



March 19, 2019

ENGROSSED
SENATE BILL No. 471

DIGEST OF SB 471 (Updated March 18, 2019 1:45 pm - DI 123)

Citations Affected: IC 34-24; IC 35-31.5; IC 35-43; IC 35-46.

Synopsis: Offenses involving critical infrastructure. Repeals the term "key facility" and replaces it with "critical infrastructure facility". Defines "critical infrastructure facility". Provides that a person who, not having a contractual interest in the property, knowingly or intentionally enters the real property of a critical infrastructure facility without the permission of the owner of the critical infrastructure facility or an authorized person commits the offense of critical infrastructure facility trespass. Provides that a person who recklessly, knowingly, or intentionally damages or defaces property of a critical infrastructure facility commits the offense of critical infrastructure facility mischief. Provides criminal penalties and civil remedies for offenses involving a critical infrastructure facility. Provides that the chapter addressing offenses of related critical infrastructure facilities does not apply to
(Continued next page)

Effective: July 1, 2019.

Koch, Crider
(HOUSE SPONSOR — SOLIDAY)

January 14, 2019, read first time and referred to Committee on Homeland Security and Transportation.
January 31, 2019, amended, reported favorably — Do Pass.
February 5, 2019, read second time, amended, ordered engrossed.
February 6, 2019, engrossed.
February 7, 2019, read third time, passed. Yeas 49, nays 0.
HOUSE ACTION
March 7, 2019, read first time and referred to Committee on Judiciary.
March 19, 2019, amended, reported — Do Pass.

ES 471—LS 7119/DI 131



Digest Continued

protected conduct or collective bargaining agreements. Provides that a victim of the offense of critical infrastructure facility trespass or mischief may recover damages sustained from a person who caused the loss. Provides that a person that compensates, provides consideration to, or remunerates a person for committing the offense of critical infrastructure facility trespass or mischief may be held liable for civil damages. Provides that if a person commits the offense of conspiracy to commit the offense of critical infrastructure facility trespass or mischief with a person who commits the offense of critical infrastructure facility trespass or mischief, the conspiring person shall be punished by a fine not to exceed \$100,000.



March 19, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

ENGROSSED SENATE BILL No. 471

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 34-24-3-1, AS AMENDED BY P.L.97-2011,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 1. If a person has an unpaid claim on a liability
4 that is covered by IC 24-4.6-5 or suffers a pecuniary loss as a result of
5 a violation of IC 35-43, IC 35-42-3-3, IC 35-42-3-4, ~~or~~ IC 35-45-9, **or**
6 **IC 35-46-10**, the person may bring a civil action against the person
7 who caused the loss for the following:
8 (1) An amount not to exceed three (3) times:
9 (A) the actual damages of the person suffering the loss, in the
10 case of a liability that is not covered by IC 24-4.6-5; or
11 (B) the total pump price of the motor fuel received, in the case
12 of a liability that is covered by IC 24-4.6-5.
13 (2) The costs of the action.
14 (3) A reasonable attorney's fee.
15 (4) Actual travel expenses that are not otherwise reimbursed
16 under subdivisions (1) through (3) and are incurred by the person
17 suffering loss to:

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- 1 (A) have the person suffering loss or an employee or agent of
 2 that person file papers and attend court proceedings related to
 3 the recovery of a judgment under this chapter; or
 4 (B) provide witnesses to testify in court proceedings related to
 5 the recovery of a judgment under this chapter.
 6 (5) A reasonable amount to compensate the person suffering loss
 7 for time used to:
 8 (A) file papers and attend court proceedings related to the
 9 recovery of a judgment under this chapter; or
 10 (B) travel to and from activities described in clause (A).
 11 (6) Actual direct and indirect expenses incurred by the person
 12 suffering loss to compensate employees and agents for time used
 13 to:
 14 (A) file papers and attend court proceedings related to the
 15 recovery of a judgment under this chapter; or
 16 (B) travel to and from activities described in clause (A).
 17 (7) All other reasonable costs of collection.
- 18 SECTION 2. IC 35-31.5-2-79.5 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2019]: **Sec. 79.5. "Critical infrastructure**
 21 **facility", for purposes of IC 35-43-4-2 and IC 35-46-10, has the**
 22 **meaning set forth in IC 35-46-10-1(a).**
- 23 SECTION 3. IC 35-31.5-2-79.7 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2019]: **Sec. 79.7. "Critical infrastructure**
 26 **utility", for purposes of IC 35-46-10, has the meaning set forth in**
 27 **IC 35-46-10-1(b).**
- 28 SECTION 4. IC 35-31.5-2-179 IS REPEALED [EFFECTIVE JULY
 29 1, 2019]. ~~Sec. 179. "Key facility" means any of the following:~~
 30 ~~(1) A chemical manufacturing facility;~~
 31 ~~(2) A refinery;~~
 32 ~~(3) An electric utility facility, including:~~
 33 ~~(A) a power plant;~~
 34 ~~(B) a power generation facility peaker;~~
 35 ~~(C) an electric transmission facility;~~
 36 ~~(D) an electric station or substation; or~~
 37 ~~(E) any other facility used to support the generation;~~
 38 ~~transmission; or distribution of electricity.~~
 39 ~~However, the term does not include electric transmission land or~~
 40 ~~right-of-way that is not completely enclosed, posted, and~~
 41 ~~maintained by the electric utility.~~
 42 ~~(4) A water intake structure or water treatment facility.~~



