1), (2), or (3)
- 35 is a Level 6 felony. Unlawful possession of a card skimming device
- 36 under subdivision (4) is a Level 5 felony.
- 37 SECTION 36. IC 35-43-5-4.5 IS REPEALED [EFFECTIVE JULY
- 38 1, 2020]. Sec. 4.5: (a) A person who, knowingly and with intent to
- 39 defraud:
- 40 (1) makes, utters, presents, or causes to be presented to an insurer
- 41 or an insurance claimant, a claim statement that contains false,
- 42 incomplete, or misleading information concerning the claim;



1 (2) presents; causes to be presented; or prepares with knowledge
 2 or belief that it will be presented to or by an insurer; an oral; a
 3 written; or an electronic statement that the person knows to
 4 contain materially false information as part of; in support of; or
 5 concerning a fact that is material to:

- 6 (A) the rating of an insurance policy;
 7 (B) a claim for payment or benefit under an insurance policy;
 8 (C) premiums paid on an insurance policy;
 9 (D) payments made in accordance with the terms of an
 10 insurance policy;
 11 (E) an application for a certificate of authority;
 12 (F) the financial condition of an insurer; or
 13 (G) the acquisition of an insurer;

14 or conceals any information concerning a subject set forth in
 15 clauses (A) through (G);

16 (3) solicits or accepts new or renewal insurance risks by or for an
 17 insolvent insurer or other entity regulated under IC 27;

18 (4) removes:

- 19 (A) the assets;
 20 (B) the record of assets, transactions, and affairs; or
 21 (C) a material part of the assets or the record of assets;
 22 transactions, and affairs;

23 of an insurer or another entity regulated under IC 27; from the
 24 home office; other place of business; or place of safekeeping of
 25 the insurer or other regulated entity; or conceals or attempts to
 26 conceal from the department of insurance assets or records
 27 referred to in clauses (A) through (B); or

28 (5) diverts funds of an insurer or another person in connection
 29 with:

- 30 (A) the transaction of insurance or reinsurance;
 31 (B) the conduct of business activities by an insurer or another
 32 entity regulated under IC 27; or
 33 (C) the formation; acquisition; or dissolution of an insurer or
 34 another entity regulated under IC 27;

35 commits insurance fraud. Except as provided in subsection (b);
 36 insurance fraud is a Level 6 felony.

37 (b) An offense described in subsection (a) is a Level 5 felony if:

38 (1) the person who commits the offense has a prior unrelated
 39 conviction under this section; or

40 (2) the:

- 41 (A) value of property, services, or other benefits obtained or
 42 attempted to be obtained by the person as a result of the



- 1 offense; or
 2 (B) economic loss suffered by another person as a result of the
 3 offense;
 4 is at least two thousand five hundred dollars (\$2,500).
 5 (c) A person who knowingly and with intent to defraud makes a
 6 material misstatement in support of an application for the issuance of
 7 an insurance policy commits insurance application fraud; a Class A
 8 misdemeanor.
 9 SECTION 37. IC 35-43-5-4.6 IS REPEALED [EFFECTIVE JULY
 10 1, 2020]. Sec. 4.6: (a) The following definitions apply throughout this
 11 section:
 12 (1) "Automated sales suppression device" means a software
 13 program:
 14 (A) carried on a memory stick or removable compact disc;
 15 (B) accessed through an Internet link; or
 16 (C) accessed through any other means;
 17 that falsifies the electronic records of electronic cash registers and
 18 other point-of-sale systems, including transaction data and
 19 transaction reports.
 20 (2) "Electronic cash register" means a device that keeps a register
 21 or supporting documents through the means of an electronic
 22 device or a computer system designed to record transaction data
 23 for the purpose of computing, compiling, or processing retail sales
 24 transaction data in any manner.
 25 (3) "Phantom-ware" means a hidden; a pre-installed; or an
 26 installed at a later time programming option embedded in the
 27 operating system of an electronic cash register or hardwired into
 28 the electronic cash register that:
 29 (A) can be used to create a virtual second till; or
 30 (B) may eliminate or manipulate transaction records that may
 31 or may not be preserved in digital formats to represent the true
 32 or manipulated record of transactions in the electronic cash
 33 register.
 34 (4) "Transaction data" includes information regarding:
 35 (A) items purchased by a customer;
 36 (B) the price for each item;
 37 (C) a taxability determination for each item;
 38 (D) a segregated tax amount for each of the taxed items;
 39 (E) the amount of cash or credit tendered;
 40 (F) the net amount returned to the customer in change;
 41 (G) the date and time of the purchase;
 42 (H) the name, address, and identification number of the vendor;



- 1 and
 2 (f) the receipt or invoice number of the transaction.
 3 (5) "Transaction report" means:
 4 (A) a report that includes:
 5 (i) the sales;
 6 (ii) taxes collected;
 7 (iii) media totals; and
 8 (iv) discount voids;
 9 at an electronic cash register that is printed on cash register tape
 10 at the end of a day or shift; or
 11 (B) a report documenting every action at an electronic cash
 12 register that is stored electronically.
 13 (6) "Zapper" refers to an automated sales suppression device.
 14 (b) A person who knowingly or intentionally sells, purchases;
 15 installs; transfers; or possesses:
 16 (1) an automated sales suppression device or a zapper; or
 17 (2) phantom-ware;
 18 after June 30, 2013, commits unlawful sale or possession of a
 19 transaction manipulation device; a Level 5 felony.
 20 SECTION 38. IC 35-43-5-4.7 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2020]: **Sec. 4.7. (a) A person who, knowingly**
 23 **or intentionally:**
 24 (1) solicits or accepts new or renewal insurance risks by or for
 25 an insolvent insurer or other entity regulated under IC 27;
 26 (2) removes:
 27 (A) the assets;
 28 (B) the record of assets, transactions, and affairs; or
 29 (C) a material part of the assets or the record of assets,
 30 transactions, and affairs;
 31 of an insurer or another entity regulated under IC 27, from
 32 the home office, other place of business, or place of
 33 safekeeping of the insurer or other regulated entity, or
 34 conceals or attempts to conceal from the department of
 35 insurance assets or records referred to in clauses (A) through
 36 (B); or
 37 (3) diverts funds of an insurer or another person in connection
 38 with:
 39 (A) the transaction of insurance or reinsurance;
 40 (B) the conduct of business activities by an insurer or
 41 another entity regulated under IC 27; or
 42 (C) the formation, acquisition, or dissolution of an insurer



