

**CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 26**

Citations Affected: Numerous citations throughout the Indiana Code.

Synopsis: Organizes definitions in Title 35. Conference committee report for ESB 26. Organizes definitions in Title 35. Makes technical corrections. (The introduced version of this bill was prepared by the criminal code evaluation commission.) **(This conference committee report: (1) makes technical corrections; and (2) resolves conflicts with other bills.)**

Effective: July 1, 2012.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 26 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 1-1-4-5 IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2012]: Sec. 5. The following definitions apply
- 4 to the construction of all Indiana statutes, unless the construction is
- 5 plainly repugnant to the intent of the general assembly or of the context
- 6 of the statute:
- 7 (1) "Adult", "of full age", and "person in his majority" mean a
- 8 person at least eighteen (18) years of age.
- 9 (2) "Attorney" includes a counselor or other person authorized to
- 10 appear and represent a party in an action or special proceeding.
- 11 (3) "Autism" means a neurological condition as described in the
- 12 most recent edition of the Diagnostic and Statistical Manual of
- 13 Mental Disorders of the American Psychiatric Association.
- 14 (4) "Bond" does not necessarily imply a seal.
- 15 (5) "Clerk" means the clerk of the court or a person authorized to
- 16 perform the clerk's duties.
- 17 (6) "Health record", "hospital record", or "medical record" means
- 18 written or printed information possessed by a provider (as defined
- 19 in IC 16-18-2-295) concerning any diagnosis, treatment, or
- 20 prognosis of the patient, unless otherwise defined. Except as
- 21 otherwise provided, the terms include mental health records and
- 22 drug and alcohol abuse records.

- 1 (7) "Highway" includes county bridges and state and county
2 roads, unless otherwise expressly provided.
- 3 (8) "Infant" or "minor" means a person less than eighteen (18)
4 years of age.
- 5 (9) "Inhabitant" may be construed to mean a resident in any place.
- 6 (10) "Judgment" means all final orders, decrees, and
7 determinations in an action and all orders upon which executions
8 may issue.
- 9 (11) "Land", "real estate", and "real property" include lands,
10 tenements, and hereditaments.
- 11 (12) "Mentally incompetent" means of unsound mind.
- 12 (13) "Money demands on contract", when used in reference to an
13 action, means an action arising out of contract when the relief
14 demanded is a recovery of money.
- 15 (14) "Month" means a calendar month, unless otherwise
16 expressed.
- 17 (15) "Noncode statute" means a statute that is not codified as part
18 of the Indiana Code.
- 19 (16) "Oath" includes "affirmation", and "to swear" includes to
20 "affirm".
- 21 (17) "Person" extends to bodies politic and corporate.
- 22 (18) "Personal property" includes goods, chattels, evidences of
23 debt, and things in action.
- 24 (19) "Population" has the meaning set forth in IC 1-1-3.5-3.
- 25 (20) "Preceding" and "following", referring to sections in statutes,
26 mean the sections next preceding or next following that in which
27 the words occur, unless some other section is designated.
- 28 (21) "Property" includes personal and real property.
- 29 (22) "Sheriff" means the sheriff of the county or another person
30 authorized to perform sheriff's duties.
- 31 (23) "State", applied to any one (1) of the United States, includes
32 the District of Columbia and the commonwealths, possessions,
33 states in free association with the United States, and the
34 territories. "United States" includes the District of Columbia and
35 the commonwealths, possessions, states in free association with
36 the United States, and the territories.
- 37 (24) "Under legal disabilities" includes persons less than eighteen
38 (18) years of age, mentally incompetent, or out of the United
39 States.
- 40 (25) "Verified", when applied to pleadings, means supported by
41 oath or affirmation in writing.
- 42 (26) "Will" includes a testament and codicil.
- 43 (27) "Without relief" in any judgment, contract, execution, or
44 other instrument of writing or record, means without the benefit
45 of valuation laws.
- 46 (28) "Written" and "in writing" include printing, lithographing, or
47 other mode of representing words and letters. If the written
48 signature of a person is required, the terms mean the proper
49 handwriting of the person or the person's mark.
- 50 (29) "Year" means a calendar year, unless otherwise expressed.

1 (30) The definitions in ~~IC 35-41-1~~ **IC 35-31.5** apply to all statutes
2 relating to penal offenses.

3 SECTION 2. IC 3-5-2-15 IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) "Contribution" means a
5 donation (whether characterized as an advance, a deposit, a gift, a loan,
6 a subscription, or a contract or promise to make a donation) of property
7 (as defined in ~~IC 35-41-1~~ **IC 35-31.5-2-253**) that satisfies both of the
8 following:

9 (1) The donation is made for the purpose of influencing any of the
10 following:

11 (A) The nomination or election to office of a candidate.

12 (B) The election of delegates to a state constitutional
13 convention.

14 (C) The outcome of a public question.

15 (2) The donation is accepted by any of the following:

16 (A) A candidate.

17 (B) A candidate's committee.

18 (C) A regular party committee.

19 (D) A political action committee.

20 (E) A legislative caucus committee.

21 (b) Whenever funds are transferred from one (1) committee to
22 another, the accepting committee is considered to be receiving a
23 contribution in the amount of the funds transferred.

24 (c) Whenever a candidate or a committee accepts the personal
25 services of a person whose compensation is being paid by a third
26 person, the candidate or committee is considered to be receiving a
27 contribution from the third person in the amount of the compensation
28 paid.

29 (d) Notwithstanding subsection (a), whenever a candidate or a
30 committee accepts the personal services of a volunteer who is not being
31 compensated, the candidate or committee is not considered to be
32 receiving a contribution.

33 (e) Notwithstanding subsection (a), whenever a political action
34 committee accepts a donation of:

35 (1) rent;

36 (2) office expenses;

37 (3) management fees;

38 (4) costs of solicitations of contributions; or

39 (5) other administrative costs;

40 the committee is not considered to be receiving a contribution.

41 SECTION 3. IC 3-5-2-23 IS AMENDED TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) "Expenditure" means a
43 disbursement (whether characterized as an advance, a deposit, a
44 distribution, a gift, a loan, a payment, a purchase, or a contract or
45 promise to make a disbursement) of property (as defined in ~~IC 35-41-1~~
46 **IC 35-31.5-2-253**) that:

47 (1) is made for the purpose of influencing:

48 (A) the nomination or election to office of a candidate;

49 (B) the election of delegates to a state constitutional
50 convention; or

- 1 (C) the outcome of a public question; and
- 2 (2) is made by:
- 3 (A) an individual, except that a contribution made by an
- 4 individual is not considered to be an expenditure;
- 5 (B) a candidate's committee;
- 6 (C) a regular party committee; or
- 7 (D) a political action committee.

8 (b) Whenever funds are transferred from one (1) committee to
 9 another, the disbursing committee is considered to be making an
 10 expenditure in the amount of the funds transferred.

11 SECTION 4. IC 3-5-2-26.8 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26.8. "Lawful
 13 detention" has the meaning set forth in ~~IC 35-41-1-18.~~
 14 **IC 35-31.5-2-186.**

15 SECTION 5. IC 3-6-6-35 IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2012]: Sec. 35. (a) Each election sheriff shall
 17 do the following:

- 18 (1) Except as provided in subsection (b), attend the polls in the
- 19 appointed precinct from the opening of the polls to the conclusion
- 20 of the count.
- 21 (2) Preserve order at the polls.
- 22 (3) Enforce the election laws under the direction of the precinct
- 23 election board.
- 24 (4) Upon direction from a member of the precinct election board,
- 25 request assistance from a law enforcement officer (as defined in
- 26 ~~IC 35-41-1-17~~) **IC 35-31.5-2-185**) if a violation of law within the
- 27 polls, or within fifty (50) feet of the polls, has occurred or appears
- 28 imminent.

29 (b) The sheriff may leave the polls for the purpose of obtaining
 30 assistance from a law enforcement officer under subsection (a)(4).

31 SECTION 6. IC 3-14-3-18, AS AMENDED BY P.L.103-2005,
 32 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2012]: Sec. 18. (a) As used in this section, "candidate"
 34 includes an individual whom the person knows is considering
 35 becoming a candidate.

36 (b) A person who, for the purpose of influencing a voter or
 37 candidate, does any of the following commits a Class D felony:

- 38 (1) Seeks to enforce the payment of a debt by force or threat of
- 39 force.
- 40 (2) Ejects or threatens to eject the voter or candidate from a house
- 41 the voter or candidate occupies.
- 42 (3) Begins a criminal prosecution.
- 43 (4) Damages the business or trade of the voter or candidate.
- 44 (5) Communicates a threat to commit a forcible felony (as defined
- 45 in ~~IC 35-41-1-11~~) **IC 35-31.5-2-138**) against a voter or candidate
- 46 with the intent that the voter or candidate:
- 47 (A) engage in conduct against the voter's or candidate's will;
- 48 or
- 49 (B) be placed in fear of retaliation for a prior lawful act as a
- 50 voter or candidate.

1 SECTION 7. IC 4-2-6-1, AS AMENDED BY HEA 1250-2012,
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2012]: Sec. 1. (a) As used in this chapter, and unless the
 4 context clearly denotes otherwise:

5 (1) "Advisory body" means an authority, a board, a commission,
 6 a committee, a task force, or other body designated by any name
 7 of the executive department that is authorized only to make
 8 nonbinding recommendations.

9 (2) "Agency" means an authority, a board, a branch, a bureau, a
 10 commission, a committee, a council, a department, a division, an
 11 office, a service, or other instrumentality of the executive,
 12 including the administrative, department of state government. The
 13 term includes a body corporate and politic set up as an
 14 instrumentality of the state and a private, nonprofit, government
 15 related corporation. The term does not include any of the
 16 following:

- 17 (A) The judicial department of state government.
- 18 (B) The legislative department of state government.
- 19 (C) A state educational institution.
- 20 (D) A political subdivision.

21 (3) "Appointing authority" means the following:

- 22 (A) Except as provided in clause (B), the chief administrative
 23 officer of an agency. The term does not include a state officer.
- 24 (B) For purposes of section 16 of this chapter, "appointing
 25 authority" means:
 26 (i) an elected officer;
 27 (ii) the chief administrative officer of an agency; or
 28 (iii) an individual or group of individuals who have the
 29 power by law or by lawfully delegated authority to make
 30 appointments.

31 (4) "Assist" means to:

- 32 (A) help;
- 33 (B) aid;
- 34 (C) advise; or
- 35 (D) furnish information to;

36 a person. The term includes an offer to do any of the actions in
 37 clauses (A) through (D).

38 (5) "Business relationship" includes the following:

- 39 (A) Dealings of a person with an agency seeking, obtaining,
 40 establishing, maintaining, or implementing:
 41 (i) a pecuniary interest in a contract or purchase with the
 42 agency; or
 43 (ii) a license or permit requiring the exercise of judgment or
 44 discretion by the agency.
- 45 (B) The relationship a lobbyist has with an agency.
- 46 (C) The relationship an unregistered lobbyist has with an
 47 agency.

48 (6) "Commission" refers to the state ethics commission created
 49 under section 2 of this chapter.

50 (7) "Compensation" means any money, thing of value, or financial

- 1 benefit conferred on, or received by, any person in return for
 2 services rendered, or for services to be rendered, whether by that
 3 person or another.
- 4 (8) "Direct line of supervision" means the chain of command in
 5 which the superior affects, or has the authority to affect, the terms
 6 and conditions of the subordinate's employment, including
 7 making decisions about work assignments, compensation,
 8 grievances, advancements, or performance evaluation.
- 9 (9) "Employee" means an individual, other than a state officer,
 10 who is employed by an agency on a full-time, a part-time, a
 11 temporary, an intermittent, or an hourly basis. The term includes
 12 an individual who contracts with an agency for personal services.
- 13 (10) "Employer" means any person from whom a state officer or
 14 employee or the officer's or employee's spouse received
 15 compensation. For purposes of this chapter, a customer or client
 16 of a self-employed individual in a sole proprietorship or a
 17 professional practice is not considered to be an employer.
- 18 (11) "Financial interest" means an interest:
 19 (A) in a purchase, sale, lease, contract, option, or other
 20 transaction between an agency and any person; or
 21 (B) involving property or services.
 22 The term includes an interest arising from employment or
 23 prospective employment for which negotiations have begun. The
 24 term does not include an interest of a state officer or employee in
 25 the common stock of a corporation unless the combined holdings
 26 in the corporation of the state officer or the employee, that
 27 individual's spouse, and that individual's unemancipated children
 28 are more than one percent (1%) of the outstanding shares of the
 29 common stock of the corporation. The term does not include an
 30 interest that is not greater than the interest of the general public
 31 or any state officer or any state employee.
- 32 (12) "Information of a confidential nature" means information:
 33 (A) obtained by reason of the position or office held; and
 34 (B) which:
 35 (i) a public agency is prohibited from disclosing under
 36 IC 5-14-3-4(a);
 37 (ii) a public agency has the discretion not to disclose under
 38 IC 5-14-3-4(b) and that the agency has not disclosed; or
 39 (iii) is not in a public record, but if it were, would be
 40 confidential.
- 41 (13) "Person" means any individual, proprietorship, partnership,
 42 unincorporated association, trust, business trust, group, limited
 43 liability company, or corporation, whether or not operated for
 44 profit, or a governmental agency or political subdivision.
- 45 (14) "Political subdivision" means a county, city, town, township,
 46 school district, municipal corporation, special taxing district, or
 47 other local instrumentality. The term includes an officer of a
 48 political subdivision.
- 49 (15) "Property" has the meaning set forth in ~~IC 35-41-1-23.~~
 50 **IC 35-31.5-2-253.**

- 1 (16) "Relative" means any of the following:
 2 (A) A spouse.
 3 (B) A parent or stepparent.
 4 (C) A child or stepchild.
 5 (D) A brother, sister, stepbrother, or stepsister.
 6 (E) A niece or nephew.
 7 (F) An aunt or uncle.
 8 (G) A daughter-in-law or son-in-law.
- 9 For purposes of this subdivision, an adopted child of an individual
 10 is treated as a natural child of the individual. For purposes of this
 11 subdivision, the terms "brother" and "sister" include a brother or
 12 sister by the half blood.
- 13 (17) "Represent" means to do any of the following on behalf of a
 14 person:
 15 (A) Attend an agency proceeding.
 16 (B) Write a letter.
 17 (C) Communicate with an employee of an agency.
- 18 (18) "Special state appointee" means a person who is:
 19 (A) not a state officer or employee; and
 20 (B) elected or appointed to an authority, a board, a
 21 commission, a committee, a council, a task force, or other
 22 body designated by any name that:
 23 (i) is authorized by statute or executive order; and
 24 (ii) functions in a policy or an advisory role in the executive
 25 (including the administrative) department of state
 26 government, including a separate body corporate and politic.
- 27 (19) "State officer" means any of the following:
 28 (A) The governor.
 29 (B) The lieutenant governor.
 30 (C) The secretary of state.
 31 (D) The auditor of state.
 32 (E) The treasurer of state.
 33 (F) The attorney general.
 34 (G) The superintendent of public instruction.
- 35 (20) The masculine gender includes the masculine and feminine.
 36 (21) The singular form of any noun includes the plural wherever
 37 appropriate.
- 38 (b) The definitions in IC 4-2-7 apply throughout this chapter.
- 39 SECTION 8. IC 4-31-13-9 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) The definitions
 41 in IC 3-5-2 apply to this section to the extent they do not conflict with
 42 the definitions in this article.
- 43 (b) This section applies only to property given after June 30, 1996.
 44 (c) As used in this section, "officer" refers only to either of the
 45 following:
 46 (1) An individual listed as an officer of a corporation in the
 47 corporation's most recent annual report.
 48 (2) An individual who is a successor to an individual described in
 49 subdivision (1).
 50 (d) For purposes of this section, a person is considered to have an

1 interest in a permit holder if the person satisfies any of the following:

- 2 (1) The person holds at least a one percent (1%) interest in the
 3 permit holder.
 4 (2) The person is an officer of the permit holder.
 5 (3) The person is an officer of a person that holds at least a one
 6 percent (1%) interest in the permit holder.
 7 (4) The person is a political action committee of the permit
 8 holder.

9 (e) A permit holder or a person with an interest in a permit holder
 10 may not give any property (as defined in ~~IC 35-41-1-23~~)
 11 **IC 35-31.5-2-253**) to a member of a precinct committee to induce the
 12 member of the precinct committee to do any act or refrain from doing
 13 any act with respect to the approval of a local public question under
 14 IC 4-31-4.

15 (f) A person who knowingly or intentionally violates this section
 16 commits a Class D felony.

17 SECTION 9. IC 4-33-10-2.5 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) This section
 19 applies only to property given after June 30, 1996.

20 (b) The definitions in IC 3-5-2 apply to this section to the extent
 21 they do not conflict with the definitions in this article.

22 (c) As used in this section, "license" means:

- 23 (1) an owner's license issued under this article;
 24 (2) a supplier's license issued under this article to a supplier of
 25 gaming supplies or equipment, including electronic gaming
 26 equipment; or
 27 (3) an operating agent contract entered into under this article.

28 (d) As used in this section, "licensee" means a person who holds a
 29 license. The term includes an operating agent.

30 (e) As used in this section, "officer" refers only to either of the
 31 following:

- 32 (1) An individual listed as an officer of a corporation in the
 33 corporation's most recent annual report.
 34 (2) An individual who is a successor to an individual described in
 35 subdivision (1).

36 (f) For purposes of this section, a person is considered to have an
 37 interest in a licensee if the person satisfies any of the following:

- 38 (1) The person holds at least a one percent (1%) interest in the
 39 licensee.
 40 (2) The person is an officer of the licensee.
 41 (3) The person is an officer of a person that holds at least a one
 42 percent (1%) interest in the licensee.
 43 (4) The person is a political action committee of the licensee.

44 (g) A licensee or a person with an interest in a licensee may not give
 45 any property (as defined in ~~IC 35-41-1-23~~) **IC 35-31.5-2-253**) to a
 46 member of a precinct committee to induce the member of the precinct
 47 committee to do any act or refrain from doing any act with respect to
 48 the approval of a local public question under IC 4-33-6-19.

49 (h) A person who knowingly or intentionally violates this section
 50 commits a Class D felony.

1 SECTION 10. IC 4-33-20-9, AS ADDED BY P.L.227-2007,
 2 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2012]: Sec. 9. A gaming control officer:

- 4 (1) is a law enforcement officer under IC 9-13-2-92 and
 5 ~~IC 35-41-1-17~~ **IC 35-31.5-2-185** and has the power to enforce
 6 Indiana laws and without warrant to arrest for the violation of any
 7 of those laws when committed in the officer's presence;
 8 (2) is a police officer under IC 9-13-2-127;
 9 (3) has the power of law enforcement officers to arrest under
 10 IC 35-33-1-1; and
 11 (4) has the power to enforce Indiana laws and may exercise all
 12 powers granted by law to state police officers, sheriffs, and
 13 members of police departments.

14 SECTION 11. IC 5-2-6.1-13, AS AMENDED BY P.L.121-2006,
 15 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2012]: Sec. 13. (a) Subject to subsection (b) and except as
 17 provided in subsection (c), benefits may not be awarded:

- 18 (1) if the victim sustained the injury as a result of participating or
 19 assisting in, or attempting to commit or committing a criminal act;
 20 (2) if the injury occurred while the victim was a resident in a
 21 county, city, or federal jail or prison or in an institution operated
 22 by the department of correction;
 23 (3) if the victim profited or would have profited from the criminal
 24 act; or
 25 (4) if, at the time the injury occurred, the victim was intoxicated
 26 and contributed to the commission of an unrelated felony.

27 (b) If the victim is a dependent child or dependent parent of the
 28 person who commits a violent crime, compensation may be awarded
 29 where justice requires.

30 (c) Benefits may be awarded to a person described in subsection
 31 (a)(4) who is the victim of a sex crime under IC 35-42-4, a crime ~~of~~
 32 **involving domestic or family violence** (as defined in ~~IC 35-41-1-6.5~~;
 33 **IC 35-31.5-2-76**), or a crime of domestic violence (as defined in
 34 ~~IC 35-41-1-6.3~~). **IC 35-31.5-2-78**).

35 SECTION 12. IC 5-2-8-1, AS AMENDED BY P.L.34-2010,
 36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2012]: Sec. 1. (a) The following definitions apply in this
 38 section:

- 39 (1) "Abuse" means:
 40 (A) conduct that causes bodily injury (as defined in
 41 ~~IC 35-41-1-4~~) **IC 35-31.5-2-29**) or damage to property; or
 42 (B) a threat of conduct that would cause bodily injury (as
 43 defined in ~~IC 35-41-1-4~~) **IC 35-31.5-2-29**) or damage to
 44 property.
 45 (2) "County law enforcement agency" includes:
 46 (A) postsecondary educational institution police officers
 47 appointed under IC 21-17-5 or IC 21-39-4; and
 48 (B) school corporation police officers appointed under
 49 IC 20-26-16.

50 (b) There is established in each county a county law enforcement

1 continuing education program. The program is funded by amounts
2 appropriated under IC 33-37-8-4 or IC 33-37-8-6.

3 (c) A county law enforcement agency receiving amounts based upon
4 claims for law enforcement continuing education funds under
5 IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the
6 county law enforcement continuing education fund.

7 (d) Distribution of money in the county law enforcement continuing
8 education fund shall be made to a county law enforcement agency
9 without the necessity of first obtaining an appropriation from the
10 county fiscal body.

11 (e) Money in excess of one hundred dollars (\$100) that is
12 unencumbered and remains in a county law enforcement continuing
13 education fund for at least one (1) entire calendar year from the date of
14 its deposit shall, at the end of a county's fiscal year, be deposited by the
15 county auditor in the law enforcement training fund established under
16 IC 5-2-1-13(b).

17 (f) To make a claim under IC 33-37-8-6, a law enforcement agency
18 shall submit to the fiscal body a verified statement of cause numbers
19 for fees collected that are attributable to the law enforcement efforts of
20 that agency.

21 (g) A law enforcement agency shall submit a claim for fees under
22 this section in the same county fiscal year in which the fees are
23 collected under IC 33-37-4.

24 (h) A county law enforcement agency program shall provide to each
25 law enforcement officer employed by the county and may provide to
26 each law enforcement officer employed by a city or town law
27 enforcement agency within the county continuing education concerning
28 the following:

29 (1) Duties of a law enforcement officer in enforcing restraining
30 orders, protective orders, temporary injunctions, and permanent
31 injunctions involving abuse.

32 (2) Guidelines for making felony and misdemeanor arrests in
33 cases involving abuse.

34 (3) Techniques for handling incidents of abuse that:

35 (A) minimize the likelihood of injury to the law enforcement
36 officer; and

37 (B) promote the safety of a victim.

38 (4) Information about the nature and extent of abuse.

39 (5) Information about the legal rights of and remedies available
40 to victims of abuse.

41 (6) How to document and collect evidence in an abuse case.

42 (7) The legal consequences of abuse.

43 (8) The impact on children of law enforcement intervention in
44 abuse cases.

45 (9) Services and facilities available to victims of abuse and
46 abusers.

47 (10) Verification of restraining orders, protective orders,
48 temporary injunctions, and permanent injunctions.

49 (11) Policies concerning arrest or release of suspects in abuse
50 cases.

- 1 (12) Emergency assistance to victims of abuse and criminal
 2 justice options for victims of abuse.
 3 (13) Landlord-tenant concerns in abuse cases.
 4 (14) The taking of an abused child into protective custody.
 5 (15) Assessment of a situation in which a child may be seriously
 6 endangered if the child is left in the child's home.
 7 (16) Assessment of a situation involving an endangered adult (as
 8 defined in IC 12-10-3-2).
 9 (17) Response to a sudden, unexpected infant death.
 10 (18) Performing cardiopulmonary resuscitation and the Heimlich
 11 maneuver.

12 (i) A county law enforcement agency may enter into an agreement
 13 with other law enforcement agencies to provide the continuing
 14 education required by this section and section 2(f) of this chapter.

15 SECTION 13. IC 5-10-10-1.5, AS AMENDED BY P.L.8-2006,
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2012]: Sec. 1.5. As used in this chapter, "correctional officer"
 18 includes:

- 19 (1) a county jail officer under IC 11-12-4-4;
 20 (2) a person who has received a correctional officer training
 21 certificate under IC 11-8-2-8;
 22 (3) a prison matron or an assistant prison matron under
 23 IC 36-8-10-5;
 24 (4) any other person whose duties include the daily or ongoing
 25 supervision and care of persons who are lawfully detained (as
 26 defined in ~~IC 35-41-1-18~~ **IC 35-31.5-2-186**) in a facility operated
 27 by the state or a political subdivision of the state; and
 28 (5) a hazardous duty employee of the department of correction
 29 who:
 30 (A) works within a prison or juvenile facility; or
 31 (B) performs parole or emergency response operations and
 32 functions.

33 SECTION 14. IC 5-13-4-21.3, AS ADDED BY P.L.107-2011,
 34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2012]: Sec. 21.3. "Public servant" has the meaning set forth
 36 in ~~IC 35-41-1-24~~ **IC 35-31.5-2-261**.

37 SECTION 15. IC 7.1-1-3-19.7, AS ADDED BY SEA 274-2012,
 38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2012]: Sec. 19.7. "Law enforcement officer", for purposes of
 40 IC 7.1-5-1-6.5, has the meaning set forth in ~~IC 35-41-1-17(a)~~.
 41 **IC 35-31.5-2-185**.

42 SECTION 16. IC 7.1-6-1-2 IS AMENDED TO READ AS
 43 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. "Person" has the
 44 meaning set forth in ~~IC 35-41-1-22~~ **IC 35-31.5-2-234**.

45 SECTION 17. IC 8-15-3-34, AS ADDED BY P.L.47-2006,
 46 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 47 JULY 1, 2012]: Sec. 34. The department may arrange for the use and
 48 employment of police officers to police a tollway. The police officers
 49 employed under this section are vested with all necessary police
 50 powers to enforce state laws. A police officer employed under this

1 section has the same powers within the property limits of a tollway as
 2 a law enforcement officer (as defined in ~~IC 35-41-1-17~~)
 3 **IC 35-31.5-2-185**) within the law enforcement officer's jurisdiction. A
 4 warrant of arrest issued by the proper authority of the state may be
 5 executed within the property limits of the tollway by a police officer
 6 employed by the department or an operator.

7 SECTION 18. IC 8-15.7-2-7, AS ADDED BY P.L.47-2006,
 8 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2012]: Sec. 7. "Law enforcement officer" has the meaning set
 10 forth in ~~IC 35-41-1-17~~. **IC 35-31.5-2-185**.

11 SECTION 19. IC 9-13-2-92, AS AMENDED BY P.L.94-2006,
 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2012]: Sec. 92. (a) "Law enforcement officer", except as
 14 provided in subsection (b), includes the following:

- 15 (1) A state police officer.
- 16 (2) A city, town, or county police officer.
- 17 (3) A sheriff.
- 18 (4) A county coroner.
- 19 (5) A conservation officer.
- 20 (6) An individual assigned as a motor carrier inspector under
- 21 IC 10-11-2-26(a).
- 22 (7) A member of a consolidated law enforcement department
- 23 established under IC 36-3-1-5.1.
- 24 (8) An excise police officer of the alcohol and tobacco
- 25 commission.

26 (b) "Law enforcement officer", for purposes of ~~IC 9-30-5~~, IC 9-30-6
 27 **and** IC 9-30-7, ~~IC 9-30-8~~, **and** ~~IC 9-30-9~~, has the meaning set forth in
 28 ~~IC 35-41-1~~. **IC 35-31.5-2-185**.

29 SECTION 20. IC 9-13-2-165 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 165. "Serious bodily
 31 injury" has the meaning set forth in ~~IC 35-41-1~~. **IC 35-31.5-2-292**.

32 SECTION 21. IC 9-24-19-3 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A person who
 34 operates a motor vehicle upon a highway when the person knows that
 35 the person's driving privilege, license, or permit is suspended or
 36 revoked, when the person's suspension or revocation was a result of the
 37 person's conviction of an offense (as defined in ~~IC 35-41-1-19~~)
 38 **IC 35-31.5-2-215**) commits a Class A misdemeanor.

39 SECTION 22. IC 10-14-3-33.5, AS AMENDED BY P.L.17-2011,
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2012]: Sec. 33.5. (a) Except as provided in subsection (b), the
 42 state, a political subdivision, or any other person may not prohibit or
 43 restrict the lawful possession, transfer, sale, transportation, storage,
 44 display, or use of firearms or ammunition during:

- 45 (1) a disaster emergency;
- 46 (2) an energy emergency; or
- 47 (3) a local disaster emergency;

48 declared under this chapter.

49 (b) Subsection (a) does not authorize the possession, transfer, sale,
 50 transportation, storage, display, or use of firearms or ammunition

1 during an emergency described in subsection (a):

2 (1) in or on school property, in or on property that is being used
3 by a school for a school function, or on a school bus in violation
4 of IC 20-33-8-16 or IC 35-47-9-2;

5 (2) on the property of:

6 (A) a child caring institution;

7 (B) an emergency shelter care child caring institution;

8 (C) a private secure facility;

9 (D) a group home; or

10 (E) an emergency shelter care group home;

11 in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465
12 IAC 2-11-80, 465 IAC 2-12-78, or 465 IAC 2-13-77;

13 (3) on the property of a penal facility (as defined in
14 ~~IC 35-41-1-21~~); **IC 35-31.5-2-232**);

15 (4) in violation of federal law;

16 (5) in or on property belonging to an approved postsecondary
17 educational institution (as defined in IC 21-7-13-6(b));

18 (6) on the property of a domestic violence shelter; or

19 (7) on property owned, operated, controlled, or used by an entity
20 that:

21 (A) is required to:

22 (i) conduct a vulnerability assessment; and

23 (ii) develop and implement a site security plan;

24 under the United States Department of Homeland Security's
25 Chemical Facility Anti-Terrorism Standards issued April 9,
26 2007; or

27 (B) is required to have a security plan under the Maritime
28 Transportation Security Act of 2002, Public Law 107-295.

29 SECTION 23. IC 10-16-19-1, AS ADDED BY P.L.10-2007,
30 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2012]: Sec. 1. (a) This section does not apply to an employee
32 of the state subject to IC 4-15-10-8.

33 (b) This section applies to an employee of a political subdivision
34 who:

35 (1) is a member of the civil air patrol; and

36 (2) has notified the employee's employer in writing that the
37 employee is a member of the civil air patrol.

38 (c) A political subdivision employer may not discipline an
39 employee:

40 (1) for being absent from employment by reason of engaging in an
41 emergency service operation that began before the time that the
42 employee was to report to employment; or

43 (2) for leaving the employee's duty station to engage in an
44 emergency service operation if the emergency service operation
45 began after the employee had reported for work and the employee
46 secured authorization from the employee's supervisor to leave the
47 employee's duty station before leaving to engage in the emergency
48 service operation.

49 (d) A political subdivision employer may require an employee who
50 has been absent from employment as set forth in subsection (c)(1) or

1 (c)(2) to present a written statement from the commander or other
 2 officer in charge of the civil air patrol at the time of the absence
 3 indicating that the employee was engaged in an emergency service
 4 operation at the time of the absence.

5 (e) An employee who is disciplined by the employee's employer in
 6 violation of subsection (c) may bring a civil action against the employer
 7 in the county of employment. In the action, the employee may seek the
 8 following:

- 9 (1) Payment of back wages.
- 10 (2) Reinstatement to the employee's former position.
- 11 (3) Fringe benefits wrongly denied or withdrawn.
- 12 (4) Seniority rights wrongly denied or withdrawn.

13 An action brought under this subsection must be filed within one (1)
 14 year after the date of the disciplinary action.

15 (f) A public servant (as defined in ~~IC 35-41-1-24~~)
 16 **IC 35-31.5-2-261**) who permits or authorizes an employee of a political
 17 subdivision under the supervision of the public servant to be absent
 18 from employment as set forth in subsection (c) is not considered to
 19 have committed a violation of IC 35-44-2-4(b).

20 SECTION 24. IC 11-8-8-7, AS AMENDED BY P.L.119-2008,
 21 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2012]: Sec. 7. (a) Subject to section 19 of this chapter, the
 23 following persons must register under this chapter:

24 (1) A sex or violent offender who resides in Indiana. A sex or
 25 violent offender resides in Indiana if either of the following
 26 applies:

27 (A) The sex or violent offender spends or intends to spend at
 28 least seven (7) days (including part of a day) in Indiana during
 29 a one hundred eighty (180) day period.

30 (B) The sex or violent offender owns real property in Indiana
 31 and returns to Indiana at any time.

32 (2) A sex or violent offender who works or carries on a vocation
 33 or intends to work or carry on a vocation full time or part time for
 34 a period:

35 (A) exceeding seven (7) consecutive days; or

36 (B) for a total period exceeding fourteen (14) days;

37 during any calendar year in Indiana regardless of whether the sex
 38 or violent offender is financially compensated, volunteered, or is
 39 acting for the purpose of government or educational benefit.

40 (3) A sex or violent offender who is enrolled or intends to be
 41 enrolled on a full-time or part-time basis in any public or private
 42 educational institution, including any secondary school, trade, or
 43 professional institution, or postsecondary educational institution.

44 (b) Except as provided in subsection (e), a sex or violent offender
 45 who resides in Indiana shall register with the local law enforcement
 46 authority in the county where the sex or violent offender resides. If a
 47 sex or violent offender resides in more than one (1) county, the sex or
 48 violent offender shall register with the local law enforcement authority
 49 in each county in which the sex or violent offender resides. If the sex
 50 or violent offender is also required to register under subsection (a)(2)

1 or (a)(3), the sex or violent offender shall also register with the local
 2 law enforcement authority in the county in which the offender is
 3 required to register under subsection (c) or (d).

4 (c) A sex or violent offender described in subsection (a)(2) shall
 5 register with the local law enforcement authority in the county where
 6 the sex or violent offender is or intends to be employed or carry on a
 7 vocation. If a sex or violent offender is or intends to be employed or
 8 carry on a vocation in more than one (1) county, the sex or violent
 9 offender shall register with the local law enforcement authority in each
 10 county. If the sex or violent offender is also required to register under
 11 subsection (a)(1) or (a)(3), the sex or violent offender shall also register
 12 with the local law enforcement authority in the county in which the
 13 offender is required to register under subsection (b) or (d).

14 (d) A sex or violent offender described in subsection (a)(3) shall
 15 register with the local law enforcement authority in the county where
 16 the sex or violent offender is enrolled or intends to be enrolled as a
 17 student. If the sex or violent offender is also required to register under
 18 subsection (a)(1) or (a)(2), the sex or violent offender shall also register
 19 with the local law enforcement authority in the county in which the
 20 offender is required to register under subsection (b) or (c).

21 (e) A sex or violent offender described in subsection (a)(1)(B) shall
 22 register with the local law enforcement authority in the county in which
 23 the real property is located. If the sex or violent offender is also
 24 required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex
 25 or violent offender shall also register with the local law enforcement
 26 authority in the county in which the offender is required to register
 27 under subsection (b), (c), or (d).

28 (f) A sex or violent offender committed to the department shall
 29 register with the department before the sex or violent offender is
 30 released from incarceration. The department shall forward the sex or
 31 violent offender's registration information to the local law enforcement
 32 authority of every county in which the sex or violent offender is
 33 required to register.