- 1 (5) A natural gas utility facility, including:
 2 (A) an age station;
 3 (B) a compressor station;
 4 (C) an odorization facility;
 5 (D) a main line valve;
 6 (E) a natural gas storage facility; or
 7 (F) any other facility used to support the acquisition;
 8 transmission, distribution, or storage of natural gas. However,
 9 the term does not include gas transmission pipeline property
 10 that is not completely enclosed, posted, and maintained by the
 11 natural gas utility.
- 12 (6) A gasoline, propane, liquid natural gas (LNG), or other fuel
 13 terminal or storage facility.
- 14 (7) A transportation facility, including, but not limited to, a port,
 15 railroad switching yard, or trucking terminal. However, the term
 16 does not include a railroad track that is not part of a railroad
 17 switching yard.
- 18 (8) A pulp or paper manufacturing facility.
- 19 (9) A pharmaceutical manufacturing facility.
- 20 (10) A hazardous waste storage, treatment, or disposal facility.
- 21 (11) A telecommunications facility, including a central office or
 22 cellular telephone tower site.
- 23 (12) A facility:
 24 (A) that is substantially similar to a facility, structure, or
 25 station listed in this section; or
 26 (B) whose owner or operator is required to submit a risk
 27 management plan under the federal Chemical Safety
 28 Information, Site Security and Fuels Regulatory Relief Act (42
 29 U.S.C. 7412(r)).
- 30 SECTION 5. IC 35-43-2-2, AS AMENDED BY P.L.181-2018,
 31 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2019]: Sec. 2. (a) As used in this section, "authorized person"
 33 means a person authorized by an agricultural operation to act on behalf
 34 of the agricultural operation.
- 35 (b) A person who:
 36 (1) not having a contractual interest in the property, knowingly or
 37 intentionally enters the real property of another person after
 38 having been denied entry by the other person or that person's
 39 agent;
 40 (2) not having a contractual interest in the property, knowingly or
 41 intentionally refuses to leave the real property of another person
 42 after having been asked to leave by the other person or that



- 1 person's agent;
 2 (3) accompanies another person in a vehicle, with knowledge that
 3 the other person knowingly or intentionally is exerting
 4 unauthorized control over the vehicle;
 5 (4) knowingly or intentionally interferes with the possession or
 6 use of the property of another person without the person's consent;
 7 (5) not having a contractual interest in the property, knowingly or
 8 intentionally enters the:
 9 (A) property of an agricultural operation that is used for the
 10 production, processing, propagation, packaging, cultivation,
 11 harvesting, care, management, or storage of an animal, plant,
 12 or other agricultural product, including any pasturage or land
 13 used for timber management, without the consent of the owner
 14 of the agricultural operation or an authorized person; or
 15 (B) dwelling of another person without the person's consent;
 16 (6) knowingly or intentionally:
 17 (A) travels by train without lawful authority or the railroad
 18 carrier's consent; and
 19 (B) rides on the outside of a train or inside a passenger car,
 20 locomotive, or freight car, including a boxcar, flatbed, or
 21 container without lawful authority or the railroad carrier's
 22 consent;
 23 (7) not having a contractual interest in the property, knowingly or
 24 intentionally enters or refuses to leave the property of another
 25 person after having been prohibited from entering or asked to
 26 leave the property by a law enforcement officer when the property
 27 is:
 28 (A) vacant real property (as defined in IC 36-7-36-5) or a
 29 vacant structure (as defined in IC 36-7-36-6); or
 30 (B) designated by a municipality or county enforcement
 31 authority to be abandoned property or an abandoned structure
 32 (as defined in IC 36-7-36-1);
 33 (8) not having a contractual interest in the property, knowingly or
 34 intentionally enters the real property of an agricultural operation
 35 (as defined in IC 32-30-6-1) without the permission of the owner
 36 of the agricultural operation or an authorized person, and
 37 knowingly or intentionally engages in conduct that causes
 38 property damage to:
 39 (A) the owner of or a person having a contractual interest in
 40 the agricultural operation;
 41 (B) the operator of the agricultural operation; or
 42 (C) a person having personal property located on the property