1 **or another entity regulated under IC 27;**
 2 **commits insurance fraud, a Class A infraction.**

3 **(b) Notwithstanding IC 34-28-5-4, a judgment of up to one**
 4 **hundred thousand dollars (\$100,000) may be entered for a**
 5 **violation of this section. In determining the amount of the**
 6 **judgment, the court shall consider:**

7 **(1) whether the person who commits the violation has a prior**
 8 **unrelated judgment under this section or conviction under**
 9 **this article;**

10 **(2) the:**

11 **(A) value of property, services, or other benefits obtained or**
 12 **attempted to be obtained by the person as a result of the**
 13 **violation;**

14 **(B) economic loss suffered by another person as a result of**
 15 **the violation; and**

16 **(C) risk and magnitude of economic loss to another person**
 17 **which could have resulted as a consequence of the violation;**
 18 **and**

19 **(3) whether the judgment imposed is proportional to the**
 20 **gravity of the offense.**

21 SECTION 39. IC 35-43-5-5 IS REPEALED [EFFECTIVE JULY 1,
 22 2020]. Sec. 5: (a) A person who knowingly or intentionally issues or
 23 delivers a check, a draft, or an order on a credit institution for the
 24 payment of or to acquire money or other property, knowing that it will
 25 not be paid or honored by the credit institution upon presentment in the
 26 usual course of business; commits check deception; a Class A
 27 misdemeanor. However, the offense is:

28 (1) a Level 6 felony if the amount of the check, draft, or order is
 29 at least seven hundred fifty dollars (\$750) and less than fifty
 30 thousand dollars (\$50,000); and

31 (2) a Level 5 felony if the amount of the check, draft, or order is
 32 at least fifty thousand dollars (\$50,000).

33 (b) An unpaid and dishonored check, a draft, or an order that has the
 34 drawee's refusal to pay and reason printed, stamped, or written on or
 35 attached to it constitutes prima facie evidence:

36 (1) that due presentment of it was made to the drawee for payment
 37 and dishonor thereof; and

38 (2) that it properly was dishonored for the reason stated.

39 (c) The fact that a person issued or delivered a check, a draft, or an
 40 order, payment of which was refused by the drawee, constitutes prima
 41 facie evidence that the person knew that it would not be paid or
 42 honored. In addition, evidence that a person had insufficient funds in



1 or no account with a drawee credit institution constitutes prima facie
 2 evidence that the person knew that the check, draft, or order would not
 3 be paid or honored.

4 (d) The following two (2) items constitute prima facie evidence of
 5 the identity of the maker of a check, draft, or order if at the time of its
 6 acceptance they are obtained and recorded; either on the check, draft,
 7 or order itself or on file; by the payee:

8 (1) Name and residence; business; or mailing address of the
 9 maker.

10 (2) Motor vehicle operator's license number; Social Security
 11 number; home telephone number; or place of employment of the
 12 maker.

13 (e) It is a defense under subsection (a) if a person who:

14 (1) has an account with a credit institution but does not have
 15 sufficient funds in that account; and

16 (2) issues or delivers a check, a draft, or an order for payment on
 17 that credit institution;

18 pays the payee or holder the amount due; together with protest fees and
 19 any service fee or charge; which may not exceed the greater of
 20 twenty-seven dollars and fifty cents (\$27.50) or five percent (5%) (but
 21 not more than two hundred fifty dollars (\$250)) of the amount due; that
 22 may be charged by the payee or holder; within ten (10) days after the
 23 date of mailing by the payee or holder of notice to the person that the
 24 check, draft, or order has not been paid by the credit institution. Notice
 25 sent in the manner set forth in IC 26-2-7-3 constitutes notice to the
 26 person that the check, draft, or order has not been paid by the credit
 27 institution. The payee or holder of a check, draft, or order that has been
 28 dishonored incurs no civil or criminal liability for sending notice under
 29 this subsection.

30 (f) A person does not commit a crime under subsection (a) when:

31 (1) the payee or holder knows that the person has insufficient
 32 funds to ensure payment or that the check, draft, or order is
 33 postdated; or

34 (2) insufficiency of funds or credit results from an adjustment to
 35 the person's account by the credit institution without notice to the
 36 person.

37 SECTION 40. IC 35-43-5-6 IS REPEALED [EFFECTIVE JULY 1,
 38 2020]. Sec. 6. (a) A customer who utilizes any device or scheme to
 39 avoid being assessed for the full amount of services received from a
 40 utility or a cable TV service provider commits a Class B infraction.

41 (b) Evidence that a customer's metering device has been altered;
 42 removed; or bypassed without the knowledge of or notification to the



1 utility is prima facie evidence that the customer has utilized a device
 2 or scheme to avoid being assessed for the full amount of services
 3 received from the utility.

4 (c) Evidence that access to services of a utility or a cable TV service
 5 provider has been obtained without authority from the utility or the
 6 cable TV service provider constitutes prima facie evidence that the
 7 person benefiting from the access has utilized a device or scheme to
 8 avoid being assessed for the full amount of services received from the
 9 utility or the cable TV service provider.

10 SECTION 41. IC 35-43-5-6.5 IS REPEALED [EFFECTIVE JULY
 11 1, 2020]. Sec. 6.5: (a) A person who manufactures, distributes, sells,
 12 leases, or offers for sale or lease:

13 (1) a device; or

14 (2) a kit of parts to construct a device;

15 designed in whole or in part to intercept, unscramble, or decode a
 16 transmission by a cable television system with the intent that the device
 17 or kit be used to obtain cable television system services without full
 18 payment to the cable television system commits a Level 6 felony.