34 (g) This subsection does not apply to a sex or violent offender who
 35 is a sexually violent predator. A sex or violent offender not committed
 36 to the department shall register not more than seven (7) days after the
 37 sex or violent offender:

38 (1) is released from a penal facility (as defined in ~~IC 35-41-1-21~~);

39 **IC 35-31.5-2-232**);

40 (2) is released from a secure private facility (as defined in
 41 IC 31-9-2-115);

42 (3) is released from a juvenile detention facility;

43 (4) is transferred to a community transition program;

44 (5) is placed on parole;

45 (6) is placed on probation;

46 (7) is placed on home detention; or

47 (8) arrives at the place where the sex or violent offender is
 48 required to register under subsection (b), (c), or (d);

49 whichever occurs first. A sex or violent offender required to register in
 50 more than one (1) county under subsection (b), (c), (d), or (e) shall

1 register in each appropriate county not more than seventy-two (72)
 2 hours after the sex or violent offender's arrival in that county or
 3 acquisition of real estate in that county.

4 (h) This subsection applies to a sex or violent offender who is a
 5 sexually violent predator. A sex or violent offender who is a sexually
 6 violent predator shall register not more than seventy-two (72) hours
 7 after the sex or violent offender:

8 (1) is released from a penal facility (as defined in ~~IC 35-41-1-21~~;

9 **IC 35-31.5-2-232**);

10 (2) is released from a secure private facility (as defined in
 11 IC 31-9-2-115);

12 (3) is released from a juvenile detention facility;

13 (4) is transferred to a community transition program;

14 (5) is placed on parole;

15 (6) is placed on probation;

16 (7) is placed on home detention; or

17 (8) arrives at the place where the sexually violent predator is
 18 required to register under subsection (b), (c), or (d);

19 whichever occurs first. A sex or violent offender who is a sexually
 20 violent predator required to register in more than one (1) county under
 21 subsection (b), (c), (d), or (e) shall register in each appropriate county
 22 not more than seventy-two (72) hours after the offender's arrival in that
 23 county or acquisition of real estate in that county.

24 (i) The local law enforcement authority with whom a sex or violent
 25 offender registers under this section shall make and publish a
 26 photograph of the sex or violent offender on the Indiana sex and violent
 27 offender registry web site established under IC 36-2-13-5.5. The local
 28 law enforcement authority shall make a photograph of the sex or
 29 violent offender that complies with the requirements of IC 36-2-13-5.5
 30 at least once per year. The sheriff of a county containing a consolidated
 31 city shall provide the police chief of the consolidated city with all
 32 photographic and computer equipment necessary to enable the police
 33 chief of the consolidated city to transmit sex or violent offender
 34 photographs (and other identifying information required by
 35 IC 36-2-13-5.5) to the Indiana sex and violent offender registry web
 36 site established under IC 36-2-13-5.5. In addition, the sheriff of a
 37 county containing a consolidated city shall provide all funding for the
 38 county's financial obligation for the establishment and maintenance of
 39 the Indiana sex and violent offender registry web site established under
 40 IC 36-2-13-5.5.

41 (j) When a sex or violent offender registers, the local law
 42 enforcement authority shall:

43 (1) immediately update the Indiana sex and violent offender
 44 registry web site established under IC 36-2-13-5.5;

45 (2) notify every law enforcement agency having jurisdiction in the
 46 county where the sex or violent offender resides; and

47 (3) update the National Crime Information Center National Sex
 48 Offender Registry data base via the Indiana data and
 49 communications system (IDACS).

50 When a sex or violent offender from a jurisdiction outside Indiana

1 registers a change of address, electronic mail address, instant
 2 messaging username, electronic chat room username, social networking
 3 web site username, employment, vocation, or enrollment in Indiana, the
 4 local law enforcement authority shall provide the department with the
 5 information provided by the sex or violent offender during registration.

6 SECTION 25. IC 11-8-8-13, AS AMENDED BY P.L.216-2007,
 7 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2012]: Sec. 13. (a) To verify a sex or violent offender's current
 9 residence, the local law enforcement authority having jurisdiction over
 10 the area of the sex or violent offender's current principal address or
 11 location shall do the following:

12 (1) Mail a form that is approved or prescribed by the department
 13 to each sex or violent offender in the county at the sex or violent
 14 offender's listed address at least one (1) time per year, beginning
 15 seven (7) days after the local law enforcement authority receives
 16 a notice under section 11 or 20 of this chapter or the date the sex
 17 or violent offender is:

- 18 (A) released from a penal facility (as defined in
- 19 ~~IC 35-41-1-21~~; **IC 35-31.5-2-232**), a secure private facility
- 20 (as defined in IC 31-9-2-115), or a juvenile detention facility;
- 21 (B) placed in a community transition program;
- 22 (C) placed in a community corrections program;
- 23 (D) placed on parole; or
- 24 (E) placed on probation;

25 whichever occurs first.

26 (2) Mail a form that is approved or prescribed by the department
 27 to each sex or violent offender who is designated a sexually
 28 violent predator under IC 35-38-1-7.5 at least once every ninety
 29 (90) days, beginning seven (7) days after the local law
 30 enforcement authority receives a notice under section 11 or 20 of
 31 this chapter or the date the sex or violent offender is:

- 32 (A) released from a penal facility (as defined in
- 33 ~~IC 35-41-1-21~~; **IC 35-31.5-2-232**), a secure private facility
- 34 (as defined in IC 31-9-2-115), or a juvenile detention facility;
- 35 (B) placed in a community transition program;
- 36 (C) placed in a community corrections program;
- 37 (D) placed on parole; or
- 38 (E) placed on probation;

39 whichever occurs first.

40 (3) Personally visit each sex or violent offender in the county at
 41 the sex or violent offender's listed address at least one (1) time per
 42 year, beginning seven (7) days after the local law enforcement
 43 authority receives a notice under section 7 of this chapter or the
 44 date the sex or violent offender is:

- 45 (A) released from a penal facility (as defined in
- 46 ~~IC 35-41-1-21~~; **IC 35-31.5-2-232**), a secure private facility
- 47 (as defined in IC 31-9-2-115), or a juvenile detention facility;
- 48 (B) placed in a community transition program;
- 49 (C) placed in a community corrections program;
- 50 (D) placed on parole; or

- 1 (E) placed on probation;
 2 whichever occurs first.
- 3 (4) Personally visit each sex or violent offender who is designated
 4 a sexually violent predator under IC 35-38-1-7.5 at least once
 5 every ninety (90) days, beginning seven (7) days after the local
 6 law enforcement authority receives a notice under section 7 of
 7 this chapter or the date the sex or violent offender is:
- 8 (A) released from a penal facility (as defined in
 9 ~~IC 35-41-1-21~~, **IC 35-31.5-2-232**), a secure private facility
 10 (as defined in IC 31-9-2-115), or a juvenile detention facility;
 11 (B) placed in a community transition program;
 12 (C) placed in a community corrections program;
 13 (D) placed on parole; or
 14 (E) placed on probation;
 15 whichever occurs first.
- 16 (b) If a sex or violent offender fails to return a signed form either by
 17 mail or in person, not later than fourteen (14) days after mailing, or
 18 appears not to reside at the listed address, the local law enforcement
 19 authority shall immediately notify the department and the prosecuting
 20 attorney.
- 21 SECTION 26. IC 11-8-8-19, AS AMENDED BY P.L.119-2008,
 22 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2012]: Sec. 19. (a) Except as provided in subsections (b)
 24 through (e), a sex or violent offender is required to register under this
 25 chapter until the expiration of ten (10) years after the date the sex or
 26 violent offender:
- 27 (1) is released from a penal facility (as defined in ~~IC 35-41-1-21~~)
 28 **IC 35-31.5-2-232**) or a secure juvenile detention facility of a state
 29 or another jurisdiction;
 30 (2) is placed in a community transition program;
 31 (3) is placed in a community corrections program;
 32 (4) is placed on parole; or
 33 (5) is placed on probation;
- 34 for the sex or violent offense requiring registration, whichever occurs
 35 last. The registration period is tolled during any period that the sex or
 36 violent offender is incarcerated. The registration period does not restart
 37 if the offender is convicted of a subsequent offense. However, if the
 38 subsequent offense is a sex or violent offense, a new registration period
 39 may be imposed in accordance with this chapter. The department shall
 40 ensure that an offender who is no longer required to register as a sex or
 41 violent offender is notified that the obligation to register has expired.
- 42 (b) A sex or violent offender who is a sexually violent predator is
 43 required to register for life.
- 44 (c) A sex or violent offender who is convicted of at least one (1)
 45 offense under section 5(a) of this chapter that the sex or violent
 46 offender committed:
- 47 (1) when the person was at least eighteen (18) years of age; and
 48 (2) against a victim who was less than twelve (12) years of age at
 49 the time of the crime;
 50 is required to register for life.

1 (d) A sex or violent offender who is convicted of at least one (1)
2 offense under section 5(a) of this chapter in which the sex offender:

3 (1) proximately caused serious bodily injury or death to the
4 victim;

5 (2) used force or the threat of force against the victim or a
6 member of the victim's family, unless the offense is sexual battery
7 as a Class D felony; or

8 (3) rendered the victim unconscious or otherwise incapable of
9 giving voluntary consent;

10 is required to register for life.

11 (e) A sex or violent offender who is convicted of at least two (2)
12 unrelated offenses under section 5(a) of this chapter is required to
13 register for life.

14 (f) A person who is required to register as a sex or violent offender
15 in any jurisdiction shall register for the period required by the other
16 jurisdiction or the period described in this section, whichever is longer.

17 SECTION 27. IC 11-13-3-4, AS AMENDED BY SEA 154-2012,
18 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2012]: Sec. 4. (a) A condition to remaining on parole is that
20 the parolee not commit a crime during the period of parole.

21 (b) The parole board may also adopt, under IC 4-22-2, additional
22 conditions to remaining on parole and require a parolee to satisfy one
23 (1) or more of these conditions. These conditions must be reasonably
24 related to the parolee's successful reintegration into the community and
25 not unduly restrictive of a fundamental right.

26 (c) If a person is released on parole, the parolee shall be given a
27 written statement of the conditions of parole. Signed copies of this
28 statement shall be:

29 (1) retained by the parolee;

30 (2) forwarded to any person charged with the parolee's
31 supervision; and

32 (3) placed in the parolee's master file.

33 (d) The parole board may modify parole conditions if the parolee
34 receives notice of that action and had ten (10) days after receipt of the
35 notice to express the parolee's views on the proposed modification.
36 This subsection does not apply to modification of parole conditions
37 after a revocation proceeding under section 10 of this chapter.

38 (e) As a condition of parole, the parole board may require the
39 parolee to reside in a particular parole area. In determining a parolee's
40 residence requirement, the parole board shall:

41 (1) consider:

42 (A) the residence of the parolee prior to the parolee's
43 incarceration; and

44 (B) the parolee's place of employment; and

45 (2) assign the parolee to reside in the county where the parolee
46 resided prior to the parolee's incarceration unless assignment on
47 this basis would be detrimental to the parolee's successful
48 reintegration into the community.

49 (f) As a condition of parole, the parole board may require the
50 parolee to:

- 1 (1) periodically undergo a laboratory chemical test (as defined in
 2 IC 9-13-2-22) or series of tests to detect and confirm the presence
 3 of a controlled substance (as defined in IC 35-48-1-9); and
 4 (2) have the results of any test under this subsection reported to
 5 the parole board by the laboratory.

6 The parolee is responsible for any charges resulting from a test
 7 required under this subsection. However, a person's parole may not be
 8 revoked on the basis of the person's inability to pay for a test under this
 9 subsection.

10 (g) As a condition of parole, the parole board:

11 (1) may require a parolee who is a sex offender (as defined in
 12 IC 11-8-8-4.5) to:

13 (A) participate in a treatment program for sex offenders
 14 approved by the parole board; and

15 (B) avoid contact with any person who is less than sixteen (16)
 16 years of age unless the parolee:

17 (i) receives the parole board's approval; or

18 (ii) successfully completes the treatment program referred to
 19 in clause (A); and

20 (2) shall:

21 (A) require a parolee who is a sex or violent offender (as
 22 defined in IC 11-8-8-5) to register with a local law
 23 enforcement authority under IC 11-8-8;

24 (B) prohibit a parolee who is a sex offender from residing
 25 within one thousand (1,000) feet of school property (as defined
 26 in ~~IC 35-41-1-24.7~~ **IC 35-31.5-2-285**) for the period of
 27 parole, unless the sex offender obtains written approval from
 28 the parole board;

29 (C) prohibit a parolee who is a sex offender convicted of a sex
 30 offense (as defined in IC 35-38-2-2.5) from residing within
 31 one (1) mile of the victim of the sex offender's sex offense
 32 unless the sex offender obtains a waiver under IC 35-38-2-2.5;

33 (D) prohibit a parolee who is a sex offender from owning,
 34 operating, managing, being employed by, or volunteering at
 35 any attraction designed to be primarily enjoyed by children
 36 less than sixteen (16) years of age;

37 (E) require a parolee who is a sex offender to consent:

38 (i) to the search of the sex offender's personal computer at
 39 any time; and

40 (ii) to the installation on the sex offender's personal
 41 computer or device with Internet capability, at the sex
 42 offender's expense, of one (1) or more hardware or software
 43 systems to monitor Internet usage; and

44 (F) prohibit the sex offender from:

45 (i) accessing or using certain web sites, chat rooms, or
 46 instant messaging programs frequented by children; and

47 (ii) deleting, erasing, or tampering with information on the
 48 sex offender's personal computer with intent to conceal an
 49 activity prohibited by item (i).

50 The parole board may not grant a sexually violent predator (as defined

1 in IC 35-38-1-7.5) or a sex offender who is an offender against children
 2 under IC 35-42-4-11 a waiver under subdivision (2)(B) or (2)(C). If the
 3 parole board allows the sex offender to reside within one thousand
 4 (1,000) feet of school property under subdivision (2)(B), the parole
 5 board shall notify each school within one thousand (1,000) feet of the
 6 sex offender's residence of the order.

7 (h) The address of the victim of a parolee who is a sex offender
 8 convicted of a sex offense (as defined in IC 35-38-2-2.5) is
 9 confidential, even if the sex offender obtains a waiver under
 10 IC 35-38-2-2.5.

11 (i) As a condition of parole, the parole board may require a parolee
 12 to participate in a reentry court program.

13 (j) As a condition of parole, the parole board:

14 (1) shall require a parolee who is a sexually violent predator
 15 under IC 35-38-1-7.5; and

16 (2) may require a parolee who is a sex or violent offender (as
 17 defined in IC 11-8-8-5);

18 to wear a monitoring device (as described in IC 35-38-2.5-3) that can
 19 transmit information twenty-four (24) hours each day regarding a
 20 person's precise location, subject to the amount appropriated to the
 21 department for a monitoring program as a condition of parole.

22 (k) As a condition of parole, the parole board may prohibit, in
 23 accordance with IC 35-38-2-2.6, a parolee who has been convicted of
 24 stalking from residing within one thousand (1,000) feet of the residence
 25 of the victim of the stalking for a period that does not exceed five (5)
 26 years.

27 (l) As a condition of parole, the parole board may prohibit a parolee
 28 convicted of an offense under IC 35-46-3 from owning, harboring, or
 29 training an animal, and, if the parole board prohibits a parolee
 30 convicted of an offense under IC 35-46-3 from having direct or indirect
 31 contact with an individual, the parole board may also prohibit the
 32 parolee from having direct or indirect contact with any animal
 33 belonging to the individual.

34 (m) A parolee may be responsible for the reasonable expenses, as
 35 determined by the department, of the parolee's participation in a
 36 treatment or other program required as a condition of parole under this
 37 section. However, a person's parole may not be revoked solely on the
 38 basis of the person's inability to pay for a program required as a
 39 condition of parole under this section.

40 SECTION 28. IC 11-13-3-7 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) An employee of
 42 the department assigned to supervise and assist parolees may:

43 (1) execute warrants issued by the parole board;

44 (2) serve orders, subpoenas, and notices issued by the parole
 45 board;

46 (3) conduct investigations necessary to the performance of ~~his~~ **the**
 47 **employee's** duties;

48 (4) visit and confer with any person under ~~his~~ **the employee's**
 49 supervision, even when that person is in custody;

50 (5) act as a probation officer if requested by the appropriate court

1 and if that request is approved by the department;

2 (6) search a parolee's person or property if ~~he~~ **the employee** has
3 reasonable cause to believe that the parolee is violating or is in
4 imminent danger of violating a condition to remaining on parole;

5 (7) arrest a parolee without a warrant if ~~he~~ **the employee** has
6 reasonable cause to believe that the parolee has violated or is
7 about to violate a condition to remaining on parole and that an
8 emergency situation exists, so that awaiting action by the parole
9 board under section 8 of this chapter would create an undue risk
10 to the public or to the parolee; and

11 (8) exercise any other power reasonably necessary in discharging
12 **his the employee's** duties and powers.

13 (b) An employee of the department assigned to supervise and assist
14 parolees is not considered a law enforcement officer under IC 5-2-1 or
15 ~~IC 35-41-1~~. **IC 35-31.5-2-185.**

16 SECTION 29. IC 11-13-6-6 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) An employee of
18 the department assigned to supervise and assist parolees may:

19 (1) execute warrants issued by the department;

20 (2) serve orders, subpoenas, and notices issued by the department;

21 (3) conduct investigations necessary to the performance of **his the**
22 **employee's** duties;

23 (4) visit and confer with any person under **his the employee's**
24 supervision, even when that person is in custody;

25 (5) act as a probation officer if requested by the appropriate court
26 and if that request is approved by the department;

27 (6) search a parolee's person or property if ~~he~~ **the employee** has
28 reasonable cause to believe that the parolee is violating or is in
29 imminent danger of violating a condition of parole;

30 (7) arrest a parolee without a warrant if ~~he~~ **the employee** has
31 reasonable cause to believe that the parolee has violated or is
32 about to violate a condition of **his the parolee's** parole and that an
33 emergency situation exists, so that awaiting action under section
34 7 of this chapter would create an undue risk to the public or to the
35 parolee; and

36 (8) exercise any other power reasonably necessary in discharging
37 **his the employee's** duties and powers.

38 (b) An employee of the department assigned to supervise and assist
39 parolees is not considered a law enforcement officer under IC 5-2-1 or
40 ~~IC 35-41-1~~. **IC 35-31.5-2-185.**

41 SECTION 30. IC 12-7-2-88 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 88. "Forcible felony",
43 for purposes of IC 12-23, has the meaning set forth in ~~IC 35-41-1~~.
44 **IC 35-31.5-2-138.**

45 SECTION 31. IC 12-7-2-147 IS AMENDED TO READ AS
46 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 147. "Property", for
47 purposes of IC 12-12-1, has the meaning set forth in ~~IC 35-41-1-23~~.
48 **IC 35-31.5-2-253.**

49 SECTION 32. IC 12-23-5-7 IS AMENDED TO READ AS
50 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. Prosecution may be

1 deferred under sections 2 through 5 of this chapter if a defendant has
 2 been charged with a misdemeanor or infraction in which the use of
 3 alcohol or drugs was a contributing factor or material element of the
 4 offense or the defendant's mental illness was a contributing factor,
 5 unless at least one (1) of the following exists:

- 6 (1) The offense involves death or serious bodily injury.
 7 (2) The defendant has a record of at least two (2) prior
 8 convictions of forcible felonies (as defined in ~~IC 35-41-1~~:
 9 **IC 35-31.5-2-138**).
 10 (3) Other criminal proceedings, not arising out of the same
 11 incident, alleging commission of a felony are pending against the
 12 defendant.
 13 (4) The defendant is on probation or parole and the appropriate
 14 parole or probation authority does not consent to the defendant's
 15 participation.
 16 (5) The defendant fails to meet additional eligibility requirements
 17 imposed by the court.

18 SECTION 33. IC 12-24-12-10, AS AMENDED BY P.L.141-2006,
 19 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2012]: Sec. 10. (a) Upon admission to a state institution
 21 administered by the division of mental health and addiction, the
 22 gatekeeper is one (1) of the following:

- 23 (1) For an individual with a psychiatric disorder, the community
 24 mental health center that submitted the report to the committing
 25 court under IC 12-26.
 26 (2) For an individual with a developmental disability, a division
 27 of disability and rehabilitative services service coordinator under
 28 IC 12-11-2.1.
 29 (3) For an individual entering an addictions program, an
 30 addictions treatment provider that is certified by the division of
 31 mental health and addiction.

32 (b) The division is the gatekeeper for the following:

- 33 (1) An individual who is found to have insufficient
 34 comprehension to stand trial under IC 35-36-3.
 35 (2) An individual who is found to be not guilty by reason of
 36 insanity under IC 35-36-2-4 and is subject to a civil commitment
 37 under IC 12-26.
 38 (3) An individual who is immediately subject to a civil
 39 commitment upon the individual's release from incarceration in
 40 a facility administered by the department of correction or the
 41 Federal Bureau of Prisons, or upon being charged with or
 42 convicted of a forcible felony ~~under IC 35-41-1~~. (as defined by
 43 **IC 35-31.5-2-138**).
 44 (4) An individual placed under the supervision of the division for
 45 addictions treatment under IC 12-23-7 and IC 12-23-8.
 46 (5) An individual transferred from the department of correction
 47 under IC 11-10-4.

48 SECTION 34. IC 13-11-2-158, AS AMENDED BY P.L.189-2011,
 49 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 50 JULY 1, 2012]: Sec. 158. (a) "Person", for purposes of:

- 1 (1) IC 13-21;
 2 (2) air pollution control laws;
 3 (3) water pollution control laws; and
 4 (4) environmental management laws, except as provided in
 5 subsections (c), (d), **and (e); and (h);**
 6 means an individual, a partnership, a copartnership, a firm, a company,
 7 a corporation, an association, a joint stock company, a trust, an estate,
 8 a municipal corporation, a city, a school city, a town, a school town, a
 9 school district, a school corporation, a county, any consolidated unit of
 10 government, political subdivision, state agency, a contractor, or any
 11 other legal entity.
- 12 (b) "Person", for purposes of:
 13 (1) IC 13-18-10;
 14 (2) IC 13-18-10.5;
 15 (3) IC 13-20-10.5; and
 16 (4) IC 13-20-17;
 17 means an individual, a partnership, a copartnership, a firm, a company,
 18 a corporation, an association, a joint stock company, a trust, an estate,
 19 a political subdivision, a state agency, or other legal entity, or their
 20 legal representative, agent, or assigns.
- 21 (c) "Person", for purposes of:
 22 (1) IC 13-20-13;
 23 (2) IC 13-20-14;
 24 (3) IC 13-20-16; and
 25 (4) IC 13-25-6;
 26 means an individual, a corporation, a limited liability company, a
 27 partnership, or an unincorporated association.
- 28 (d) "Person", for purposes of IC 13-23, has the meaning set forth in
 29 subsection (a). The term includes a consortium, a joint venture, a
 30 commercial entity, and the United States government.
- 31 (e) "Person", for purposes of IC 13-20-17.5 and IC 13-25-3, means
 32 an individual, a corporation, a limited liability company, a partnership,
 33 a trust, an estate, or an unincorporated association.
- 34 (f) "Person", for purposes of IC 13-26, means an individual, a firm,
 35 a partnership, an association, a limited liability company, or a
 36 corporation other than an eligible entity.
- 37 (g) "Person", for purposes of IC 13-29-1, means any individual,
 38 corporation, business enterprise, or other legal entity either public or
 39 private and any legal successor, representative, agent, or agency of that
 40 individual, corporation, business enterprise, or legal entity.
- 41 ~~(h) "Person", for purposes of IC 13-30-8-1, has the meaning set forth~~
 42 ~~in IC 35-41-1-1.~~
- 43 SECTION 35. IC 14-9-8-17 IS AMENDED TO READ AS
 44 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. A conservation
 45 officer:
 46 (1) is a law enforcement officer under IC 9-13-2-92 and
 47 ~~IC 35-41-1-17~~ **IC 35-31.5-2-185** and has the power to enforce
 48 Indiana laws and without warrant to arrest for the violation of any
 49 of those laws when committed in the officer's presence;
 50 (2) is a police officer under IC 9-13-2-127;

- 1 (3) has the power of law enforcement officers to arrest under
 2 IC 35-33-1-1; and
 3 (4) has the power to enforce Indiana laws and may exercise all
 4 powers granted by law to state police officers, sheriffs, and
 5 members of police departments.
- 6 SECTION 36. IC 14-15-11-11 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) Except as
 8 provided in subsection (b), a person who operates a motorboat upon
 9 public waters while the person's Indiana driver's license is suspended
 10 or revoked commits a Class A infraction. However, if:
 11 (1) a person knowingly or intentionally violates this subsection;
 12 and
 13 (2) less than ten (10) years have elapsed between the date a
 14 judgment was entered against the person for a prior unrelated
 15 violation of this subsection, IC 9-1-4-52 (repealed July 1, 1991),
 16 IC 9-24-18-5 (repealed July 1, 2000), or IC 9-24-19 and the date
 17 the violation described in subdivision (1) was committed;
 18 the person commits a Class A misdemeanor.
- 19 (b) If:
 20 (1) a person operates a motorboat upon public waters while the
 21 person's Indiana driver's license is suspended or revoked; and
 22 (2) the person's suspension or revocation was a result of the
 23 person's conviction of an offense (as defined in ~~IC 35-41-1-19~~;
 24 **IC 35-31.5-2-215**);
 25 the person commits a Class A misdemeanor. However, notwithstanding
 26 IC 35-50-3-2, a person who violates this subsection shall be imprisoned
 27 for a fixed term of not less than sixty (60) days and not more than one
 28 (1) year. Notwithstanding IC 35-50-3-1, the court may not suspend any
 29 part of the sentence except that part of the sentence exceeding sixty
 30 (60) days.
- 31 (c) In addition to any other penalty imposed for a conviction under
 32 this section, the court shall recommend that the person's privileges to
 33 operate a motorboat upon public waters be suspended for a fixed period
 34 of not less than ninety (90) days and not more than two (2) years.
- 35 (d) The bureau, upon receiving a record of conviction of a person on
 36 a charge of operating a motorboat while the person's driver's license
 37 was suspended, shall extend the period of suspension for a fixed period
 38 of not less than ninety (90) days and not more than two (2) years. The
 39 bureau shall fix this period in accordance with the recommendation of
 40 the court that entered the conviction.
- 41 (e) In a prosecution under this section, the burden is on the
 42 defendant to prove by a preponderance of the evidence that, at the time
 43 of the alleged offense, the defendant held a valid Indiana driver's
 44 license.
- 45 SECTION 37. IC 14-22-40-5, AS AMENDED BY P.L.26-2008,
 46 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 47 JULY 1, 2012]: Sec. 5. As used in this chapter, "law enforcement
 48 officer" has the meaning set forth in ~~IC 35-41-1-17~~. **IC 35-31.5-2-185**.
 49 The term includes a conservation officer.
- 50 SECTION 38. IC 15-13-1-16, AS ADDED BY P.L.2-2008,

1 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2012]: Sec. 16. "Property" has the meaning set forth in
3 ~~IC 35-41-1-23~~. **IC 35-31.5-2-253**.

4 SECTION 39. IC 16-18-2-7 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) "Advanced life
6 support", for purposes of IC 16-31, means care that is given:

7 (1) at the scene of:

8 (A) an accident;

9 (B) an act of terrorism (as defined in ~~IC 35-41-1-26.5~~);

10 **IC 35-31.5-2-329**) if the governor has declared a disaster

11 emergency under IC 10-14-3-12 in response to the act of

12 terrorism; or

13 (C) an illness;

14 (2) during transport; or

15 (3) at a hospital;

16 by a paramedic or an emergency medical technician-intermediate and
17 that is more advanced than the care usually provided by an emergency
18 medical technician or an emergency medical technician-basic
19 advanced.

20 (b) The term may include any of the following:

21 (1) Defibrillation.

22 (2) Endotracheal intubation.

23 (3) Parenteral injections of appropriate medications.

24 (4) Electrocardiogram interpretation.

25 (5) Emergency management of trauma and illness.

26 SECTION 40. IC 16-31-6-4 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) This section does
28 not apply to an act or omission that was a result of gross negligence or
29 willful or intentional misconduct.

30 (b) An act or omission of a paramedic, an emergency medical
31 technician-intermediate, an emergency medical technician-basic
32 advanced, an emergency medical technician, or a person with
33 equivalent certification from another state that is performed or made
34 while providing advanced life support or basic life support to a patient
35 or trauma victim does not impose liability upon the paramedic, the
36 emergency medical technician-intermediate, the emergency medical
37 technician-basic advanced, an emergency medical technician, the
38 person with equivalent certification from another state, a hospital, a
39 provider organization, a governmental entity, or an employee or other
40 staff of a hospital, provider organization, or governmental entity if the
41 advanced life support or basic life support is provided in good faith:

42 (1) in connection with a disaster emergency declared by the
43 governor under IC 10-14-3-12 in response to an act that the
44 governor in good faith believes to be an act of terrorism (as
45 defined in ~~IC 35-41-1-26.5~~); **IC 35-31.5-2-329**); and

46 (2) in accordance with the rules adopted by the Indiana
47 emergency medical services commission or the disaster
48 emergency declaration of the governor.

49 SECTION 41. IC 16-41-8-1, AS AMENDED BY P.L.125-2009,
50 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2012]: Sec. 1. (a) As used in this chapter, "potentially disease
2 transmitting offense" means any of the following:

3 (1) Battery by body waste (IC 35-42-2-6).

4 (2) An offense relating to a criminal sexual act (as defined in
5 ~~IC 35-41-1-19.3~~; **IC 35-31.5-2-216**), if sexual intercourse or
6 deviate sexual conduct occurred.

7 The term includes an attempt to commit an offense, if sexual
8 intercourse or deviate sexual conduct occurred, and a delinquent act
9 that would be a crime if committed by an adult.

10 (b) Except as provided in this chapter, a person may not disclose or
11 be compelled to disclose medical or epidemiological information
12 involving a communicable disease or other disease that is a danger to
13 health (as defined under rules adopted under IC 16-41-2-1). This
14 information may not be released or made public upon subpoena or
15 otherwise, except under the following circumstances:

16 (1) Release may be made of medical or epidemiologic information
17 for statistical purposes if done in a manner that does not identify
18 an individual.

19 (2) Release may be made of medical or epidemiologic information
20 with the written consent of all individuals identified in the
21 information released.

22 (3) Release may be made of medical or epidemiologic information
23 to the extent necessary to enforce public health laws, laws
24 described in IC 31-37-19-4 through IC 31-37-19-6, IC 31-37-19-9
25 through IC 31-37-19-10, IC 31-37-19-12 through IC 31-37-19-23,
26 IC 35-38-1-7.1, and IC 35-42-1-7, or to protect the health or life
27 of a named party.

28 (4) Release may be made of the medical information of a person
29 in accordance with this chapter.

30 (c) Except as provided in this chapter, a person responsible for
31 recording, reporting, or maintaining information required to be reported
32 under IC 16-41-2 who recklessly, knowingly, or intentionally discloses
33 or fails to protect medical or epidemiologic information classified as
34 confidential under this section commits a Class A misdemeanor.

35 (d) In addition to subsection (c), a public employee who violates this
36 section is subject to discharge or other disciplinary action under the
37 personnel rules of the agency that employs the employee.

38 (e) Release shall be made of the medical records concerning an
39 individual to:

40 (1) the individual;

41 (2) a person authorized in writing by the individual to receive the
42 medical records; or

43 (3) a coroner under IC 36-2-14-21.

44 (f) An individual may voluntarily disclose information about the
45 individual's communicable disease.

46 (g) The provisions of this section regarding confidentiality apply to
47 information obtained under IC 16-41-1 through IC 16-41-16.

48 SECTION 42. IC 20-33-8-16, AS ADDED BY P.L.1-2005,
49 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
50 JULY 1, 2012]: Sec. 16. (a) As used in this section, "firearm" has the

1 meaning set forth in IC 35-47-1-5.

2 (b) As used in this section, "deadly weapon" has the meaning set
3 forth in ~~IC 35-41-1-8~~. **IC 35-31.5-2-86**. The term does not include a
4 firearm or destructive device.

5 (c) As used in this section, "destructive device" has the meaning set
6 forth in IC 35-47.5-2-4.

7 (d) Notwithstanding section 20 of this chapter, a student who is:

8 (1) identified as bringing a firearm or destructive device to school
9 or on school property; or

10 (2) in possession of a firearm or destructive device on school
11 property;

12 must be expelled for at least one (1) calendar year, with the return of
13 the student to be at the beginning of the first school semester after the
14 end of the one (1) year period.

15 (e) The superintendent may, on a case by case basis, modify the
16 period of expulsion under subsection (d) for a student who is expelled
17 under this section.

18 (f) Notwithstanding section 20 of this chapter, a student who is:

19 (1) identified as bringing a deadly weapon to school or on school
20 property; or

21 (2) in possession of a deadly weapon on school property;

22 may be expelled for not more than one (1) calendar year.

23 (g) A superintendent or the superintendent's designee shall
24 immediately notify the appropriate law enforcement agency having
25 jurisdiction over the property where the school is located if a student
26 engages in a behavior described in subsection (d). The superintendent
27 may give similar notice if the student engages in a behavior described
28 in subsection (f). Upon receiving notification under this subsection, the
29 law enforcement agency shall begin an investigation and take
30 appropriate action.

31 (h) A student with disabilities (as defined in IC 20-35-7-7) who
32 possesses a firearm on school property is subject to procedural
33 safeguards under 20 U.S.C. 1415.

34 SECTION 43. IC 21-12-3-13, AS AMENDED BY P.L.229-2011,
35 SECTION 223, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2012]: Sec. 13. The commission may not
37 provide assistance under this chapter to a higher education award
38 applicant or recipient who is:

39 (1) convicted of a felony;

40 (2) sentenced to a term of imprisonment for that felony; and

41 (3) confined for that felony at a penal facility (as defined in
42 ~~IC 35-41-1-21~~). **IC 35-31.5-2-232**).

43 SECTION 44. IC 22-11-17-4 IS AMENDED TO READ AS
44 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. An owner of a public
45 building commits a Class D felony if:

46 (1) ~~he~~ **the owner** knowingly or intentionally violates section 2 of
47 this chapter; and

48 (2) bodily injury (as defined by ~~IC 35-41-1~~) **IC 35-31.5-2-29**) or
49 a loss of life occurs to a person lawfully in the public building as
50 a result of a fire in the building.

1 SECTION 45. IC 22-11-18-1, AS AMENDED BY P.L.17-2008,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 1. As used in this chapter:

4 "Bodily injury" has the meaning set forth in ~~IC 35-41-1-4~~.
5 **IC 35-31.5-2-29.**

6 "Dwelling" means a residence with at least one (1) dwelling unit as
7 set forth in IC 22-12-1-4(a)(1)(B) and IC 22-12-1-5(a)(1).

8 "Hotels and motels" means buildings or structures kept, maintained,
9 used, advertised, or held out to the public as inns or places where
10 sleeping accommodations are furnished for hire for transient guests.

11 "Landlord" has the meaning set forth in IC 32-31-3-3.

12 "Owner" means a person having control or custody of any building
13 covered by this chapter.

14 "Person" means an individual, corporation, partnership, association,
15 or other legal entity.

16 "Rental premises" has the meaning set forth in IC 32-31-7-3.

17 "Rental unit" has the meaning set forth in IC 32-31-3-8.

18 "Smoke detector" means a device which senses visible or invisible
19 particles of combustion and conforms to the minimum standards for
20 type, components, and maintenance prescribed by the National Fire
21 Protection Association.

22 "Seasonally occupied dwellings" means hotels and motels open to
23 the public for occupancy by guests only during any period of time
24 between April 15 and October 15 each year.

25 "Single level dwellings" means all single level (no more than one
26 (1) level above ground) hotels and motels that have no interior
27 corridors, and whose individual rooms have exterior exits.

28 "Tenant" has the meaning set forth in IC 32-31-3-10.