- 1 of the agricultural operation; or
 2 (9) knowingly or intentionally enters the property of another
 3 person after being denied entry by a court order that has been
 4 issued to the person or issued to the general public by
 5 conspicuous posting on or around the premises in areas where a
 6 person can observe the order when the property has been
 7 designated by a municipality or county enforcement authority to
 8 be a vacant property, an abandoned property, or an abandoned
 9 structure (as defined in IC 36-7-36-1);
 10 commits criminal trespass, a Class A misdemeanor. However, the
 11 offense is a Level 6 felony if it is committed on a scientific research
 12 facility, ~~on a key facility~~, on a facility belonging to a public utility (as
 13 defined in IC 32-24-1-5.9(a)), on school property, or on a school bus or
 14 the person has a prior unrelated conviction for an offense under this
 15 section concerning the same property. The offense is a Level 6 felony,
 16 for purposes of subdivision (8), if the property damage is more than
 17 seven hundred fifty dollars (\$750) and less than fifty thousand dollars
 18 (\$50,000). The offense is a Level 5 felony, for purposes of subdivision
 19 (8), if the property damage is at least fifty thousand dollars (\$50,000).
 20 (c) A person has been denied entry under subsection (b)(1) when the
 21 person has been denied entry by means of:
 22 (1) personal communication, oral or written;
 23 (2) posting or exhibiting a notice at the main entrance in a manner
 24 that is either prescribed by law or likely to come to the attention
 25 of the public;
 26 (3) a hearing authority or court order under IC 32-30-6,
 27 IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36; or
 28 (4) posting the property by placing identifying purple marks on
 29 trees or posts around the area where entry is denied.
 30 (d) For the purposes of subsection (c)(4):
 31 (1) each purple mark must be readily visible to any person
 32 approaching the property and must be placed:
 33 (A) on a tree:
 34 (i) as a vertical line of at least eight (8) inches in length and
 35 with the bottom of the mark at least three (3) feet and not
 36 more than five (5) feet from the ground; and
 37 (ii) not more than one hundred (100) feet from the nearest
 38 other marked tree; or
 39 (B) on a post:
 40 (i) with the mark covering at least the top two (2) inches of
 41 the post, and with the bottom of the mark at least three (3)
 42 feet and not more than five (5) feet six (6) inches from the



- 1 ground; and
 2 (ii) not more than thirty-six (36) feet from the nearest other
 3 marked post; and
 4 (2) before a purple mark that would be visible from both sides of
 5 a fence shared by different property owners or lessees may be
 6 applied, all of the owners or lessees of the properties must agree
 7 to post the properties with purple marks under subsection (c)(4).
 8 (e) A law enforcement officer may not deny entry to property or ask
 9 a person to leave a property under subsection (b)(7) unless there is
 10 reasonable suspicion that criminal activity has occurred or is occurring.
 11 (f) A person described in subsection (b)(7) violates subsection
 12 (b)(7) unless the person has the written permission of the owner, the
 13 owner's agent, an enforcement authority, or a court to come onto the
 14 property for purposes of performing maintenance, repair, or demolition.
 15 (g) A person described in subsection (b)(9) violates subsection
 16 (b)(9) unless the court that issued the order denying the person entry
 17 grants permission for the person to come onto the property.
 18 (h) Subsections (b), (c), and (g) do not apply to the following:
 19 (1) A passenger on a train.
 20 (2) An employee of a railroad carrier while engaged in the
 21 performance of official duties.
 22 (3) A law enforcement officer, firefighter, or emergency response
 23 personnel while engaged in the performance of official duties.
 24 (4) A person going on railroad property in an emergency to rescue
 25 a person or animal from harm's way or to remove an object that
 26 the person reasonably believes poses an imminent threat to life or
 27 limb.
 28 (5) A person on the station grounds or in the depot of a railroad
 29 carrier:
 30 (A) as a passenger; or
 31 (B) for the purpose of transacting lawful business.
 32 (6) A:
 33 (A) person; or
 34 (B) person's:
 35 (i) family member;
 36 (ii) invitee;
 37 (iii) employee;
 38 (iv) agent; or
 39 (v) independent contractor;
 40 going on a railroad's right-of-way for the purpose of crossing at a
 41 private crossing site approved by the railroad carrier to obtain
 42 access to land that the person owns, leases, or operates.