19 (b) The sale or distribution by a person of:

20 (1) any device; or

21 (2) a kit of parts to construct a device;

22 described in subsection (a) constitutes prima facie evidence of a
 23 violation of subsection (a) if, before or at the time of sale or
 24 distribution, the person advertised or indicated that the device or the
 25 assembled kit will enable a person to receive cable television system
 26 services without making full payment to the cable television system.

27 SECTION 42. IC 35-43-5-7 IS REPEALED [EFFECTIVE JULY 1,
 28 2020]. Sec. 7: (a) A person who knowingly or intentionally:

29 (1) obtains public relief or assistance by means of impersonation;
 30 fictitious transfer, false or misleading oral or written statement;
 31 fraudulent conveyance; or other fraudulent means;

32 (2) acquires, possesses, uses, transfers, sells, trades, issues, or
 33 disposes of:

34 (A) an authorization document to obtain public relief or
 35 assistance; or

36 (B) public relief or assistance;

37 except as authorized by law;

38 (3) uses, transfers, acquires, issues, or possesses a blank or
 39 incomplete authorization document to participate in public relief
 40 or assistance programs, except as authorized by law;

41 (4) counterfeits or alters an authorization document to receive
 42 public relief or assistance; or knowingly uses, transfers, acquires;



1 or possesses a counterfeit or altered authorization document to
 2 receive public relief or assistance; or
 3 (5) conceals information for the purpose of receiving public relief
 4 or assistance to which he is not entitled;
 5 commits welfare fraud; a Class A misdemeanor, except as provided in
 6 subsection (b):

7 (b) The offense is:

8 (1) a Level 6 felony if the amount of public relief or assistance
 9 involved is more than seven hundred fifty dollars (\$750) but less
 10 than fifty thousand dollars (\$50,000); and

11 (2) a Level 5 felony if the amount of public relief or assistance
 12 involved is at least fifty thousand dollars (\$50,000):

13 (c) Whenever a person is convicted of welfare fraud under this
 14 section, the clerk of the sentencing court shall certify to the appropriate
 15 state agency and the appropriate agency of the county of the defendant's
 16 residence:

17 (1) the defendant's conviction; and

18 (2) whether the defendant is placed on probation and restitution
 19 is ordered under IC 35-38-2:

20 SECTION 43. IC 35-43-5-7.1 IS REPEALED [EFFECTIVE JULY
 21 1, 2020]. Sec. 7.1: (a) Except as provided in subsection (b); a person
 22 who knowingly or intentionally:

23 (1) makes, utters, presents, or causes to be presented to the
 24 Medicaid program under IC 12-15 a Medicaid claim that contains
 25 materially false or misleading information concerning the claim;

26 (2) obtains payment from the Medicaid program under IC 12-15
 27 by means of a false or misleading oral or written statement or
 28 other fraudulent means;

29 (3) acquires a provider number under the Medicaid program
 30 except as authorized by law;

31 (4) alters with the intent to defraud or falsifies documents or
 32 records of a provider (as defined in 42 CFR 1000.30) that are
 33 required to be kept under the Medicaid program; or

34 (5) conceals information for the purpose of applying for or
 35 receiving unauthorized payments from the Medicaid program;

36 commits Medicaid fraud; a Class A misdemeanor.

37 (b) The offense described in subsection (a) is:

38 (1) a Level 6 felony if the fair market value of the offense is at
 39 least seven hundred fifty dollars (\$750) and less than fifty
 40 thousand dollars (\$50,000); and

41 (2) a Level 5 felony if the fair market value of the offense is at
 42 least fifty thousand dollars (\$50,000):



1 SECTION 44. IC 35-43-5-7.2 IS REPEALED [EFFECTIVE JULY
2 1, 2020]. Sec. 7.2: (a) Except as provided in subsection (b), a person
3 who knowingly or intentionally:

4 (1) files a children's health insurance program claim, including an
5 electronic claim, in violation of IC 12-17.6;

6 (2) obtains payment from the children's health insurance program
7 under IC 12-17.6 by means of a false or misleading oral or written
8 statement or other fraudulent means;

9 (3) acquires a provider number under the children's health
10 insurance program except as authorized by law;

11 (4) alters with intent to defraud or falsifies documents or records
12 of a provider (as defined in 42 CFR 400.203) that are required to
13 be kept under the children's health insurance program; or

14 (5) conceals information for the purpose of applying for or
15 receiving unauthorized payments from the children's health
16 insurance program;

17 commits insurance fraud, a Class A misdemeanor.

18 (b) The offense described in subsection (a) is:

19 (1) a Level 6 felony if the fair market value of the offense is at
20 least seven hundred fifty dollars (\$750) and less than fifty
21 thousand dollars (\$50,000); and

22 (2) a Level 5 felony if the fair market value of the offense is at
23 least fifty thousand dollars (\$50,000).

24 SECTION 45. IC 35-43-5-8 IS REPEALED [EFFECTIVE JULY 1,
25 2020]. Sec. 8: (a) A person who knowingly executes, or attempts to
26 execute, a scheme or artifice:

27 (1) to defraud a state or federally chartered or federally insured
28 financial institution; or

29 (2) to obtain any of the money, funds, credits, assets, securities,
30 or other property owned by or under the custody or control of a
31 state or federally chartered or federally insured financial
32 institution by means of false or fraudulent pretenses,
33 representations; or promises;

34 commits a Level 5 felony:

35 (b) As used in this section, the term "state or federally chartered or
36 federally insured financial institution" means:

37 (1) an institution with accounts insured by the Federal Deposit
38 Insurance Corporation;

39 (2) a credit union with accounts insured by the National Credit
40 Union Administration Board;

41 (3) a federal home loan bank or a member, as defined in Section
42 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422); as in



1 effect on December 31, 1990; of the Federal Home Loan Bank
2 System; or

3 (4) a bank, banking association, land bank, intermediate credit
4 bank, bank for cooperatives, production credit association, land
5 bank association, mortgage association, trust company, savings
6 bank, or other banking or financial institution organized or
7 operating under the laws of the United States or of the state:

8 The term does not include a lender licensed under IC 24-4.5.

9 SECTION 46. IC 35-43-5-12 IS REPEALED [EFFECTIVE JULY
10 1, 2020]. Sec. 12: (a) As used in this section, "financial institution"
11 refers to a state or federally chartered bank, savings bank, savings
12 association, or credit union.