29 SECTION 46. IC 23-1-55-2, AS ADDED BY P.L.92-2008,
30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2012]: Sec. 2. A person (as defined in ~~IC 35-41-1-22~~)
32 **IC 35-31.5-2-234**) that intends to offer for sale or sell sexually explicit
33 materials shall register with the secretary of state the intent to offer for
34 sale or sell sexually explicit materials and provide a statement detailing
35 the types of materials that the person intends to offer for sale or sell.

36 SECTION 47. IC 24-3-4-5 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this
38 chapter, "law enforcement officer" has the meaning set forth in
39 ~~IC 35-41-1-17~~. **IC 35-31.5-2-185.**

40 SECTION 48. IC 24-4-16.4-1, AS ADDED BY P.L.92-2008,
41 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2012]: Sec. 1. As used in this chapter, "person" has the
43 meaning set forth in ~~IC 35-41-1-22~~. **IC 35-31.5-2-234.**

44 SECTION 49. IC 24-8-2-6 IS AMENDED TO READ AS
45 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. "Property" has the
46 meaning set forth in ~~IC 35-41-1-23~~. **IC 35-31.5-2-253.**

47 SECTION 50. IC 25-1-9-3.5 IS AMENDED TO READ AS
48 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.5. As used in this
49 chapter, "sexual contact" means:

50 (1) sexual intercourse (as defined in ~~IC 35-41-1-26~~);

- 1 **IC 35-31.5-2-302);**
 2 (2) deviate sexual conduct (as defined in ~~IC 35-41-1-9~~);
 3 **IC 35-31.5-2-94);** or
 4 (3) any fondling or touching intended to arouse or satisfy the
 5 sexual desires of either the individual performing the fondling or
 6 touching or the individual being fondled or touched.
- 7 SECTION 51. IC 25-22.5-1-2, AS AMENDED BY P.L.177-2009,
 8 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2012]: Sec. 2. (a) This article, as it relates to the unlawful or
 10 unauthorized practice of medicine or osteopathic medicine, does not
 11 apply to any of the following:
- 12 (1) A student in training in a medical school approved by the
 13 board, or while performing duties as an intern or a resident in a
 14 hospital under the supervision of the hospital's staff or in a
 15 program approved by the medical school.
- 16 (2) A person who renders service in case of emergency where no
 17 fee or other consideration is contemplated, charged, or received.
- 18 (3) A paramedic (as defined in IC 16-18-2-266), an emergency
 19 medical technician-basic advanced (as defined in
 20 IC 16-18-2-112.5), an emergency medical technician-intermediate
 21 (as defined in IC 16-18-2-112.7), an emergency medical
 22 technician (as defined in IC 16-18-2-112), or a person with
 23 equivalent certification from another state who renders advanced
 24 life support (as defined in IC 16-18-2-7) or basic life support (as
 25 defined in IC 16-18-2-33.5):
- 26 (A) during a disaster emergency declared by the governor
 27 under IC 10-14-3-12 in response to an act that the governor in
 28 good faith believes to be an act of terrorism (as defined in
 29 ~~IC 35-41-1-26.5~~; **IC 35-31.5-2-329**); and
- 30 (B) in accordance with the rules adopted by the Indiana
 31 emergency medical services commission or the disaster
 32 emergency declaration of the governor.
- 33 (4) Commissioned medical officers or medical service officers of
 34 the armed forces of the United States, the United States Public
 35 Health Service, and medical officers of the United States
 36 Department of Veterans Affairs in the discharge of their official
 37 duties in Indiana.
- 38 (5) An individual who is not a licensee who resides in another
 39 state or country and is authorized to practice medicine or
 40 osteopathic medicine there, who is called in for consultation by an
 41 individual licensed to practice medicine or osteopathic medicine
 42 in Indiana.
- 43 (6) A person administering a domestic or family remedy to a
 44 member of the person's family.
- 45 (7) A member of a church practicing the religious tenets of the
 46 church if the member does not make a medical diagnosis,
 47 prescribe or administer drugs or medicines, perform surgical or
 48 physical operations, or assume the title of or profess to be a
 49 physician.
- 50 (8) A school corporation and a school employee who acts under

- 1 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- 2 (9) A chiropractor practicing the chiropractor's profession under
- 3 IC 25-10 or to an employee of a chiropractor acting under the
- 4 direction and supervision of the chiropractor under IC 25-10-1-13.
- 5 (10) A dental hygienist practicing the dental hygienist's profession
- 6 under IC 25-13.
- 7 (11) A dentist practicing the dentist's profession under IC 25-14.
- 8 (12) A hearing aid dealer practicing the hearing aid dealer's
- 9 profession under IC 25-20.
- 10 (13) A nurse practicing the nurse's profession under IC 25-23.
- 11 However, a certified registered nurse anesthetist (as defined in
- 12 IC 25-23-1-1.4) may administer anesthesia if the certified
- 13 registered nurse anesthetist acts under the direction of and in the
- 14 immediate presence of a physician.
- 15 (14) An optometrist practicing the optometrist's profession under
- 16 IC 25-24.
- 17 (15) A pharmacist practicing the pharmacist's profession under
- 18 IC 25-26.
- 19 (16) A physical therapist practicing the physical therapist's
- 20 profession under IC 25-27.
- 21 (17) A podiatrist practicing the podiatrist's profession under
- 22 IC 25-29.
- 23 (18) A psychologist practicing the psychologist's profession under
- 24 IC 25-33.
- 25 (19) A speech-language pathologist or audiologist practicing the
- 26 pathologist's or audiologist's profession under IC 25-35.6.
- 27 (20) An employee of a physician or group of physicians who
- 28 performs an act, a duty, or a function that is customarily within
- 29 the specific area of practice of the employing physician or group
- 30 of physicians, if the act, duty, or function is performed under the
- 31 direction and supervision of the employing physician or a
- 32 physician of the employing group within whose area of practice
- 33 the act, duty, or function falls. An employee may not make a
- 34 diagnosis or prescribe a treatment and must report the results of
- 35 an examination of a patient conducted by the employee to the
- 36 employing physician or the physician of the employing group
- 37 under whose supervision the employee is working. An employee
- 38 may not administer medication without the specific order of the
- 39 employing physician or a physician of the employing group.
- 40 Unless an employee is licensed or registered to independently
- 41 practice in a profession described in subdivisions (9) through
- 42 (18), nothing in this subsection grants the employee independent
- 43 practitioner status or the authority to perform patient services in
- 44 an independent practice in a profession.
- 45 (21) A hospital licensed under IC 16-21 or IC 12-25.
- 46 (22) A health care organization whose members, shareholders, or
- 47 partners are individuals, partnerships, corporations, facilities, or
- 48 institutions licensed or legally authorized by this state to provide
- 49 health care or professional services as:
- 50 (A) a physician;

- 1 (B) a psychiatric hospital;
 2 (C) a hospital;
 3 (D) a health maintenance organization or limited service
 4 health maintenance organization;
 5 (E) a health facility;
 6 (F) a dentist;
 7 (G) a registered or licensed practical nurse;
 8 (H) a midwife;
 9 (I) an optometrist;
 10 (J) a podiatrist;
 11 (K) a chiropractor;
 12 (L) a physical therapist; or
 13 (M) a psychologist.
- 14 (23) A physician assistant practicing the physician assistant
 15 profession under IC 25-27.5.
- 16 (24) A physician providing medical treatment under
 17 ~~IC 25-22.5-1-2.1.~~ **section 2.1 of this chapter.**
- 18 (25) An attendant who provides attendant care services (as
 19 defined in IC 16-18-2-28.5).
- 20 (26) A personal services attendant providing authorized attendant
 21 care services under IC 12-10-17.1.
- 22 (b) A person described in subsection (a)(9) through (a)(18) is not
 23 excluded from the application of this article if:
- 24 (1) the person performs an act that an Indiana statute does not
 25 authorize the person to perform; and
- 26 (2) the act qualifies in whole or in part as the practice of medicine
 27 or osteopathic medicine.
- 28 (c) An employment or other contractual relationship between an
 29 entity described in subsection (a)(21) through (a)(22) and a licensed
 30 physician does not constitute the unlawful practice of medicine under
 31 this article if the entity does not direct or control independent medical
 32 acts, decisions, or judgment of the licensed physician. However, if the
 33 direction or control is done by the entity under IC 34-30-15 (or
 34 IC 34-4-12.6 before its repeal), the entity is excluded from the
 35 application of this article as it relates to the unlawful practice of
 36 medicine or osteopathic medicine.
- 37 (d) This subsection does not apply to a prescription or drug order for
 38 a legend drug that is filled or refilled in a pharmacy owned or operated
 39 by a hospital licensed under IC 16-21. A physician licensed in Indiana
 40 who permits or authorizes a person to fill or refill a prescription or drug
 41 order for a legend drug except as authorized in IC 16-42-19-11 through
 42 IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A
 43 person who violates this subsection commits the unlawful practice of
 44 medicine under this chapter.
- 45 (e) A person described in subsection (a)(8) shall not be authorized
 46 to dispense contraceptives or birth control devices.
- 47 SECTION 52. IC 31-37-19-12, AS AMENDED BY P.L.125-2007,
 48 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 49 JULY 1, 2012]: Sec. 12. (a) This section applies if a child is a
 50 delinquent child under IC 31-37-1 due to the commission of a

- 1 delinquent act that, if committed by an adult, would be:
- 2 (1) an offense relating to a criminal sexual act (as defined in
- 3 ~~IC 35-41-1-19.3~~) **IC 35-31.5-2-216**) and the offense created an
- 4 epidemiologically demonstrated risk of transmission of the human
- 5 immunodeficiency virus (HIV); or
- 6 (2) an offense relating to controlled substances (as defined in
- 7 ~~IC 35-41-1-19.4~~) **IC 35-31.5-2-217**) if the offense involved:
- 8 (A) the delivery by a person to another person; or
- 9 (B) the use by a person on another person;
- 10 of a contaminated sharp (as defined in IC 16-41-16-2) or other
- 11 paraphernalia that creates an epidemiologically demonstrated risk
- 12 of transmission of HIV by involving percutaneous contact.
- 13 (b) The juvenile court shall, in addition to any other order or decree
- 14 the court makes under this chapter, order the child to undergo a
- 15 screening test for the human immunodeficiency virus (HIV).
- 16 (c) If the screening test indicates the presence of antibodies to HIV,
- 17 the court shall order the child to undergo a confirmatory test.
- 18 (d) If the confirmatory test confirms the presence of the HIV
- 19 antibodies, the court shall report the results to the state department of
- 20 health.
- 21 (e) The state department of health shall do the following:
- 22 (1) Notify potentially affected victims of the offense relating to a
- 23 criminal sexual act (as defined in ~~IC 35-41-1-19.3~~)
- 24 **IC 35-31.5-2-216**) or offense relating to controlled substances (as
- 25 defined in ~~IC 35-41-1-19.4~~) **IC 35-31.5-2-217**) of the HIV
- 26 screening results.
- 27 (2) Provide counseling regarding HIV and a referral for
- 28 appropriate health care to the victims.
- 29 SECTION 53. IC 31-37-19-17.4, AS AMENDED BY P.L.146-2008,
- 30 SECTION 653, IS AMENDED TO READ AS FOLLOWS
- 31 [EFFECTIVE JULY 1, 2012]: Sec. 17.4. (a) This section applies if a
- 32 child is a delinquent child under IC 31-37-1 due to the commission of
- 33 a delinquent act that, if committed by an adult, would be an offense
- 34 relating to a criminal sexual act (as defined in ~~IC 35-41-1-19.3~~):
- 35 **IC 35-31.5-2-216**).
- 36 (b) The juvenile court may, in addition to any other order or decree
- 37 the court makes under this chapter, order:
- 38 (1) the child; and
- 39 (2) the child's parent or guardian;
- 40 to receive psychological counseling as directed by the court, subject to
- 41 the applicable provisions of IC 31-37-17-1.4 and IC 31-37-18-9.
- 42 SECTION 54. IC 32-30-7-1 IS AMENDED TO READ AS
- 43 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this
- 44 chapter, "indecent nuisance" means a:
- 45 (1) place in or upon which prostitution (as described in
- 46 IC 35-45-4);
- 47 (2) public place in or upon which deviate sexual conduct (as
- 48 defined in ~~IC 35-41-1-9~~) **IC 35-31.5-2-94**) or sexual intercourse
- 49 (as defined in ~~IC 35-41-1-26~~); **IC 35-31.5-2-302**); or
- 50 (3) public place in or upon which the fondling of the genitals of

1 a person;
 2 is conducted, permitted, continued, or exists, and the personal property
 3 and contents used in conducting and maintaining the place for such a
 4 purpose.

5 SECTION 55. IC 32-30-7-2 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this
 7 chapter, "person" has the meaning set forth in ~~IC 35-41-1-22.~~
 8 **IC 35-31.5-2-234.**

9 SECTION 56. IC 32-31-9-3, AS ADDED BY P.L.22-2007,
 10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2012]: Sec. 3. As used in this chapter, "applicable offense"
 12 refers to any of the following:

- 13 (1) A crime involving domestic or family violence (as defined in
 14 ~~IC 35-41-1-6.5).~~ **IC 35-31.5-2-76).**
 15 (2) A sex offense under IC 35-42-4.
 16 (3) Stalking under IC 35-45-10.

17 SECTION 57. IC 32-34-9-8 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. A brand adopted in
 19 accordance with this chapter is the exclusive trademark of the person
 20 adopting the brand, and the brand constitutes property under
 21 ~~IC 35-41-1-23.~~ **IC 35-31.5-2-253.**

22 SECTION 58. IC 33-39-1-6, AS AMENDED BY P.L.119-2007,
 23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2012]: Sec. 6. (a) Special prosecutors may be appointed under
 25 this section or in accordance with IC 4-2-7-7.

- 26 (b) A circuit or superior court judge:
 27 (1) shall appoint a special prosecutor if:
 28 (A) any person other than the prosecuting attorney or the
 29 prosecuting attorney's deputy files a verified petition
 30 requesting the appointment of a special prosecutor; and
 31 (B) the prosecuting attorney agrees that a special prosecutor is
 32 needed;
 33 (2) may appoint a special prosecutor if:
 34 (A) a person files a verified petition requesting the
 35 appointment of a special prosecutor; and
 36 (B) the court, after:
 37 (i) notice is given to the prosecuting attorney; and
 38 (ii) an evidentiary hearing is conducted at which the
 39 prosecuting attorney is given an opportunity to be heard;
 40 finds by clear and convincing evidence that the appointment
 41 is necessary to avoid an actual conflict of interest or there is
 42 probable cause to believe that the prosecutor has committed a
 43 crime;
 44 (3) may appoint a special prosecutor if:
 45 (A) the prosecuting attorney files a petition requesting the
 46 court to appoint a special prosecutor; and
 47 (B) the court finds that the appointment is necessary to avoid
 48 the appearance of impropriety;
 49 (4) may appoint a special prosecutor if:
 50 (A) an elected public official, who is a defendant in a criminal

- 1 proceeding, files a verified petition requesting a special
 2 prosecutor within ten (10) days after the date of the initial
 3 hearing; and
 4 (B) the court finds that the appointment of a special prosecutor
 5 is in the best interests of justice; and
 6 (5) shall appoint a special prosecutor if:
 7 (A) a previously appointed special prosecutor:
 8 (i) files a motion to withdraw as special prosecutor; or
 9 (ii) has become incapable of continuing to represent the
 10 interests of the state; and
 11 (B) the court finds that the facts that established the basis for
 12 the initial appointment of a special prosecutor still exist.
 13 The elected prosecuting attorney of the appointing jurisdiction
 14 shall receive notice of all pleadings filed and orders issued under
 15 this subdivision.
 16 (c) Each person appointed to serve as a special prosecutor:
 17 (1) must consent to the appointment; and
 18 (2) must be:
 19 (A) the prosecuting attorney or a deputy prosecuting attorney
 20 in a county other than the county in which the person is to
 21 serve as special prosecutor; or
 22 (B) except as provided in subsection (d), a senior prosecuting
 23 attorney.
 24 (d) A senior prosecuting attorney may be appointed in the county in
 25 which the senior prosecuting attorney previously served if the court
 26 finds that an appointment under this subsection would not create the
 27 appearance of impropriety.
 28 (e) A person appointed to serve as a special prosecutor has the same
 29 powers as the prosecuting attorney of the county. However, the
 30 appointing judge shall limit scope of the special prosecutor's duties to
 31 include only the investigation or prosecution of a particular case or
 32 particular grand jury investigation.
 33 (f) The court shall establish the length of the special prosecutor's
 34 term. If the target of an investigation by the special prosecutor is a
 35 public servant (as defined in ~~IC 35-41-1-24~~; **IC 35-31.5-2-261**), the
 36 court shall order the special prosecutor to file a report of the
 37 investigation with the court at the conclusion of the investigation. The
 38 report is a public record.
 39 (g) If the special prosecutor is not regularly employed as a full-time
 40 prosecuting attorney or full-time deputy prosecuting attorney, the
 41 compensation for the special prosecutor's services:
 42 (1) shall be paid to the special prosecutor from the unappropriated
 43 funds of the appointing county; and
 44 (2) may not exceed:
 45 (A) an hourly rate based upon the regular salary of a full-time
 46 prosecuting attorney of the appointing circuit;
 47 (B) travel expenses and reasonable accommodation expenses
 48 actually incurred; and
 49 (C) other reasonable expenses actually incurred, including the
 50 costs of investigation, discovery, and secretarial work, if:

- 1 (i) before incurring the other reasonable expenses described
 2 in this clause, the special prosecutor submits an application
 3 to the court to receive the other reasonable expenses; and
 4 (ii) the court approves the expenses.

5 The amount of compensation a special prosecutor receives for services
 6 performed during a calendar day under subdivision (2)(A) may not
 7 exceed the amount of compensation a full-time prosecuting attorney
 8 would receive in salary for the calendar day.

9 (h) If the special prosecutor is regularly employed as a full-time
 10 prosecuting attorney or deputy prosecuting attorney, the compensation
 11 for the special prosecutor's services:

12 (1) shall be paid out of the appointing county's unappropriated
 13 funds to the treasurer of the county in which the special
 14 prosecutor regularly serves; and

15 (2) must include a per diem equal to the regular salary of a
 16 full-time prosecuting attorney of the appointing circuit, travel
 17 expenses, and reasonable accommodation expenses actually
 18 incurred.

19 (i) The combination of:

20 (1) the compensation paid to a senior prosecuting attorney under
 21 this chapter; and

22 (2) retirement benefits that the person appointed as a senior
 23 prosecuting attorney is receiving or entitled to receive;

24 may not exceed the minimum compensation to which a full-time
 25 prosecuting attorney is entitled under IC 33-39-6-5.

26 (j) A senior prosecuting attorney appointed under this chapter may
 27 not be compensated as senior prosecuting attorney for more than one
 28 hundred (100) calendar days in total during a calendar year if the senior
 29 prosecuting attorney receives retirement benefits during the calendar
 30 year. However, if the senior prosecuting attorney does not receive
 31 retirement benefits during a calendar year, the senior prosecuting
 32 attorney may be compensated as a senior prosecuting attorney for not
 33 more than two hundred (200) calendar days in total during the calendar
 34 year.

35 SECTION 59. IC 34-6-2-73.3 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 73.3. "Law
 37 enforcement officer", for purposes of IC 34-26-5, has the meaning set
 38 forth in ~~IC 35-41-1-17~~. **IC 35-31.5-2-185.**

39 SECTION 60. IC 34-6-2-103, AS AMENDED BY P.L.6-2012,
 40 SECTION 220, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2012]: Sec. 103. (a) "Person", for purposes of
 42 IC 34-14, has the meaning set forth in IC 34-14-1-13.

43 (b) "Person", for purposes of IC 34-11-2-11.5 and IC 34-24-4,
 44 means:

- 45 (1) an individual;
 46 (2) a governmental entity;
 47 (3) a corporation;
 48 (4) a firm;
 49 (5) a trust;
 50 (6) a partnership; or

- 1 (7) an incorporated or unincorporated association that exists
 2 under or is authorized by the laws of this state, another state, or a
 3 foreign country.
- 4 (c) "Person", for purposes of section 44.8 of this chapter, means an
 5 adult or a minor.
- 6 (d) "Person", for purposes of IC 34-26-4, has the meaning set forth
 7 in ~~IC 35-41-1-22~~. **IC 35-31.5-2-234.**
- 8 (e) "Person", for purposes of IC 34-30-5, means any of the
 9 following:
- 10 (1) An individual.
 11 (2) A corporation.
 12 (3) A partnership.
 13 (4) An unincorporated association.
 14 (5) The state (as defined in IC 34-6-2-140).
 15 (6) A political subdivision (as defined in IC 34-6-2-110).
 16 (7) Any other entity recognized by law.
- 17 (f) "Person", for purposes of IC 34-30-6, means an individual, a
 18 corporation, a limited liability company, a partnership, an
 19 unincorporated association, or a governmental entity that:
- 20 (1) has qualifications or experience in:
 21 (A) storing, transporting, or handling a hazardous substance or
 22 compressed gas;
 23 (B) fighting fires;
 24 (C) emergency rescue; or
 25 (D) first aid care; or
 26 (2) is otherwise qualified to provide assistance appropriate to
 27 remedy or contribute to the remedy of the emergency.
- 28 (g) "Person", for purposes of IC 34-30-18, includes:
 29 (1) an individual;
 30 (2) an incorporated or unincorporated organization or association;
 31 (3) the state of Indiana;
 32 (4) a political subdivision (as defined in IC 36-1-2-13);
 33 (5) an agency of the state or a political subdivision; or
 34 (6) a group of such persons acting in concert.
- 35 (h) "Person", for purposes of sections 42, 43, 69, and 95 of this
 36 chapter, means an individual, an incorporated or unincorporated
 37 organization or association, or a group of such persons acting in
 38 concert.
- 39 (i) "Person", for purposes of IC 34-30-10.5, means the following:
 40 (1) A political subdivision (as defined in IC 36-1-2-13).
 41 (2) A volunteer fire department (as defined in IC 36-8-12-2).
 42 (3) An employee of an entity described in subdivision (1) or (2)
 43 who acts within the scope of the employee's responsibilities.
 44 (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is
 45 acting for a volunteer fire department.
 46 (5) A corporation, a limited liability company, a partnership, an
 47 unincorporated association, or any other entity recognized by law.
- 48 (j) "Person", for purposes of IC 34-28-7, means:
 49 (1) an individual;
 50 (2) a governmental entity;

- 1 (3) a corporation;
 2 (4) a firm;
 3 (5) a trust;
 4 (6) a partnership; or
 5 (7) an incorporated or unincorporated association that exists
 6 under or is authorized by the laws of this state, another state, or a
 7 foreign country.
- 8 (k) "Person", for purposes of IC 34-31-9, has the meaning set forth
 9 in IC 34-31-9-8.
- 10 SECTION 61. IC 34-6-2-120 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 120. (a) "Property", for
 12 purposes of IC 34-24-2, has the meaning set forth in ~~IC 35-41-1-23~~.
 13 **IC 35-31.5-2-253.**
- 14 (b) "Property", for purposes of IC 34-30-9, includes the following:
 15 (1) Real property.
 16 (2) Private ways.
 17 (3) Waters.
 18 (4) A structure located on property listed in subdivisions (1)
 19 through (3).
- 20 SECTION 62. IC 34-6-2-148 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 148. "Vehicle", for
 22 purposes of IC 34-24-3, has the meaning set forth in ~~IC 35-41-1-28~~.
 23 **IC 35-31.5-2-346.**
- 24 SECTION 63. IC 34-12-3-2 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this
 26 chapter, "person" has the meaning set forth in ~~IC 35-41-1-22~~.
 27 **IC 35-31.5-2-234.**
- 28 SECTION 64. IC 34-24-1-1, AS AMENDED BY P.L.182-2011,
 29 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2012]: Sec. 1. (a) The following may be seized:
 31 (1) All vehicles (as defined by ~~IC 35-41-1-1~~; **IC 35-31.5-2-346**), if
 32 they are used or are intended for use by the person or persons in
 33 possession of them to transport or in any manner to facilitate the
 34 transportation of the following:
 35 (A) A controlled substance for the purpose of committing,
 36 attempting to commit, or conspiring to commit any of the
 37 following:
 38 (i) Dealing in or manufacturing cocaine or a narcotic drug
 39 (IC 35-48-4-1).
 40 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
 41 (iii) Dealing in a schedule I, II, or III controlled substance
 42 (IC 35-48-4-2).
 43 (iv) Dealing in a schedule IV controlled substance (IC
 44 35-48-4-3).
 45 (v) Dealing in a schedule V controlled substance (IC
 46 35-48-4-4).
 47 (vi) Dealing in a counterfeit substance (IC 35-48-4-5).
 48 (vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
 49 (viii) Possession of methamphetamine (IC 35-48-4-6.1).
 50 (ix) Dealing in paraphernalia (IC 35-48-4-8.5).

- 1 (x) Dealing in marijuana, hash oil, hashish, salvia, or a
 2 synthetic cannabinoid (IC 35-48-4-10).
- 3 (B) Any stolen (IC 35-43-4-2) or converted property (IC
 4 35-43-4-3) if the retail or repurchase value of that property is
 5 one hundred dollars (\$100) or more.
- 6 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
- 7 (D) A bomb (as defined in ~~IC 35-41-1-4.3~~ **IC 35-31.5-2-31**)
 8 or weapon of mass destruction (as defined in ~~IC 35-41-1-29.4~~
 9 **IC 35-31.5-2-354**) used to commit, used in an attempt to
 10 commit, or used in a conspiracy to commit an offense under
 11 IC 35-47 as part of or in furtherance of an act of terrorism (as
 12 defined by ~~IC 35-41-1-26.5~~: **IC 35-31.5-2-329**).
- 13 (2) All money, negotiable instruments, securities, weapons,
 14 communications devices, or any property used to commit, used in
 15 an attempt to commit, or used in a conspiracy to commit an
 16 offense under IC 35-47 as part of or in furtherance of an act of
 17 terrorism or commonly used as consideration for a violation of
 18 IC 35-48-4 (other than items subject to forfeiture under
 19 IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):
- 20 (A) furnished or intended to be furnished by any person in
 21 exchange for an act that is in violation of a criminal statute;
 22 (B) used to facilitate any violation of a criminal statute; or
 23 (C) traceable as proceeds of the violation of a criminal statute.
- 24 (3) Any portion of real or personal property purchased with
 25 money that is traceable as a proceed of a violation of a criminal
 26 statute.
- 27 (4) A vehicle that is used by a person to:
- 28 (A) commit, attempt to commit, or conspire to commit;
 29 (B) facilitate the commission of; or
 30 (C) escape from the commission of;
 31 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal
 32 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
 33 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
 34 under IC 35-47 as part of or in furtherance of an act of terrorism.
- 35 (5) Real property owned by a person who uses it to commit any of
 36 the following as a Class A felony, a Class B felony, or a Class C
 37 felony:
- 38 (A) Dealing in or manufacturing cocaine or a narcotic drug (IC
 39 35-48-4-1).
- 40 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
- 41 (C) Dealing in a schedule I, II, or III controlled substance (IC
 42 35-48-4-2).
- 43 (D) Dealing in a schedule IV controlled substance (IC
 44 35-48-4-3).
- 45 (E) Dealing in marijuana, hash oil, hashish, salvia, or a
 46 synthetic cannabinoid (IC 35-48-4-10).
- 47 (6) Equipment and recordings used by a person to commit fraud
 48 under IC 35-43-5-4(10).
- 49 (7) Recordings sold, rented, transported, or possessed by a person
 50 in violation of IC 24-4-10.

- 1 (8) Property (as defined by ~~IC 35-41-1-23~~) **IC 35-31.5-2-253**) or
 2 an enterprise (as defined by IC 35-45-6-1) that is the object of a
 3 corrupt business influence violation (IC 35-45-6-2).
 4 (9) Unlawful telecommunications devices (as defined in
 5 IC 35-45-13-6) and plans, instructions, or publications used to
 6 commit an offense under IC 35-45-13.
 7 (10) Any equipment, including computer equipment and cellular
 8 telephones, used for or intended for use in preparing,
 9 photographing, recording, videotaping, digitizing, printing,
 10 copying, or disseminating matter in violation of IC 35-42-4.
 11 (11) Destructive devices used, possessed, transported, or sold in
 12 violation of IC 35-47.5.
 13 (12) Tobacco products that are sold in violation of IC 24-3-5,
 14 tobacco products that a person attempts to sell in violation of
 15 IC 24-3-5, and other personal property owned and used by a
 16 person to facilitate a violation of IC 24-3-5.
 17 (13) Property used by a person to commit counterfeiting or
 18 forgery in violation of IC 35-43-5-2.
 19 (14) After December 31, 2005, if a person is convicted of an
 20 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
 21 following real or personal property:
 22 (A) Property used or intended to be used to commit, facilitate,
 23 or promote the commission of the offense.
 24 (B) Property constituting, derived from, or traceable to the
 25 gross proceeds that the person obtained directly or indirectly
 26 as a result of the offense.
 27 (15) Except as provided in subsection (e), a motor vehicle used by
 28 a person who operates the motor vehicle:
 29 (A) while intoxicated, in violation of IC 9-30-5-1 through
 30 IC 9-30-5-5, if in the previous five (5) years the person has two
 31 (2) or more prior unrelated convictions:
 32 (i) for operating a motor vehicle while intoxicated in
 33 violation of IC 9-30-5-1 through IC 9-30-5-5; or
 34 (ii) for an offense that is substantially similar to IC 9-30-5-1
 35 through IC 9-30-5-5 in another jurisdiction; or
 36 (B) on a highway while the person's driver's license is
 37 suspended in violation of IC 9-24-19-2 through IC 9-24-19-4,
 38 if in the previous five (5) years the person has two (2) or more
 39 prior unrelated convictions:
 40 (i) for operating a motor vehicle while intoxicated in
 41 violation of IC 9-30-5-1 through IC 9-30-5-5; or
 42 (ii) for an offense that is substantially similar to IC 9-30-5-1
 43 through IC 9-30-5-5 in another jurisdiction.
 44 If a court orders the seizure of a motor vehicle under this
 45 subdivision, the court shall transmit an order to the bureau of
 46 motor vehicles recommending that the bureau not permit a motor
 47 vehicle to be registered in the name of the person whose motor
 48 vehicle was seized until the person possesses a current driving
 49 license (as defined in IC 9-13-2-41).
 50 (16) The following real or personal property:

- 1 (A) Property used or intended to be used to commit, facilitate,
 2 or promote the commission of an offense specified in
 3 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or
 4 IC 30-2-13-38(f).
- 5 (B) Property constituting, derived from, or traceable to the
 6 gross proceeds that a person obtains directly or indirectly as a
 7 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
 8 IC 30-2-10-9(b), or IC 30-2-13-38(f).
- 9 (b) A vehicle used by any person as a common or contract carrier in
 10 the transaction of business as a common or contract carrier is not
 11 subject to seizure under this section, unless it can be proven by a
 12 preponderance of the evidence that the owner of the vehicle knowingly
 13 permitted the vehicle to be used to engage in conduct that subjects it to
 14 seizure under subsection (a).
- 15 (c) Equipment under subsection (a)(10) may not be seized unless it
 16 can be proven by a preponderance of the evidence that the owner of the
 17 equipment knowingly permitted the equipment to be used to engage in
 18 conduct that subjects it to seizure under subsection (a)(10).
- 19 (d) Money, negotiable instruments, securities, weapons,
 20 communications devices, or any property commonly used as
 21 consideration for a violation of IC 35-48-4 found near or on a person
 22 who is committing, attempting to commit, or conspiring to commit any
 23 of the following offenses shall be admitted into evidence in an action
 24 under this chapter as prima facie evidence that the money, negotiable
 25 instrument, security, or other thing of value is property that has been
 26 used or was to have been used to facilitate the violation of a criminal
 27 statute or is the proceeds of the violation of a criminal statute:
- 28 (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
 29 narcotic drug).
- 30 (2) IC 35-48-4-1.1 (dealing in methamphetamine).
- 31 (3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
 32 substance).
- 33 (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
- 34 (5) IC 35-48-4-4 (dealing in a schedule V controlled substance)
 35 as a Class B felony.
- 36 (6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
 37 Class A felony, Class B felony, or Class C felony.
- 38 (7) IC 35-48-4-6.1 (possession of methamphetamine) as a Class
 39 A felony, Class B felony, or Class C felony.
- 40 (8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, salvia,
 41 or a synthetic cannabinoid) as a Class C felony.
- 42 (e) A motor vehicle operated by a person who is not:
 43 (1) an owner of the motor vehicle; or
 44 (2) the spouse of the person who owns the motor vehicle;
 45 is not subject to seizure under subsection (a)(15) unless it can be
 46 proven by a preponderance of the evidence that the owner of the
 47 vehicle knowingly permitted the vehicle to be used to engage in
 48 conduct that subjects it to seizure under subsection (a)(15).
- 49 SECTION 65. IC 34-28-5-1, AS AMENDED BY P.L.101-2009,
 50 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2012]: Sec. 1. (a) As used in this section, "probationary
2 license" refers to a license described in IC 9-24-11-3(b) or
3 IC 9-24-11-3.3(b).

4 (b) An action to enforce a statute defining an infraction shall be
5 brought in the name of the state of Indiana by the prosecuting attorney
6 for the judicial circuit in which the infraction allegedly took place.
7 However, if the infraction allegedly took place on a public highway (as
8 defined in IC 9-25-2-4) that runs on and along a common boundary
9 shared by two (2) or more judicial circuits, a prosecuting attorney for
10 any judicial circuit sharing the common boundary may bring the action.

11 (c) An action to enforce an ordinance shall be brought in the name
12 of the municipal corporation. The municipal corporation need not
13 prove that it or the ordinance is valid unless validity is controverted by
14 affidavit.

15 (d) Actions under this chapter (or IC 34-4-32 before its repeal):

16 (1) shall be conducted in accordance with the Indiana Rules of
17 Trial Procedure; and

18 (2) must be brought within two (2) years after the alleged conduct
19 or violation occurred.

20 (e) The plaintiff in an action under this chapter must prove the
21 commission of an infraction or ordinance violation by a preponderance
22 of the evidence.

23 (f) The complaint and summons described in IC 9-30-3-6 may be
24 used for any infraction or ordinance violation.

25 (g) Subsection (h) does not apply to an individual holding a
26 probationary license who is alleged to have committed an infraction
27 under any of the following when the individual was less than eighteen
28 (18) years of age at the time of the alleged offense:

29 IC 9-19

30 IC 9-21

31 IC 9-24

32 IC 9-25

33 IC 9-26

34 IC 9-30-5

35 IC 9-30-10

36 IC 9-30-15.

37 (h) This subsection does not apply to an offense or violation under
38 IC 9-24-6 involving the operation of a commercial motor vehicle. The
39 prosecuting attorney or the attorney for a municipal corporation may
40 establish a deferral program for deferring actions brought under this
41 section. Actions may be deferred under this section if:

42 (1) the defendant in the action agrees to conditions of a deferral
43 program offered by the prosecuting attorney or the attorney for a
44 municipal corporation;

45 (2) the defendant in the action agrees to pay to the clerk of the
46 court an initial user's fee and monthly user's fee set by the
47 prosecuting attorney or the attorney for the municipal corporation
48 in accordance with IC 33-37-4-2(e);

49 (3) the terms of the agreement are recorded in an instrument
50 signed by the defendant and the prosecuting attorney or the

- 1 attorney for the municipal corporation;
 2 (4) the defendant in the action agrees to pay a fee of seventy
 3 dollars (\$70) to the clerk of court if the action involves a moving
 4 traffic offense (as defined in IC 9-13-2-110);
 5 (5) the agreement is filed in the court in which the action is
 6 brought; and
 7 (6) if the deferral program is offered by the prosecuting attorney,
 8 the prosecuting attorney electronically transmits information
 9 required by the prosecuting attorneys council concerning the
 10 withheld prosecution to the prosecuting attorneys council, in a
 11 manner and format designated by the prosecuting attorneys
 12 council.

