

HOUSE BILL No. 1345

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2; IC 35-42; IC 35-43; IC 35-47-4-5.

Synopsis: Sentences for crimes. Increases, under certain circumstances, the penalties for: (1) reckless homicide; (2) child exploitation; (3) robbery; (4) burglary; (5) theft; (6) forgery; (7) identity deception; and (8) possession of a firearm by a serious violent felon. Creates the crime of retail theft. Contains conforming amendments and makes technical corrections.

Effective: July 1, 2014.

Mayfield

January 15, 2014, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1345

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

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

1 SECTION 1. IC 35-31.5-2-278.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2014]: **Sec. 278.5. "Retail merchant", for**
4 **purposes of IC 35-43-4-2.8, has the meaning set forth in**
5 **IC 35-43-4-2.8.**

6 SECTION 2. IC 35-31.5-2-278.6 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2014]: **Sec. 278.6. "Retail property", for**
9 **purposes of IC 35-43-4-2.8, has the meaning set forth in**
10 **IC 35-43-4-2.8.**

11 SECTION 3. IC 35-31.5-2-345.5 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2014]: **Sec. 345.5. "Value of the property",**
14 **for purposes of IC 35-43-4-2 and IC 35-43-4-2.8, has the meaning**
15 **set forth in IC 35-43-4-2.**

16 SECTION 4. IC 35-42-1-5, AS AMENDED BY P.L.158-2013,



1 SECTION 415, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2014]: Sec. 5. A person who recklessly kills
 3 another human being commits reckless homicide, a Level 5 felony.
 4 **However, the offense is a Level 4 felony if:**

5 **(1) it is committed by means of a firearm; or**

6 **(2) the victim is less than eighteen (18) years of age.**

7 SECTION 5. IC 35-42-4-4, AS AMENDED BY P.L.214-2013,
 8 SECTION 38, AND AS AMENDED BY P.L.158-2013, SECTION
 9 440, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The following definitions
 11 apply throughout this section:

12 (1) "Disseminate" means to transfer possession for free or for a
 13 consideration.

14 (2) "Matter" has the same meaning as in IC 35-49-1-3.

15 (3) "Performance" has the same meaning as in IC 35-49-1-7.

16 (4) "Sexual conduct" means ~~(A)~~ sexual intercourse, ~~(B)~~ *deviate*
 17 *other* sexual conduct (as defined in IC 35-31.5-2-221.5, ~~(C)~~,
 18 exhibition of the ~~(i)~~ uncovered genitals *or* ~~(ii)~~ *female breast with*
 19 *less than a fully opaque covering of any part of the nipple;*
 20 intended to satisfy or arouse the sexual desires of any person, ~~(D)~~
 21 sadomasochistic abuse, ~~(E)~~ sexual intercourse or *deviate other*
 22 *sexual conduct (as defined in IC 35-31.5-2-221.5)* with an animal,
 23 or ~~(F)~~ any fondling or touching of a child by another person or of
 24 another person by a child intended to arouse or satisfy the sexual
 25 desires of either the child or the other person.

26 (b) A person who:

27 (1) knowingly or intentionally ~~(i)~~ manages, produces, sponsors,
 28 presents, exhibits, photographs, films, videotapes, or creates a
 29 digitized image of any performance or incident that includes
 30 sexual conduct by a child under eighteen (18) years of age;

31 (2) *knowingly or intentionally* disseminates, exhibits to another
 32 person, offers to disseminate or exhibit to another person, or
 33 sends or brings into Indiana for dissemination or exhibition matter
 34 that depicts or describes sexual conduct by a child under eighteen
 35 (18) years of age; ~~or~~

36 (3) *knowingly or intentionally* makes available to another person
 37 a computer, knowing that the computer's fixed drive or peripheral
 38 device contains matter that depicts or describes sexual conduct by
 39 a child less than eighteen (18) years of age; *or*

40 (4) *with the intent to satisfy or arouse the sexual desires of any*
 41 *person:*

42 (A) *knowingly or intentionally:*



- 1 (i) manages;
 2 (ii) produces;
 3 (iii) sponsors;
 4 (iv) presents;
 5 (v) exhibits;
 6 (vi) photographs;
 7 (vii) films;
 8 (viii) videotapes; or
 9 (ix) creates a digitized image of;
 10 any performance or incident that includes the uncovered
 11 genitals of a child less than eighteen (18) years of age or the
 12 exhibition of the female breast with less than a fully opaque
 13 covering of any part of the nipple by a child less than eighteen
 14 (18) years of age;
 15 (B) knowingly or intentionally:
 16 (i) disseminates to another person;
 17 (ii) exhibits to another person;
 18 (iii) offers to disseminate or exhibit to another person; or
 19 (iv) sends or brings into Indiana for dissemination or
 20 exhibition;
 21 matter that depicts the uncovered genitals of a child less than
 22 eighteen (18) years of age or the exhibition of the female
 23 breast with less than a fully opaque covering of any part of the
 24 nipple by a child less than eighteen (18) years of age; or
 25 (C) makes available to another person a computer, knowing
 26 that the computer's fixed drive or peripheral device contains
 27 matter that depicts the uncovered genitals of a child less than
 28 eighteen (18) years of age or the exhibition of the female
 29 breast with less than a fully opaque covering of any part of the
 30 nipple by a child less than eighteen (18) years of age;
 31 commits child exploitation, a ~~Class C Level 5~~ **Level 4** felony.
 32 (c) A person who knowingly or intentionally possesses:
 33 (1) a picture;
 34 (2) a drawing;
 35 (3) a photograph;
 36 (4) a negative image;
 37 (5) undeveloped film;
 38 (6) a motion picture;
 39 (7) a videotape;
 40 (8) a digitized image; or
 41 (9) any pictorial representation;
 42 that depicts or describes sexual conduct by a child who the person