- 1 (7) A person having written permission from the railroad carrier
 2 to go on specified railroad property.
- 3 (8) A representative of the Indiana department of transportation
 4 while engaged in the performance of official duties.
- 5 (9) A representative of the federal Railroad Administration while
 6 engaged in the performance of official duties.
- 7 (10) A representative of the National Transportation Safety Board
 8 while engaged in the performance of official duties.
- 9 SECTION 6. IC 35-43-4-2, AS AMENDED BY P.L.176-2018,
 10 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2019]: Sec. 2. (a) A person who knowingly or intentionally
 12 exerts unauthorized control over property of another person, with intent
 13 to deprive the other person of any part of its value or use, commits
 14 theft, a Class A misdemeanor. However, the offense is:
 15 (1) a Level 6 felony if:
 16 (A) the value of the property is at least seven hundred fifty
 17 dollars (\$750) and less than fifty thousand dollars (\$50,000);
 18 (B) the property is a:
 19 (i) firearm;
 20 (ii) motor vehicle (as defined in IC 9-13-2-105(a)); or
 21 (iii) component part (as defined in IC 9-13-2-34) of a motor
 22 vehicle; or
 23 (C) 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 ~~key facility~~; **critical infrastructure**
 36 **facility**;
 37 and the absence of the property creates a substantial risk of
 38 bodily injury to a person; or
 39 (C) the property is a:
 40 (i) motor vehicle (as defined in IC 9-13-2-105(a)); or
 41 (ii) component part (as defined in IC 9-13-2-34) of a motor
 42 vehicle; and



- 1 the person has a prior unrelated conviction for theft of a motor
 2 vehicle (as defined in IC 9-13-2-105(a)) or theft of a
 3 component part (as defined in IC 9-13-2-34).
- 4 (b) For purposes of this section, "the value of property" means:
- 5 (1) the fair market value of the property at the time and place the
 6 offense was committed; or
- 7 (2) if the fair market value of the property cannot be satisfactorily
 8 determined, the cost to replace the property within a reasonable
 9 time after the offense was committed.
- 10 A price tag or price marking on property displayed or offered for sale
 11 constitutes prima facie evidence of the value of the property.
- 12 SECTION 7. IC 35-46-10 IS ADDED TO THE INDIANA CODE
 13 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2019]:
- 15 **Chapter 10. Offenses Involving Critical Infrastructure**
- 16 **Sec. 0.5. This chapter does not apply to conduct protected under**
 17 **the Constitution of the United States, the Constitution of the State**
 18 **of Indiana, or a state or federal law or rule, including rights under:**
- 19 (1) the federal National Labor Relations Act (29 U.S.C. 151 et
 20 seq.);
- 21 (2) the federal Railway Labor Act (45 U.S.C. 151 et seq.);
- 22 (3) IC 22-7; or
- 23 (4) a collective bargaining agreement.
- 24 **Sec. 1. (a) As used in this chapter, "critical infrastructure**
 25 **facility" means any of the following:**
- 26 (1) A chemical manufacturing facility.
- 27 (2) A refinery.
- 28 (3) A steelmaking facility.
- 29 (4) An aluminum manufacturing facility.
- 30 (5) An electric utility facility, including:
- 31 (A) a power plant;
- 32 (B) a power generation facility peaker;
- 33 (C) an electric transmission facility;
- 34 (D) an electric station or substation; or
- 35 (E) any other facility used to support the generation,
 36 transmission, or distribution of electricity.
- 37 However, the term does not include electric transmission land
 38 or right-of-way that is not completely enclosed, posted, and
 39 maintained by the electric utility.
- 40 (6) A water intake structure or water treatment facility.
- 41 (7) A natural gas utility facility, including:
- 42 (A) an age station;