13 When a defendant complies with the terms of an agreement filed under
 14 this subsection (or IC 34-4-32-1(f) before its repeal), the prosecuting
 15 attorney or the attorney for the municipal corporation shall request the
 16 court to dismiss the action. Upon receipt of a request to dismiss an
 17 action under this subsection, the court shall dismiss the action. An
 18 action dismissed under this subsection (or IC 34-4-32-1(f) before its
 19 repeal) may not be refiled.

20 (i) If a judgment is entered against a defendant in an action to
 21 enforce an ordinance, the defendant may perform community
 22 restitution or service (as defined in ~~IC 35-41-1-4.6~~ **IC 35-31.5-2-50**)
 23 instead of paying a monetary judgment for the ordinance violation as
 24 described in section 4(e) of this chapter if:

- 25 (1) the:
 26 (A) defendant; and
 27 (B) attorney for the municipal corporation;
 28 agree to the defendant's performance of community restitution or
 29 service instead of the payment of a monetary judgment;
 30 (2) the terms of the agreement described in subdivision (1):
 31 (A) include the amount of the judgment the municipal
 32 corporation requests that the defendant pay under section 4(e)
 33 of this chapter for the ordinance violation if the defendant fails
 34 to perform the community restitution or service provided for
 35 in the agreement as approved by the court; and
 36 (B) are recorded in a written instrument signed by the
 37 defendant and the attorney for the municipal corporation;
 38 (3) the agreement is filed in the court where the judgment was
 39 entered; and
 40 (4) the court approves the agreement.

41 If a defendant fails to comply with an agreement approved by a court
 42 under this subsection, the court shall require the defendant to pay up to
 43 the amount of the judgment requested in the action under section 4(e)
 44 of this chapter as if the defendant had not entered into an agreement
 45 under this subsection.

46 SECTION 66. IC 34-28-7-2, AS ADDED BY P.L.90-2010,
 47 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 48 JULY 1, 2012]: Sec. 2. (a) Notwithstanding any other law and except
 49 as provided in subsection (b), a person may not adopt or enforce an
 50 ordinance, a resolution, a policy, or a rule that:

- 1 (1) prohibits; or
 2 (2) has the effect of prohibiting;
 3 an employee of the person, including a contract employee, from
 4 possessing a firearm or ammunition that is locked in the trunk of the
 5 employee's vehicle, kept in the glove compartment of the employee's
 6 locked vehicle, or stored out of plain sight in the employee's locked
 7 vehicle.
- 8 (b) Subsection (a) does not prohibit the adoption or enforcement of
 9 an ordinance, a resolution, a policy, or a rule that prohibits or has the
 10 effect of prohibiting an employee of the person, including a contract
 11 employee, from possessing a firearm or ammunition:
- 12 (1) in or on school property, in or on property that is being used
 13 by a school for a school function, or on a school bus in violation
 14 of IC 20-33-8-16 or IC 35-47-9-2;
- 15 (2) on the property of:
 16 (A) a child caring institution;
 17 (B) an emergency shelter care child caring institution;
 18 (C) a private secure facility;
 19 (D) a group home;
 20 (E) an emergency shelter care group home; or
 21 (F) a child care center;
- 22 in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465
 23 IAC 2-11-80, 465 IAC 2-12-78, 465 IAC 2-13-77, or 470
 24 IAC 3-4.7-19;
- 25 (3) on the property of a penal facility (as defined in
 26 ~~IC 35-41-1-21~~; **IC 35-31.5-2-232**);
- 27 (4) in violation of federal law;
- 28 (5) in or on property belonging to an approved postsecondary
 29 educational institution (as defined in IC 21-7-13-6(b));
- 30 (6) on the property of a domestic violence shelter;
- 31 (7) at a person's residence;
- 32 (8) on the property of a person that is:
 33 (A) subject to the United States Department of Homeland
 34 Security's Chemical Facility Anti-Terrorism Standards issued
 35 April 9, 2007; and
 36 (B) licensed by the United States Nuclear Regulatory
 37 Commission under Title 10 of the Code of Federal
 38 Regulations;
- 39 (9) on property owned by:
 40 (A) a public utility (as defined in IC 8-1-2-1) that generates
 41 and transmits electric power; or
 42 (B) a department of public utilities created under IC 8-1-11.1;
 43 or
- 44 (10) in the employee's personal vehicle if the employee, including
 45 a contract employee, is a direct support professional who:
 46 (A) works directly with individuals with developmental
 47 disabilities to assist the individuals to become integrated into
 48 the individuals' community or least restrictive environment;
 49 and
 50 (B) uses the employee's personal vehicle while transporting an

1 individual with developmental disabilities.
2 SECTION 67. IC 35-31.5 IS ADDED TO THE INDIANA CODE
3 AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2012]:
5 **ARTICLE 31.5. DEFINITIONS**
6 **Chapter 1. General Definitions**
7 **Sec. 1. Except as otherwise provided, the definitions in this**
8 **article apply throughout this title and to all other statutes relating**
9 **to penal offenses.**
10 **Chapter 2. Definitions**
11 **Sec. 1. "Abandon", for purposes of IC 35-46-3, has the meaning**
12 **set forth in IC 35-46-3-0.5(1).**
13 **Sec. 2. "Access", for purposes of IC 35-43-2-3, has the meaning**
14 **set forth in IC 35-43-2-3(a).**
15 **Sec. 3. "Accused", for purposes of IC 35-40, has the meaning set**
16 **forth in IC 35-40-4-2.**
17 **Sec. 4. "Administer", for purposes of IC 35-48, has the meaning**
18 **set forth in IC 35-48-1-3.**
19 **Sec. 5. "Adoption services", for purposes of IC 35-46-1-22, has**
20 **the meaning set forth in IC 35-46-1-22(a).**
21 **Sec. 6. "Adoptive grandparent", for purposes of IC 35-42-4-7,**
22 **has the meaning set forth in IC 35-42-4-7(b).**
23 **Sec. 7. "Adoptive parent", for purposes of IC 35-42-4-7, has the**
24 **meaning set forth in IC 35-42-4-7(a).**
25 **Sec. 8. "Adult", for purposes of IC 35-47-10, has the meaning**
26 **set forth in IC 35-47-10-2.**
27 **Sec. 9. "Adult employee" means an employee who is at least**
28 **eighteen (18) years of age.**
29 **Sec. 10. (a) "Advisory sentence", for purposes of IC 35-35-3,**
30 **means the nonbinding guideline sentence defined in IC 35-50-2-1.3.**
31 **(b) "Advisory sentence", for purposes of IC 35-50-2-3 through**
32 **IC 35-50-2-7, has the meaning set forth in IC 35-50-2-1.3.**
33 **Sec. 11. (a) "Agency" means any authority, board, bureau,**
34 **commission, committee, department, division, hospital, military**
35 **body, or other instrumentality of:**
36 **(1) the state, a county, a township, a city, a town, a separate**
37 **municipal corporation, a special taxing district, or a public**
38 **corporation; or**
39 **(2) a state assisted college or state assisted university.**
40 **(b) The term does not include any part of the legislative**
41 **department or the judicial department of state government.**
42 **Sec. 12. (a) Except as provided in subsection (b), "agent" means**
43 **an operator, a manager, an adult employee, or a security agent**
44 **employed by a store.**
45 **(b) "Agent", for purposes of IC 35-48, has the meaning set forth**
46 **in IC 35-48-1-5.**
47 **Sec. 13. "Agent contract", for purposes of IC 35-46-4, has the**
48 **meaning set forth in IC 35-46-4-1.**
49 **Sec. 14. "Alcohol abuser", for purposes of IC 35-47, has the**
50 **meaning set forth in IC 35-47-1-2.**
51 **Sec. 15. "Alien", for purposes of IC 35-44-5, has the meaning set**

- 1 forth in IC 35-44-5-2.
- 2 Sec. 16. "Ammunition", for purposes of IC 35-47, has the
- 3 meaning set forth in IC 35-47-1-2.5.
- 4 Sec. 16.5. "Analog", for purposes of section 321 of this chapter,
- 5 means a new or novel chemical entity, independent of synthetic
- 6 route or natural origin, having substantially the same:
- 7 (1) carbon backbone structure; and
- 8 (2) pharmacological mechanism of action;
- 9 as a compound specifically defined as a synthetic drug in section
- 10 321 of this chapter.
- 11 Sec. 17. "Animal", for purposes of IC 35-46-3-15, has the
- 12 meaning set forth in IC 35-46-3-15(b).
- 13 Sec. 18. "Animal fighting contest", for purposes of IC 35-46-3,
- 14 has the meaning set forth in IC 35-46-3-4.
- 15 Sec. 19. "Animal fighting paraphernalia", for purposes of
- 16 IC 35-46-3, has the meaning set forth in IC 35-46-3-4.3.
- 17 Sec. 20. "Apartment complex" means real property consisting
- 18 of at least five (5) units that are regularly used to rent or otherwise
- 19 furnish residential accommodations for periods of at least thirty
- 20 (30) days.
- 21 Sec. 21. "Armor-piercing handgun ammunition", for purposes
- 22 of IC 35-47-5-11, has the meaning set forth in IC 35-47-5-11(a).
- 23 Sec. 22. "Attorney", for purposes of IC 35-45-14 has the
- 24 meaning set forth in IC 35-45-14-1.
- 25 Sec. 23. "Audiovisual recording device", for purposes of
- 26 IC 35-46-8, has the meaning set forth in IC 35-46-8-2.
- 27 Sec. 24. "Authorized operator", for purposes of IC 35-43-4-2.7,
- 28 has the meaning set forth in IC 35-43-4-2.7(b).
- 29 Sec. 25. "Bail bond," for purposes of IC 35-33-8, has the
- 30 meaning set forth in IC 35-33-8-1.
- 31 Sec. 26. "Beat", for purposes of IC 35-46-3, has the meaning set
- 32 forth in IC 35-46-3-0.5(2).
- 33 Sec. 27. "Benefit identification card", for purposes of
- 34 IC 35-43-4-6, has the meaning set forth in IC 35-43-4-6(a).
- 35 Sec. 28. "Body armor", for purposes of IC 35-47-5-13, has the
- 36 meaning set forth in IC 35-47-5-13(a).
- 37 Sec. 29. "Bodily injury" means any impairment of physical
- 38 condition, including physical pain.
- 39 Sec. 30. "Body piercing", for purposes of IC 35-42-2-7, has the
- 40 meaning set forth in IC 35-42-2-7(b).
- 41 Sec. 31. (a) "Bomb" means an explosive or incendiary device
- 42 designed to release:
- 43 (1) destructive materials or force; or
- 44 (2) dangerous gases;
- 45 that is detonated by impact, proximity to an object, a timing
- 46 mechanism, a chemical reaction, ignition, or other predetermined
- 47 means.
- 48 (b) The term does not include the following:
- 49 (1) A firearm (as defined in section 133 (a) of this chapter or
- 50 the ammunition or components for handloading ammunition
- 51 for a firearm.

1 (2) Fireworks regulated under IC 22-11-14.

2 (3) Boating, railroad, and other safety flares.

3 (4) Propellants used in model rockets or similar hobby
4 activities.

5 (5) Commercially manufactured black powder in quantities
6 not to exceed fifty (50) pounds, percussion caps, safety and
7 pyrotechnic fuses, quills, quick and slow matches, and friction
8 primers intended to be used solely for sporting, recreational,
9 or cultural purposes in antique firearms or antique devices.

10 Sec. 32. "Booby trap", for purposes of IC 35-47.5, has the
11 meaning set forth in IC 35-47.5-2-2.

12 Sec. 33. "Camera", for purposes of IC 35-45-4-5, has the
13 meaning set forth in IC 35-45-4-5(a)(1).

14 Sec. 34. "Card skimming device", for purposes of
15 IC 35-43-5-4.3, has the meaning set forth in IC 35-43-5-4.3(a).

16 Sec. 35. "Cave", for purposes of IC 35-43-1-3, has the meaning
17 set forth in IC 35-43-1-3(a).

18 Sec. 36. "Certified copy of a certificate of title", for purposes of
19 IC 35-37-4-9, has the meaning set forth in IC 35-37-4-9(a).

20 Sec. 37. "Charter school", for purposes of IC 35-42-4-7, has the
21 meaning set forth in IC 35-42-4-7(c).

22 Sec. 37.5. "Chemical test", for purposes of IC 35-46-9, has the
23 meaning set forth in IC 35-46-9-1.

24 Sec. 38. "Child", for purposes of IC 35-47-10, has the meaning
25 set forth in IC 35-47-10-3.

26 Sec. 39. "Child care provider", for purposes of IC 35-42-1-4, has
27 the meaning set forth in IC 35-42-1-4(a).

28 Sec. 40. "Child care worker", for purposes of IC 35-42-4-7, has
29 the meaning set forth in IC 35-42-4-7(d).

30 Sec. 41. "Chinese throwing star", for purposes of IC 35-47-5-12,
31 has the meaning set forth in IC 35-47-5-12(b).

32 Sec. 42. "Claim statement", for purposes of IC 35-43-5, has the
33 meaning set forth in IC 35-43-5-1(b).

34 Sec. 43. "Class D felony conviction", for purposes of IC 35-50-2,
35 has the meaning set forth in IC 35-50-2-1(a).

36 Sec. 44. "Cloning", for purposes of IC 35-46-5-2, has the
37 meaning set forth in IC 35-46-5-2(b).

38 Sec. 45. "Code grabbing device", for purposes of IC 35-45-12,
39 has the meaning set forth in IC 35-45-12-1.

40 Sec. 46. "Coin machine", for purposes of IC 35-43-5 and
41 IC 35-46-1-11.5, has the meaning set forth in IC 35-43-5-1(c).

42 Sec. 47. "Combative fighting", for purposes of IC 35-45-18, has
43 the meaning set forth in IC 35-45-18-1(a).

44 Sec. 48. "Community corrections program", for purposes of
45 IC 35-38-2.6, has the meaning set forth in IC 35-38-2.6-2.

46 Sec. 49. "Community policing volunteer" means a person who
47 is:

48 (1) not a law enforcement officer; and

49 (2) actively participating in a plan, system, or strategy:

50 (A) established by and conducted under the authority of a
51 law enforcement agency; and

- 1 **(B) in which citizens:**
2 (i) participate with and are guided by the law
3 enforcement agency; and
4 (ii) work with members of the law enforcement agency to
5 reduce or prevent crime within a defined geographic
6 area.
- 7 **Sec. 50. "Community restitution or service" means performance**
8 **of services directly for a:**
9 (1) victim;
10 (2) nonprofit entity; or
11 (3) governmental entity;
12 **without compensation, including graffiti abatement, park**
13 **maintenance, and other community service activities. The term**
14 **does not include the reimbursement under IC 35-50-5-3 or another**
15 **law of damages or expenses incurred by a victim or another person**
16 **as the result of a violation of law.**
- 17 **Sec. 51. "Community transition program" has the meaning set**
18 **forth in IC 11-8-1-5.5.**
- 19 **Sec. 52. "Component", for purposes of IC 35-42-1-7, has the**
20 **meaning set forth in IC 35-42-1-7(a).**
- 21 **Sec. 53. (a) "Computer network", for purposes of IC 35-43-1-4,**
22 **has the meaning set forth in IC 35-43-1-4(a).**
- 23 **(b) "Computer network", for purposes of IC 35-43-2-3, has the**
24 **meaning set forth in IC 35-43-2-3(a).**
- 25 **Sec. 54. "Computer program", for purposes of IC 35-43-1-4, has**
26 **the meaning set forth in IC 35-43-1-4(a).**
- 27 **Sec. 55. (a) "Computer system", for purposes of IC 35-43-1-4,**
28 **has the meaning set forth in IC 35-43-1-4(a).**
- 29 **(b) "Computer system", for purposes of IC 35-43-2-3, has the**
30 **meaning set forth in IC 35-43-2-3(a).**
- 31 **Sec. 56. "Confidential communication", for purposes of**
32 **IC 35-37-6, has the meaning set forth in IC 35-37-6-1(a).**
- 33 **Sec. 57. "Confine", for purposes of IC 35-42-3, has the meaning**
34 **set forth in IC 35-42-3-1.**
- 35 **Sec. 58. "Constant supervision", for purposes of IC 35-38-2.5,**
36 **has the meaning set forth in IC 35-38-2.5-2.3.**
- 37 **Sec. 59. "Consumer", for purposes of IC 35-43-6, has the**
38 **meaning set forth in IC 35-43-6-2.**
- 39 **Sec. 60. (a) "Consumer product", for purposes of IC 35-44-2-2,**
40 **has the meaning set forth in IC 35-44-2-2(a).**
- 41 **(b) "Consumer product", for purposes of IC 35-45-8, has the**
42 **meaning set forth in IC 35-45-8-1.**
- 43 **Sec. 61. "Constant video monitoring", for purposes of**
44 **IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(1).**
- 45 **Sec. 62. "Contraband", for purposes of IC 35-44-3-9.3, has the**
46 **meaning set forth in IC 35-44-3-9.3(a).**
- 47 **Sec. 63. "Contract agency", for purposes of IC 35-38-2.5, has**
48 **the meaning set forth in IC 35-38-2.5-2.5.**
- 49 **Sec. 64. "Controlled substance", for purposes of IC 35-48, has**
50 **the meaning set forth in IC 35-48-1-9.**
- 51 **Sec. 65. "Controlled substance analog", for purposes of**

1 IC 35-48, has the meaning set forth in IC 35-48-1-9.3.

2 Sec. 66. "Convenience package", for purposes of
3 IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(2).

4 Sec. 67. "Correctional professional", for purposes of
5 IC 35-42-2-1, has the meaning set forth in IC 35-42-2-1(b)(2).

6 Sec. 68. "Counterfeit substance", for purposes of IC 35-48, has
7 the meaning set forth in IC 35-48-1-10.

8 Sec. 69. "Credit card", for purposes of IC 35-43-5, has the
9 meaning set forth in IC 35-43-5-1(d).

10 Sec. 70. "Credit card holder", for purposes of IC 35-43-5, has
11 the meaning set forth in IC 35-43-5-1(e).

12 Sec. 71. "Credit institution" means a bank, insurance company,
13 credit union, savings association, investment trust, industrial loan
14 and investment company, or other organization held out to the
15 public as a place of deposit of funds or a medium of savings or
16 collective investment.

17 Sec. 72. "Credit restricted felon" means a person who has been
18 convicted of at least one (1) of the following offenses:

19 (1) Child molesting involving sexual intercourse or deviate
20 sexual conduct (IC 35-42-4-3(a)), if:

21 (A) the offense is committed by a person at least
22 twenty-one (21) years of age; and

23 (B) the victim is less than twelve (12) years of age.

24 (2) Child molesting (IC 35-42-4-3) resulting in serious bodily
25 injury or death.

26 (3) Murder (IC 35-42-1-1), if:

27 (A) the person killed the victim while committing or
28 attempting to commit child molesting (IC 35-42-4-3);

29 (B) the victim was the victim of a sex crime under
30 IC 35-42-4 for which the person was convicted; or

31 (C) the victim of the murder was listed by the state or
32 known by the person to be a witness against the person in
33 a prosecution for a sex crime under IC 35-42-4 and the
34 person committed the murder with the intent to prevent
35 the victim from testifying.

36 Sec. 73. "Criminal activity", for purposes of IC 35-45-15, has
37 the meaning set forth in IC 35-45-15-1.

38 Sec. 74. (a) "Criminal gang", for purposes of IC 35-45-9, has the
39 meaning set forth in IC 35-45-9-1.

40 (b) "Criminal gang", for purposes of IC 35-50-2-15, has the
41 meaning set forth in IC 35-50-2-1.4.

42 Sec. 75. (a) Except as provided in subsection (b), "crime" means
43 a felony or a misdemeanor.

44 (b) "Crime", for purposes of IC 35-40, has the meaning set forth
45 in IC 35-40-4-3.

46 Sec. 76. "Crime involving domestic or family violence" means
47 a crime that occurs when a family or household member commits,
48 attempts to commit, or conspires to commit any of the following
49 against another family or household member:

50 (1) A homicide offense under IC 35-42-1.

51 (2) A battery offense under IC 35-42-2.

- 1 (3) Kidnapping or confinement under IC 35-42-3.
- 2 (4) Human and sexual trafficking crimes under IC 35-42-3.5.
- 3 (5) A sex offense under IC 35-42-4.
- 4 (6) Robbery under IC 35-42-5.
- 5 (7) Arson or mischief under IC 35-43-1.
- 6 (8) Burglary or trespass under IC 35-43-2.
- 7 (9) Disorderly conduct under IC 35-45-1.
- 8 (10) Intimidation or harassment under IC 35-45-2.
- 9 (11) Voyeurism under IC 35-45-4.
- 10 (12) Stalking under IC 35-45-10.
- 11 (13) An offense against family under IC 35-46-1-2 through
- 12 IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.
- 13 (14) A crime involving animal cruelty and a family or
- 14 household member under IC 35-46-3-12(b)(2) or
- 15 IC 35-46-3-12.5.

16 Sec. 77. "Crime of deception", for purposes of IC 35-38-1, has
17 the meaning set forth in IC 35-38-1-2.5(a).

18 Sec. 78. "Crime of domestic violence", for purposes of
19 IC 5-2-6.1 and IC 35-47-4-7, means an offense or the attempt to
20 commit an offense that:

- 21 (1) has as an element the:
 - 22 (A) use of physical force; or
 - 23 (B) threatened use of a deadly weapon; and
- 24 (2) is committed against a:
 - 25 (A) current or former spouse, parent, or guardian of the
 - 26 defendant;
 - 27 (B) person with whom the defendant shared a child in
 - 28 common;
 - 29 (C) person who was cohabiting with or had cohabited with
 - 30 the defendant as a spouse, parent, or guardian; or
 - 31 (D) person who was or had been similarly situated to a
 - 32 spouse, parent, or guardian of the defendant.

33 Sec. 79. "Crime of violence", for purposes of IC 35-50-1-2, has
34 the meaning set forth in IC 35-50-1-2(a).

35 Sec. 80. "Custodian", for purposes of IC 35-42-4-7, has the
36 meaning set forth in IC 35-42-4-7(e).

37 Sec. 81. "Customer", for purposes of IC 35-43-5, has the
38 meaning set forth in IC 35-43-5-1(f).

39 Sec. 82. "Dangerous device", for purposes of IC 35-47-6-1.1, has
40 the meaning set forth in IC 35-47-6-1.1(a).

41 Sec. 83. "Dangerous gas", for purposes of section 31 of this
42 chapter, means a toxic chemical or its precursors that through
43 chemical action or properties on life processes cause death or
44 permanent injury to human beings. The term does not include the
45 following:

- 46 (1) Riot control agents, smoke, and obscuration materials or
- 47 medical products that are manufactured, possessed,
- 48 transported, or used in accordance with the laws of the United
- 49 States and of this state.
- 50 (2) Tear gas devices designed to be carried on or about the
- 51 person that contain not more than one-half (1/2) ounce of the

1 chemical.

2 Sec. 84. "Data", for purposes of IC 35-43-1-4, has the meaning
3 set forth in IC 35-43-1-4(a).

4 Sec. 85. "Deadly force" means force that creates a substantial
5 risk of serious bodily injury.

6 Sec. 86. (a) Except as provided in subsection (b), "deadly
7 weapon" means the following:

8 (1) A loaded or unloaded firearm.

9 (2) A destructive device, weapon, device, taser (as defined in
10 IC 35-47-8-3) or electronic stun weapon (as defined in
11 IC 35-47-8-1), equipment, chemical substance, or other
12 material that in the manner it:

13 (A) is used;

14 (B) could ordinarily be used; or

15 (C) is intended to be used;

16 is readily capable of causing serious bodily injury.

17 (3) An animal (as defined in IC 35-46-3-3) that is:

18 (A) readily capable of causing serious bodily injury; and

19 (B) used in the commission or attempted commission of a
20 crime.

21 (4) A biological disease, virus, or organism that is capable of
22 causing serious bodily injury.

23 (b) The term does not include:

24 (1) a taser (as defined in IC 35-47-8-3);

25 (2) an electronic stun weapon (as defined in IC 35-47-8-1);

26 (3) a chemical designed to temporarily incapacitate a person;
27 or

28 (4) another device designed to temporarily incapacitate a
29 person;

30 if the device described in subdivisions (1) through (4) is used by a
31 law enforcement officer who has been trained in the use of the
32 device and who uses the device in accordance with the law
33 enforcement officer's training and while lawfully engaged in the
34 execution of official duties.

35 Sec. 87. (a) "Dealer", for purposes of IC 35-43-4-2.3, has the
36 meaning set forth in IC 35-43-4-2.3(a).

37 (b) "Dealer", for purposes of IC 35-47, has the meaning set
38 forth in IC 35-47-1-3.

39 Sec. 88. "Delinquent act", for purposes of IC 35-40, has the
40 meaning set forth in IC 35-40-4-4.

41 Sec. 89. "Delivery", for purposes of IC 35-48, has the meaning
42 set forth in IC 35-48-1-11.

43 Sec. 90. (a) "Dependent", for purposes of IC 35-44-1-3, has the
44 meaning set forth in IC 35-44-1-3(a)(1).

45 (b) "Dependent", for purposes of IC 35-46-1, has the meaning
46 set forth in IC 35-46-1-1.

47 Sec. 91. "Designated offense", for purposes of IC 35-33.5, means
48 the following:

49 (1) A Class A, Class B, or Class C felony that is a controlled
50 substance offense (IC 35-48-4).

51 (2) Murder (IC 35-42-1-1).

- 1 **(3) Kidnapping (IC 35-42-3-2).**
- 2 **(4) Criminal confinement (IC 35-42-3-3).**
- 3 **(5) Robbery (IC 35-42-5-1).**
- 4 **(6) Arson (IC 35-43-1-1).**
- 5 **(7) Child solicitation (IC 35-42-4-6).**
- 6 **(8) Human and sexual trafficking crimes under IC 35-42-3.5.**
- 7 **(9) Escape as a Class B felony or Class C felony (IC**
- 8 **35-44-3-5).**
- 9 **(10) An offense that relates to a weapon of mass destruction**
- 10 **(as defined in section 354 of this chapter).**
- 11 **(11) An attempt or conspiracy to commit an offense described**
- 12 **in subdivisions (1) through (10).**
- 13 **(12) An offense under the law of the United States or in**
- 14 **another state or country that is substantially similar to an**
- 15 **offense described in subdivisions (1) through (11).**
- 16 **Sec. 92. "Destructive device" has the meaning set forth in**
- 17 **IC 35-47.5-2-4.**
- 18 **Sec. 93. "Detonator", for purposes of IC 35-47.5, has the**
- 19 **meaning set forth in IC 35-47.5-2-5.**
- 20 **Sec. 94. "Deviate sexual conduct" means an act involving:**
- 21 **(1) a sex organ of one (1) person and the mouth or anus of**
- 22 **another person; or**
- 23 **(2) the penetration of the sex organ or anus of a person by an**
- 24 **object.**
- 25 **Sec. 95. "Dispatched firefighter", for purposes of IC 35-44-4,**
- 26 **has the meaning set forth in IC 35-44-4-1.**
- 27 **Sec. 96. (a) Except as provided in subsection (b), "dispense", for**
- 28 **purposes of IC 35-48, has the meaning set forth in IC 35-48-1-12.**
- 29 **(b) "Dispense", for purposes of IC 35-48-7, has the meaning set**
- 30 **forth in IC 35-48-7-2.9(a).**
- 31 **Sec. 97. "Dispenser", for purposes of IC 35-48, has the meaning**
- 32 **set forth in IC 35-48-1-13.**
- 33 **Sec. 98. "Disseminate", for purposes of IC 35-42-4-4, has the**
- 34 **meaning set forth in IC 35-42-4-4(a).**
- 35 **Sec. 99. "Dissolvable tobacco product", for purposes of**
- 36 **IC 35-46-1, has the meaning set forth in IC 35-46-1-1.3.**
- 37 **Sec. 100. (a) "Distribute", for purposes of IC 35-46-1-10, has the**
- 38 **meaning set forth in IC 35-46-1-10(e).**
- 39 **(b) "Distribute", for purposes of IC 35-46-1-10.2, has the**
- 40 **meaning set forth in IC 35-46-1-10.2(e).**
- 41 **(c) "Distribute", for purposes of IC 35-47.5, has the meaning set**
- 42 **forth in IC 35-47.5-2-6.**
- 43 **(d) "Distribute", for purposes of IC 35-48, has the meaning set**
- 44 **forth in IC 35-48-1-14.**
- 45 **(e) "Distribute", for purposes of IC 35-49, has the meaning set**
- 46 **forth in IC 35-49-1-2.**
- 47 **Sec. 101. "Distributor", for purposes of IC 35-48, has the**
- 48 **meaning set forth in IC 35-48-1-15.**
- 49 **Sec. 102. "Documentary material", for purposes of IC 35-45-6,**
- 50 **has the meaning set forth in IC 35-45-6-1(b).**
- 51 **Sec. 103. "Domestic animal", for purposes of IC 35-46-3-12(d)**

- 1 has the meaning set forth in IC 35-46-3-12(d).
- 2 Sec. 104. (a) "Drug", for purposes of IC 35-48, has the meaning
3 set forth in IC 35-48-1-16.
- 4 (b) "Drug", for purposes of IC 35-50-2-10, has the meaning set
5 forth in IC 35-50-2-10(a)(1).
- 6 Sec. 105. "Drug abuser", for purposes of IC 35-47, has the
7 meaning set forth in IC 35-47-1-4.
- 8 Sec. 106. "Drug or alcohol screening test", for purposes of
9 IC 35-43-5, has the meaning set forth in IC 35-43-5-1(g).
- 10 Sec. 107. "Dwelling" means a building, structure, or other
11 enclosed space, permanent or temporary, movable or fixed, that is
12 a person's home or place of lodging.
- 13 Sec. 108. "Earliest possible release date", for purposes of
14 IC 35-38-3, has the meaning set forth in IC 35-38-3-1.
- 15 Sec. 109. "Effects of battery" refers to a psychological condition
16 of an individual who has suffered repeated physical or sexual abuse
17 inflicted by another individual who is the:
- 18 (1) victim of an alleged crime for which the abused individual
19 is charged in a pending prosecution; and
- 20 (2) abused individual's:
- 21 (A) spouse or former spouse;
- 22 (B) parent;
- 23 (C) guardian or former guardian;
- 24 (D) custodian or former custodian; or
- 25 (E) cohabitant or former cohabitant.
- 26 Sec. 110. "Electronic communication", for purposes of
27 IC 35-33.5, means any transfer of signs, signals, writing, images,
28 sounds, data, oral communication, digital information, or
29 intelligence of any nature transmitted in whole or in part by a wire,
30 a radio, or an electromagnetic, a photoelectronic, or a
31 photo-optical system.
- 32 Sec. 111. "Electronic gaming device", for purposes of
33 IC 35-45-5, has the meaning set forth in IC 35-45-5-1(b).
- 34 Sec. 112. "Electronic stun weapon", for purposes of IC 35-47-8,
35 has the meaning set forth in IC 35-47-8-1.
- 36 Sec. 113. "Emergency call", for purposes of IC 35-45-2-3, has
37 the meaning set forth in IC 35-45-2-3(c).
- 38 Sec. 114. "Emergency incident area", for purposes of
39 IC 35-44-4, has the meaning set forth in IC 35-44-4-2.
- 40 Sec. 115. "Emergency medical person", for purposes of
41 IC 35-44-3-8.5, has the meaning set forth in IC 35-44-3-8.5(b).
- 42 Sec. 116. "Endangered adult", for purposes of IC 35-46-1, has
43 the meaning set forth in IC 35-46-1-1.
- 44 Sec. 117. "Endorsement contract", for purposes of IC 35-46-4,
45 has the meaning set forth in IC 35-46-4-1.5.
- 46 Sec. 118. "Enterprise", for purposes of IC 35-45-6, has the
47 meaning set forth in IC 35-45-6-1(c).
- 48 Sec. 119. "Entrusted", for purposes of IC 35-43-5, has the
49 meaning set forth in IC 35-43-5-1(h).
- 50 Sec. 120. "Ephedrine", for purposes of IC 35-48-4-14.7, has the
51 meaning set forth in IC 35-48-4-14.7(b)(3).