13 (b) A person who knowingly or intentionally obtains property,
14 through a scheme or artifice, with intent to defraud:

15 (1) by issuing or delivering a check, a draft, an electronic debit,
16 or an order on a financial institution:

17 (A) knowing that the check, draft, order, or electronic debit will
18 not be paid or honored by the financial institution upon
19 presentment in the usual course of business;

20 (B) using false or altered evidence of identity or residence;

21 (C) using a false or an altered account number; or

22 (D) using a false or an altered check, draft, order or electronic
23 instrument;

24 (2) by:

25 (A) depositing the minimum initial deposit required to open an
26 account; and

27 (B) either making no additional deposits or making insufficient
28 additional deposits to insure debits to the account; or

29 (3) by opening accounts with more than one (1) financial
30 institution in either a consecutive or concurrent time period;

31 commits check fraud, a Class A misdemeanor:

32 (c) However, an offense under subsection (b) is:

33 (1) a Level 6 felony if the aggregate amount of property obtained
34 is at least seven hundred fifty dollars (\$750) and less than fifty
35 thousand dollars (\$50,000); and

36 (2) a Level 5 felony if the aggregate amount of the property
37 obtained is at least fifty thousand dollars (\$50,000):

38 SECTION 47. IC 35-43-5-15 IS REPEALED [EFFECTIVE JULY
39 1, 2020]. Sec. 15: A person who, with intent to defraud, possesses a
40 device to make retail sales receipts, universal product codes (UPC), or
41 other product identification codes, commits possession of a fraudulent
42 sales document manufacturing device, a Class A misdemeanor:



1 SECTION 48. IC 35-43-5-16 IS REPEALED [EFFECTIVE JULY
2 1, 2020]. Sec. 16: A person who, with intent to defraud:

3 (1) makes or puts a false universal product code (UPC) or another
4 product identification code on property displayed or offered for
5 sale; or

6 (2) makes a false sales receipt;
7 commits making a false sales document; a Level 6 felony:

8 SECTION 49. IC 35-43-5-20 IS REPEALED [EFFECTIVE JULY
9 1, 2020]. Sec. 20: (a) As used in this section, "inmate" means a person
10 who is confined in:

11 (1) the custody of:

12 (A) the department of correction; or

13 (B) a sheriff;

14 (2) a county jail; or

15 (3) a secure juvenile facility:

16 (b) An inmate who:

17 (1) is a pretrial detainee; and

18 (2) with the intent of obtaining money or other property from a
19 person who is not an inmate; knowingly or intentionally:

20 (A) makes a misrepresentation to a person who is not an inmate
21 and obtains or attempts to obtain money or other property from
22 the person who is not an inmate; or

23 (B) obtains or attempts to obtain money or other property from
24 the person who is not an inmate through a misrepresentation
25 made by another person;

26 commits inmate fraud; a Level 6 felony:

27 (c) An inmate:

28 (1) who is incarcerated because the inmate has been:

29 (A) convicted of an offense; or

30 (B) adjudicated a delinquent; and

31 (2) who, with the intent of obtaining money or other property
32 from a person who is not an inmate; knowingly or intentionally:

33 (A) makes a misrepresentation to a person who is not an inmate
34 and obtains or attempts to obtain money or other property from
35 the person who is not an inmate; or

36 (B) obtains or attempts to obtain money or other property from
37 the person who is not an inmate through a misrepresentation
38 made by another person;

39 commits inmate fraud; a Level 5 felony:

40 SECTION 50. IC 35-43-5-21 IS REPEALED [EFFECTIVE JULY
41 1, 2020]. Sec. 21: (a) A person who, with intent to avoid the obligation
42 to obtain worker's compensation coverage as required by IC 22-3-5-1



1 and IC 22-3-7-34, falsely classifies an employee as one (1) of the
 2 following commits worker's compensation fraud:

- 3 (1) An independent contractor;
- 4 (2) A sole proprietor;
- 5 (3) An owner;
- 6 (4) A partner;
- 7 (5) An officer;
- 8 (6) A member in a limited liability company.

9 (b) The offense described in subsection (a) is a Class A
 10 misdemeanor.

11 SECTION 51. IC 35-43-5-22 IS REPEALED [EFFECTIVE JULY
 12 1, 2020]. Sec. 22: A person who, with the intent to obtain money,
 13 property, or another benefit, knowingly or intentionally:

- 14 (1) fraudulently represents himself or herself to be an active
 15 member or veteran of:
 - 16 (A) the United States Air Force;
 - 17 (B) the United States Army;
 - 18 (C) the United States Coast Guard;
 - 19 (D) the United States Marines;
 - 20 (E) the United States National Guard;
 - 21 (F) the United States Navy; or
 - 22 (G) a reserve component of the armed forces of the United
 23 States;
- 24 (2) uses a falsified military identification; or
- 25 (3) fraudulently represents himself or herself to be a recipient of
 26 the:
 - 27 (A) Congressional Medal of Honor;
 - 28 (B) Distinguished Service Cross;
 - 29 (C) Navy Cross;
 - 30 (D) Air Force Cross;
 - 31 (E) Silver Star;
 - 32 (F) Purple Heart;
 - 33 (G) Combat Infantryman Badge;
 - 34 (H) Combat Action Badge;
 - 35 (I) Combat Medical Badge;
 - 36 (J) Combat Action Ribbon; or
 - 37 (K) Air Force Combat Action Medal;

38 commits stolen valor, a Class A misdemeanor.

