



February 1, 2002

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## HOUSE BILL No. 1051

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DIGEST OF HB 1051 (Updated January 31, 2002 9:49 AM - DI 106)

**Citations Affected:** IC 35-42; IC 35-44; IC 35-45.

**Synopsis:** False reporting. Provides that a person who makes a false report commits a Class C felony if, in response to the false report, a physician prescribes diagnostic testing or medical treatment. Makes it a Class D felony for a person to disseminate a substance with the intent to cause a reasonable person to believe that the substance is a weapon of mass destruction. Provides enhanced penalties if dissemination of the substance results in diagnostic testing, medical treatment, or serious bodily injury.

**Effective:** July 1, 2002.

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**Duncan, Bodiker, Steele, Goodin,  
Adams T**

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January 8, 2002, read first time and referred to Committee on Rules and Legislative Procedures.  
January 16, 2002, reassigned to Committee on Courts and Criminal Code.  
January 31, 2002, amended, reported — Do Pass.

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HB 1051—LS 6543/DI 106+



February 1, 2002

Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

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## HOUSE BILL No. 1051

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

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

1 SECTION 1. IC 35-42-2-5.7 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2002]: **Sec. 5.7. A person who knowingly or intentionally places  
4 or disseminates a device or substance with the intent to cause a  
5 reasonable person to believe that the device or substance is a  
6 weapon of mass destruction commits malicious mischief, a Class D  
7 felony. However, the offense is a Class C felony if, as a result of the  
8 offense:**

9 (1) a physician prescribes diagnostic testing or medical  
10 treatment for any person other than the person who made the  
11 false report; or

12 (2) a person suffers serious bodily injury.

13 SECTION 2. IC 35-44-2-2, AS AMENDED BY P.L.156-2001,  
14 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2002]: Sec. 2. (a) As used in this section, "consumer product"  
16 has the meaning set forth in IC 35-45-8-1.

17 (b) A person who reports, by telephone, telegraph, mail, or other

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1 written or oral communication, that:  
 2 (1) the person or another person has placed or intends to place an  
 3 explosive or other destructive substance in a building or  
 4 transportation facility;  
 5 (2) there has been or there will be tampering with a consumer  
 6 product introduced into commerce; or  
 7 (3) there has been or will be placed or introduced a weapon of  
 8 mass destruction in a building or a place of assembly;  
 9 knowing the report to be false commits false reporting, a Class D  
 10 felony. **However, the offense is a Class C felony if, as a result of the**  
 11 **false report, a physician prescribes diagnostic testing or medical**  
 12 **treatment for any person other than the person who made the false**  
 13 **report.**

14 (c) A person who:  
 15 (1) gives a false report of the commission of a crime or gives false  
 16 information in the official investigation of the commission of a  
 17 crime, knowing the report or information to be false;  
 18 (2) gives a false alarm of fire to the fire department of a  
 19 governmental entity, knowing the alarm to be false;  
 20 (3) makes a false request for ambulance service to an ambulance  
 21 service provider, knowing the request to be false; or  
 22 (4) gives a false report concerning a missing child (as defined in  
 23 IC 10-1-7-2) or gives false information in the official  
 24 investigation of a missing child knowing the report or information  
 25 to be false;

26 commits false informing, a Class B misdemeanor. However, the offense  
 27 is a Class A misdemeanor if it substantially hinders any law  
 28 enforcement process or if it results in harm to an innocent person.

29 SECTION 3. IC 35-45-6-1, AS AMENDED BY P.L.17-2001,  
 30 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2002]: Sec. 1. As used in this chapter:

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

35 "Enterprise" means:  
 36 (1) a sole proprietorship, corporation, limited liability company,  
 37 partnership, business trust, or governmental entity; or  
 38 (2) a union, an association, or a group, whether a legal entity or  
 39 merely associated in fact.

40 "Pattern of racketeering activity" means engaging in at least two (2)  
 41 incidents of racketeering activity that have the same or similar intent,  
 42 result, accomplice, victim, or method of commission, or that are

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1 otherwise interrelated by distinguishing characteristics that are not  
 2 isolated incidents. However, the incidents are a pattern of racketeering  
 3 activity only if at least one (1) of the incidents occurred after August  
 4 31, 1980, and if the last of the incidents occurred within five (5) years  
 5 after a prior incident of racketeering activity.