1 **Sec. 121. "Episode of criminal conduct", for purposes of**
 2 **IC 35-50-1-2, has the meaning set forth in IC 35-50-1-2(b).**

3 **Sec. 122. "Evidence of a previous battery", for purposes of**
 4 **IC 35-37-4-14, has the meaning set forth in IC 35-37-4-14(b).**

5 **Sec. 123. "Exception report", for purposes of IC 35-48-7, has**
 6 **the meaning set forth in IC 35-48-7-4.**

7 **Sec. 124. "Exert control over property", for purposes of**
 8 **IC 35-43-4, has the meaning set forth in IC 35-43-4-1(a).**

9 **Sec. 125. "Explosives", for purposes of IC 35-47.5, has the**
 10 **meaning set forth in IC 35-47.5-2-7.**

11 **Sec. 126. "Extension", for purposes of IC 35-33.5, means an**
 12 **extension of the duration for which a warrant remains effective**
 13 **under IC 35-33.5.**

14 **Sec. 127. "Family housing complex" means a building or series**
 15 **of buildings:**

16 **(1) that contains at least twelve (12) dwelling units:**

17 **(A) where children are domiciled or are likely to be**
 18 **domiciled; and**

19 **(B) that are owned by a governmental unit or political**
 20 **subdivision;**

21 **(2) that is operated as a hotel or motel (as described in**
 22 **IC 22-11-18-1);**

23 **(3) that is operated as an apartment complex; or**

24 **(4) that contains subsidized housing.**

25 **Sec. 128. (a) An individual is a "family or household member"**
 26 **of another person if the individual:**

27 **(1) is a current or former spouse of the other person;**

28 **(2) is dating or has dated the other person;**

29 **(3) is or was engaged in a sexual relationship with the other**
 30 **person;**

31 **(4) is related by blood or adoption to the other person;**

32 **(5) is or was related by marriage to the other person;**

33 **(6) has or previously had an established legal relationship:**

34 **(A) as a guardian of the other person;**

35 **(B) as a ward of the other person;**

36 **(C) as a custodian of the other person;**

37 **(D) as a foster parent of the other person; or**

38 **(E) in a capacity with respect to the other person similar to**
 39 **those listed in clauses (A) through (D); or**

40 **(7) has a child in common with the other person.**

41 **(b) An individual is a "family or household member" of both**
 42 **persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5),**
 43 **(a)(6), or (a)(7) applies if the individual is a minor child of one (1)**
 44 **of the persons.**

45 **Sec. 129. "Federal enforcement officer" means any of the**
 46 **following:**

47 **(1) A Federal Bureau of Investigation special agent.**

48 **(2) A United States Marshals Service marshal or deputy.**

49 **(3) A United States Secret Service special agent.**

50 **(4) A United States Fish and Wildlife Service special agent.**

51 **(5) A United States Drug Enforcement Agency agent.**

- 1 (6) A Bureau of Alcohol, Tobacco, Firearms and Explosives
2 agent.
- 3 (7) A United States Forest Service law enforcement officer.
- 4 (8) A United States Department of Defense police officer or
5 criminal investigator.
- 6 (9) A United States Customs Service agent.
- 7 (10) A United States Postal Service investigator.
- 8 (11) A National Park Service law enforcement commissioned
9 ranger.
- 10 (12) United States Department of Agriculture, Office of
11 Inspector General special agent.
- 12 (13) A United States Citizenship and Immigration Services
13 special agent.
- 14 (14) An individual who is:
- 15 (A) an employee of a federal agency; and
- 16 (B) authorized to make arrests and carry a firearm in the
17 performance of the individual's official duties.
- 18 Sec. 130. "Felony conviction", for purposes of IC 35-50-2, has
19 the meaning set forth in IC 35-50-2-1(b).
- 20 Sec. 131. "Fetal tissue", for purposes of IC 35-46-5-1, has the
21 meaning set forth in IC 35-46-5-1(a).
- 22 Sec. 132. "Fetus", for purposes of IC 35-42-1-4, has the meaning
23 set forth in IC 35-42-1-4(b).
- 24 Sec. 133. (a) Except as provided in subsection (b), "firearm", for
25 purposes of IC 35-47, has the meaning set forth in IC 35-47-1-5.
- 26 (b) "Firearm", for purposes of IC 35-47-15, has the meaning set
27 forth in IC 35-47-15-1.
- 28 (c) "Firearm", for purposes of IC 35-50-2-11, has the meaning
29 set forth in IC 35-50-2-11(a).
- 30 Sec. 134. "Firearm accessory", for purposes of IC 35-47, has the
31 meaning set forth in IC 35-47-1-5.1.
- 32 Sec. 135. (a) "Firefighter", for purposes of IC 35-42-2-6, has the
33 meaning set forth in IC 35-42-2-6(b).
- 34 (b) "Firefighter", for purposes of IC 35-44-4, has the meaning
35 set forth in IC 35-44-4-3.
- 36 Sec. 136. "First responder", for purposes of IC 35-42-2-6, has
37 the meaning set forth in IC 35-42-2-6(c).
- 38 Sec. 137. "Food processing facility" means a facility used to
39 prepare or process animal, plant, or other food ingredients into
40 food products intended for sale or distribution to the general public
41 for human consumption.
- 42 Sec. 138. "Forcible felony" means a felony that involves the use
43 or threat of force against a human being, or in which there is
44 imminent danger of bodily injury to a human being.
- 45 Sec. 139. "Forensic DNA analysis", for purposes of
46 IC 35-37-4-13, has the meaning set forth in IC 35-37-4-13(a).
- 47 Sec. 140. "Gain", for purposes of IC 35-45-5, has the meaning
48 set forth in IC 35-45-5-1(c).
- 49 Sec. 141. "Gambling", for purposes of IC 35-45-5, has the
50 meaning set forth in IC 35-45-5-1(d).
- 51 Sec. 142. "Gambling device", for purposes of IC 35-45-5, has the

- 1 meaning set forth in IC 35-45-5-1(e).
- 2 Sec. 143. "Gambling information", for purposes of IC 35-45-5,
- 3 has the meaning set forth in IC 35-45-5-1(f).
- 4 Sec. 144. "Governmental entity" means:
- 5 (1) the United States or any state, county, township, city,
- 6 town, separate municipal corporation, special taxing district,
- 7 or public school corporation;
- 8 (2) any authority, board, bureau, commission, committee,
- 9 department, division, hospital, military body, or other
- 10 instrumentality of any of those entities; or
- 11 (3) a state assisted college or state assisted university.
- 12 Sec. 145. "Governmental entity served by the public servant",
- 13 for purposes of IC 35-44-1-3, has the meaning set forth in
- 14 IC 35-44-1-3(a)(2).
- 15 Sec. 146. "Graffiti" means any unauthorized inscription, work,
- 16 figure, or design that is marked, etched, scratched, drawn, or
- 17 painted on a component of any building, structure, or other
- 18 facility.
- 19 Sec. 147. "Gun show", for purposes of IC 35-47, has the
- 20 meaning set forth in IC 35-47-1-5.5.
- 21 Sec. 148. "Handgun", for purposes of IC 35-47, has the meaning
- 22 set forth in IC 35-47-1-6.
- 23 Sec. 149. "Harm" means loss, disadvantage, or injury or
- 24 anything so regarded by the person affected, including loss,
- 25 disadvantage, or injury to any other person in whose welfare the
- 26 person is interested.
- 27 Sec. 150. "Harassment", for purposes of IC 35-45-10, has the
- 28 meaning set forth in IC 35-45-10-2.
- 29 Sec. 151. "Hazing", for purposes of IC 35-42-2-2, has the
- 30 meaning set forth in IC 35-42-2-2(a).
- 31 Sec. 152. "Health care provider", for purposes of IC 35-46-7,
- 32 has the meaning set forth in IC 35-46-7-1.
- 33 Sec. 153. "Hoarding program", for purposes of IC 35-43-2-3,
- 34 has the meaning set forth in IC 35-43-2-3(a).
- 35 Sec. 154. "Hoax device", for purposes of IC 35-47.5, has the
- 36 meaning set forth in IC 35-47.5-2-8.
- 37 Sec. 155. (a) "Home", for purposes of IC 35-38-2.5, has the
- 38 meaning set forth in IC 35-38-2.5-2.
- 39 (b) "Home", for purposes of IC 35-38-2.6-6, has the meaning set
- 40 forth in IC 35-38-2.6-6(a).
- 41 Sec. 156. "Home improvement", for purposes of IC 35-43-6, has
- 42 the meaning set forth in IC 35-43-6-3.
- 43 Sec. 157. "Home improvement contract", for purposes of
- 44 IC 35-43-6, has the meaning set forth in IC 35-43-6-4.
- 45 Sec. 158. "Home improvement contract price", for purposes of
- 46 IC 35-43-6, has the meaning set forth in IC 35-43-6-5.
- 47 Sec. 159. "Home improvement supplier", for purposes of
- 48 IC 35-43-6, has the meaning set forth in IC 35-43-6-6.
- 49 Sec. 160. "Human being" means an individual who has been
- 50 born and is alive.
- 51 Sec. 161. "Human organ", for purposes of IC 35-46-5-1, has the

- 1 meaning set forth in IC 35-46-5-1(b).
- 2 Sec. 162. "Identification number", for purposes of IC 35-43-7,
3 has the meaning set forth in IC 35-43-7-2.
- 4 Sec. 163. "Identify theft", for the purposes of IC 35-40-14, has
5 the meaning set forth in IC 35-40-14-1.
- 6 Sec. 164. "Identifying information", for purposes of IC 35-43-5,
7 has the meaning set forth in IC 35-43-5-1(i).
- 8 Sec. 165. "Immediate precursor", for purposes of IC 35-48, has
9 the meaning set forth in IC 35-48-1-17.
- 10 Sec. 166. "Imprison" means to:
- 11 (1) confine in a penal facility;
- 12 (2) commit to the department of correction; or
- 13 (3) assign to a community transition program under
14 IC 11-10-11.5.
- 15 Sec. 167. "Incendiary", for purposes of IC 35-47.5, has the
16 meaning set forth in IC 35-47.5-2-9.
- 17 Sec. 168. "Included offense" means an offense that:
- 18 (1) is established by proof of the same material elements or
19 less than all the material elements required to establish the
20 commission of the offense charged;
- 21 (2) consists of an attempt to commit the offense charged or an
22 offense otherwise included therein; or
- 23 (3) differs from the offense charged only in the respect that a
24 less serious harm or risk of harm to the same person,
25 property, or public interest, or a lesser kind of culpability, is
26 required to establish its commission.
- 27 Sec. 169. (a) "Individual with mental retardation", for purposes
28 of IC 35-36-2-5(e), has the meaning set forth in IC 35-36-2-5(e).
- 29 (b) "Individual with mental retardation", for purposes of
30 IC 35-36-9 and IC 35-50-2, has the meaning set forth in
31 IC 35-36-9-2.
- 32 Sec. 170. "Inmate", for purposes of IC 35-43-5-20, has the
33 meaning set forth in IC 35-43-5-20(a).
- 34 Sec. 171. "Inmate outside a facility", for purposes of
35 IC 35-44-3-9.3, has the meaning set forth in IC 35-44-3-9.3(b).
- 36 Sec. 172. "INSPECT", for purposes of IC 35-48-7, has the
37 meaning set forth in IC 35-48-7-5.2.
- 38 Sec. 173. "Instant messaging or chat room program", for
39 purposes of IC 35-42-4-12, has the meaning set forth in
40 IC 35-42-4-12(c).
- 41 Sec. 174. "Insurer", for purposes of IC 35-43-5, has the meaning
42 set forth in IC 35-43-5-1(k).
- 43 Sec. 175. "Interactive computer service", for purposes of
44 IC 35-45-5, has the meaning set forth in IC 35-45-5-1(g).
- 45 Sec. 176. "Interception", for purposes of IC 35-33.5, means the
46 intentional recording or acquisition of the contents of an electronic
47 communication by a person other than a sender or receiver of that
48 communication, without the consent of the sender or receiver, by
49 means of any instrument, device, or equipment under this article.
50 This term includes the intentional recording or acquisition of
51 communication through the use of a computer or a fax (facsimile

1 transmission) machine. The term does not include recording or
2 acquiring the contents of a radio transmission that is not:

- 3 (1) scrambled or encrypted;
4 (2) transmitted using modulation techniques whose essential
5 parameters have been withheld from the public with the
6 intention of preserving the privacy of the communication;
7 (3) carried on a subcarrier or other signal subsidiary to a
8 radio transmission;
9 (4) transmitted over a communication system provided by a
10 common carrier, unless the communication is a tone only
11 paging system communication; or
12 (5) transmitted on frequencies allocated under part 25,
13 subpart D, E, or F of part 74, or part 94 of the Rules of the
14 Federal Communications Commission, unless, in the case of
15 a communication transmitted on a frequency allocated under
16 part 74 that is not exclusively allocated to broadcast auxiliary
17 services, the communication is a two-way voice
18 communication by radio.

19 Sec. 177. "Item of value", for purposes of IC 35-46-5-1, has the
20 meaning set forth in IC 35-46-5-1(c).

21 Sec. 177.5. "Intoxicated", for purposes of IC 35-46-9, has the
22 meaning set forth in IC 35-46-9-2.

23 Sec. 178. "Juvenile facility", for purposes of IC 35-44-3-9, has
24 the meaning set forth in IC 35-44-3-9(a).

25 Sec. 179. "Key facility" means any of the following:

- 26 (1) A chemical manufacturing facility.
27 (2) A refinery.
28 (3) An electric utility facility, including:
29 (A) a power plant;
30 (B) a power generation facility peaker;
31 (C) an electric transmission facility;
32 (D) an electric station or substation; or
33 (E) any other facility used to support the generation,
34 transmission, or distribution of electricity.

35 However, the term does not include electric transmission land
36 or right-of-way that is not completely enclosed, posted, and
37 maintained by the electric utility.

38 (4) A water intake structure or water treatment facility.

39 (5) A natural gas utility facility, including:

- 40 (A) an age station;
41 (B) a compressor station;
42 (C) an odorization facility;
43 (D) a main line valve;
44 (E) a natural gas storage facility; or
45 (F) any other facility used to support the acquisition,
46 transmission, distribution, or storage of natural gas.

47 However, the term does not include gas transmission
48 pipeline property that is not completely enclosed, posted,
49 and maintained by the natural gas utility.

50 (6) A gasoline, propane, liquid natural gas (LNG), or other
51 fuel terminal or storage facility.

- 1 (7) A transportation facility, including, but not limited to, a
 2 port, railroad switching yard, or trucking terminal. However,
 3 the term does not include a railroad track that is not part of
 4 a railroad switching yard.
- 5 (8) A pulp or paper manufacturing facility.
- 6 (9) A pharmaceutical manufacturing facility.
- 7 (10) A hazardous waste storage, treatment, or disposal
 8 facility.
- 9 (11) A telecommunications facility, including a central office
 10 or cellular telephone tower site.
- 11 (12) A facility:
- 12 (A) that is substantially similar to a facility, structure, or
 13 station listed in this section; or
- 14 (B) whose owner or operator is required to submit a risk
 15 management plan under the federal Chemical Safety
 16 Information, Site Security and Fuels Regulatory Relief Act
 17 (42 U.S.C. 7412(r)).
- 18 Sec. 180. "Knife", for purposes of IC 35-47-5-2.5, has the
 19 meaning set forth in IC 35-47-5-2.5(a) and IC 35-47-5-2.5(b).
- 20 Sec. 181. "Labeling", for purposes of IC 35-45-8, has the
 21 meaning set forth in IC 35-45-8-2.
- 22 Sec. 182. "Laser pointer", for purposes of IC 35-47-4.5, has the
 23 meaning set forth in IC 35-47-4.5-2.
- 24 Sec. 183. "Law enforcement agency", for purposes of
 25 IC 35-47-15, has the meaning set forth in IC 35-47-15-2.
- 26 Sec. 184. "Law enforcement animal", for purposes of
 27 IC 35-46-3, has the meaning set forth in IC 35-46-3-4.5.
- 28 Sec. 185. "Law enforcement officer" means:
- 29 (1) a police officer (including a correctional police officer),
 30 sheriff, constable, marshal, prosecuting attorney, special
 31 prosecuting attorney, special deputy prosecuting attorney, the
 32 securities commissioner, or the inspector general;
- 33 (2) a deputy of any of those persons;
- 34 (3) an investigator for a prosecuting attorney or for the
 35 inspector general;
- 36 (4) a conservation officer;
- 37 (5) an enforcement officer of the alcohol and tobacco
 38 commission; or
- 39 (6) an enforcement officer of the securities division of the
 40 office of the secretary of state.
- 41 Sec. 186. (a) "Lawful detention" means:
- 42 (1) arrest;
- 43 (2) custody following surrender in lieu of arrest;
- 44 (3) detention in a penal facility;
- 45 (4) detention in a facility for custody of persons alleged or
 46 found to be delinquent children;
- 47 (5) detention under a law authorizing civil commitment in lieu
 48 of criminal proceedings or authorizing such detention while
 49 criminal proceedings are held in abeyance;
- 50 (6) detention for extradition or deportation;
- 51 (7) placement in a community corrections program's

1 residential facility;

2 (8) electronic monitoring;

3 (9) custody for purposes incident to any of the above including
4 transportation, medical diagnosis or treatment, court
5 appearances, work, or recreation; or

6 (10) any other detention for law enforcement purposes.

7 (b) Except as provided in subsection (a)(7) and (a)(8), the term
8 does not include supervision of a person on probation or parole or
9 constraint incidental to release with or without bail.

10 Sec. 187. "Licensed health professional", for purposes of
11 IC 35-42-2-8, has the meaning set forth in IC 35-42-2-8(a)(2).

12 Sec. 188. "Loaded", for purposes of IC 35-47-10, has the
13 meaning set forth in IC 35-47-10-4.

14 Sec. 189. "Loan", for purposes of IC 35-45-7, has the meaning
15 set forth in IC 35-45-7-1.

16 Sec. 190. "Machine gun" means a weapon that:

17 (1) shoots; or

18 (2) can be readily restored to shoot;
19 automatically more than one (1) shot, without manual reloading,
20 by a single function of the trigger.

21 Sec. 191. "Make", for purposes of IC 35-43-5, has the meaning
22 set forth in IC 35-43-5-1(m).

23 Sec. 192. "Manufacture", for purposes of IC 35-48, has the
24 meaning set forth in IC 35-48-1-18.

25 Sec. 193. "Manufacture of an unlawful telecommunications
26 device", for purposes of IC 35-45-13, has the meaning set forth in
27 IC 35-45-13-1.

28 Sec. 194. "Manufacturer", for purposes of IC 35-43-5, has the
29 meaning set forth in IC 35-43-5-1(l).

30 Sec. 195. "Marijuana", for purposes of IC 35-48, has the
31 meaning set forth in IC 35-48-1-19.

32 Sec. 196. (a) "Matter", for purposes of IC 35-42-4-4, has the
33 meaning set forth in IC 35-42-4-4(a).

34 (b) "Matter", for purposes of IC 35-49, has the meaning set
35 forth in IC 35-49-1-3.

36 Sec. 197. "Mental disease or defect", for purposes of
37 IC 35-41-3-6, has the meaning set forth in IC 35-41-3-6(b).

38 Sec. 198. "Mentally ill", for purposes of IC 35-36, has the
39 meaning set forth in IC 35-36-1-1.

40 Sec. 199. "Metering device", for purposes of IC 35-43-5, has the
41 meaning set forth in IC 35-43-5-1(n).

42 Sec. 200. "Military recruiter", for purposes of IC 35-42-4-7, has
43 the meaning set forth in IC 35-42-4-7(f).

44 Sec. 201. "Minimum sentence", for purposes of IC 35-50-2, has
45 the meaning set forth in IC 35-50-2-1(c).

46 Sec. 202. "Minor", for purposes of IC 35-49, has the meaning set
47 forth in IC 35-49-1-4.

48 Sec. 203. "Misconduct", for purposes of IC 35-44-2-2, has the
49 meaning set forth in IC 35-44-2-2(b).

50 Sec. 204. "Model glue", for purposes of IC 35-46-6, has the
51 meaning set forth in IC 35-46-6-1.

1 **Sec. 205. "Monitoring device", for purposes of IC 35-38-2.5, has**
 2 **the meaning set forth in IC 35-38-2.5-3.**

3 **Sec. 206. "Motion picture exhibition facility" has the meaning**
 4 **set forth in IC 35-46-8-3.**

5 **Sec. 206.5. "Motorboat", for purposes of IC 35-46-9, has the**
 6 **meaning set forth in IC 35-46-9-3.**

7 **Sec. 207. "Motor vehicle" has the meaning set forth in**
 8 **IC 9-13-2-105(a).**

9 **Sec. 208. "Mutilate", for purposes of IC 35-46-3, has the**
 10 **meaning set forth in IC 35-46-3-0.5(3).**

11 **Sec. 209. "Narcotic drug", for purposes of IC 35-48, has the**
 12 **meaning set forth in IC 35-48-1-20.**

13 **Sec. 210. "Neglect", for purposes of IC 35-46-3, has the meaning**
 14 **set forth in IC 35-46-3-0.5(4).**

15 **Sec. 211. "Nonpublic school", for purposes of IC 35-42-4-7, has**
 16 **the meaning set forth in IC 35-42-4-7(g).**

17 **Sec. 212. (a) "Nudity", for purposes of IC 35-45-4-1 and**
 18 **IC 35-45-4-1.5, has the meaning set forth in IC 35-45-4-1(d).**

19 **(b) "Nudity", for purposes of IC 35-49, has the meaning set**
 20 **forth in IC 35-49-1-5.**

21 **Sec. 213. (a) "Offender", for purposes of IC 35-38-2-2.5, has the**
 22 **meaning set forth in IC 35-38-2-2.5(a).**

23 **(b) "Offender", for purposes of IC 35-38-2.5, has the meaning**
 24 **set forth in IC 35-38-2.5-4.**

25 **Sec. 214. (a) "Offender against children", for purposes of**
 26 **IC 35-42-4-10, has the meaning set forth in IC 35-42-4-10(a).**

27 **(b) "Offender against children", for purposes of IC 35-42-4-11,**
 28 **has the meaning set forth in IC 35-42-4-11(a).**

29 **Sec. 215. (a) Except as provided in subsections (b) and (c),**
 30 **"offense" means a crime. The term does not include an infraction.**

31 **(b) "Offense", for purposes of IC 35-38-7, has the meaning set**
 32 **forth in IC 35-38-7-3.**

33 **(c) "Offense", for purposes of IC 35-50-2-11, has the meaning**
 34 **set forth in IC 35-50-2-11(b).**

35 **Sec. 216. "Offense relating to a criminal sexual act" means the**
 36 **following:**

- 37 **(1) Rape (IC 35-42-4-1).**
- 38 **(2) Criminal deviate conduct (IC 35-42-4-2).**
- 39 **(3) Child molesting (IC 35-42-4-3).**
- 40 **(4) Child seduction (IC 35-42-4-7).**
- 41 **(5) Prostitution (IC 35-45-4-2).**
- 42 **(6) Patronizing a prostitute (IC 35-45-4-3).**
- 43 **(7) Incest (IC 35-46-1-3).**
- 44 **(8) Sexual misconduct with a minor under IC 35-42-4-9(a).**

45 **Sec. 217. "Offense relating to controlled substances" means the**
 46 **following:**

- 47 **(1) Dealing in or manufacturing cocaine or a narcotic drug**
 48 **(IC 35-48-4-1).**
- 49 **(2) Dealing in methamphetamine (IC 35-48-4-1.1).**
- 50 **(3) Dealing in a schedule I, II, or III controlled substance (IC**
 51 **35-48-4-2).**

- 1 (4) Dealing in a schedule IV controlled substance (IC
2 35-48-4-3).
- 3 (5) Dealing in a schedule V controlled substance (IC
4 35-48-4-4).
- 5 (6) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
- 6 (7) Possession of methamphetamine (IC 35-48-4-6.1).
- 7 (8) Possession of a controlled substance (IC 35-48-4-7).
- 8 (9) Possession of paraphernalia (IC 35-48-4-8.3).
- 9 (10) Dealing in paraphernalia (IC 35-48-4-8.5).
- 10 (11) Offenses relating to registration (IC 35-48-4-14).
- 11 Sec. 218. "Official proceeding" means a proceeding held or that
12 may be held before a legislative, judicial, administrative, or other
13 agency or before an official authorized to take evidence under oath,
14 including a referee, hearing examiner, commissioner, notary, or
15 other person taking evidence in connection with a proceeding.
- 16 Sec. 219. "Operator", for purposes of IC 35-45-5, has the
17 meaning set forth in IC 35-45-5-1(h).
- 18 Sec. 220. "Opiate", for purposes of IC 35-48, has the meaning
19 set forth in IC 35-48-1-21.
- 20 Sec. 221. "Opium poppy", for purposes of IC 35-48, has the
21 meaning set forth in IC 35-48-1-22.
- 22 Sec. 222. "Overpass", for purposes of IC 35-42-2-5, has the
23 meaning set forth in IC 35-42-2-5(a).
- 24 Sec. 223. "Overpressure device", for purposes of IC 35-47.5, has
25 the meaning set forth in IC 35-47.5-2-11.
- 26 Sec. 224. (a) "Owner", for purposes of IC 35-43-1-3, has the
27 meaning set forth in IC 35-43-1-3(a).
- 28 (b) "Owner", for purposes of IC 35-49, has the meaning set
29 forth in IC 35-49-1-6.
- 30 Sec. 225. "Panhandling", for purposes of IC 35-45-17, has the
31 meaning set forth in IC 35-45-17-1.
- 32 Sec. 226. "Party", for purposes of IC 35-43-9, has the meaning
33 set forth in IC 35-43-9-1.
- 34 Sec. 227. "Pattern of racketeering activity", for purposes of
35 IC 35-45-6, has the meaning set forth in IC 35-45-6-1(d).
- 36 Sec. 228. "Party line", for purposes of IC 35-45-2-3, has the
37 meaning set forth in IC 35-45-2-3(b).
- 38 Sec. 229. "Patient", for purposes of IC 35-48-7, has the meaning
39 set forth in IC 35-48-7-5.6.
- 40 Sec. 230. "Pecuniary interest", for purposes of IC 35-44-1-3 and
41 IC 35-44-1-7, has the meaning set forth in IC 35-44-1-3(a)(3).
- 42 Sec. 231. "Peep", for purposes of IC 35-45-4-5, has the meaning
43 set forth in IC 35-45-4-5(a)(2).
- 44 Sec. 232. "Penal facility" means a state prison, correctional
45 facility, county jail, penitentiary, house of correction, or any other
46 facility for confinement of persons under sentence, or awaiting trial
47 or sentence, for offenses. The term includes a correctional facility
48 constructed under IC 4-13.5.
- 49 Sec. 233. (a) "Performance", for purposes of IC 35-42-4-4, has
50 the meaning set forth in IC 35-42-4-4(a).
- 51 (b) "Performance", for purposes of IC 35-49, has the meaning

- 1 set forth in IC 35-49-1-7.
- 2 Sec. 234. (a) "Person" means a human being, corporation,
3 limited liability company, partnership, unincorporated association,
4 or governmental entity.
- 5 (b) "Person", for purposes of IC 35-43-6, has the meaning set
6 forth in IC 35-43-6-7.
- 7 (c) "Person", for purposes of IC 35-43-9, has the meaning set
8 forth in IC 35-43-9-2.
- 9 Sec. 235. "Personally identifying information", for purposes of
10 IC 35-37-6, has the meaning set forth in IC 35-37-6-2.5(a).
- 11 Sec. 236. "Plea agreement", for purposes of IC 35-35-3, means
12 an agreement between a prosecuting attorney and a defendant
13 concerning the disposition of a felony or misdemeanor charge.
- 14 Sec. 237. "Police radio", for purposes of IC 35-44-3-12, has the
15 meaning set forth in IC 35-44-3-12(c).
- 16 Sec. 238. "Polygraph", for purposes of IC 35-37-4.5, has the
17 meaning set forth in IC 35-37-4.5-1.
- 18 Sec. 239. "Poppy straw", for purposes of IC 35-48, has the
19 meaning set forth in IC 35-48-1-23.
- 20 Sec. 240. "Postarrest release", for purposes of IC 35-40, has the
21 meaning set forth in IC 35-40-4-5.
- 22 Sec. 241. "Postconviction release", for purposes of IC 35-40, has
23 the meaning set forth in IC 35-40-4-6.
- 24 Sec. 242. (a) "Practitioner", for purposes of IC 35-42-2-8, has
25 the meaning set forth in IC 35-42-2-8(a)(3).
- 26 (b) Except as provided in subsection (c), "practitioner", for
27 purposes of IC 35-48, has the meaning set forth in IC 35-48-1-24.
- 28 (c) "Practitioner", for purposes of IC 35-48-7, has the meaning
29 set forth in IC 35-48-7-5.8.
- 30 Sec. 243. "Prescription", for purposes of IC 35-45-20, has the
31 meaning set forth in IC 35-45-20-1.
- 32 Sec. 244. "Prescription drug", for purposes of IC 35-48, has the
33 meaning set forth in IC 35-48-1-25.
- 34 Sec. 244.5. "Prima facie evidence of intoxication", for purposes
35 of IC 35-46-9, has the meaning set forth in IC 35-46-9-4.
- 36 Sec. 245. "Principal", for purposes of IC 35-45-7, has the
37 meaning set forth in IC 35-45-7-1.
- 38 Sec. 246. "Private area", for purposes of IC 35-45-4-5, has the
39 meaning set forth in IC 35-45-4-5(a)(3).
- 40 Sec. 247. "Proceeds", for purposes of IC 35-45-15, has the
41 meaning set forth in IC 35-45-15-4.
- 42 Sec. 248. "Product", for purposes of IC 35-43-7, has the
43 meaning set forth in IC 35-43-7-3.
- 44 Sec. 249. "Professional sports services contract", for purposes
45 of IC 35-46-4, has the meaning set forth in IC 35-46-4-2.
- 46 Sec. 250. "Profit", for purposes of IC 35-45-5, has the meaning
47 set forth in IC 35-45-5-1(i).
- 48 Sec. 251. "Proper person", for purposes of IC 35-47, has the
49 meaning set forth in IC 35-47-1-7.
- 50 Sec. 252. "Proper reason", for purposes of IC 35-47, has the
51 meaning set forth in IC 35-47-1-8.

1 **Sec. 253. (a) Except as provided in subsection (c), "property"**
 2 **means anything of value. The term includes:**

- 3 **(1) a gain or advantage or anything that might reasonably be**
 4 **regarded as such by the beneficiary;**
 5 **(2) real property, personal property, money, labor, and**
 6 **services;**
 7 **(3) intangibles;**
 8 **(4) commercial instruments;**
 9 **(5) written instruments concerning labor, services, or**
 10 **property;**
 11 **(6) written instruments otherwise of value to the owner, such**
 12 **as a public record, deed, will, credit card, or letter of credit;**
 13 **(7) a signature to a written instrument;**
 14 **(8) extension of credit;**
 15 **(9) trade secrets;**
 16 **(10) contract rights, choses-in-action, and other interests in or**
 17 **claims to wealth;**
 18 **(11) electricity, gas, oil, and water;**
 19 **(12) captured or domestic animals, birds, and fish;**
 20 **(13) food and drink; and**
 21 **(14) human remains.**

22 **(b) Property is that "of another person" if the other person has**
 23 **a possessory or proprietary interest in it, even if an accused person**
 24 **also has an interest in that property.**

25 **(c) "Property", for purposes of IC 35-47.5, has the meaning set**
 26 **forth in IC 35-47.5-2-12.**

27 **Sec. 254. "Prosecuting attorney", for purposes of IC 35-35-3,**
 28 **includes a deputy prosecuting attorney.**

29 **Sec. 255. "Protected person", for purposes of IC 35-37-4, has**
 30 **the meaning set forth in IC 35-37-4-6(c).**

31 **Sec. 256. "Pseudoephedrine", for purposes of IC 35-48-4-14.7,**
 32 **has the meaning set forth in IC 35-48-4-14.7(b)(4).**

33 **Sec. 257. "Public court proceeding", for purposes of IC 35-40,**
 34 **has the meaning set forth in IC 35-40-4-7.**

35 **Sec. 258. "Public park" means any property operated by a**
 36 **political subdivision for park purposes (as defined in IC 36-10-1-2).**

37 **Sec. 259. "Public relief or assistance", for purposes of**
 38 **IC 35-43-5, has the meaning set forth in IC 35-43-5-1(o).**

39 **Sec. 260. "Public safety officer", for purposes of IC 35-45-19,**
 40 **has the meaning set forth in IC 35-45-19-2.**

41 **Sec. 261. "Public servant" means a person who:**

- 42 **(1) is authorized to perform an official function on behalf of,**
 43 **and is paid by, a governmental entity;**
 44 **(2) is elected or appointed to office to discharge a public duty**
 45 **for a governmental entity; or**
 46 **(3) with or without compensation, is appointed in writing by**
 47 **a public official to act in an advisory capacity to a**
 48 **governmental entity concerning a contract or purchase to be**
 49 **made by the entity.**

50 **The term does not include a person appointed by the governor to**
 51 **an honorary advisory or honorary military position.**

1 **Sec. 262. "Publicly paid costs of representation"** means the part
2 of all attorney's fees, expenses, or wages incurred by the county
3 that are:

- 4 (1) directly attributable to the defendant's defense; and
5 (2) not overhead expenditures made in connection with the
6 maintenance or operation of a governmental agency.

7 **Sec. 263. "Public safety officer"**, for purposes of IC 35-47-4.5,
8 has the meaning set forth in IC 35-47-4.5-3.

9 **Sec. 264. "Publish"**, for purposes of IC 35-45-13, has the
10 meaning set forth in IC 35-45-13-2.

11 **Sec. 265. "Racketeering activity"**, for purposes of IC 35-45-6,
12 has the meaning set forth in IC 35-45-6-1(e).

13 **Sec. 266. "Rate"**, for purposes of IC 35-45-7, has the meaning
14 set forth in IC 35-45-7-1.

15 **Sec. 267. "Rated capacity"**, for purposes of IC 35-38-3, has the
16 meaning set forth in IC 35-38-3-1.

17 **Sec. 268. "Receiving"**, for purposes of IC 35-43-4-1, has the
18 meaning set forth in IC 35-43-4-1(c).

19 **Sec. 269. "Receiving authority"**, for purposes of IC 35-38-3, has
20 the meaning set forth in IC 35-38-3-1.

21 **Sec. 270. "Recipient"**, for purposes of IC 35-48-7, has the
22 meaning set forth in IC 35-48-7-6.

23 **Sec. 271. "Recipient representative"**, for purposes of IC 35-48-7,
24 has the meaning set forth in IC 35-48-7-7.

25 **Sec. 272. "Recommendation"**, for purposes of IC 35-35-3 and
26 IC 35-38-1, means a proposal that is part of a plea agreement made
27 to a court that:

- 28 (1) a felony charge be dismissed; or
29 (2) a defendant, if the defendant pleads guilty to a felony
30 charge, receive less than the advisory sentence.

31 **Sec. 273. "Recording"**, for purposes of IC 35-43-5, has the
32 meaning set forth in IC 35-43-5-1(p).

33 **Sec. 273.5. "Relevant evidence"**, for purposes of IC 35-46-9, has
34 the meaning set forth in IC 35-46-9-5.

35 **Sec. 274. "Replica"**, for purposes of IC 35-47.5, has the meaning
36 set forth in IC 35-47.5-2-8.

37 **Sec. 275. "Reside"**, for purposes of IC 35-42-4-11, has the
38 meaning set forth in IC 35-42-4-11(b).

39 **Sec. 276. "Residential property"**, for purposes of IC 35-43-6,
40 has the meaning set forth in IC 35-43-6-1.

41 **Sec. 277. "Residential real property transaction"**, for purposes
42 of IC 35-43-9, has the meaning set forth in IC 35-43-9-3.

43 **Sec. 278. "Retail"**, for purposes of IC 35-47, has the meaning set
44 forth in IC 35-47-1-9.

45 **Sec. 279. "Retailer"**, for purposes of IC 35-48-4-14.7, has the
46 meaning set forth in IC 35-48-4-14.7(b)(5).

47 **Sec. 280. "Sado-masochistic abuse"**, for purposes of IC 35-49,
48 has the meaning set forth in IC 35-49-1-8.

49 **Sec. 281. (a) "Salvia"** means *salvia divinorum* or *salvinorin A*,
50 including:

- 51 (1) all parts of the plant that are classified botanically as

1 salvia divinorum, whether growing or not;
 2 (2) the seeds of the plant;
 3 (3) any extract from any part of the plant; and
 4 (4) every compound, manufacture, derivative, mixture, or
 5 preparation of the plant, its seeds, or extracts, including its
 6 salts, isomers, and salts of isomers whenever the existence of
 7 such salts, isomers, and salts of isomers is possible within the
 8 specific chemical designation of the plant, its seeds, or
 9 extracts.

10 (b) The term does not include any other species in the genus
 11 salvia.

12 Sec. 282. "Sawed-off shotgun", for purposes of IC 35-47, has the
 13 meaning set forth in IC 35-47-1-10.

14 Sec. 283. "School bus" means any motor vehicle designed and
 15 constructed for the accommodation of more than ten (10)
 16 passengers and used for the transportation of Indiana school
 17 children.

18 Sec. 284. "School corporation", for purposes of IC 35-42-4-7,
 19 has the meaning set forth in IC 35-42-4-7(h).

20 Sec. 285. "School property" means the following:

21 (1) A building or other structure owned or rented by:

22 (A) a school corporation;

23 (B) an entity that is required to be licensed under
 24 IC 12-17.2 or IC 31-27;

25 (C) a private school that is not supported and maintained
 26 by funds realized from the imposition of a tax on property,
 27 income, or sales; or

28 (D) a federal, state, local, or nonprofit program or service
 29 operated to serve, assist, or otherwise benefit children who
 30 are at least three (3) years of age and not yet enrolled in
 31 kindergarten, including the following:

32 (i) A Head Start program under 42 U.S.C. 9831 et seq.

33 (ii) A special education preschool program.

34 (iii) A developmental child care program for preschool
 35 children.

36 (2) The grounds adjacent to and owned or rented in common
 37 with a building or other structure described in subdivision (1).

38 Sec. 286. "Scientific purposes", for purposes of IC 35-43-1-3,
 39 has the meaning set forth in IC 35-43-1-3(a).

40 Sec. 287. "Scientific research facility" means a facility in which
 41 research is conducted.

42 Sec. 288. "Search and rescue dog", for purposes of
 43 IC 35-46-3-11.3, has the meaning set forth in IC 35-46-3-11.3(a).

44 Sec. 289. "Security agent" means a person who has been
 45 employed by a store to prevent the loss of property due to theft.