39 SECTION 52. IC 35-43-6-12 IS REPEALED [EFFECTIVE JULY
 40 1, 2020]. Sec. 12: (a) A home improvement supplier who enters into a
 41 home improvement contract and knowingly:

- 42 (1) misrepresents a material fact relating to:



- 1 (A) the terms of the home improvement contract; or
 2 (B) a preexisting or existing condition of any part of the
 3 property involved, including a misrepresentation concerning the
 4 threat of:
 5 (i) fire; or
 6 (ii) structural damage;
 7 if the property is not repaired;
 8 (2) creates or confirms a consumer's impression that is false and
 9 that the home improvement supplier does not believe to be true;
 10 (3) promises performance that the home improvement supplier
 11 does not intend to perform or knows will not be performed;
 12 (4) uses or employs any deception, false pretense, or false promise
 13 to cause a consumer to enter into a home improvement contract;
 14 (5) enters into an unconscionable home improvement contract
 15 with a home improvement contract price of four thousand dollars
 16 (\$4,000) or more, but less than seven thousand dollars (\$7,000);
 17 (6) misrepresents or conceals the home improvement supplier's:
 18 (A) real name;
 19 (B) business name;
 20 (C) physical or mailing business address; or
 21 (D) telephone number;
 22 (7) upon request by the consumer, fails to provide the consumer
 23 with any copy of a written warranty or guarantee that states:
 24 (A) the length of the warranty or guarantee;
 25 (B) the home improvement that is covered by the warranty or
 26 guarantee; or
 27 (C) how the consumer could make a claim for a repair under the
 28 warranty or guarantee;
 29 (8) uses a product in a home improvement that has been diluted;
 30 modified, or altered in a manner that would void the
 31 manufacturer's warranty of the product without disclosing to the
 32 consumer the reasons for the dilution, modification, or alteration
 33 and that the manufacturer's warranty may be compromised; or
 34 (9) falsely claims to a consumer that the home improvement
 35 supplier:
 36 (A) was referred to the consumer by a contractor who
 37 previously worked for the consumer;
 38 (B) is licensed, certified, or insured; or
 39 (C) has obtained all necessary permits or licenses before
 40 starting a home improvement;
 41 commits home improvement fraud, a Class B misdemeanor, except as
 42 provided in section 13 of this chapter.



1 (b) A home improvement supplier who, with the intent to enter into
2 a home improvement contract, knowingly:

3 (1) damages the property of a consumer;

4 (2) does work on the property of a consumer without the
5 consumer's prior authorization;

6 (3) misrepresents that the supplier or another person is an
7 employee or agent of the federal government, the state, a political
8 subdivision of the state, or any other governmental agency or
9 entity; or

10 (4) misrepresents that the supplier or another person is an
11 employee or agent of any public or private utility;

12 commits a Class A misdemeanor, except as provided in section 13(b)
13 of this chapter.

14 SECTION 53. IC 35-43-6-13 IS REPEALED [EFFECTIVE JULY
15 1, 2020]. Sec. 13: (a) The offense in section 12(a) of this chapter is a
16 Class A misdemeanor:

17 (1) in the case of an offense under section 12(a)(1) through
18 12(a)(4) of this chapter or section 12(a)(6) through 12(a)(9) of
19 this chapter; if the home improvement contract price is one
20 thousand dollars (\$1,000) or more;

21 (2) for the second or subsequent offense under this chapter or in
22 another jurisdiction for an offense that is substantially similar to
23 another offense described in this chapter;

24 (3) if two (2) or more home improvement contracts exceed an
25 aggregate amount of one thousand dollars (\$1,000) and are
26 entered into with the same consumer by one (1) or more suppliers
27 as part of or in furtherance of a common fraudulent scheme,
28 design, or intention; or

29 (4) if, in a violation of section 12(a)(5) of this chapter, the home
30 improvement contract price is at least seven thousand dollars
31 (\$7,000); but less than ten thousand dollars (\$10,000).

32 (b) The offense in section 12 of this chapter is a Level 6 felony:

33 (1) if, in a violation of section 12(a)(5) of this chapter, the home
34 improvement contract price is at least ten thousand dollars
35 (\$10,000);

36 (2) if, in a violation of:

37 (A) section 12(a)(1) through 12(a)(5); or

38 (B) section 12(a)(7) through 12(a)(9);

39 of this chapter, the consumer is at least sixty (60) years of age and
40 the home improvement contract price is less than ten thousand
41 dollars (\$10,000);

42 (3) if, in a violation of section 12(b) of this chapter, the consumer



- 1 is at least sixty (60) years of age; or
 2 (4) if the home improvement supplier violates more than one (1)
 3 subdivision of section 12(a) of this chapter.
 4 (c) The offense in section 12(a) of this chapter is a Level 5 felony:
 5 (1) if, in a violation of:
 6 (A) section 12(a)(1) through 12(a)(5); or
 7 (B) section 12(a)(7) through 12(a)(9);
 8 of this chapter, the consumer is at least sixty (60) years of age and
 9 the home improvement contract price is at least ten thousand
 10 dollars (\$10,000); or
 11 (2) if, in a violation of:
 12 (A) section 12(a)(1) through 12(a)(4); or
 13 (B) section 12(a)(7) through 12(a)(9);
 14 of this chapter, the consumer is at least sixty (60) years of age;
 15 and two (2) or more home improvement contracts exceed an
 16 aggregate amount of one thousand dollars (\$1,000) and are
 17 entered into with the same consumer by one (1) or more suppliers
 18 as part of or in furtherance of a common fraudulent scheme,
 19 design, or intention.
 20 SECTION 54. IC 35-43-6-14 IS REPEALED [EFFECTIVE JULY
 21 1, 2020]. Sec. 14. For the purposes of section 13 of this chapter, it is
 22 not a defense to home improvement fraud committed against a
 23 consumer who is at least sixty (60) years of age that the supplier
 24 reasonably believed the consumer to be an individual less than sixty
 25 (60) years of age.
 26 SECTION 55. IC 35-43-6.5-1 IS REPEALED [EFFECTIVE JULY
 27 1, 2020]. Sec. 1. (a) A person that sells or offers for sale a vehicle, a
 28 vehicle part, or a watercraft knowing that an identification number or
 29 certificate of title of the vehicle, vehicle part, or watercraft has been:
 30 (1) destroyed;
 31 (2) removed;
 32 (3) altered;
 33 (4) covered; or
 34 (5) defaced;
 35 commits a Class A misdemeanor. However, the offense is a Level 6
 36 felony if the aggregate fair market value of all vehicles, vehicle parts,
 37 and watercraft sold or offered for sale is at least seven hundred fifty
 38 dollars (\$750) and less than fifty thousand dollars (\$50,000), and a
 39 Level 5 felony if the aggregate fair market value of all vehicles, vehicle
 40 parts, and watercraft sold or offered for sale is at least fifty thousand
 41 dollars (\$50,000).
 42 (b) Subsection (c) does not apply to a person that manufactures or