6 "Racketeering activity" means to commit, to attempt to commit, to  
 7 conspire to commit a violation of, or aiding and abetting in a violation  
 8 of any of the following:

- 9 (1) A provision of IC 23-2-1, or of a rule or order issued under  
 10 IC 23-2-1.
- 11 (2) A violation of IC 35-45-9.
- 12 (3) A violation of IC 35-47.
- 13 (4) A violation of IC 35-49-3.
- 14 (5) Murder (IC 35-42-1-1).
- 15 (6) Battery as a Class C felony (IC 35-42-2-1).
- 16 (7) Kidnapping (IC 35-42-3-2).
- 17 (8) Child exploitation (IC 35-42-4-4).
- 18 (9) Robbery (IC 35-42-5-1).
- 19 (10) Carjacking (IC 35-42-5-2).
- 20 (11) Arson (IC 35-43-1-1).
- 21 (12) Burglary (IC 35-43-2-1).
- 22 (13) Theft (IC 35-43-4-2).
- 23 (14) Receiving stolen property (IC 35-43-4-2).
- 24 (15) Forgery (IC 35-43-5-2).
- 25 (16) Fraud (IC 35-43-5-4(1) through ~~IC 35-43-5-4(9)~~;  
 26 **IC 35-43-5-4(10)**).
- 27 (17) Bribery (IC 35-44-1-1).
- 28 (18) Official misconduct (IC 35-44-1-2).
- 29 (19) Conflict of interest (IC 35-44-1-3).
- 30 (20) Perjury (IC 35-44-2-1).
- 31 (21) Obstruction of justice (IC 35-44-3-4).
- 32 (22) Intimidation (IC 35-45-2-1).
- 33 (23) Promoting prostitution (IC 35-45-4-4).
- 34 (24) Promoting professional gambling (IC 35-45-5-4).
- 35 (25) Dealing in or manufacturing cocaine, a narcotic drug, or  
 36 methamphetamine (IC 35-48-4-1).
- 37 (26) Dealing in a schedule I, II, or III controlled substance  
 38 (IC 35-48-4-2).
- 39 (27) Dealing in a schedule IV controlled substance  
 40 (IC 35-48-4-3).
- 41 (28) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 42 (29) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).

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1 (30) Money laundering (IC 35-45-15-5).

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1051, 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, line 6, delete "Class C" and insert "**Class D**".

Page 1, line 7, delete "Class B" and insert "**Class C**".

Page 2, after line 28, begin a new paragraph and insert:

"SECTION 3. IC 35-45-6-1, AS AMENDED BY P.L.17-2001, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. As used in this chapter:

"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.

"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.

"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.

"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 23-2-1, or of a rule or order issued under IC 23-2-1.
- (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 (IC 35-42-2-1).
- (7) Kidnapping (IC 35-42-3-2).
- (8) Child exploitation (IC 35-42-4-4).
- (9) Robbery (IC 35-42-5-1).
- (10) Carjacking (IC 35-42-5-2).
- (11) Arson (IC 35-43-1-1).

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- (12) Burglary (IC 35-43-2-1).
- (13) Theft (IC 35-43-4-2).
- (14) Receiving stolen property (IC 35-43-4-2).
- (15) Forgery (IC 35-43-5-2).
- (16) Fraud (IC 35-43-5-4(1) through ~~IC 35-43-5-4(9)~~:  
**IC 35-43-5-4(10)**).
- (17) Bribery (IC 35-44-1-1).
- (18) Official misconduct (IC 35-44-1-2).
- (19) Conflict of interest (IC 35-44-1-3).
- (20) Perjury (IC 35-44-2-1).
- (21) Obstruction of justice (IC 35-44-3-4).
- (22) Intimidation (IC 35-45-2-1).
- (23) Promoting prostitution (IC 35-45-4-4).
- (24) Promoting professional gambling (IC 35-45-5-4).
- (25) Dealing in or manufacturing cocaine, a narcotic drug, or methamphetamine (IC 35-48-4-1).
- (26) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (27) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (28) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- (29) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).
- (30) Money laundering (IC 35-45-15-5)."

and when so amended that said bill do pass.

(Reference is to HB 1051 as introduced.)

DVORAK, Chair

Committee Vote: yeas 10, nays 0.

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