46 Sec. 290. "Security risk", for purposes of IC 35-38-2.5, has the
 47 meaning set forth in IC 35-38-2.5-4.5.

48 Sec. 291. "Self-service display", for purposes of IC 35-46-1-11.8,
 49 has the meaning set forth in IC 35-46-1-11.8.

50 Sec. 292. "Serious bodily injury" means bodily injury that
 51 creates a substantial risk of death or that causes:

- 1 (1) serious permanent disfigurement;
- 2 (2) unconsciousness;
- 3 (3) extreme pain;
- 4 (4) permanent or protracted loss or impairment of the
- 5 function of a bodily member or organ; or
- 6 (5) loss of a fetus.
- 7 Sec. 293. "Serious violent felon", for purposes of IC 35-47-4-5,
- 8 has the meaning set forth in IC 35-47-4-5(a).
- 9 Sec. 294. "Serious violent felony", for purposes of IC 35-47-4-5,
- 10 has the meaning set forth in IC 35-47-4-5(b).
- 11 Sec. 295. "Service animal", for purposes of IC 35-46-3-11.5, has
- 12 the meaning set forth in IC 35-46-3-11.5(a).
- 13 Sec. 296. "Service provider", for purposes of IC 35-44-1-5, has
- 14 the meaning set forth in IC 35-44-1-5(a).
- 15 Sec. 297. (a) "Sex offense", for purposes of IC 35-38-2-2.5, has
- 16 the meaning set forth in IC 35-38-2-2.5(b).
- 17 (b) "Sex offense", for purposes of IC 35-50-2-14, has the
- 18 meaning set forth in IC 35-50-2-14(a).
- 19 Sec. 298. "Sex offense against a child", for purposes of
- 20 IC 35-50-2, has the meaning set forth in IC 35-50-2-1.8.
- 21 Sec. 299. "Sexual activity", for purposes of IC 35-42-4-13, has
- 22 the meaning set forth in IC 35-42-4-13(b).
- 23 Sec. 300. (a) "Sexual conduct", for purposes of IC 35-42-4-4, has
- 24 the meaning set forth in IC 35-42-4-4(a).
- 25 (b) "Sexual conduct", for purposes of IC 35-49, has the meaning
- 26 set forth in IC 35-49-1-9.
- 27 Sec. 301. "Sexual excitement", for purposes of IC 35-49, has the
- 28 meaning set forth in IC 35-49-1-10.
- 29 Sec. 302. "Sexual intercourse" means an act that includes any
- 30 penetration of the female sex organ by the male sex organ.
- 31 Sec. 303. (a) "Sexually violent predator", for purposes of
- 32 IC 35-38-1-7.5, has the meaning set forth in IC 35-38-1-7.5(a).
- 33 (b) "Sexually violent predator", for purposes of IC 35-42-4-10,
- 34 has the meaning set forth in IC 35-42-4-10(b).
- 35 Sec. 304. "Sexually violent predator defendant", for purposes of
- 36 IC 35-33-8-3.5, has the meaning set forth in IC 35-33-8-3.5(b).
- 37 Sec. 305. "Shotgun", for purposes of IC 35-47, has the meaning
- 38 set forth in IC 35-47-1-11.
- 39 Sec. 306. "Slug", for purposes of IC 35-43-5, has the meaning set
- 40 forth in IC 35-43-5-1(q).
- 41 Sec. 307. "Social networking web site" for purposes of
- 42 IC 35-42-4-12, has the meaning set forth in IC 35-42-4-12(d).
- 43 Sec. 308. "Solicit", for purposes of IC 35-42-4-6, has the
- 44 meaning set forth in IC 35-42-4-6(a).
- 45 Sec. 309. "Special education cooperative", for purposes of
- 46 IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(i).
- 47 Sec. 310. "Stalk", for purposes of IC 35-45-10, has the meaning
- 48 set forth in IC 35-45-10-1.
- 49 Sec. 311. "State", for purposes of IC 35-48-7, has the meaning
- 50 set forth in IC 35-48-7-7.5.
- 51 Sec. 312. "State or federally chartered or federally insured

1 financial institution", for purposes of IC 35-43-5-8, has the
2 meaning set forth in IC 35-43-5-8(b).

3 Sec. 313. "Stepparent", for purposes of IC 35-42-4-7, has the
4 meaning set forth in IC 35-42-4-7(j).

5 Sec. 314. "Store" means a place of business where property or
6 service with respect to property is displayed, rented, sold, or
7 offered for sale.

8 Sec. 315. "Student athlete", for purposes of IC 35-46-4, has the
9 meaning set forth in IC 35-46-4-3.

10 Sec. 316. "Stun gun", for purposes of IC 35-47-8, has the
11 meaning set forth in IC 35-47-8-2.

12 Sec. 317. "Substance offense", for purposes of IC 35-50-2-10,
13 has the meaning set forth in IC 35-50-2-10(a)(2).

14 Sec. 318. "Superintendent", for purposes of IC 35-47, has the
15 meaning set forth in IC 35-47-1-12.

16 Sec. 319. "Support", for purposes of IC 35-46-1, has the
17 meaning set forth in IC 35-46-1-1.

18 Sec. 320. "Suspicious order", for purposes of IC 35-48-4-14.7,
19 has the meaning set forth in IC 35-48-4-14.7(b)(6).

20 Sec. 321. "Synthetic drug" means:

21 (1) a substance containing one (1) or more of the following
22 chemical compounds, including an analog of the compound:

23 (A) JWH-015 ((2-Methyl-1-propyl-1H-
24 indol-3-yl)-1-naphthalenylmethanone).

25 (B) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).

26 (C) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).

27 (D) J W H - 0 7 3
28 (naphthalen-1-yl-(1-butylyndol-3-yl)methanone).

29 (E) JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-
30 3-yl)methanone).

31 (F) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).

32 (G) JWH-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-
33 naphthalen-1-yl-methanone).

34 (H) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).

35 (I) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).

36 (J) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).

37 (K) HU-210 ((6aR,10aR)- 9-(Hydroxymethyl)-
38 6,6-dimethyl-3-(2-methyloctan-2-yl)-
39 6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).

40 (L) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-
41 3-(2-methyloctan-2-yl)- 6a,7,10,10a-tetrahydrobenzo
42 [c]chromen-1-ol).

43 (M) HU-308 ((1R,2R,5R)-2-[2,6-dimethoxy-4-
44 (2-methyloctan-2-yl)phenyl]-
45 7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).

46 (N) HU-331 (3-hydroxy-2- [(1R,6R)-3-methyl-6-
47 (1-methylethenyl)-2-cyclohexen-1-yl]-5
48 -pentyl-2,5-cyclohexadiene-1,4-dione).

49 (O) C P 5 5 , 9 4 0
50 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)
51 cyclohexyl]-5-(2-methyloctan-2-yl)phenol).

- 1 (P) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]- 5-
2 (2-methyloctan-2-yl)phenol) and its homologues, or
3 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)
4 phenol), where side chain n=5, and homologues where side
5 chain n=4, 6, or 7.
- 6 (Q) W I N 5 5 2 1 2 - 2
7 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)
8 pyrrolo [1,2,3-de)- 1,4- benzoxazin-
9 6-yl]-1-naphthalenylmethanone).
- 10 (R) R C S - 4 ((4 - m e t h o x y p h e n y l)
11 (1-pentyl-1H-indol-3-yl)methanone).
- 12 (S) R C S - 8 (1 - (1 - (2 - c y c l o h e x y l e t h y l) - 1 H -
13 indol-3-yl)-2-(2-methoxyphenyl)ethanone).
- 14 (T) 4-Methylmethcathinone. Other name: mephedrone.
- 15 (U) 3,4-Methylenedioxy-methcathinone. Other name:
16 methylone.
- 17 (V) Fluoromethcathinone.
- 18 (W) 4-Methoxymethcathinone. Other name: methedrone.
- 19 (X) 4-Ethylmethcathinone (4-EMC).
- 20 (Y) Methylenedioxy-pyrovalerone. Other name: MDPV.
- 21 (Z) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole.
- 22 (A A) J W H - 0 9 8 , o r
23 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole.
- 24 (B B) J W H - 1 6 4 , o r
25 1-pentyl-3-(7-methoxy-1-naphthoyl)indole.
- 26 (C C) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole.
- 27 (D D) J W H - 2 0 1 , o r
28 1-pentyl-3-(4-methoxyphenylacetyl)indole.
- 29 (E E) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole.
- 30 (F F) A M - 6 9 4 , o r
31 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.
- 32 (G G) C P 5 0 , 5 5 6 - 1 , o r
33 [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenyl
34 pentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthri
35 din-1-yl] acetate.
- 36 (H H) Dimethylheptylpyran, or DMHP.
- 37 (I I) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP.
- 38 (J J) 6-APB [6-(2-aminopropyl)benzofuran].
- 39 (L L) 7-hydroxymitragynine.
- 40 (M M) α -PPP [α -pyrrolidinopropiophenone].
- 41 (N N) α -PVP (desmethylpyrovalerone).
- 42 (O O) AM-251.
- 43 (P P) AM-1241.
- 44 (Q Q) AM-2201.
- 45 (R R) AM-2233.
- 46 (S S) Buphedrone.
- 47 (T T) Butylone.
- 48 (U U) CP-47,497-C7.
- 49 (V V) CP-47,497-C8.
- 50 (W W) Desoxypipradol.
- 51 (X X) Ethylone.

- 1 (YY) Eutylone.
 2 (ZZ) Flephedrone.
 3 (AAA) JWH-011.
 4 (BBB) JWH-020.
 5 (CCC) JWH-022.
 6 (DDD) JWH-030.
 7 (EEE) JWH-182.
 8 (FFF) JWH-302.
 9 (GGG) MDAI [5,6-methylenedioxy-2-aminoindane].
 10 (HHH) Mitragynine.
 11 (III) Naphyrone.
 12 (JJJ) Pentedrone.
 13 (LLL) Pentylone.
 14 (MMM) Methoxetamine
 15 [2-(3-methoxyphenyl)-2-(ethylamino)- cyclohexanone].
 16 (2) Any compound structurally derived from
 17 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane
 18 by substitution at the nitrogen atom of the indole ring by
 19 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
 20 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl
 21 group, whether or not further substituted in the indole ring to
 22 any extent and whether or not substituted in the naphthyl ring
 23 to any extent.
 24 (3) Any compound structurally derived from 3-(1-naphthoyl)
 25 pyrrole by substitution at the nitrogen atom of the pyrrole
 26 ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
 27 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
 28 2-(4-morpholinyl)ethyl group, whether or not further
 29 substituted in the pyrrole ring to any extent and whether or
 30 not substituted in the naphthyl ring to any extent.
 31 (4) Any compound structurally derived from
 32 1-(1-naphthylmethyl)indene by substitution at the 3-position
 33 of the indene ring by alkyl, haloalkyl, alkenyl,
 34 c y c l o a l k y l m e t h y l , c y c l o a l k y l e t h y l ,
 35 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl
 36 group, whether or not further substituted in the indene ring
 37 to any extent and whether or not substituted in the naphthyl
 38 ring to any extent.
 39 (5) Any compound structurally derived from
 40 3-phenylacetylindole by substitution at the nitrogen atom of
 41 the indole ring with alkyl, haloalkyl, alkenyl,
 42 c y c l o a l k y l m e t h y l , c y c l o a l k y l e t h y l ,
 43 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl
 44 group, whether or not further substituted in the indole ring to
 45 any extent and whether or not substituted in the phenyl ring
 46 to any extent.
 47 (6) Any compound structurally derived from
 48 2-(3-hydroxycyclohexyl)phenol by substitution at the
 49 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl,
 50 c y c l o a l k y l m e t h y l , c y c l o a l k y l e t h y l ,
 51 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl

- 1 group, whether or not substituted in the cyclohexyl ring to
2 any extent.
- 3 (7) Any compound containing a 3-(benzoyl)indole structure
4 with substitution at the nitrogen atom of the indole ring by
5 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
6 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl
7 group, whether or not further substituted in the indole ring to
8 any extent and whether or not substituted in the phenyl ring
9 to any extent.
- 10 (8) Any compound, except bupropion or a compound listed
11 under a different schedule, structurally derived from
12 2-aminopropan-1-one by substitution at the 1-position with
13 either phenyl, naphthyl, or thiophene ring systems, whether
14 or not the compound is further modified:
- 15 (A) by substitution in the ring system to any extent with
16 alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide
17 substituents, whether or not further substituted in the ring
18 system by one or more other univalent substituents;
- 19 (B) by substitution at the 3-position with an acyclic alkyl
20 substituent;
- 21 (C) by substitution at the 2-amino nitrogen atom with
22 alkyl, dialkyl, benzyl, or methoxybenzyl groups; or
23 (D) by inclusion of the 2-amino nitrogen atom in a cyclic
24 structure.
- 25 (9) Any compound determined to be a synthetic drug by rule
26 adopted under IC 25-26-13-4.1.
- 27 Sec. 322. "Synthetic identifying information", for purposes of
28 IC 35-43-5, has the meaning set forth in IC 35-43-5-1(r).
- 29 Sec. 323. "Target", for purposes of IC 35-34-2, has the meaning
30 set forth in IC 35-34-2-1.
- 31 Sec. 324. "Taser", for purposes of IC 35-47-8, has the meaning
32 set forth in IC 35-47-8-3.
- 33 Sec. 325. "Tattoo", for purposes of IC 35-42-2-7, has the
34 meaning set forth in IC 35-42-2-7(a).
- 35 Sec. 326. "Telecommunications device", for purposes of
36 IC 35-45-13, has the meaning set forth in IC 35-45-13-3.
- 37 Sec. 327. "Telecommunications service", for purposes of
38 IC 35-45-13, has the meaning set forth in IC 35-45-13-4.
- 39 Sec. 328. "Telecommunications service provider", for purposes
40 of IC 35-45-13, has the meaning set forth in IC 35-45-13-5.
- 41 Sec. 329. "Terrorism" means the unlawful use of force or
42 violence or the unlawful threat of force or violence to intimidate or
43 coerce a government or all or part of the civilian population.
- 44 Sec. 330. "Threat", for purposes of IC 35-45-2-1, has the
45 meaning set forth in IC 35-45-2-1(c).
- 46 Sec. 331. "Title insurance agent", for purposes of IC 35-43-9,
47 has the meaning set forth in IC 35-43-9-4.
- 48 Sec. 332. "Title insurance escrow account", for purposes of
49 IC 35-43-9, has the meaning set forth in IC 35-43-9-5.
- 50 Sec. 333. "Title insurer", for purposes of IC 35-43-9, has the
51 meaning set forth in IC 35-43-9-6.

1 Sec. 334. "Tobacco business", for purposes of IC 35-46-1, has
2 the meaning set forth in IC 35-46-1-1.

3 Sec. 335. "Torture", for purposes of IC 35-46-3, has the
4 meaning set forth in IC 35-46-3-0.5(5).

5 Sec. 336. "Tournament", for purposes of IC 35-45-5, has the
6 meaning set forth in IC 35-45-5-1(j).

7 Sec. 337. "Toy crane machine", for purposes of IC 35-45-5, has
8 the meaning set forth in IC 35-45-5-1(k).

9 Sec. 338. "Tumultuous conduct", for purposes of IC 35-45-1,
10 has the meaning set forth in IC 35-45-1-1.

11 Sec. 339. "Ultimate user", for purposes of IC 35-48, has the
12 meaning set forth in IC 35-48-1-27.

13 Sec. 340. "Unit", for purposes of IC 35-40-14, has the meaning
14 set forth in IC 35-40-14-2.

15 Sec. 341. "Unlawful assembly", for purposes of IC 35-45-1, has
16 the meaning set forth in IC 35-45-1-1.

17 Sec. 342. "Unlawful telecommunications device", for purposes
18 of IC 35-45-13, has the meaning set forth in IC 35-45-13-6.

19 Sec. 343. "Unusual theft", for purposes of IC 35-48-4-14.7, has
20 the meaning set forth in IC 35-48-4-14.7(b)(7).

21 Sec. 344. "Utility", for purposes of IC 35-43-5, has the meaning
22 set forth in IC 35-43-5-1(s).

23 Sec. 345. "Utter" means to issue, authenticate, transfer, publish,
24 deliver, sell, transmit, present, or use.

25 Sec. 346. "Vehicle" means a device for transportation by land,
26 water, or air. The term includes mobile equipment with provision
27 for transport of an operator.

28 Sec. 347. "Vending machine", for purposes of IC 35-43-4-7, has
29 the meaning set forth in IC 35-43-4-7(a).

30 Sec. 348. (a) "Victim", for purposes of IC 35-38-1-9 and
31 IC 35-38-1-17, means a person who has suffered harm as a result
32 of a crime.

33 (b) "Victim", for purposes of IC 35-37-6, has the meaning set
34 forth in IC 35-37-6-3.

35 (c) "Victim", for purposes of IC 35-38-7, has the meaning set
36 forth in IC 35-38-7-4.

37 (d) "Victim", for purposes of IC 35-40, has the meaning set
38 forth in IC 35-40-4-8.

39 (e) "Victim", for purposes of IC 35-45-10, has the meaning set
40 forth in IC 35-45-10-4.

41 Sec. 349. "Victim advocate", for purposes IC 35-37-6, has the
42 meaning set forth in IC 35-37-6-3.5.

43 Sec. 350. "Victim representative", for purposes of IC 35-38-1,
44 has the meaning set forth in IC 35-38-1-2(a).

45 Sec. 351. "Victim service provider", for purposes of IC 35-37-6,
46 has the meaning set forth in IC 35-37-6-5.

47 Sec. 352. "Violent offender", for purposes of IC 35-38-2.5, has
48 the meaning set forth in IC 35-38-2.5-4.7.

49 Sec. 353. "Warrant", for purposes of IC 35-33.5, means a
50 warrant authorizing the interception of electronic communication
51 under IC 35-33.5.

1 **Sec. 354. "Weapon of mass destruction" means any chemical**
 2 **device, biological device or organism, or radiological device that is**
 3 **capable of being used for terrorism.**

4 **Sec. 355. "Wholesale", for purposes of IC 35-47, has the**
 5 **meaning set forth in IC 35-47-1-13.**

6 **Sec. 356. "Written instrument", for purposes of IC 35-43-5, has**
 7 **the meaning set forth in IC 35-43-5-1(t).**

8 **Sec. 357. (a) "Youth program center" means the following:**

9 **(1) A building or structure that on a regular basis provides**
 10 **recreational, vocational, academic, social, or other programs**
 11 **or services for persons less than eighteen (18) years of age.**

12 **(2) The real property on which a building or structure**
 13 **described in subdivision (1) is located.**

14 **(b) The term does not include school property (as defined in**
 15 **section 285 of this chapter).**

16 SECTION 68. IC 35-33-1-1.7, AS ADDED BY P.L.44-2008,
 17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2012]: Sec. 1.7. (a) A facility having custody of a person
 19 arrested for a crime of domestic violence (as described in
 20 ~~IC 35-41-1-6.3~~ **IC 35-31.5-2-78**) shall keep the person in custody for
 21 at least eight (8) hours from the time of the arrest.

22 (b) A person described in subsection (a) may not be released on bail
 23 until at least eight (8) hours from the time of the person's arrest.

24 SECTION 69. IC 35-33-6-1 IS REPEALED [EFFECTIVE JULY 1,
 25 2012]. ~~Sec. 1. As used in this chapter:~~

26 ~~"Adult employee" means an employee who is eighteen (18) years~~
 27 ~~old or older.~~

28 ~~"Agent" means an operator, a manager, an adult employee, or a~~
 29 ~~security agent employed by a store.~~

30 ~~"Motion picture exhibition facility" has the meaning set forth in~~
 31 ~~IC 35-46-8-3.~~

32 ~~"Security agent" means a person who has been employed by a store~~
 33 ~~to prevent the loss of property due to theft.~~

34 ~~"Store" means a place of business where property or service with~~
 35 ~~respect to property is displayed, rented, sold, or offered for sale.~~

36 SECTION 70. IC 35-33-8-6.5, AS ADDED BY P.L.44-2008,
 37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2012]: Sec. 6.5. The court may not release a person arrested
 39 for a crime of domestic violence (as described in ~~IC 35-41-1-6.3~~)
 40 **IC 35-31.5-2-78**) on bail until at least eight (8) hours from the time of
 41 the person's arrest.

42 SECTION 71. IC 35-33-8-11, AS ADDED BY P.L.94-2010,
 43 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 44 JULY 1, 2012]: Sec. 11. (a) A court may require a person who has been
 45 charged with a crime of domestic violence (as described in
 46 ~~IC 35-41-1-6.3~~) **IC 35-31.5-2-78**) to wear a GPS tracking device as a
 47 condition of bail.

48 (b) A court may order a person who is required to wear a GPS
 49 tracking device under subsection (a) to pay any costs associated with
 50 the GPS tracking device.

51 SECTION 72. IC 35-33.5-1 IS REPEALED [EFFECTIVE JULY 1,

2012]. (Applicability and Definitions).

SECTION 73. IC 35-35-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The court shall not accept a plea of guilty or guilty but mentally ill at the time of the crime without first determining that the defendant:

(1) understands the nature of the charge against ~~him~~; **the defendant**;

(2) has been informed that by ~~his~~ **the defendant's** plea ~~he~~ **the defendant** waives ~~his~~ **the defendant's** rights to:

(A) a public and speedy trial by jury;

(B) confront and cross-examine the witnesses against ~~him~~; **the defendant**;

(C) have compulsory process for obtaining witnesses in ~~his~~ **the defendant's** favor; and

(D) require the state to prove ~~his~~ **the defendant's** guilt beyond a reasonable doubt at a trial at which the defendant may not be compelled to testify against himself **or herself**;

(3) has been informed of the maximum possible sentence and minimum sentence for the crime charged and any possible increased sentence by reason of the fact of a prior conviction or convictions, and any possibility of the imposition of consecutive sentences;

(4) has been informed that the person will lose the right to possess a firearm if the person is convicted of a crime of domestic violence (~~IC 35-41-1-6.3~~); **(IC 35-31.5-2-78)**; and

(5) has been informed that if:

(A) there is a plea agreement as defined by ~~IC 35-35-3-1~~;

IC 35-31.5-2-236; and

(B) the court accepts the plea;

the court is bound by the terms of the plea agreement.

(b) A defendant in a misdemeanor case may waive the rights under subsection (a) by signing a written waiver.

(c) Any variance from the requirements of this section that does not violate a constitutional right of the defendant is not a basis for setting aside a plea of guilty.

SECTION 74. IC 35-35-3-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 1: As used in this chapter:~~

"Advisory sentence" means the nonbinding guideline sentence defined in ~~IC 35-50-2-1.3~~.

"Plea agreement" means an agreement between a prosecuting attorney and a defendant concerning the disposition of a felony or misdemeanor charge.

"Prosecuting attorney" includes a deputy prosecuting attorney.

"Recommendation" means a proposal that is part of a plea agreement made to a court that:

(1) a felony charge be dismissed; or

(2) a defendant, if the defendant pleads guilty to a felony charge, receive less than the advisory sentence.

"Victim" means a person who has suffered harm as a result of a crime.

1 SECTION 75. IC 35-36-2-5, AS AMENDED BY P.L.110-2009,
 2 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2012]: Sec. 5. (a) Except as provided by subsection (e),
 4 whenever a defendant is found guilty but mentally ill at the time of the
 5 crime or enters a plea to that effect that is accepted by the court, the
 6 court shall sentence the defendant in the same manner as a defendant
 7 found guilty of the offense.

8 (b) Before sentencing the defendant under subsection (a), the court
 9 shall require the defendant to be evaluated by a physician licensed
 10 under IC 25-22.5 who practices psychiatric medicine, a licensed
 11 psychologist, or a community mental health center (as defined in
 12 IC 12-7-2-38). However, the court may waive this requirement if the
 13 defendant was evaluated by a physician licensed under IC 25-22.5 who
 14 practices psychiatric medicine, a licensed psychologist, or a community
 15 mental health center and the evaluation is contained in the record of the
 16 defendant's trial or plea agreement hearing.

17 (c) If a defendant who is found guilty but mentally ill at the time of
 18 the crime is committed to the department of correction, the defendant
 19 shall be further evaluated and then treated in such a manner as is
 20 psychiatrically indicated for the defendant's mental illness. Treatment
 21 may be provided by:

- 22 (1) the department of correction; or
- 23 (2) the division of mental health and addiction after transfer under
 24 IC 11-10-4.

25 (d) If a defendant who is found guilty but mentally ill at the time of
 26 the crime is placed on probation, the court may, in accordance with
 27 IC 35-38-2-2.3, require that the defendant undergo treatment.

28 (e) As used in this subsection, "individual with mental retardation"
 29 ~~has the meaning set forth in IC 35-36-9-2.~~ **means an individual who,**
 30 **before becoming twenty-two (22) years of age, manifests:**

- 31 **(1) significantly subaverage intellectual functioning; and**
- 32 **(2) substantial impairment of adaptive behavior;**

33 **that is documented in a court ordered evaluative report.** If a court
 34 determines under IC 35-36-9 that a defendant who is charged with a
 35 murder for which the state seeks a death sentence is an individual with
 36 mental retardation, the court shall sentence the defendant under
 37 IC 35-50-2-3(a).

38 (f) If a defendant is found guilty but mentally ill, the court shall
 39 transmit any information required by the division of state court
 40 administration to the division of state court administration for
 41 transmission to the NICS (as defined in IC 35-47-2.5-2.5) in
 42 accordance with IC 33-24-6-3.

43 SECTION 76. IC 35-38-1-7.7 IS AMENDED TO READ AS
 44 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7.7. (a) At the time of
 45 sentencing, a court shall determine whether a person has committed a
 46 crime of domestic violence (as defined in ~~IC 35-41-1-6.3~~;
 47 **IC 35-31.5-2-78**).

48 (b) A determination under subsection (a) must be based upon:

- 49 (1) evidence introduced at trial; or
- 50 (2) a factual basis provided as part of a guilty plea.

1 (c) Upon determining that a defendant has committed a crime of
 2 domestic violence, a court shall advise the defendant of the
 3 consequences of this finding.

4 (d) A judge shall record a determination that a defendant has
 5 committed a crime of domestic violence on a form prepared by the
 6 division of state court administration.

7 SECTION 77. IC 35-38-1-9, AS AMENDED BY P.L.155-2011,
 8 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2012]: Sec. 9. (a) As used in this chapter, "recommendation"
 10 **has the meaning set forth in IC 35-31.5-2-272, and "victim" have has**
 11 **the meanings meaning set out forth in IC 35-35-3-1.**
 12 **IC 35-31.5-2-348.**

13 (b) The presentence investigation consists of the gathering of
 14 information with respect to:

- 15 (1) the circumstances attending the commission of the offense;
- 16 (2) the convicted person's history of delinquency or criminality,
 17 social history, employment history, family situation, economic
 18 status, education, and personal habits;
- 19 (3) the impact of the crime upon the victim; and
- 20 (4) whether the convicted person is licensed or certified in a
 21 profession regulated by IC 25.

22 (c) The presentence investigation may include any matter that the
 23 probation officer conducting the investigation believes is relevant to
 24 the question of sentence, and must include:

- 25 (1) any matters the court directs to be included;
- 26 (2) any written statements submitted to the prosecuting attorney
 27 by a victim under IC 35-35-3;
- 28 (3) any written statements submitted to the probation officer by a
 29 victim; and
- 30 (4) preparation of the victim impact statement required under
 31 section 8.5 of this chapter.

32 (d) If there are no written statements submitted to the probation
 33 officer, the probation officer shall certify to the court:

- 34 (1) that the probation officer has attempted to contact the victim;
 35 and
- 36 (2) that if the probation officer has contacted the victim, the
 37 probation officer has offered to accept the written statements of
 38 the victim or to reduce the victim's oral statements to writing,
 39 concerning the sentence, including the acceptance of any
 40 recommendation.

41 (e) A presentence investigation report prepared by a probation
 42 officer must include the information and comply with any other
 43 requirements established in the rules adopted under IC 11-13-1-8.

44 SECTION 78. IC 35-38-1-17, AS AMENDED BY P.L.1-2010,
 45 SECTION 141, IS AMENDED TO READ AS FOLLOWS
 46 [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) Within three hundred
 47 sixty-five (365) days after:

- 48 (1) a convicted person begins serving the person's sentence;
- 49 (2) a hearing is held:
 50 (A) at which the convicted person is present; and

1 (B) of which the prosecuting attorney has been notified; and
 2 (3) the court obtains a report from the department of correction
 3 concerning the convicted person's conduct while imprisoned;
 4 the court may reduce or suspend the sentence. The court must
 5 incorporate its reasons in the record.

6 (b) If more than three hundred sixty-five (365) days have elapsed
 7 since the convicted person began serving the sentence and after a
 8 hearing at which the convicted person is present, the court may reduce
 9 or suspend the sentence, subject to the approval of the prosecuting
 10 attorney. However, if in a sentencing hearing for a convicted person
 11 conducted after June 30, 2001, the court could have placed the
 12 convicted person in a community corrections program as an alternative
 13 to commitment to the department of correction, the court may modify
 14 the convicted person's sentence under this section without the approval
 15 of the prosecuting attorney to place the convicted person in a
 16 community corrections program under IC 35-38-2.6.

17 (c) The court must give notice of the order to reduce or suspend the
 18 sentence under this section to the victim (as defined in ~~IC 35-35-3-1~~)
 19 **IC 35-31.5-2-348**) of the crime for which the convicted person is
 20 serving the sentence.

21 (d) The court may suspend a sentence for a felony under this section
 22 only if suspension is permitted under IC 35-50-2-2.

23 (e) The court may deny a request to suspend or reduce a sentence
 24 under this section without making written findings and conclusions.

25 (f) Notwithstanding subsections (a) and (b), the court is not required
 26 to conduct a hearing before reducing or suspending a sentence if:

- 27 (1) the prosecuting attorney has filed with the court an agreement
 28 of the reduction or suspension of the sentence; and
- 29 (2) the convicted person has filed with the court a waiver of the
 30 right to be present when the order to reduce or suspend the
 31 sentence is considered.

32 SECTION 79. IC 35-38-2-2.2, AS AMENDED BY P.L.119-2008,
 33 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2012]: Sec. 2.2. As a condition of probation for a sex offender
 35 (as defined in IC 11-8-8-4.5), the court shall:

- 36 (1) require the sex offender to register with the local law
 37 enforcement authority under IC 11-8-8;
- 38 (2) prohibit the sex offender from residing within one thousand
 39 (1,000) feet of school property (as defined in ~~IC 35-41-1-24.7~~);
 40 **IC 35-31.5-2-285**), as measured from the property line of the sex
 41 offender's residence to the property line of the school property, for
 42 the period of probation, unless the sex offender obtains written
 43 approval from the court;
- 44 (3) require the sex offender to consent:
 - 45 (A) to the search of the sex offender's personal computer at
 46 any time; and
 - 47 (B) to the installation on the sex offender's personal computer
 48 or device with Internet capability, at the sex offender's
 49 expense, of one (1) or more hardware or software systems to
 50 monitor Internet usage; and

1 (4) prohibit the sex offender from:

2 (A) accessing or using certain web sites, chat rooms, or instant
3 messaging programs frequented by children; and

4 (B) deleting, erasing, or tampering with information on the sex
5 offender's personal computer with intent to conceal an activity
6 prohibited by clause (A).

7 If the court allows the sex offender to reside within one thousand
8 (1,000) feet of school property under subdivision (2), the court shall
9 notify each school within one thousand (1,000) feet of the sex
10 offender's residence of the order. However, a court may not allow a sex
11 offender who is a sexually violent predator (as defined in
12 IC 35-38-1-7.5) or an offender against children under IC 35-42-4-11 to
13 reside within one thousand (1,000) feet of school property.

14 SECTION 80. IC 35-41-1-3 IS REPEALED [EFFECTIVE JULY 1,
15 2012]. Sec. 3: The definitions in this chapter apply throughout this title
16 and to all other statutes relating to penal offenses:

17 SECTION 81. IC 35-41-1-3.2 IS REPEALED [EFFECTIVE JULY
18 1, 2012]. Sec. 3:2: (a) "Agency" means any authority, board, bureau,
19 commission, committee, department, division, hospital, military body,
20 or other instrumentality of:

21 (1) the state; a county; a township; a city; a town; a separate
22 municipal corporation; a special taxing district; or a public
23 corporation; or

24 (2) a state-assisted college or state-assisted university.

25 (b) The term does not include any part of the legislative department
26 or the judicial department of state government.

27 SECTION 82. IC 35-41-1-3.4 IS REPEALED [EFFECTIVE JULY
28 1, 2012]. Sec. 3:4: "Apartment complex" means real property
29 consisting of at least five (5) units that are regularly used to rent or
30 otherwise furnish residential accommodations for periods of at least
31 thirty (30) days:

32 SECTION 83. IC 35-41-1-3.5 IS REPEALED [EFFECTIVE JULY
33 1, 2012]: Sec. 3:5: "Analog"; for purposes of section 26.3 of this
34 chapter; means a new or novel chemical entity; independent of
35 synthetic route or natural origin; having substantially the same:

36 (1) carbon backbone structure; and

37 (2) pharmacological mechanism of action;

38 as a compound specifically defined as a synthetic drug in section 26.3
39 of this chapter.

40 SECTION 84. IC 35-41-1-4 IS REPEALED [EFFECTIVE JULY 1,
41 2012]. Sec. 4: "Bodily injury" means any impairment of physical
42 condition; including physical pain:

43 SECTION 85. IC 35-41-1-4.3 IS REPEALED [EFFECTIVE JULY
44 1, 2012]. Sec. 4:3: (a) "Bomb" means an explosive or incendiary device
45 designed to release:

46 (1) destructive materials or force; or

47 (2) dangerous gases;

48 that is detonated by impact; proximity to an object; a timing
49 mechanism; a chemical reaction; ignition; or other predetermined
50 means:

1 (b) The term does not include the following:

2 (1) A firearm (as defined in IC 35-47-1-5) or the ammunition or
3 components for handloading ammunition for a firearm.

4 (2) Fireworks regulated under IC 22-11-14.

5 (3) Boating, railroad, and other safety flares.

6 (4) Propellants used in model rockets or similar hobby activities.

7 (5) Commercially manufactured black powder in quantities not to
8 exceed fifty (50) pounds; percussion caps; safety and pyrotechnic
9 fuses; quills; quick and slow matches; and friction primers
10 intended to be used solely for sporting, recreational, or cultural
11 purposes in antique firearms or antique devices.

12 SECTION 86. IC 35-41-1-4.4 IS REPEALED [EFFECTIVE JULY
13 1, 2012]. Sec. 4.4: "Community transition program" has the meaning
14 set forth in IC 11-8-1-5.5.

15 SECTION 87. IC 35-41-1-4.6 IS REPEALED [EFFECTIVE JULY
16 1, 2012]. Sec. 4.6: "Community restitution or service" means
17 performance of services directly for a:

18 (1) victim;

19 (2) nonprofit entity; or

20 (3) governmental entity;

21 without compensation, including graffiti abatement, park maintenance,
22 and other community service activities. The term does not include the
23 reimbursement under IC 35-50-5-3 or another law of damages or
24 expenses incurred by a victim or another person as the result of a
25 violation of law.

26 SECTION 88. IC 35-41-1-4.7 IS REPEALED [EFFECTIVE JULY
27 1, 2012]. Sec. 4.7: "Community policing volunteer" means a person
28 who is:

29 (1) not a law enforcement officer; and

30 (2) actively participating in a plan, system, or strategy:

31 (A) established by and conducted under the authority of a law
32 enforcement agency; and

33 (B) in which citizens:

34 (i) participate with and are guided by the law enforcement
35 agency; and

36 (ii) work with members of the law enforcement agency to
37 reduce or prevent crime within a defined geographic area.

38 SECTION 89. IC 35-41-1-5 IS REPEALED [EFFECTIVE JULY 1,
39 2012]. Sec. 5: "Credit institution" means a bank, insurance company,
40 credit union, savings association, investment trust, industrial loan and
41 investment company, or other organization held out to the public as a
42 place of deposit of funds or a medium of savings or collective
43 investment.