- 1 installs a plate or label containing an original identification number:
 2 (1) in a program authorized by a manufacturer of motor vehicles
 3 or motor vehicle parts; or
 4 (2) as authorized by the bureau under IC 9-17-4.
 5 (c) A person that knowingly or intentionally possesses a plate or
 6 label that:
 7 (1) contains an identification number; and
 8 (2) is not attached to the motor vehicle or motor vehicle part to
 9 which the identification number was assigned by the
 10 manufacturer or governmental entity;
 11 commits a Class A misdemeanor, except as provided in subsection (d):
 12 (d) The offense described in subsection (c) is a:
 13 (1) Level 6 felony if:
 14 (A) the person possesses more than one (1) plate or label and
 15 the plates or labels are not attached to a motor vehicle or motor
 16 vehicle part; or
 17 (B) the aggregate fair market value of all plates and labels; and
 18 of all motor vehicles and motor vehicle parts to which the plates
 19 or labels are wrongfully attached; is at least seven hundred fifty
 20 dollars (\$750) and less than fifty thousand dollars (\$50,000);
 21 and
 22 (2) Level 5 felony if the aggregate fair market value of all plates
 23 or labels; and of all motor vehicles and motor vehicle parts to
 24 which the plate or label is wrongfully attached; is at least fifty
 25 thousand dollars (\$50,000):
 26 (e) A person that knowingly:
 27 (1) damages;
 28 (2) removes; or
 29 (3) alters;
 30 an original or special identification number commits a Level 6 felony:
 31 (f) A person who counterfeits or falsely reproduces a certificate of
 32 title for a motor vehicle, semitrailer, or recreational vehicle with intent
 33 to:
 34 (1) use the certificate of title; or
 35 (2) permit another person to use the certificate of title;
 36 commits a Class A misdemeanor. However, the offense is a Level 6
 37 felony if the aggregate fair market value of all motor vehicles;
 38 semitrailers, and recreational vehicles for which the person counterfeits
 39 or falsely reproduces a certificate of title is at least seven hundred fifty
 40 dollars (\$750) and less than fifty thousand dollars (\$50,000); and a
 41 Level 5 felony if the aggregate fair market value of all motor vehicles;
 42 semitrailers, and recreational vehicles for which the person counterfeits



1 or falsely reproduces a certificate of title is at least fifty thousand
2 dollars (\$50,000).

3 SECTION 56. IC 35-43-6.5-2 IS REPEALED [EFFECTIVE JULY
4 1, 2020]. Sec. 2: (a) A person who, with the intent to defraud:

- 5 (1) advertises for sale;
- 6 (2) sells;
- 7 (3) uses; or
- 8 (4) installs;

9 any device that causes an odometer to register mileage other than the
10 mileage driven by the vehicle as registered by the odometer within the
11 manufacturer's designed tolerance commits a Level 6 felony.

12 (b) A person who, with the intent to defraud:

- 13 (1) disconnects, resets, or alters the odometer of any motor
14 vehicle with intent to change the number of miles or kilometers
15 indicated on the odometer; or
- 16 (2) sells a motor vehicle that has a broken odometer or an
17 odometer that is not displaying correct mileage of the vehicle;

18 commits a Level 6 felony.

19 SECTION 57. IC 35-43-9-7 IS REPEALED [EFFECTIVE JULY 1,
20 2020]. Sec. 7: (a) An officer, a director, or an employee of a title
21 insurer, an individual associated with the title insurer as an independent
22 contractor, or a title insurance agent who knowingly or intentionally:

- 23 (1) converts or misappropriates money received or held in a title
24 insurance escrow account; or
- 25 (2) receives or conspires to receive money described in
26 subdivision (1);

27 commits a Level 6 felony, except as provided in subsection (b).

28 (b) The offense is:

- 29 (1) a Level 5 felony if the amount of money:
30 (A) converted, misappropriated, or received; or
31 (B) for which there is a conspiracy;
32 is more than ten thousand dollars (\$10,000) but less than one
33 hundred thousand dollars (\$100,000); and
- 34 (2) a Level 4 felony if the amount of money:
35 (A) converted, misappropriated, or received; or
36 (B) for which there is a conspiracy;
37 is at least one hundred thousand dollars (\$100,000).

38 SECTION 58. IC 35-43-9-8 IS REPEALED [EFFECTIVE JULY 1,
39 2020]. Sec. 8: The court shall direct the clerk of court to notify the
40 Indiana department of insurance about a conviction of an offense under
41 section 7 of this chapter.

42 SECTION 59. IC 35-43-9-9 IS REPEALED [EFFECTIVE JULY 1,



1 2020]. Sec. 9: In addition to any sentence or fine imposed for a
 2 conviction of an offense in section 7 of this chapter, the court shall
 3 order the person convicted to make restitution to the victim of the
 4 crime pursuant to IC 35-50-5-3.

5 SECTION 60. IC 35-45-6-1, AS AMENDED BY P.L.80-2019,
 6 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2020]: Sec. 1. (a) The definitions in this section apply
 8 throughout this chapter.

9 (b) "Documentary material" means any document, drawing,
 10 photograph, recording, or other tangible item containing compiled data
 11 from which information can be either obtained or translated into a
 12 usable form.

13 (c) "Enterprise" means:

- 14 (1) a sole proprietorship, corporation, limited liability company,
 15 partnership, business trust, or governmental entity; or
- 16 (2) a union, an association, or a group, whether a legal entity or
 17 merely associated in fact.