- 1 **(B) a compressor station;**
 2 **(C) an odorization facility;**
 3 **(D) a main line valve;**
 4 **(E) a natural gas storage facility; or**
 5 **(F) any other facility used to support the acquisition,**
 6 **transmission, distribution, or storage of natural gas.**
 7 **However, the term does not include gas transmission**
 8 **pipeline property that is not completely enclosed, posted,**
 9 **and maintained by the natural gas utility.**
 10 **(8) A gasoline, propane, liquid natural gas (LNG), or other**
 11 **fuel terminal or storage facility.**
 12 **(9) A transportation facility, including, but not limited to, a**
 13 **port, railroad switching yard, or trucking terminal. However,**
 14 **the term does not include a railroad track that is not part of**
 15 **a railroad switching yard.**
 16 **(10) A pulp or paper manufacturing facility.**
 17 **(11) A pharmaceutical manufacturing facility.**
 18 **(12) A hazardous waste storage, treatment, or disposal**
 19 **facility.**
 20 **(13) A crude oil exploration and production equipment or**
 21 **refined products storage and distribution facility including,**
 22 **but not limited to, valve sites, pipeline interconnections, a**
 23 **pump station, a metering station, below or aboveground**
 24 **pipeline or piping, and a truck loading or offloading facility.**
 25 **(14) A communications services facility, including a central**
 26 **office, cable head end, cable node, or cellular telephone tower**
 27 **site.**
 28 **(15) A dam that is regulated by the department of natural**
 29 **resources.**
 30 **(16) A facility:**
 31 **(A) whose owner or operator is required to submit a risk**
 32 **management plan under the federal Chemical Safety**
 33 **Information, Site Security and Fuels Regulatory Relief Act**
 34 **(42 U.S.C. 7412(r)); or**
 35 **(B) identified and regulated by the United States**
 36 **Department of Homeland Security Chemical Facility**
 37 **Anti-Terrorism Standards (CFATS) program.**
 38 **(17) Any aboveground portion of an oil, gas, hazardous liquid,**
 39 **or chemical pipeline, tank, railroad facility, or other storage**
 40 **facility that is completely enclosed, posted, and maintained by**
 41 **the critical infrastructure utility.**
 42 **(18) A facility that is substantially similar to a facility,**



1 structure, or station listed in this subsection.

2 (b) As used in this chapter, "critical infrastructure utility"
3 means a person that owns or operates, for public use, any plant,
4 equipment, property, franchise, or license for the production,
5 storage, transmission, sale, or delivery of the items listed in
6 subsection (a).

7 (c) As used in this chapter, "person" has the meaning set forth
8 in IC 35-31.5-2-234(a).

9 Sec. 2. A person who, not having a contractual interest in the
10 property, knowingly or intentionally enters the real property of a
11 critical infrastructure facility without the permission of the owner
12 of the critical infrastructure facility or an authorized person
13 commits critical infrastructure facility trespass, a Level 6 felony.

14 Sec. 3. A person who recklessly, knowingly, or intentionally
15 damages or defaces property of a critical infrastructure facility
16 commits critical infrastructure facility mischief, a Level 5 felony.
17 However, the offense is a Level 4 felony if:

18 (1) the pecuniary loss is at least fifty thousand dollars
19 (\$50,000); or

20 (2) the damage causes a substantial interruption or
21 impairment of a critical infrastructure utility service
22 rendered to the public.

23 Sec. 4. Except as provided in IC 35-50-2, if a person commits the
24 offense of conspiracy (as described in IC 35-41-5-2) to commit an
25 offense described in section 2 or 3 of this chapter with a person
26 who commits an offense described under section 2 or 3 of this
27 chapter, the conspiring person shall be punished by a fine not to
28 exceed one hundred thousand dollars (\$100,000).

29 Sec. 5. (a) A person aggrieved by a violation under this chapter
30 may recover damages sustained under IC 34-24-3-1.

31 (b) Any person that compensates, provides consideration to, or
32 remunerates a person for committing an offense under sections 2,
33 3, or 4 of this chapter may be held liable for civil damages imposed
34 under this chapter.



COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred Senate Bill No. 471, 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 7, between lines 28 and 29, begin a new paragraph and insert:

"Sec. 0.5. This chapter does not apply to conduct protected under the Constitution of the United States, the Constitution of the State of Indiana, or a state or federal law or rule, including rights under:

- (1) the federal National Labor Relations Act (29 U.S.C. 151 et seq.);**
- (2) the federal Railway Labor Act (45 U.S.C. 151 et seq.);**
- (3) IC 22-7; or**
- (4) a collective bargaining agreement."**

Page 8, line 24, after "oil" insert "**exploration and production equipment**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 471 as introduced.)