44 SECTION 90. IC 35-41-1-5.5 IS REPEALED [EFFECTIVE JULY
45 1, 2012]. Sec. 5.5: "Credit restricted felon" means a person who has
46 been convicted of at least one (1) of the following offenses:

47 (1) Child molesting involving sexual intercourse or deviate sexual
48 conduct (IC 35-42-4-3(a)), if:

49 (A) the offense is committed by a person at least twenty-one

50 (21) years of age; and

- 1 (B) the victim is less than twelve (12) years of age.
- 2 (2) Child molesting (IC 35-42-4-3) resulting in serious bodily
- 3 injury or death.
- 4 (3) Murder (IC 35-42-1-1); if:
- 5 (A) the person killed the victim while committing or
- 6 attempting to commit child molesting (IC 35-42-4-3);
- 7 (B) the victim was the victim of a sex crime under IC 35-42-4
- 8 for which the person was convicted; or
- 9 (C) the victim of the murder was listed by the state or known
- 10 by the person to be a witness against the person in a
- 11 prosecution for a sex crime under IC 35-42-4 and the person
- 12 committed the murder with the intent to prevent the person
- 13 from testifying.
- 14 SECTION 91. IC 35-41-1-6 IS REPEALED [EFFECTIVE JULY 1,
- 15 2012]. Sec. 6: "Crime" means a felony or a misdemeanor.
- 16 SECTION 92. IC 35-41-1-6.3 IS REPEALED [EFFECTIVE JULY
- 17 1, 2012]. Sec. 6.3: "Crime of domestic violence," for purposes of
- 18 IC 5-2-6.1 and IC 35-47-4-7, means an offense or the attempt to
- 19 commit an offense that:
- 20 (1) has as an element the:
- 21 (A) use of physical force; or
- 22 (B) threatened use of a deadly weapon; and
- 23 (2) is committed against a:
- 24 (A) current or former spouse; parent; or guardian of the
- 25 defendant;
- 26 (B) person with whom the defendant shared a child in
- 27 common;
- 28 (C) person who was cohabiting with or had cohabited with the
- 29 defendant as a spouse; parent; or guardian; or
- 30 (D) person who was or had been similarly situated to a spouse;
- 31 parent; or guardian of the defendant.
- 32 SECTION 93. IC 35-41-1-6.5 IS REPEALED [EFFECTIVE JULY
- 33 1, 2012]. Sec. 6.5: "Crime involving domestic or family violence"
- 34 means a crime that occurs when a family or household member
- 35 commits, attempts to commit, or conspires to commit any of the
- 36 following against another family or household member:
- 37 (1) A homicide offense under IC 35-42-1.
- 38 (2) A battery offense under IC 35-42-2.
- 39 (3) Kidnapping or confinement under IC 35-42-3.
- 40 (4) Human and sexual trafficking crimes under IC 35-42-3.5.
- 41 (5) A sex offense under IC 35-42-4.
- 42 (6) Robbery under IC 35-42-5.
- 43 (7) Arson or mischief under IC 35-43-1.
- 44 (8) Burglary or trespass under IC 35-43-2.
- 45 (9) Disorderly conduct under IC 35-45-1.
- 46 (10) Intimidation or harassment under IC 35-45-2.
- 47 (11) Voyeurism under IC 35-45-4.
- 48 (12) Stalking under IC 35-45-10.
- 49 (13) An offense against family under IC 35-46-1-2 through
- 50 IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.

(14) A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.

SECTION 94. IC 35-41-1-6.6 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 6:6. "Dangerous gas", for purposes of IC 35-41-1-4.3, means a toxic chemical or its precursors that through chemical action or properties on life processes cause death or permanent injury to human beings. The term does not include the following:

(1) Riot control agents, smoke, and obscuration materials or medical products that are manufactured, possessed, transported, or used in accordance with the laws of the United States and of this state.

(2) Tear gas devices designed to be carried on or about the person that contain not more than one-half (1/2) ounce of the chemical.

SECTION 95. IC 35-41-1-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 7: "Deadly force" means force that creates a substantial risk of serious bodily injury.

SECTION 96. IC 35-41-1-8 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 8: (a) Except as provided in subsection (b); "deadly weapon" means the following:

(1) A loaded or unloaded firearm.

(2) A destructive device; weapon; device; taser (as defined in IC 35-47-8-3) or electronic stun weapon (as defined in IC 35-47-8-1); equipment; chemical substance; or other material that in the manner it is used; or could ordinarily be used; or is intended to be used; is readily capable of causing serious bodily injury.

(3) An animal (as defined in IC 35-46-3-3) that is:

(A) readily capable of causing serious bodily injury; and

(B) used in the commission or attempted commission of a crime.

(4) A biological disease; virus; or organism that is capable of causing serious bodily injury.

(b) The term does not include:

(1) a taser (as defined in IC 35-47-8-3);

(2) an electronic stun weapon (as defined in IC 35-47-8-1);

(3) a chemical designed to temporarily incapacitate a person; or

(4) another device designed to temporarily incapacitate a person;

if the device described in subdivisions (1) through (4) is used by a law enforcement officer who has been trained in the use of the device and who uses the device in accordance with the law enforcement officer's training and while lawfully engaged in the execution of official duties.

SECTION 97. IC 35-41-1-8.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 8:5. "Destructive device" has the meaning set forth in IC 35-47-5-2-4.

SECTION 98. IC 35-41-1-9 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 9: "Deviate sexual conduct" means an act involving:

(1) a sex organ of one person and the mouth or anus of another person; or

(2) the penetration of the sex organ or anus of a person by an object.

1 SECTION 99. IC 35-41-1-10 IS REPEALED [EFFECTIVE JULY
2 1, 2012]. Sec. 10: "Dwelling" means a building; structure; or other
3 enclosed space; permanent or temporary; movable or fixed; that is a
4 person's home or place of lodging.

5 SECTION 100. IC 35-41-1-10.3 IS REPEALED [EFFECTIVE
6 JULY 1, 2012]. Sec. 10.3: "The effects of battery" refers to a
7 psychological condition of an individual who has suffered repeated
8 physical or sexual abuse inflicted by another individual who is the:

9 (1) victim of an alleged crime for which the abused individual is
10 charged in a pending prosecution; and

11 (2) abused individual's:

12 (A) spouse or former spouse;

13 (B) parent;

14 (C) guardian or former guardian;

15 (D) custodian or former custodian; or

16 (E) cohabitant or former cohabitant.

17 SECTION 101. IC 35-41-1-10.5 IS REPEALED [EFFECTIVE
18 JULY 1, 2012]. Sec. 10.5: "Family housing complex" means a building
19 or series of buildings:

20 (1) that contains at least twelve (12) dwelling units:

21 (A) where children are domiciled or are likely to be domiciled;
22 and

23 (B) that are owned by a governmental unit or political
24 subdivision;

25 (2) that is operated as a hotel or motel (as described in
26 IC 22-11-18-1);

27 (3) that is operated as an apartment complex; or

28 (4) that contains subsidized housing.

29 SECTION 102. IC 35-41-1-10.6 IS REPEALED [EFFECTIVE
30 JULY 1, 2012]. Sec. 10.6: (a) An individual is a "family or household
31 member" of another person if the individual:

32 (1) is a current or former spouse of the other person;

33 (2) is dating or has dated the other person;

34 (3) is or was engaged in a sexual relationship with the other
35 person;

36 (4) is related by blood or adoption to the other person;

37 (5) is or was related by marriage to the other person;

38 (6) has or previously had an established legal relationship:

39 (A) as a guardian of the other person;

40 (B) as a ward of the other person;

41 (C) as a custodian of the other person;

42 (D) as a foster parent of the other person; or

43 (E) in a capacity with respect to the other person similar to
44 those listed in clauses (A) through (D); or

45 (7) has a child in common with the other person.

46 (b) An individual is a "family or household member" of both
47 persons to whom subsection (a)(1); (a)(2); (a)(3); (a)(4); (a)(5); (a)(6);
48 or (a)(7) applies if the individual is a minor child of one (1) of the
49 persons.

50 SECTION 103. IC 35-41-1-10.8 IS REPEALED [EFFECTIVE

1 JULY 1, 2012]. Sec. 10.8: "Food processing facility" means a facility
 2 used to prepare or process animal, plant, or other food ingredients into
 3 food products intended for sale or distribution to the general public for
 4 human consumption:

5 SECTION 104. IC 35-41-1-11 IS REPEALED [EFFECTIVE JULY
 6 1, 2012]. Sec. 11: "Forcible felony" means a felony that involves the
 7 use or threat of force against a human being, or in which there is
 8 imminent danger of bodily injury to a human being:

9 SECTION 105. IC 35-41-1-12 IS REPEALED [EFFECTIVE JULY
 10 1, 2012]. Sec. 12: "Governmental entity" means:

11 (1) the United States or any state; county; township; city; town;
 12 separate municipal corporation; special taxing district; or public
 13 school corporation;

14 (2) any authority; board; bureau; commission; committee;
 15 department; division; hospital; military body; or other
 16 instrumentality of any of those entities; or

17 (3) a state-assisted college or state-assisted university.

18 SECTION 106. IC 35-41-1-12.3 IS REPEALED [EFFECTIVE
 19 JULY 1, 2012]. Sec. 12.3: "Graffiti" means any unauthorized
 20 inscription; work; figure; or design that is marked; etched; scratched;
 21 drawn; or painted on a component of any building; structure; or other
 22 facility:

23 SECTION 107. IC 35-41-1-13 IS REPEALED [EFFECTIVE JULY
 24 1, 2012]. Sec. 13: "Harm" means loss; disadvantage; or injury or
 25 anything so regarded by the person affected; including loss;
 26 disadvantage; or injury to any other person in whose welfare he is
 27 interested:

28 SECTION 108. IC 35-41-1-14 IS REPEALED [EFFECTIVE JULY
 29 1, 2012]. Sec. 14: "Human being" means an individual who has been
 30 born and is alive:

31 SECTION 109. IC 35-41-1-15 IS REPEALED [EFFECTIVE JULY
 32 1, 2012]. Sec. 15: "Imprison" means to:

33 (1) confine in a penal facility;

34 (2) commit to the department of correction; or

35 (3) assign to a community transition program under
 36 IC 11-10-11.5.

37 SECTION 110. IC 35-41-1-16 IS REPEALED [EFFECTIVE JULY
 38 1, 2012]. Sec. 16: "Included offense" means an offense that:

39 (1) is established by proof of the same material elements or less
 40 than all the material elements required to establish the
 41 commission of the offense charged;

42 (2) consists of an attempt to commit the offense charged or an
 43 offense otherwise included therein; or

44 (3) differs from the offense charged only in the respect that a less
 45 serious harm or risk of harm to the same person; property; or
 46 public interest; or a lesser kind of culpability; is required to
 47 establish its commission:

48 SECTION 111. IC 35-41-1-16.5 IS REPEALED [EFFECTIVE
 49 JULY 1, 2012]. Sec. 16.5: "Key facility" means any of the following:

50 (1) A chemical manufacturing facility:

- 1 (2) A refinery.
- 2 (3) An electric utility facility, including:
- 3 (A) a power plant;
- 4 (B) a power generation facility peaker;
- 5 (C) an electric transmission facility;
- 6 (D) an electric station or substation; or
- 7 (E) any other facility used to support the generation;
- 8 transmission; or distribution of electricity.
- 9 However, the term does not include electric transmission land or
- 10 right-of-way that is not completely enclosed, posted, and
- 11 maintained by the electric utility.
- 12 (4) A water intake structure or water treatment facility.
- 13 (5) A natural gas utility facility, including:
- 14 (A) an age station;
- 15 (B) a compressor station;
- 16 (C) an odorization facility;
- 17 (D) a main line valve;
- 18 (E) a natural gas storage facility; or
- 19 (F) any other facility used to support the acquisition;
- 20 transmission; distribution; or storage of natural gas. However;
- 21 the term does not include gas transmission pipeline property
- 22 that is not completely enclosed, posted, and maintained by the
- 23 natural gas utility.
- 24 (6) A gasoline, propane, liquid natural gas (LNG), or other fuel
- 25 terminal or storage facility.
- 26 (7) A transportation facility, including, but not limited to, a port;
- 27 railroad switching yard; or trucking terminal. However, the term
- 28 does not include a railroad track that is not part of a railroad
- 29 switching yard.
- 30 (8) A pulp or paper manufacturing facility.
- 31 (9) A pharmaceutical manufacturing facility.
- 32 (10) A hazardous waste storage, treatment, or disposal facility.
- 33 (11) A telecommunications facility, including a central office or
- 34 cellular telephone tower site.
- 35 (12) A facility:
- 36 (A) that is substantially similar to a facility, structure, or
- 37 station listed in this section; or
- 38 (B) whose owner or operator is required to submit a risk
- 39 management plan under the federal Chemical Safety
- 40 Information, Site Security and Fuels Regulatory Relief Act (42
- 41 U.S.C. 7412(t)).
- 42 SECTION 112. IC 35-41-1-17 IS REPEALED [EFFECTIVE JULY
- 43 1, 2012]. Sec. 17: (a) "Law enforcement officer" means:
- 44 (1) a police officer (including a correctional police officer);
- 45 sheriff; constable; marshal; prosecuting attorney; special
- 46 prosecuting attorney; special deputy prosecuting attorney; the
- 47 securities commissioner; or the inspector general;
- 48 (2) a deputy of any of those persons;
- 49 (3) an investigator for a prosecuting attorney or for the inspector
- 50 general;

- 1 (4) a conservation officer;
- 2 (5) an enforcement officer of the alcohol and tobacco
- 3 commission; or
- 4 (6) an enforcement officer of the securities division of the office
- 5 of the secretary of state.
- 6 (b) "Federal enforcement officer" means any of the following:
- 7 (1) A Federal Bureau of Investigation special agent.
- 8 (2) A United States Marshals Service marshal or deputy.
- 9 (3) A United States Secret Service special agent.
- 10 (4) A United States Fish and Wildlife Service special agent.
- 11 (5) A United States Drug Enforcement Agency agent.
- 12 (6) A Bureau of Alcohol, Tobacco, Firearms and Explosives
- 13 agent.
- 14 (7) A United States Forest Service law enforcement officer.
- 15 (8) A United States Department of Defense police officer or
- 16 criminal investigator.
- 17 (9) A United States Customs Service agent.
- 18 (10) A United States Postal Service investigator.
- 19 (11) A National Park Service law enforcement commissioned
- 20 ranger.
- 21 (12) United States Department of Agriculture, Office of Inspector
- 22 General special agent.
- 23 (13) A United States Citizenship and Immigration Services
- 24 special agent.
- 25 (14) An individual who is:
- 26 (A) an employee of a federal agency; and
- 27 (B) authorized to make arrests and carry a firearm in the
- 28 performance of the individual's official duties.
- 29 SECTION 113. IC 35-41-1-18 IS REPEALED [EFFECTIVE JULY
- 30 1, 2012]. Sec. 18: (a) "Lawful detention" means:
- 31 (1) arrest;
- 32 (2) custody following surrender in lieu of arrest;
- 33 (3) detention in a penal facility;
- 34 (4) detention in a facility for custody of persons alleged or found
- 35 to be delinquent children;
- 36 (5) detention under a law authorizing civil commitment in lieu of
- 37 criminal proceedings or authorizing such detention while criminal
- 38 proceedings are held in abeyance;
- 39 (6) detention for extradition or deportation;
- 40 (7) placement in a community corrections program's residential
- 41 facility;
- 42 (8) electronic monitoring;
- 43 (9) custody for purposes incident to any of the above including
- 44 transportation, medical diagnosis or treatment, court appearances,
- 45 work, or recreation; or
- 46 (10) any other detention for law enforcement purposes.
- 47 (b) Except as provided in subsection (a)(7) and (a)(8), the term does
- 48 not include supervision of a person on probation or parole or constraint
- 49 incidental to release with or without bail.
- 50 SECTION 114. IC 35-41-1-18.3 IS REPEALED [EFFECTIVE

1 JULY 1, 2012]. Sec. 18.3. "Machine gun" means a weapon that:

- 2 (1) shoots; or
- 3 (2) can be readily restored to shoot;

4 automatically more than one (1) shot, without manual reloading, by a
5 single function of the trigger.

6 SECTION 115. IC 35-41-1-18.5 IS REPEALED [EFFECTIVE
7 JULY 1, 2012]. Sec. 18.5. "Motor vehicle" has the meaning set forth in
8 IC 9-13-2-105(a).

9 SECTION 116. IC 35-41-1-19 IS REPEALED [EFFECTIVE JULY
10 1, 2012]. Sec. 19. "Offense" means a crime. The term does not include
11 an infraction.

12 SECTION 117. IC 35-41-1-19.3 IS REPEALED [EFFECTIVE
13 JULY 1, 2012]. Sec. 19.3. "Offense relating to a criminal sexual act"
14 means the following:

- 15 (1) Rape (IC 35-42-4-1).
- 16 (2) Criminal deviate conduct (IC 35-42-4-2).
- 17 (3) Child molesting (IC 35-42-4-3).
- 18 (4) Child seduction (IC 35-42-4-7).
- 19 (5) Prostitution (IC 35-45-4-2).
- 20 (6) Patronizing a prostitute (IC 35-45-4-3).
- 21 (7) Incest (IC 35-46-1-3).
- 22 (8) Sexual misconduct with a minor under IC 35-42-4-9(a).

23 SECTION 118. IC 35-41-1-19.4 IS REPEALED [EFFECTIVE
24 JULY 1, 2012]. Sec. 19.4. "Offense relating to controlled substances"
25 means the following:

- 26 (1) Dealing in or manufacturing cocaine or a narcotic drug (IC
27 35-48-4-1).
- 28 (2) Dealing in methamphetamine (IC 35-48-4-1.1).
- 29 (3) Dealing in a schedule I, II, or III controlled substance (IC
30 35-48-4-2).
- 31 (4) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- 32 (5) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 33 (6) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
- 34 (7) Possession of methamphetamine (IC 35-48-4-6.1).
- 35 (8) Possession of a controlled substance (IC 35-48-4-7).
- 36 (9) Possession of paraphernalia (IC 35-48-4-8.3).
- 37 (10) Dealing in paraphernalia (IC 35-48-4-8.5).
- 38 (11) Offenses relating to registration (IC 35-48-4-14).

39 SECTION 119. IC 35-41-1-20 IS REPEALED [EFFECTIVE JULY
40 1, 2012]. Sec. 20. "Official proceeding" means a proceeding held or
41 that may be held before a legislative, judicial, administrative, or other
42 agency or before an official authorized to take evidence under oath,
43 including a referee, hearing examiner, commissioner, notary, or other
44 person taking evidence in connection with a proceeding.

45 SECTION 120. IC 35-41-1-21 IS REPEALED [EFFECTIVE JULY
46 1, 2012]. Sec. 21. "Penal facility" means state prison, correctional
47 facility, county jail, penitentiary, house of correction, or any other
48 facility for confinement of persons under sentence, or awaiting trial or
49 sentence, for offenses. The term includes a correctional facility
50 constructed under IC 4-13.5.

1 SECTION 121. IC 35-41-1-22 IS REPEALED [EFFECTIVE JULY
2 1, 2012]. Sec. 22: (a) "Person" means a human being; corporation;
3 limited liability company; partnership; unincorporated association; or
4 governmental entity.

5 (b) "Person", for purposes of section 10-6 of this chapter, means an
6 adult or a minor.

7 SECTION 122. IC 35-41-1-23 IS REPEALED [EFFECTIVE JULY
8 1, 2012]. Sec. 23: (a) "Property" means anything of value. The term
9 includes:

- 10 (1) a gain or advantage or anything that might reasonably be
- 11 regarded as such by the beneficiary;
- 12 (2) real property, personal property, money, labor, and services;
- 13 (3) intangibles;
- 14 (4) commercial instruments;
- 15 (5) written instruments concerning labor, services, or property;
- 16 (6) written instruments otherwise of value to the owner, such as
- 17 a public record, deed, will, credit card, or letter of credit;
- 18 (7) a signature to a written instrument;
- 19 (8) extension of credit;
- 20 (9) trade secrets;
- 21 (10) contract rights, choses-in-action, and other interests in or
- 22 claims to wealth;
- 23 (11) electricity, gas, oil, and water;
- 24 (12) captured or domestic animals, birds, and fish;
- 25 (13) food and drink; and
- 26 (14) human remains.

27 (b) Property is that "of another person" if the other person has a
28 possessory or proprietary interest in it, even if an accused person also
29 has an interest in that property.

30 SECTION 123. IC 35-41-1-23.7 IS REPEALED [EFFECTIVE
31 JULY 1, 2012]. Sec. 23:7: "Public park" means any property operated
32 by a political subdivision for park purposes (as defined in
33 IC 36-10-1-2).

34 SECTION 124. IC 35-41-1-24 IS REPEALED [EFFECTIVE JULY
35 1, 2012]. Sec. 24: "Public servant" means a person who:

- 36 (1) is authorized to perform an official function on behalf of, and
- 37 is paid by, a governmental entity;
- 38 (2) is elected or appointed to office to discharge a public duty for
- 39 a governmental entity; or
- 40 (3) with or without compensation, is appointed in writing by a
- 41 public official to act in an advisory capacity to a governmental
- 42 entity concerning a contract or purchase to be made by the entity.

43 The term does not include a person appointed by the governor to an
44 honorary advisory or honorary military position.

45 SECTION 125. IC 35-41-1-24.2 IS REPEALED [EFFECTIVE
46 JULY 1, 2012]. Sec. 24:2: (a) "Salvia" means salvia divinorum or
47 salvinorin A; including:

- 48 (1) all parts of the plant that are classified botanically as salvia
- 49 divinorum, whether growing or not;
- 50 (2) the seeds of the plant;

- 1 (3) any extract from any part of the plant; and
 2 (4) every compound, manufacture, derivative, mixture, or
 3 preparation of the plant, its seeds, or extracts, including its salts,
 4 isomers, and salts of isomers whenever the existence of such salts,
 5 isomers, and salts of isomers is possible within the specific
 6 chemical designation of the plant, its seeds, or extracts.

7 (b) The term does not include any other species in the genus salvia.

8 SECTION 126. IC 35-41-1-24.3 IS REPEALED [EFFECTIVE
 9 JULY 1, 2012]. Sec. 24.3: "School bus" means any motor vehicle
 10 designed and constructed for the accommodation of more than ten (10)
 11 passengers, which is used for the transportation of Indiana school
 12 children.

13 SECTION 127. IC 35-41-1-24.7 IS REPEALED [EFFECTIVE
 14 JULY 1, 2012]. Sec. 24.7: "School property" means the following:

15 (1) A building or other structure owned or rented by:

16 (A) a school corporation;

17 (B) an entity that is required to be licensed under IC 12-17.2
 18 or IC 31-27;

19 (C) a private school that is not supported and maintained by
 20 funds realized from the imposition of a tax on property,
 21 income, or sales; or

22 (D) a federal, state, local, or nonprofit program or service
 23 operated to serve, assist, or otherwise benefit children who are
 24 at least three (3) years of age and not yet enrolled in
 25 kindergarten, including the following:

26 (i) A Head Start program under 42 U.S.C. 9831 et seq.

27 (ii) A special education preschool program.

28 (iii) A developmental child care program for preschool
 29 children.

30 (2) The grounds adjacent to and owned or rented in common with
 31 a building or other structure described in subdivision (1):

32 SECTION 128. IC 35-41-1-24.8 IS REPEALED [EFFECTIVE
 33 JULY 1, 2012]. Sec. 24.8: "Scientific research facility" means a facility
 34 in which research is conducted:

35 SECTION 129. IC 35-41-1-25 IS REPEALED [EFFECTIVE JULY
 36 1, 2012]. Sec. 25: "Serious bodily injury" means bodily injury that
 37 creates a substantial risk of death or that causes:

38 (1) serious permanent disfigurement;

39 (2) unconsciousness;

40 (3) extreme pain;

41 (4) permanent or protracted loss or impairment of the function of
 42 a bodily member or organ; or

43 (5) loss of a fetus.

44 SECTION 130. IC 35-41-1-26 IS REPEALED [EFFECTIVE JULY
 45 1, 2012]. Sec. 26: "Sexual intercourse" means an act that includes any
 46 penetration of the female sex organ by the male sex organ.

47 SECTION 131. IC 35-41-1-26.3, AS AMENDED BY P.L.6-2012,
 48 SECTION 224, IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec.
 49 26.3: "Synthetic drug" means:

50 (1) a substance containing one (1) or more of the following

- 1 chemical compounds, including an analog of the compound:
 2 (A) JWH-015 ((2-Methyl-1-propyl-1H-
 3 indol-3-yl)-1-naphthalenylmethanone).
 4 (B) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).
 5 (C) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).
 6 (D) JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone).
 7 (E) JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-
 8 3-yl)methanone).
 9 (F) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
 10 (G) JWH-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-
 11 naphthalen-1-yl-methanone).
 12 (H) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).
 13 (I) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).
 14 (J) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
 15 (K) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-
 16 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo
 17 [c]chromen-1-ol).
 18 (L) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-
 19 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo
 20 [c]chromen-1-ol).
 21 (M) HU-308 ((1R,2R,5R)-2-[2,6-dimethoxy-4-
 22 (2-methyloctan-2-yl)phenyl]-
 23 7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).
 24 (N) HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-
 25 (1-methylethenyl)-2-cyclohexen-1-yl]-5-
 26 pentyl-2,5-cyclohexadiene-1,4-dione).
 27 (O) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)
 28 cyclohexyl]-5-(2-methyloctan-2-yl)phenol).
 29 (P) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-
 30 (2-methyloctan-2-yl)phenol) and its homologues; or
 31 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)
 32 phenol); where side chain n=5, and homologues where side
 33 chain n=4, 6, or 7.
 34 (Q) WIN-55212-2
 35 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)
 36 pyrrolo [1,2,3-de]-1,4-benzoxazin-
 37 6-yl]-1-naphthalenylmethanone).
 38 (R) RCS-4 ((4-methoxyphenyl)
 39 (1-pentyl-1H-indol-3-yl)methanone).
 40 (S) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-
 41 indol-3-yl)-2-(2-methoxyphenyl)ethanone).
 42 (T) 4-Methylmethcathinone. Other name: mephedrone.
 43 (U) 3,4-Methylenedioxymethcathinone. Other name:
 44 methylone.
 45 (V) Fluoromethcathinone.
 46 (W) 4-Methoxymethcathinone. Other name: methedrone.
 47 (X) 4-Ethylmethcathinone (4-EMC).
 48 (Y) Methylenedioxypyrovalerone. Other name: MDPV.
 49 (Z) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole.
 50 (A A) JWH-098, or

- 1 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole.
 2 (BB) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole.
 3 (CC) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole.
 4 (DD) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole.
 5 (EE) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole.
 6 (FF) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.
 7 (GG) CP-50,556-1, or
 8 [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpe
 9 ntan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1
 10 -yl] acetate.
 11 (HH) Dimethylheptylpyran, or DMHP.
 12 (II) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP.
 13 (JJ) 6-APB [6-(2-aminopropyl)benzofuran].
 14 (LL) 7-hydroxymitragynine.
 15 (MM) α -PPP [α -pyrrolidinopropiophenone].
 16 (NN) α -PVP (desmethylpyrovalerone).
 17 (OO) AM-251.
 18 (PP) AM-1241.
 19 (QQ) AM-2201.
 20 (RR) AM-2233.
 21 (SS) Buphedrone.
 22 (TT) Butylone.
 23 (UU) CP-47,497-C7.
 24 (VV) CP-47,497-C8.
 25 (WW) Desoxypipradol.
 26 (XX) Ethylone.
 27 (YY) Eutylone.
 28 (ZZ) Flephedrone.
 29 (AAA) JWH-011.
 30 (BBB) JWH-020.
 31 (CCC) JWH-022.
 32 (DDD) JWH-030.
 33 (EEE) JWH-182.
 34 (FFF) JWH-302.
 35 (GGG) MDAI [5,6-methylenedioxy-2-aminoindane].
 36 (HHH) Mitragynine.
 37 (HH) Naphyrone.
 38 (JJJ) Pentedrone.
 39 (LLL) Pentylone.
 40 (MMM) Methoxetamine
 41 [2-(3-methoxyphenyl)-2-(ethylamino)-cyclohexanone].
 42 (2) Any compound structurally derived from
 43 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by
 44 substitution at the nitrogen atom of the indole ring by alkyl,
 45 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
 46 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl
 47 group, whether or not further substituted in the indole ring to any
 48 extent and whether or not substituted in the naphthyl ring to any
 49 extent.
 50 (3) Any compound structurally derived from 3-(1-naphthoyl)

1 pyrrole by substitution at the nitrogen atom of the pyrrole ring by
2 alkyl; haloalkyl; alkenyl; cycloalkylmethyl; cycloalkylethyl;
3 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl
4 group; whether or not further substituted in the pyrrole ring to any
5 extent and whether or not substituted in the naphthyl ring to any
6 extent.

7 (4) Any compound structurally derived from
8 1-(1-naphthylmethyl)indene by substitution at the 3-position of
9 the indene ring by alkyl; haloalkyl; alkenyl; cycloalkylmethyl;
10 cycloalkylethyl; 1-(N-methyl-2-piperidiny)methyl or
11 2-(4-morpholinyl)ethyl group; whether or not further substituted
12 in the indene ring to any extent and whether or not substituted in
13 the naphthyl ring to any extent.

14 (5) Any compound structurally derived from 3-phenylacetylindole
15 by substitution at the nitrogen atom of the indole ring with alkyl;
16 haloalkyl; alkenyl; cycloalkylmethyl; cycloalkylethyl;
17 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl
18 group; whether or not further substituted in the indole ring to any
19 extent and whether or not substituted in the phenyl ring to any
20 extent.

21 (6) Any compound structurally derived from
22 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position
23 of the phenolic ring by alkyl; haloalkyl; alkenyl; cycloalkylmethyl;
24 cycloalkylethyl; 1-(N-methyl-2-piperidiny)methyl or
25 2-(4-morpholinyl)ethyl group; whether or not substituted in the
26 cyclohexyl ring to any extent.

27 (7) Any compound containing a 3-(benzoyl)indole structure with
28 substitution at the nitrogen atom of the indole ring by alkyl;
29 haloalkyl; alkenyl; cycloalkylmethyl; cycloalkylethyl;
30 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl
31 group; whether or not further substituted in the indole ring to any
32 extent and whether or not substituted in the phenyl ring to any
33 extent.

34 (8) Any compound, except bupropion or a compound listed under
35 a different schedule, structurally derived from
36 2-aminopropan-1-one by substitution at the 1-position with either
37 phenyl, naphthyl, or thiophene ring systems; whether or not the
38 compound is further modified:

39 (A) by substitution in the ring system to any extent with alkyl;
40 alkylenedioxy; alkoxy; haloalkyl; hydroxyl; or halide
41 substituents; whether or not further substituted in the ring
42 system by one or more other univalent substituents;

43 (B) by substitution at the 3-position with an acyclic alkyl
44 substituent;

45 (C) by substitution at the 2-amino nitrogen atom with alkyl;
46 dialkyl; benzyl; or methoxybenzyl groups; or

47 (D) by inclusion of the 2-amino nitrogen atom in a cyclic
48 structure.

49 (9) Any compound determined to be a synthetic drug by rule
50 adopted under IC 25-26-13-4.1.

1 SECTION 132. IC 35-41-1-26.5 IS REPEALED [EFFECTIVE
2 JULY 1, 2012]. Sec. 26.5: "Terrorism" means the unlawful use of force
3 or violence or the unlawful threat of force or violence to intimidate or
4 coerce a government or all or part of the civilian population:

5 SECTION 133. IC 35-41-1-27 IS REPEALED [EFFECTIVE JULY
6 1, 2012]. Sec. 27: "Utter" means to issue; authenticate; transfer;
7 publish; deliver; sell; transmit; present; or use:

8 SECTION 134. IC 35-41-1-28 IS REPEALED [EFFECTIVE JULY
9 1, 2012]. Sec. 28: "Vehicle" means a device for transportation by land;
10 water; or air. The term includes mobile equipment with provision for
11 transport of an operator:

12 SECTION 135. IC 35-41-1-29 IS REPEALED [EFFECTIVE JULY
13 1, 2012]. Sec. 29: (a) "Youth program center" means the following:

14 (1) A building or structure that on a regular basis provides
15 recreational; vocational; academic; social; or other programs or
16 services for persons less than eighteen (18) years of age:

17 (2) The real property on which a building or structure described
18 in subdivision (1) is located:

19 (b) The term does not include school property (as defined in section
20 24.7 of this chapter):

21 SECTION 136. IC 35-41-1-29.4 IS REPEALED [EFFECTIVE
22 JULY 1, 2012]. Sec. 29.4: "Weapon of mass destruction" means any
23 chemical device; biological device or organism; or radiological device
24 that is capable of being used for terrorism:

25 SECTION 137. IC 35-42-2-1, AS AMENDED BY P.L.131-2009,
26 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2012]: Sec. 1. (a) A person who knowingly or intentionally
28 touches another person in a rude, insolent, or angry manner commits
29 battery, a Class B misdemeanor. However, the offense is:

30 (1) a Class A misdemeanor if:

31 (A) it results in bodily injury to any other person;

32 (B) it is committed against a law enforcement officer or
33 against a person summoned and directed by the officer while
34 the officer is engaged in the execution of the officer's official
35 duty;

36 (C) it is committed against an employee of a penal facility or
37 a juvenile detention facility (as defined in IC 31-9-2-71) while
38 the employee is engaged in the execution of the employee's
39 official duty;

40 (D) it is committed against a firefighter (as defined in
41 IC 9-18-34-1) while the firefighter is engaged in the execution
42 of the firefighter's official duty;

43 (E) it is committed against a community policing volunteer:

44 (i) while the volunteer is performing the duties described in
45 ~~IC 35-41-1-4.7~~; **IC 35-31.5-2-49**; or

46 (ii) because the person is a community policing volunteer;
47 or

48 (F) it is committed against the state chemist or the state
49 chemist's agent while the state chemist or the state chemist's
50 agent is performing a duty under IC 15-16-5;

- 1 (2) a Class D felony if it results in bodily injury to:
 2 (A) a law enforcement officer or a person summoned and
 3 directed by a law enforcement officer while the officer is
 4 engaged in the execution of the officer's official duty;
 5 (B) a person less than fourteen (14) years of age and is
 6 committed by a person at least eighteen (18) years of age;
 7 (C) a person of any age who has a mental or physical disability
 8 and is committed by a person having the care of the person
 9 with a mental or physical disability, whether the care is
 10 assumed voluntarily or because of a legal obligation;
 11 (D) the other person and the person who commits the battery
 12 was previously convicted of a battery in which the victim was
 13 the other person;
 14 (E) an endangered adult (as defined in IC 12-10-3-2);
 15 (F) an employee of the department of correction while the
 16 employee is engaged in the execution of the employee's
 17 official duty;
 18 (G) an employee of a school corporation while the employee
 19 is engaged in the execution of the employee's official duty;
 20 (H) a correctional professional while the correctional
 21 professional is engaged in the execution of the correctional
 22 professional's official duty;
 23 (I) a person who is a health care provider (as defined in
 24 IC 16-18-2-163) while the health care provider is engaged in
 25 the execution of the health care provider's official duty;
 26 (J) an employee of a penal facility or a juvenile detention
 27 facility (as defined in IC 31-9-2-71) while the employee is
 28 engaged in the execution of the employee's official duty;
 29 (K) a firefighter (as defined in IC 9-18-34-1) while the
 30 firefighter is engaged in the execution of the firefighter's
 31 official duty;
 32 (L) a community policing volunteer:
 33 (i) while the volunteer is performing the duties described in
 34 ~~IC 35-41-1-4.7~~; **IC 35-31.5-2-49**; or
 35 (ii) because the person is a community policing volunteer;
 36 (M) a family or household member (as defined in
 37 ~~IC 35-41-1-10.6~~) **IC 35-31.5-2-128**) if the person who
 38 committed the offense:
 39 (i) is at least eighteen (18) years of age; and
 40 (ii) committed the offense in the physical presence of a child
 41 less than sixteen (16) years of age, knowing that the child
 42 was present and might be able to see or hear the offense; or
 43 (N) a department of child services employee while the
 44 employee is engaged in the execution of the employee's
 45 official duty;
 46 (3) a Class C felony if it results in serious bodily injury to any
 47 other person or if it is committed by means of a deadly weapon;
 48 (4) a Class B felony if it results in serious bodily injury to a
 49 person less than fourteen (14) years of age and is committed by a
 50 person at least eighteen (18) years of age;

- 1 (5) a Class A felony if it results in the death of a person less than
 2 fourteen (14) years of age and is committed by a person at least
 3 eighteen (18) years of age;
 4 (6) a Class C felony if it results in serious bodily injury to an
 5 endangered adult (as defined in IC 12-10-3-2);
 6 (7) a Class B felony if it results in the death of an endangered
 7 adult (as defined in IC 12-10-3-2); and
 8 (8) a Class C felony if it results in bodily injury to a pregnant
 9 woman and the person knew the woman was pregnant.
- 10 (b) For purposes of this section:
- 11 (1) "law enforcement officer" includes an alcoholic beverage
 12 enforcement officer; and
 13 (2) "correctional professional" means a:
 14 (A) probation officer;
 15 (B) parole officer;
 16 (C) community corrections worker; or
 17 (D) home detention officer.
- 18 SECTION 138. IC 35-42-4-7, AS AMENDED BY P.L.125-2009,
 19 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2012]: Sec. 7. (a) As used in this section, "adoptive parent"
 21 has the meaning set forth in IC 31-9-2-6.
 22 (b) As used in this section, "adoptive grandparent" means the parent
 23 of an adoptive parent.
 24 (c) As used in this section, "charter school" has the meaning set
 25 forth in IC 20-18-2-2.5.
 26 (d) As used in this section, "child care worker" means a person who:
 27 (1) provides care, supervision, or instruction to a child within the
 28 scope of the person's employment in a shelter care facility;
 29 (2) is employed by a:
 30 (A) school corporation;
 31 (B) charter school;
 32 (C) nonpublic school; or
 33 (D) special education cooperative;
 34 attended by a child who is the victim of a crime under this
 35 chapter; or
 36 (3) is:
 37 (A) affiliated with a:
 38 (i) school corporation;
 39 (ii) charter school;
 40 (iii) nonpublic school; or
 41 (iv) special education cooperative;
 42 attended by a child who is the victim of a crime under this
 43 chapter, regardless of how or whether the person is
 44 compensated;
 45 (B) in a position of trust in relation to a child who attends the
 46 school or cooperative;
 47 (C) engaged in the provision of care or supervision to a child
 48 who attends the school or cooperative; and
 49 (D) at least four (4) years older than the child who is the
 50 victim of a crime under this chapter.