18 (d) "Pattern of racketeering activity" means engaging in at least two
 19 (2) incidents of racketeering activity that have the same or similar
 20 intent, result, accomplice, victim, or method of commission, or that are
 21 otherwise interrelated by distinguishing characteristics that are not
 22 isolated incidents. However, the incidents are a pattern of racketeering
 23 activity only if at least one (1) of the incidents occurred after August
 24 31, 1980, and if the last of the incidents occurred within five (5) years
 25 after a prior incident of racketeering activity.

26 (e) "Racketeering activity" means to commit, to attempt to commit,
 27 to conspire to commit a violation of, or aiding and abetting in a
 28 violation of any of the following:

- 29 (1) A provision of IC 23-19, or of a rule or order issued under
 30 IC 23-19.
- 31 (2) A violation of IC 35-45-9.
- 32 (3) A violation of IC 35-47.
- 33 (4) A violation of IC 35-49-3.
- 34 (5) Murder (IC 35-42-1-1).
- 35 (6) Battery as a Class C felony before July 1, 2014, or a Level 5
 36 felony after June 30, 2014 (IC 35-42-2-1).
- 37 (7) Kidnapping (IC 35-42-3-2).
- 38 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
- 39 (9) Child exploitation (IC 35-42-4-4).
- 40 (10) Robbery (IC 35-42-5-1).
- 41 (11) Carjacking (IC 35-42-5-2) (before its repeal).
- 42 (12) Arson (IC 35-43-1-1).



- 1 (13) Burglary (IC 35-43-2-1).
- 2 (14) Theft (IC 35-43-4-2).
- 3 (15) Receiving stolen property (IC 35-43-4-2) (before its
- 4 amendment on July 1, 2018).
- 5 (16) Forgery (IC 35-43-5-2).
- 6 (17) ~~Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10))~~. **An**
- 7 **offense under IC 35-43-5.**
- 8 (18) Bribery (IC 35-44.1-1-2).
- 9 (19) Official misconduct (IC 35-44.1-1-1).
- 10 (20) Conflict of interest (IC 35-44.1-1-4).
- 11 (21) Perjury (IC 35-44.1-2-1).
- 12 (22) Obstruction of justice (IC 35-44.1-2-2).
- 13 (23) Intimidation (IC 35-45-2-1).
- 14 (24) Promoting prostitution (IC 35-45-4-4).
- 15 (25) Professional gambling (IC 35-45-5-3).
- 16 (26) Maintaining a professional gambling site
- 17 (IC 35-45-5-3.5(b)).
- 18 (27) Promoting professional gambling (IC 35-45-5-4).
- 19 (28) Dealing in or manufacturing cocaine or a narcotic drug
- 20 (IC 35-48-4-1).
- 21 (29) Dealing in methamphetamine (IC 35-48-4-1.1).
- 22 (30) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 23 (31) Dealing in a schedule I, II, or III controlled substance
- 24 (IC 35-48-4-2).
- 25 (32) Dealing in a schedule IV controlled substance
- 26 (IC 35-48-4-3).
- 27 (33) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 28 (34) Dealing in marijuana, hash oil, hashish, or salvia
- 29 (IC 35-48-4-10).
- 30 (35) Money laundering (IC 35-45-15-5).
- 31 (36) A violation of IC 35-47.5-5.
- 32 (37) A violation of any of the following:
- 33 (A) IC 23-14-48-9.
- 34 (B) IC 30-2-9-7(b).
- 35 (C) IC 30-2-10-9(b).
- 36 (D) IC 30-2-13-38(f).
- 37 (38) Practice of law by a person who is not an attorney
- 38 (IC 33-43-2-1).
- 39 (39) An offense listed in IC 35-48-4 involving the manufacture or
- 40 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
- 41 synthetic drug lookalike substance (as defined in
- 42 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under



1 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
2 substance analog (as defined in IC 35-48-1-9.3), or a substance
3 represented to be a controlled substance (as described in
4 IC 35-48-4-4.6).
5 (40) Dealing in a controlled substance resulting in death
6 (IC 35-42-1-1.5).



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 43, 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 17, line 10, delete "Property, including an instrument or device," and insert "Property".

Page 17, line 11, reset in roman "counterfeiting or forgery in".

Page 17, line 11, delete "a".

Page 17, line 12, reset in roman "IC 35-43-5-2".

Page 17, line 12, delete "IC 35-43-5".

Page 21, between lines 13 and 14, begin a new paragraph and insert:

"(e) For purposes of a misrepresentation under IC 35-43-5-4 relating to insurance, "pecuniary loss" means the highest policy limit available through any coverage in the policy."

Page 22, line 11, reset in roman "forgery of an instrument for payment of".

Page 22, line 12, reset in roman "money, or for the uttering of a forged instrument,".

Page 22, line 12, delete "fraud relating to the".

Page 22, delete line 13.

Page 22, line 14, delete "payment of money".

Page 22, line 14, reset in roman "IC 35-43-5-2,".

Page 22, line 14, delete "IC 35-43-5-4".

Page 30, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 32. IC 35-43-5-2, AS AMENDED BY P.L.197-2015, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) A person who knowingly or intentionally:

(1) makes or utters a written instrument in such a manner that it purports to have been made:

(A) by another person;

(B) at another time;

(C) with different provisions; or

(D) by authority of one who did not give authority; or

(2) possesses more than one (1) written instrument knowing that the written instruments were made in a manner that they purport to have been made:

(A) by another person;

(B) at another time;