CRIDER, Chairperson

Committee Vote: Yeas 7, Nays 0.

 SENATE MOTION

Madam President: I move that Senate Bill 471 be amended to read as follows:

Page 8, line 37, delete "telecommunications" and insert "**communications services**".

Page 8, line 37, delete "office" and insert "**office, cable head end, cable node,**".

(Reference is to SB 471 as printed February 1, 2019.)

KOCH

ES 471—LS 7119/DI 131



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 471, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 34-24-3-1, AS AMENDED BY P.L.97-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. If a person has an unpaid claim on a liability that is covered by IC 24-4.6-5 or suffers a pecuniary loss as a result of a violation of IC 35-43, IC 35-42-3-3, IC 35-42-3-4, ~~or~~ IC 35-45-9, **or IC 35-46-10**, the person may bring a civil action against the person who caused the loss for the following:

- (1) An amount not to exceed three (3) times:
 - (A) the actual damages of the person suffering the loss, in the case of a liability that is not covered by IC 24-4.6-5; or
 - (B) the total pump price of the motor fuel received, in the case of a liability that is covered by IC 24-4.6-5.
- (2) The costs of the action.
- (3) A reasonable attorney's fee.
- (4) Actual travel expenses that are not otherwise reimbursed under subdivisions (1) through (3) and are incurred by the person suffering loss to:
 - (A) have the person suffering loss or an employee or agent of that person file papers and attend court proceedings related to the recovery of a judgment under this chapter; or
 - (B) provide witnesses to testify in court proceedings related to the recovery of a judgment under this chapter.
- (5) A reasonable amount to compensate the person suffering loss for time used to:
 - (A) file papers and attend court proceedings related to the recovery of a judgment under this chapter; or
 - (B) travel to and from activities described in clause (A).
- (6) Actual direct and indirect expenses incurred by the person suffering loss to compensate employees and agents for time used to:
 - (A) file papers and attend court proceedings related to the recovery of a judgment under this chapter; or
 - (B) travel to and from activities described in clause (A).
- (7) All other reasonable costs of collection."



Page 2, delete lines 38 through 42.

Page 7, between lines 41 and 42, begin a new line block indented and insert:

"(4) An aluminum manufacturing facility."

Page 7, line 42, delete "(4)" and insert "(5)".

Page 8, line 10, delete "(5)" and insert "(6)".

Page 8, line 11, delete "(6)" and insert "(7)".

Page 8, line 22, delete "(7)" and insert "(8)".

Page 8, line 24, delete "(8)" and insert "(9)".

Page 8, line 28, delete "(9)" and insert "(10)".

Page 8, line 29, delete "(10)" and insert "(11)".

Page 8, line 30, delete "(11)" and insert "(12)".

Page 8, line 32, delete "(12)" and insert "(13)".

Page 8, line 37, delete "(13)" and insert "(14)".

Page 8, line 40, delete "(14)" and insert "(15)".

Page 8, line 42, delete "(15)" and insert "(16)".

Page 9, line 8, delete "(16)" and insert "(17)".

Page 9, line 12, delete "(17)" and insert "(18)".

Page 9, delete lines 19 through 25, begin a new paragraph and insert:

"(c) As used in this chapter, "person" has the meaning set forth in IC 35-31.5-2-234(a)."

Page 9, line 40, delete "an organization is" and insert "a person".

Page 9, line 41, delete "found to be a conspirator" and insert **"commits the offense of conspiracy (as described in IC 35-41-5-2) to commit an offense described in section 2 or 3 of this chapter"**.

Page 9, line 41, delete "is convicted of" and insert **"commits"**.

Page 10, line 1, delete "organization" and insert **"person"**.

Page 10, delete lines 3 through 10, begin a new paragraph and insert:

"Sec. 5. (a) A person aggrieved by a violation under this chapter may recover damages sustained under IC 34-24-3-1.

(b) Any person that compensates, provides consideration to, or remunerates a person for committing an offense under sections 2,



3, or 4 of this chapter may be held liable for civil damages imposed under this chapter."

Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to SB 471 as reprinted February 6, 2019.)

TORR

Committee Vote: yeas 8, nays 3.