- 1 The term does not include a student who attends the school or
2 cooperative.
- 3 (e) As used in this section, "custodian" means any person who
4 resides with a child and is responsible for the child's welfare.
- 5 (f) As used in this section, "military recruiter" means a member of
6 the armed forces of the United States (as defined in IC 20-33-10-2) or
7 the Indiana National Guard whose primary job function, classification,
8 or specialty is recruiting individuals to enlist with the armed forces of
9 the United States or the Indiana National Guard.
- 10 (g) As used in this section, "nonpublic school" has the meaning set
11 forth in IC 20-18-2-12.
- 12 (h) As used in this section, "school corporation" has the meaning set
13 forth in IC 20-18-2-16.
- 14 (i) As used in this section, "special education cooperative" has the
15 meaning set forth in IC 20-35-5-1.
- 16 (j) As used in this section, "stepparent" means an individual who is
17 married to a child's custodial or noncustodial parent and is not the
18 child's adoptive parent.
- 19 (k) If a person who:
- 20 (1) is at least eighteen (18) years of age; and
- 21 (2) is:
- 22 (A) the:
- 23 (i) guardian, adoptive parent, adoptive grandparent,
24 custodian, or stepparent of; or
- 25 (ii) child care worker for; or
- 26 (B) a military recruiter who is attempting to enlist;
27 a child at least sixteen (16) years of age but less than eighteen
28 (18) years of age;
- 29 engages with the child in sexual intercourse, deviate sexual conduct (as
30 defined in ~~IC 35-41-1-9~~; **IC 35-31.5-2-94**), or any fondling or touching
31 with the intent to arouse or satisfy the sexual desires of either the child
32 or the adult, the person commits child seduction, a Class D felony.
- 33 SECTION 139. IC 35-47-1-7, AS AMENDED BY P.L.127-2011,
34 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2012]: Sec. 7. "Proper person" means a person who:
- 36 (1) does not have a conviction for resisting law enforcement
37 under IC 35-44-3-3 within five (5) years before the person applies
38 for a license or permit under this chapter;
- 39 (2) does not have a conviction for a crime for which the person
40 could have been sentenced for more than one (1) year;
- 41 (3) does not have a conviction for a crime of domestic violence
42 (as defined in ~~IC 35-41-1-6.3~~; **IC 35-31.5-2-78**), unless a court
43 has restored the person's right to possess a firearm under
44 IC 35-47-4-7;
- 45 (4) is not prohibited by a court order from possessing a handgun;
- 46 (5) does not have a record of being an alcohol or drug abuser as
47 defined in this chapter;
- 48 (6) does not have documented evidence which would give rise to
49 a reasonable belief that the person has a propensity for violent or
50 emotionally unstable conduct;

- 1 (7) does not make a false statement of material fact on the
 2 person's application;
 3 (8) does not have a conviction for any crime involving an inability
 4 to safely handle a handgun;
 5 (9) does not have a conviction for violation of the provisions of
 6 this article within five (5) years of the person's application;
 7 (10) does not have an adjudication as a delinquent child for an act
 8 that would be a felony if committed by an adult, if the person
 9 applying for a license or permit under this chapter is less than
 10 twenty-three (23) years of age;
 11 (11) has not been involuntarily committed, other than a temporary
 12 commitment for observation or evaluation, to a mental institution
 13 by a court, board, commission, or other lawful authority;
 14 (12) has not been the subject of a:
 15 (A) ninety (90) day commitment as a result of proceeding
 16 under IC 12-26-6; or
 17 (B) regular commitment under IC 12-26-7; or
 18 (13) has not been found by a court to be mentally incompetent,
 19 including being found:
 20 (A) not guilty by reason of insanity;
 21 (B) guilty but mentally ill; or
 22 (C) incompetent to stand trial.
- 23 SECTION 140. IC 35-47-5-2.5, AS ADDED BY P.L.72-2006,
 24 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2012]: Sec. 2.5. (a) As used in this section, "knife" means an
 26 instrument that:
 27 (1) consists of a sharp edged or sharp pointed blade capable of
 28 inflicting cutting, stabbing, or tearing wounds; and
 29 (2) is intended to be used as a weapon.
 30 (b) The term includes a dagger, dirk, poniard, stiletto, switchblade
 31 knife, or gravity knife.
 32 (c) A person who recklessly, knowingly, or intentionally possesses
 33 a knife on:
 34 (1) school property (as defined in ~~IC 35-41-1-24.7~~;
 35 **IC 35-31.5-2-285**);
 36 (2) a school bus (as defined in IC 20-27-2-8); or
 37 (3) a special purpose bus (as defined in IC 20-27-2-10);
 38 commits a Class B misdemeanor. However, the offense is a Class A
 39 misdemeanor if the person has a previous unrelated conviction under
 40 this section and a Class D felony if the offense results in bodily injury
 41 or serious bodily injury to another person.
 42 (d) This section does not apply to a person who possesses a knife:
 43 (1) if:
 44 (A) the knife is provided to the person by the school
 45 corporation or possession of the knife is authorized by the
 46 school corporation; and
 47 (B) the person uses the knife for a purpose authorized by the
 48 school corporation; or
 49 (2) if the knife is secured in a motor vehicle.
 50 SECTION 141. IC 35-47-6-1.1, AS ADDED BY P.L.50-2005,

1 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2012]: Sec. 1.1. (a) As used in this section, "dangerous
3 device" means:

- 4 (1) a firearm;
- 5 (2) a destructive device (as defined in IC 35-47.5-2-4); or
- 6 (3) a weapon of mass destruction (~~IC 35-41-1-29.4~~;
7 **IC 35-31.5-2-354**).

8 (b) A person who checks an item to be transported on a commercial
9 passenger airline and who:

- 10 (1) knows the item contains a dangerous device; and
- 11 (2) knowingly or intentionally fails to disclose orally or in writing
12 to the person to whom possession of the item is delivered for
13 carriage that the item contains a dangerous device;

14 commits undisclosed transport of a dangerous device, a Class A
15 misdemeanor.

16 SECTION 142. IC 35-47-12-3 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A person who
18 knowingly or intentionally places or disseminates a device or substance
19 with the intent to cause a reasonable person to believe that the device
20 or substance is a weapon of mass destruction (as defined in
21 ~~IC 35-41-1-29.4~~); **IC 35-31.5-2-354**) commits terroristic mischief, a
22 Class C felony. However, the offense is a Class B felony if, as a result
23 of the terroristic mischief:

- 24 (1) a physician prescribes diagnostic testing or medical treatment
25 for any person other than the person who committed the terroristic
26 mischief; or
- 27 (2) a person suffers serious bodily injury.

28 SECTION 143. IC 35-47-15-3, AS ADDED BY P.L.1-2006,
29 SECTION 538, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2012]: Sec. 3. As used in this chapter, "law
31 enforcement officer" has the meaning set forth in ~~IC 35-41-1-17(a)~~;
32 **IC 35-31.5-2-185**. The term includes an arson investigator employed
33 by the office of the state fire marshal.

34 SECTION 144. IC 35-48-2-4, AS AMENDED BY HEA 1196-2012,
35 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2012]: Sec. 4. (a) The controlled substances listed in this
37 section are included in schedule I.

38 (b) Opiates. Any of the following opiates, including their isomers,
39 esters, ethers, salts, and salts of isomers, esters, and ethers, unless
40 specifically excepted by rule of the board or unless listed in another
41 schedule, whenever the existence of these isomers, esters, ethers, and
42 salts is possible within the specific chemical designation:

- 43 Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
44 piperidinyl]-N-phenylacetamide) (9815)
- 45 Acetylmethadol (9601)
- 46 Allylprodine (9602)
- 47 Alpha-methylthiofentanyl (N-[1-methyl-2-(2-
48 thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9832)
- 49 Alphacetylmethadol (9603)
- 50 Alphameprodine (9604)

1	Alphamethadol (9605)
2	Alphamethylfentanyl (9814)
3	Benzethidine (9606)
4	Beta-hydroxy-3-methylfentanyl (9831). Other name:
5	N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl
6]N-phenylpropanamide
7	Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-
8	phenethyl)-4-piperidinyl]N-phenylpropanamide) (9830)
9	Betacetylmethadol (9607)
10	Betameprodine (9608)
11	Betamethadol (9609)
12	Betaprodine (9611)
13	Clonitazene (9612)
14	Dextromoramide (9613)
15	Diampromide (9615)
16	Diethylthiambutene (9616)
17	Difenoxin (9168)
18	Dimenoxadol (9617)
19	Dimepheptanol (9618)
20	Dimethylthiambutene (9619)
21	Dioxaphetyl butyrate (9621)
22	Dipipanone (9622)
23	Ethylmethylthiambutene (9623)
24	Etonitazene (9624)
25	Etoxidine (9625)
26	Furethidine (9626)
27	Hydroxypethidine (9627)
28	Ketobemidone (9628)
29	Levomoramide (9629)
30	Levophenacymorphan (9631)
31	3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-
32	piperidyl]-N-phenyl-propanimide](9813)
33	3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
34	piperidinyl]-N-phenylpropanamide) (9833)
35	MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) (9961)
36	Morpheridine (9632)
37	N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl),
38	including any isomers, salts, or salts of isomers (9818)
39	N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide
40	(thenylfentanyl), including any isomers, salts, or salts of isomers
41	(9834)
42	Noracymethadol (9633)
43	Norlevorphanol (9634)
44	Normethadone (9635)
45	Norpipanone (9636)
46	Para-fluorofentanyl (N-(4-fluorophenyl)-N-
47	[1-(2-phenethyl)-4-piperidinyl] propanamide (9812)
48	Phenadoxone (9637)
49	Phenampromide (9638)
50	Phenomorphan (9647)

- 1 Phenoperidine (9641)
 2 PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663)
 3 Piritramide (9642)
 4 Proheptazine (9643)
 5 Properidine (9644)
 6 Propiram (9649)
 7 Racemoramide (9645)
 8 Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
 9 piperidinyl]-propanamide) (9835)
 10 Tilidine (9750)
 11 Trimeperidine (9646)
 12 (c) Opium derivatives. Any of the following opium derivatives, their
 13 salts, isomers, and salts of isomers, unless specifically excepted by rule
 14 of the board or unless listed in another schedule, whenever the
 15 existence of these salts, isomers, and salts of isomers is possible within
 16 the specific chemical designation:
 17 Acetorphine (9319)
 18 Acetyldihydrocodeine (9051)
 19 Benzylmorphine (9052)
 20 Codeine methylbromide (9070)
 21 Codeine-N-Oxide (9053)
 22 Cyprenorphine (9054)
 23 Desomorphine (9055)
 24 Dihydromorphine (9145)
 25 Drotebanol (9335)
 26 Etorphine (except hydrochloride salt) (9056)
 27 Heroin (9200)
 28 Hydromorphenol (9301)
 29 Methyldesorphine (9302)
 30 Methyldihydromorphine (9304)
 31 Morphine methylbromide (9305)
 32 Morphine methylsulfonate (9306)
 33 Morphine-N-Oxide (9307)
 34 Myrophine (9308)
 35 Nicocodeine (9309)
 36 Nicomorphine (9312)
 37 Normorphine (9313)
 38 Pholcodine (9314)
 39 Thebacon (9315)
 40 (d) Hallucinogenic substances. Any material, compound, mixture,
 41 or preparation which contains any quantity of the following
 42 hallucinogenic, psychedelic, or psychogenic substances, their salts,
 43 isomers, and salts of isomers, unless specifically excepted by rule of
 44 the board or unless listed in another schedule, whenever the existence
 45 of these salts, isomers, and salts of isomers is possible within the
 46 specific chemical designation:
 47 (1) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (7473). Other name:
 48 TCPy.
 49 (2) 4-Bromo-2, 5-Dimethoxyamphetamine (7391). Some trade or
 50 other names: 4-Bromo-2, 5-Dimethoxy- α -methylphenethylamine;

- 1 4-Bromo-2, 5-DMA.
- 2 (3) 4-Bromo-2, 5-dimethoxyphenethylamine (7392). Some trade or
- 3 other names:
- 4 2-[4-bromo-2, 5-dimethoxyphenyl]-1-aminoethane;
- 5 alpha-desmethyl DOB; 2C-B, Nexus.
- 6 (4) 2, 5-Dimethoxy-4-ethylamphet-amine (7399). Other name:
- 7 DOET.
- 8 (5) 2, 5-Dimethoxy-4-(n)-propylthiophenethylamine (7348).
- 9 Other name: 2C-T-7.
- 10 (6) 2, 5-Dimethoxyamphetamine (7396). Some trade or other
- 11 names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.
- 12 (7) 4-Methoxyamphetamine (7411). Some trade or other names:
- 13 4-Methoxy-a-methylphenethylamine; Paramethoxyamphetamine;
- 14 PMA.
- 15 (8) 5-Methoxy-3, 4-methylenedioxy amphetamine (7401). Other
- 16 Name: MMDA.
- 17 (9) 5-Methoxy-N, N-diisopropyltryptamine, including any
- 18 isomers, salts, or salts of isomers (7439). Other name:
- 19 5-MeO-DIPT.
- 20 (10) 4-methyl-2, 5-dimethoxyamphetamine (7395). Some trade
- 21 a n d o t h e r n a m e s : 4 - m e t h y l - 2 ,
- 22 5-dimethoxy-a-methylphenethylamine; DOM; and STP.
- 23 (11) 3, 4-methylenedioxy amphetamine (7400). Other name:
- 24 MDA.
- 25 (12) 3,4-methylenedioxy-N-ethylamphetamine (7404). Other
- 26 names: N-ethyl-alpha-methyl-3,4(methylenedioxy)
- 27 phenethylamine; N-ethyl MDA; MDE; and MDEA.
- 28 (13) 3, 4-methylenedioxymethamphetamine (MDMA) (7405).
- 29 (14) 3, 4, 5-trimethoxy amphetamine (7390). Other name: TMA.
- 30 (15) Alpha-ethyltryptamine (7249). Some trade and other names:
- 31 Etryptamine; Monase; [alpha]-ethyl-1H-indole-3-ethanamine;
- 32 3-(2-aminobutyl) indole; [alpha]-ET; and AET.
- 33 (16) Alpha-methyltryptamine (7432). Other name: AMT.
- 34 (17) Bufotenine (7433). Some trade and other names:
- 35 3-(B-Dimethylaminoethyl)-5-hydroxyindole;
- 36 3-(2-dimethylaminonethyl)-5-indolol; N, N-dimethylserotonin;
- 37 5-hydroxy-N, N-dimethyltryptamine; mappine.
- 38 (18) Diethyltryptamine (7434). Some trade or other names: N,
- 39 N-Diethyltryptamine; DET.
- 40 (19) Dimethyltryptamine (7435). Some trade or other names:
- 41 DMT.
- 42 (20) Ibogaine (7260). Some trade and other names: 7-Ethyl-6, 6b,
- 43 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido
- 44 (1', 2': 1, 2, azepino 4, 5-b) indole; tabernanthe iboga.
- 45 (21) Lysergic acid diethylamide (7315). Other name: LSD.
- 46 (22) Marijuana (7360).
- 47 (23) Mescaline (7381).
- 48 (24) Parahexyl (7374). Some trade or other names:
- 49 3-Hexyl-1-hydroxy-7, 8, 9, 10-Tetrahydro-6, 6,
- 50 9-trimethyl-6H-dibenzo (b,d) pyran; Snyhexyl.

- 1 (25) Peyote (7415), including:
 2 (A) all parts of the plant that are classified botanically as
 3 lophophora williamsii lemaire, whether growing or not;
 4 (B) the seeds thereof;
 5 (C) any extract from any part of the plant; and
 6 (D) every compound, manufacture, salt, derivative, mixture, or
 7 preparation of the plant, its seeds, or extracts.
- 8 (26) N-ethyl-3-piperidyl benzilate (7482). Other name: DMZ.
 9 (27) N-hydroxy-3,4-methylenedioxyamphetamine (7402). Other
 10 n a m e s : N - h y d r o x y - a l p h a - m e t h y l - 3 , 4
 11 (methylenedioxy)phenethylamine; and N-hydroxy MDA.
 12 (28) N-methyl-3-piperidyl benzilate (7484). Other name: LBJ.
 13 (29) Psilocybin (7437).
 14 (30) Psilocyn (7438).
 15 (31) Tetrahydrocannabinols (7370), including synthetic
 16 equivalents of the substances contained in the plant, or in the
 17 resinous extractives of Cannabis, sp. and synthetic substances,
 18 derivatives, and their isomers with similar chemical structure and
 19 pharmacological activity such as:
 20 (A) π^1 cis or trans tetrahydrocannabinol, and their optical
 21 isomers;
 22 (B) π^6 cis or trans tetrahydrocannabinol, and their optical
 23 isomers; and
 24 (C) π^3_4 cis or trans tetrahydrocannabinol, and their optical
 25 isomers.
- 26 Since nomenclature of these substances is not internationally
 27 standardized, compounds of these structures, regardless of
 28 numerical designation of atomic positions are covered. Other
 29 name: THC.
- 30 (32) Ethylamine analog of phencyclidine (7455). Some trade or
 31 other names: N-Ethyl-1-phenylcyclohexylamine;
 32 (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)
 33 ethylamine; cyclohexamine; PCE.
 34 (33) Pyrrolidine analog of phencyclidine (7458). Some trade or
 35 other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCP_y; PHP.
 36 (34) Thiophene analog of phencyclidine (7470). Some trade or
 37 other names: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl
 38 Analog of Phencyclidine; TPCP.
 39 (35) Synthetic drugs (as defined in ~~IC 35-41-1-26.3~~;
 40 **IC 35-31.5-2-321**).
 41 (36) Salvia divinorum or salvinorin A, including:
 42 (A) all parts of the plant that are classified botanically as salvia
 43 divinorum, whether growing or not;
 44 (B) the seeds of the plant;
 45 (C) any extract from any part of the plant; and
 46 (D) every compound, manufacture, salt, derivative, mixture, or
 47 preparation of the plant, its seeds, or extracts.
 48 (e) Depressants. Unless specifically excepted in a rule adopted by
 49 the board or unless listed in another schedule, any material, compound,
 50 mixture, or preparation which contains any quantity of the following

1 substances having a depressant effect on the central nervous system,
 2 including its salts, isomers, and salts of isomers whenever the existence
 3 of such salts, isomers, and salts of isomers is possible within the
 4 specific chemical designation:

5 Gamma-hydroxybutyric acid (other names include GHB;
 6 gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium
 7 oxybate; sodium oxybutyrate) (2010)

8 Mecloqualone (2572)

9 Methaqualone (2565)

10 (f) Stimulants. Unless specifically excepted or unless listed in
 11 another schedule, any material, compound, mixture, or preparation that
 12 contains any quantity of the following substances having a stimulant
 13 effect on the central nervous system, including its salts, isomers, and
 14 salts of isomers:

15 ([+/-]) cis-4-methylaminorex (([+/-])cis-4,5-
 16 dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)

17 Aminorex (1585). Other names: aminoxaphen;
 18 2 - a m i n o - 5 - p h e n y l - 2 - o x a z o l i n e ; o r
 19 4,5-dihydro-5-phenyl-2-oxazolamine.

20 Cathinone (1235). Some trade or other names:
 21 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone;
 22 2-aminopropiophenone; and norephedrone.

23 Fenethylamine (1503).

24 N-Benzylpiperazine (7493). Other names: BZP; and
 25 1-benzylpiperazine.

26 N-ethylamphetamine (1475)

27 Methcathinone (1237) Some other trade names:
 28 2-Methylamino-1-Phenylpropan-1-one; Ephedrone;
 29 Monomethylpropion; UR 1431.

30 N, N-dimethylamphetamine (1480). Other names: N,
 31 N-alpha-trimethyl-benzeneethanamine; and N,
 32 N-alpha-trimethylphenethylamine.

33 SECTION 145. IC 35-50-5-1.1, AS AMENDED BY P.L.119-2005,
 34 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2012]: Sec. 1.1. (a) Whenever a person is convicted of a
 36 misdemeanor under IC 35-44-1, the court may include in the sentence
 37 an order rendering the person incapable of holding a public office of
 38 trust or profit for a fixed period of not more than ten (10) years.

39 (b) If any officer of a governmental entity is convicted of a
 40 misdemeanor under IC 35-44-1, the court may enter an order removing
 41 the officer from office.

42 (c) This subsection applies whenever:

43 (1) the court enters an order under this section that applies to a
 44 person who is an officer of a governmental entity (as defined in
 45 ~~IC 35-41-1-12~~); **IC 35-31.5-2-144**); and

46 (2) a vacancy occurs in the office held by the person as the result
 47 of the court's order.

48 The court must file a certified copy of the order with the person who is
 49 entitled under IC 5-8-6 to receive notice of the death of an individual
 50 holding the office. The person receiving the copy of the order must give

1 notice of the order in the same manner as if the person had received a
 2 notice of the death of the officeholder under IC 5-8-6. The person
 3 required or permitted to fill the vacancy that results from a removal
 4 under this section must comply with IC 3-13 or IC 20, whichever
 5 applies, to fill the vacancy.

6 SECTION 146. IC 36-2-13-14 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) As used in this
 8 section, "accident and sickness insurance policy" means an insurance
 9 policy that provides one (1) or more of the types of insurance described
 10 as Class 1(b) or 2(a) insurance under IC 27-1-5-1 on an individual
 11 basis or a group basis.

12 (b) As used in this section, "enrollee" has the meaning set forth in
 13 IC 27-13-1-12.

14 (c) As used in this section, "lawful detention" has the meaning set
 15 forth in ~~IC 35-41-1-18~~. **IC 35-31.5-2-186.**

16 (d) As used in this section, "health maintenance organization" has
 17 the meaning set forth in IC 27-13-1-19.

18 (e) An individual who is:

- 19 (1) insured under an accident and sickness insurance policy; or
- 20 (2) an enrollee under a health maintenance organization;

21 shall submit a claim under the policy or plan for expenses resulting
 22 from health care services that are rendered to the individual while the
 23 individual is subject to lawful detention by a county sheriff.

24 (f) A county sheriff is not obligated to pay for health care services
 25 rendered to an individual while in the lawful detention of the sheriff to
 26 the extent that payment for the services is available under:

- 27 (1) an accident and sickness insurance policy under which the
 28 individual is insured; or
- 29 (2) a health maintenance organization under which the individual
 30 is an enrollee.

31 (g) If an individual to whom health care services are rendered while
 32 subject to lawful detention by a county sheriff fails or refuses to file a
 33 claim for payment of expenses resulting from the health care services,
 34 a claim for payment of the expenses may be filed by:

- 35 (1) the sheriff; or
- 36 (2) the health care provider that rendered the services;

37 on behalf of the individual with the accident and sickness insurance
 38 policy under which the individual is insured or the health maintenance
 39 organization under which the individual is an enrollee.

40 SECTION 147. IC 36-2-13-15 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) As used in this
 42 section, "lawful detention" has the meaning set forth in ~~IC 35-41-1-18~~.
 43 **IC 35-31.5-2-186.**

44 (b) This section applies to a county only if the legislative body for
 45 the county elects by ordinance to implement this section.

46 (c) A person who is:

- 47 (1) sentenced under this article for a felony or a misdemeanor;
- 48 (2) subject to lawful detention in a county jail for a period of more
 49 than seventy-two (72) hours;
- 50 (3) not a member of a family that makes less than **one hundred**

- 1 **fifty percent** (150%) of the federal income poverty level; and
 2 (4) not detained as a child subject to the jurisdiction of a juvenile
 3 court;
 4 shall reimburse the county for the costs described in subsection (d).
 5 (d) A person described in subsection (c) shall reimburse the county
 6 for the sum of the following amounts:
 7 (1) The lesser of:
 8 (A) the per diem amount specified under subsection (e); or
 9 (B) thirty dollars (\$30);
 10 multiplied by each day or part of a day that the person is lawfully
 11 detained in a county jail or lawfully detained under IC 35-33-11-3
 12 for more than six (6) hours.
 13 (2) The direct cost of investigating whether the person is indigent.
 14 (3) The cost of collecting the amount for which the person is
 15 liable under this section.
 16 (e) The county fiscal body shall fix the per diem described in
 17 subsection (d)(1)(A) in an amount that is reasonably related to the
 18 average daily cost of housing a person in the county jail. If the county
 19 transfers the person to another county or the department of correction
 20 under IC 35-33-11-3, the per diem is equal to the per diem charged to
 21 the county under IC 35-33-11-5.
 22 (f) The county sheriff shall collect the amounts due from a person
 23 under this section in conformity with the procedures specified in the
 24 ordinance adopted under subsection (b). If the county sheriff does not
 25 collect the amount due to the county, the county attorney may collect
 26 the amount due.
 27 SECTION 148. IC 36-2-13-15.3 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15.3. (a) As used in this
 29 section, "lawful detention" has the meaning set forth in ~~IC 35-41-1-18.~~
 30 **IC 35-31.5-2-186.**
 31 (b) This section applies only:
 32 (1) to a county having a population of less than ~~six~~ **seven**
 33 thousand ~~(6,000);~~ **(7,000);** and
 34 (2) if the legislative body for the county elects by ordinance to
 35 implement this section.
 36 (c) A person who is:
 37 (1) sentenced under this article for a felony or a misdemeanor;
 38 (2) subject to lawful detention in a county jail for a period of more
 39 than six (6) hours;
 40 (3) not a member of a family that makes less than **one hundred**
 41 **fifty percent** (150%) of the federal income poverty level; and
 42 (4) not detained as a child subject to the jurisdiction of a juvenile
 43 court;
 44 shall reimburse the county for the costs described in subsection (d).
 45 (d) A person described in subsection (c) shall reimburse the county
 46 for the sum of the following amounts:
 47 (1) The lesser of:
 48 (A) the per diem amount specified under subsection (e); or
 49 (B) fifty dollars (\$50);
 50 multiplied by each day or part of a day that the person is lawfully

- 1 detained in a county jail or lawfully detained under IC 35-33-11-3
 2 for more than six (6) hours.
- 3 (2) The direct cost of investigating whether the person is indigent.
- 4 (3) The cost of collecting the amount for which the person is
 5 liable under this section.
- 6 (e) The county fiscal body shall fix the per diem described in
 7 subsection (d)(1)(A) in an amount that is reasonably related to the
 8 average daily cost of housing a person in the county jail. If the county
 9 transfers the person to another county or the department of correction
 10 under IC 35-33-11-3, the per diem is equal to the per diem charged to
 11 the county under IC 35-33-11-5.
- 12 (f) The county sheriff shall collect the amounts due from a person
 13 under this section in conformity with the procedures specified in the
 14 ordinance adopted under subsection (b). If the county sheriff does not
 15 collect the amount due to the county, the county attorney may collect
 16 the amount due.
- 17 SECTION 149. IC 36-8-10-10.6 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10.6. (a) The sheriff
 19 may appoint as a special deputy any person who is employed by a
 20 governmental entity as defined in ~~IC 35-41-1~~ **IC 35-31.5-2-144** or
 21 private employer, the nature of which employment necessitates that the
 22 person have the powers of a law enforcement officer. During the term
 23 of ~~his~~ **the special deputy's** appointment and while ~~he~~ **the special**
 24 **deputy** is fulfilling the specific responsibilities for which the
 25 appointment is made, a special deputy has the powers, privileges, and
 26 duties of a county police officer under this chapter, subject to any
 27 written limitations and specific requirements imposed by the sheriff
 28 and signed by the special deputy. A special deputy is subject to the
 29 direction of the sheriff and shall obey the rules and orders of the
 30 department. A special deputy may be removed by the sheriff at any
 31 time, without notice and without assigning any cause.
- 32 (b) The sheriff shall fix the prerequisites of training, education, and
 33 experience for special deputies, subject to the minimum requirements
 34 prescribed by this subsection. Applicants must:
- 35 (1) be twenty-one (21) years of age or older;
 36 (2) never have been convicted of a felony, or a misdemeanor
 37 involving moral turpitude;
 38 (3) be of good moral character; and
 39 (4) have sufficient training to insure the proper performance of
 40 their authorized duties.
- 41 (c) Except as provided in subsection (d), a special deputy shall wear
 42 a uniform the design and color of which is easily distinguishable from
 43 the uniforms of the Indiana state police, the regular county police force,
 44 and all municipal police and fire forces located in the county.
- 45 (d) The sheriff may permit a special deputy to wear the uniform of
 46 the regular county police force if the special deputy:
- 47 (1) has successfully completed the minimum basic training
 48 requirements under IC 5-2-1;
 49 (2) is periodically assigned by the sheriff to duties of a regular
 50 county police officer; and

1 (3) is an employee of the department.
 2 The sheriff may revoke permission for the special deputy to wear the
 3 uniform of the regular county police force at any time without cause or
 4 notice.

5 (e) The sheriff may also appoint one (1) legal deputy, who must be
 6 a member of the Indiana bar. The legal deputy does not have police
 7 powers. The legal deputy may continue to practice law. However,
 8 neither the legal deputy nor any attorney in partnership with ~~him~~ **the**
 9 **legal deputy** may represent a defendant in a criminal case.

10 (f) The sheriff, for the purpose of guarding prisoners in the county
 11 jail:

12 (1) in counties not having a consolidated city, may appoint special
 13 deputies to serve as county jail guards; and

14 (2) in counties having a consolidated city, shall appoint only
 15 special deputies to serve as county jail guards.

16 This subsection does not affect the rights or liabilities accrued by any
 17 county police officer assigned to guard the jail before August 31, 1982.

18 SECTION 150. IC 36-8-12-2, AS AMENDED BY P.L.174-2009,
 19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2012]: Sec. 2. As used in this chapter:

21 "Emergency medical services personnel" means individuals certified
 22 by the emergency medical services commission established by
 23 IC 16-31-2-1 who:

24 (1) as a result of a written application, have been elected or
 25 appointed to membership in a volunteer fire department; and

26 (2) have executed a pledge to faithfully perform, with or without
 27 nominal compensation, the work related duties assigned and
 28 orders given to the individuals by the chief of the volunteer fire
 29 department or an officer of the volunteer fire department,
 30 including orders or duties involving education and training.

31 "Employee" means a person in the service of another person under
 32 a written or implied contract of hire or apprenticeship.

33 "Employer" means:

34 (1) a political subdivision;

35 (2) an individual or the legal representative of a deceased
 36 individual;

37 (3) a firm;

38 (4) an association;

39 (5) a limited liability company;

40 (6) an employer that provides on-the-job training under the
 41 federal School to Work Opportunities Act (20 U.S.C. 6101 et
 42 seq.) to the extent set forth in IC 22-3-2-2.5(a); or

43 (7) a corporation or its receiver or trustee;

44 that uses the services of another person for pay.

45 "Essential employee" means an employee:

46 (1) who the employer has determined to be essential to the
 47 operation of the employer's daily enterprise; and

48 (2) without whom the employer is likely to suffer economic injury
 49 as a result of the absence of the essential employee.

50 "Nominal compensation" means annual compensation of not more

1 than twenty thousand dollars (\$20,000).

2 "Public servant" has the meaning set forth in ~~IC 35-41-1-24~~.
3 **IC 35-31.5-2-261.**

4 "Responsible party" has the meaning set forth in IC 13-11-2-191(e).

5 "Volunteer fire department" means a department or association
6 organized for the purpose of answering fire alarms, extinguishing fires,
7 and providing other emergency services, the majority of members of
8 which receive no compensation or nominal compensation for their
9 services.

10 "Volunteer firefighter" means a firefighter:

11 (1) who, as a result of a written application, has been elected or
12 appointed to membership in a volunteer fire department;

13 (2) who has executed a pledge to faithfully perform, with or
14 without nominal compensation, the work related duties assigned
15 and orders given to the firefighter by the chief of the volunteer
16 fire department or an officer of the volunteer fire department,
17 including orders or duties involving education and training as
18 prescribed by the volunteer fire department or the state; and

19 (3) whose name has been entered on a roster of volunteer
20 firefighters that is kept by the volunteer fire department and that
21 has been approved by the proper officers of the unit.

22 "Volunteer member" means a member of a volunteer emergency
23 medical services association connected with a unit as set forth in
24 IC 16-31-5-1(6).

25 **SECTION 151. [EFFECTIVE JULY 1, 2012] (a) In repealing**
26 **IC 35-41-1-3.5 and IC 35-41-1-26.3 by this act, the general**
27 **assembly recognizes that IC 35-41-1-3.5 and IC 35-41-1-26.3 were**
28 **amended by HEA 1196-2012, SECTIONS 10 and 11. The general**
29 **assembly intends to repeal those provisions.**

30 **(b) This SECTION expires December 31, 2012.**

(Reference is to ESB 26 as printed February 14, 2012.)

Conference Committee Report
on
Engrossed Senate Bill 26

Signed by:

Senator Bray
Chairperson

Representative Foley

Senator Randolph

Representative Pierce

Senate Conferees

House Conferees