- (C) with different provisions; or
 (D) by authority of one who did not give authority;
 commits counterfeiting, a Level 6 felony.
- (b) A person who, with intent to defraud:
- (1) makes or delivers to another person:
 - (A) a false sales receipt;
 - (B) a duplicate of a sales receipt; or
 - (C) a label or other item with a false universal product code (UPC) or other product identification code; or
 - (2) places a false universal product code (UPC) or another product identification code on property displayed or offered for sale;
- commits making or delivering a false sales document, a Level 6 felony:
- (c) A person who, with intent to defraud, possesses:
- (1) a retail sales receipt;
 - (2) a label or other item with a universal product code (UPC); or
 - (3) a label or other item that contains a product identification code that applies to an item other than the item to which the label or other item applies;
- commits possession of a fraudulent sales document, a Class A misdemeanor. However, the offense is a Level 6 felony if the person possesses at least fifteen (15) retail sales receipts, at least fifteen (15) labels containing a universal product code (UPC); at least fifteen (15) labels containing another product identification code; or at least fifteen (15) of any combination of the items described in subdivisions (1) through (3):
- (d) (b) A person who, with intent to defraud, makes, utters, or possesses a written instrument in such a manner that it purports to have been made:
- (1) by another person;
 - (2) at another time;
 - (3) with different provisions; or
 - (4) by authority of one who did not give authority;
- commits forgery, a Level 6 felony.
- (e) This subsection applies to a person who applies for a driver's license (as defined in IC 9-13-2-48); a state identification card (as described in IC 9-24-16); or a photo exempt identification card (as described in IC 9-24-16.5): A person who:
- (1) knowingly or intentionally uses a false or fictitious name or gives a false or fictitious address in an application for a driver's license, a state identification card, or a photo exempt identification card or for a renewal or a duplicate of a driver's



license; a state identification card; or a photo exempt identification card; or

(2) knowingly or intentionally makes a false statement or conceals a material fact in an application for a driver's license; a state identification card; or a photo exempt identification card; commits application fraud; a Level 6 felony."

Page 31, delete lines 1 through 40.

Page 35, between lines 8 and 9, begin a new line block indented and insert:

"(2) with the intent to cause another person to obtain property to which the other person would not otherwise be entitled, knowingly or intentionally:

(A) makes a false or misleading statement;

(B) creates a false impression in a third person; or

(C) causes to be presented a claim that:

(i) contains a false or misleading statement; or

(ii) creates a false or misleading impression in a third person;".

Page 35, line 9, delete "(2)" and insert "(3)".

Page 35, line 16, delete "(3)" and insert "(4)".

Page 35, line 17, delete "or (2);" and insert "**through (3);**".

Page 36, between lines 29 and 30, begin a new line block indented and insert:

"(9) Except as provided in subsection (d), the person:

(A) made the false or misleading statement; or

(B) created the false impression in another person;

on or by means of a document or written instrument."

Page 36, between lines 38 and 39, begin a new paragraph and insert:

"(d) The offense described in subsection (b)(9) is a Class A misdemeanor if the pecuniary loss is less than seven hundred fifty dollars (\$750)."

Page 53, delete lines 26 through 42, begin a new paragraph and insert:

"SECTION 60. IC 35-45-6-1, AS AMENDED BY P.L.80-2019, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Documentary material" means any document, drawing, photograph, recording, or other tangible item containing compiled data from which information can be either obtained or translated into a usable form.

(c) "Enterprise" means:

(1) a sole proprietorship, corporation, limited liability company,



partnership, business trust, or governmental entity; or
 (2) a union, an association, or a group, whether a legal entity or merely associated in fact.

(d) "Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one (1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

(e) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

- (1) A provision of IC 23-19, or of a rule or order issued under IC 23-19.
- (2) A violation of IC 35-45-9.
- (3) A violation of IC 35-47.
- (4) A violation of IC 35-49-3.
- (5) Murder (IC 35-42-1-1).
- (6) Battery as a Class C felony before July 1, 2014, or a Level 5 felony after June 30, 2014 (IC 35-42-2-1).
- (7) Kidnapping (IC 35-42-3-2).
- (8) Human and sexual trafficking crimes (IC 35-42-3.5).
- (9) Child exploitation (IC 35-42-4-4).
- (10) Robbery (IC 35-42-5-1).
- (11) Carjacking (IC 35-42-5-2) (before its repeal).
- (12) Arson (IC 35-43-1-1).
- (13) Burglary (IC 35-43-2-1).
- (14) Theft (IC 35-43-4-2).
- (15) Receiving stolen property (IC 35-43-4-2) (before its amendment on July 1, 2018).
- (16) Forgery (IC 35-43-5-2).
- (17) ~~Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10))~~: **An offense under IC 35-43-5.**
- (18) Bribery (IC 35-44.1-1-2).
- (19) Official misconduct (IC 35-44.1-1-1).
- (20) Conflict of interest (IC 35-44.1-1-4).
- (21) Perjury (IC 35-44.1-2-1).
- (22) Obstruction of justice (IC 35-44.1-2-2).
- (23) Intimidation (IC 35-45-2-1).
- (24) Promoting prostitution (IC 35-45-4-4).



- (25) Professional gambling (IC 35-45-5-3).
- (26) Maintaining a professional gambling site (IC 35-45-5-3.5(b)).
- (27) Promoting professional gambling (IC 35-45-5-4).
- (28) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (29) Dealing in methamphetamine (IC 35-48-4-1.1).
- (30) Manufacturing methamphetamine (IC 35-48-4-1.2).
- (31) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (32) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (33) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- (34) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).
- (35) Money laundering (IC 35-45-15-5).
- (36) A violation of IC 35-47.5-5.
- (37) A violation of any of the following:
 - (A) IC 23-14-48-9.
 - (B) IC 30-2-9-7(b).
 - (C) IC 30-2-10-9(b).
 - (D) IC 30-2-13-38(f).
- (38) Practice of law by a person who is not an attorney (IC 33-43-2-1).
- (39) An offense listed in IC 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).
- (40) Dealing in a controlled substance resulting in death (IC 35-42-1-1.5)."

Delete pages 54 through 55.

Renumber all SECTIONS consecutively.



and when so amended that said bill do pass.

(Reference is to SB 43 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 5, Nays 1.

SENATE MOTION

Madam President: I move that Senate Bill 43 be amended to read as follows:

Page 37, delete lines 11 through 13, begin a new paragraph and insert:

"(d) The offense described in subsection (b)(9) is a Class A misdemeanor if the defendant proves by a preponderance of the evidence that the:

(1) value of the property, data, or benefit intended to be obtained; and

(2) actual pecuniary loss;

is less than seven hundred fifty dollars (\$750)."

(Reference is to SB 43 as printed January 31, 2020.)

YOUNG M