1 knows is less than ~~sixteen (16)~~ eighteen (18) years of age or who
 2 appears to be less than ~~sixteen (16)~~ eighteen (18) years of age, and that
 3 lacks serious literary, artistic, political, or scientific value commits
 4 possession of child pornography, a ~~Class D~~ Level 6 felony.

5 (d) Subsections (b) and (c) do not apply to a bona fide school,
 6 museum, or public library that qualifies for certain property tax
 7 exemptions under IC 6-1.1-10, or to an employee of such a school,
 8 museum, or public library acting within the scope of the employee's
 9 employment when the possession of the listed materials is for
 10 legitimate scientific or educational purposes.

11 (e) It is a defense to a prosecution under this section that:

12 (1) the person is a school employee; and

13 (2) the acts constituting the elements of the offense were
 14 performed solely within the scope of the person's employment as
 15 a school employee.

16 (f) Except as provided in subsection (g), it is a defense to a
 17 prosecution under *subsection (b) or (c) subsection (b)(1), subsection*
 18 *(b)(2), or subsection (e)* if all of the following apply:

19 (1) A cellular telephone, another wireless or cellular
 20 communications device, or a social networking web site was used
 21 to possess, produce, or disseminate the image.

22 (2) The defendant is not more than four (4) years older or younger
 23 than the person who is depicted in the image or who received the
 24 image.

25 (3) The relationship between the defendant and the person who
 26 received the image or who is depicted in the image was a dating
 27 relationship or an ongoing personal relationship. For purposes of
 28 this subdivision, the term "ongoing personal relationship" does
 29 not include a family relationship.

30 (4) The crime was committed by a person less than twenty-two
 31 (22) years of age.

32 (5) The person receiving the image or who is depicted in the
 33 image acquiesced in the defendant's conduct.

34 (g) The defense to a prosecution described in subsection (f) does not
 35 apply if:

36 (1) the person who receives the image disseminates it to a person
 37 other than the person:

38 (A) who sent the image; or

39 (B) who is depicted in the image;

40 (2) the image is of a person other than the person who sent the
 41 image or received the image; or

42 (3) the dissemination of the image violates:



- 1 (A) a protective order to prevent domestic or family violence
 2 issued under IC 34-26-5 (or, if the order involved a family or
 3 household member, under IC 34-26-2 or IC 34-4-5.1-5 before
 4 their repeal);
 5 (B) an ex parte protective order issued under IC 34-26-5 (or,
 6 if the order involved a family or household member, an
 7 emergency order issued under IC 34-26-2 or IC 34-4-5.1
 8 before their repeal);
 9 (C) a workplace violence restraining order issued under
 10 IC 34-26-6;
 11 (D) a no contact order in a dispositional decree issued under
 12 IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or
 13 IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an
 14 order issued under IC 31-32-13 (or IC 31-6-7-14 before its
 15 repeal) that orders the person to refrain from direct or indirect
 16 contact with a child in need of services or a delinquent child;
 17 (E) a no contact order issued as a condition of pretrial release,
 18 including release on bail or personal recognizance, or pretrial
 19 diversion, and including a no contact order issued under
 20 IC 35-33-8-3.6;
 21 (F) a no contact order issued as a condition of probation;
 22 (G) a protective order to prevent domestic or family violence
 23 issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2
 24 before their repeal);
 25 (H) a protective order to prevent domestic or family violence
 26 issued under IC 31-14-16-1 in a paternity action;
 27 (I) a no contact order issued under IC 31-34-25 in a child in
 28 need of services proceeding or under IC 31-37-25 in a juvenile
 29 delinquency proceeding;
 30 (J) an order issued in another state that is substantially similar
 31 to an order described in clauses (A) through (I);
 32 (K) an order that is substantially similar to an order described
 33 in clauses (A) through (I) and is issued by an Indian:
 34 (i) tribe;
 35 (ii) band;
 36 (iii) pueblo;
 37 (iv) nation; or
 38 (v) organized group or community, including an Alaska
 39 Native village or regional or village corporation as defined
 40 in or established under the Alaska Native Claims Settlement
 41 Act (43 U.S.C. 1601 et seq.);
 42 that is recognized as eligible for the special programs and



1 services provided by the United States to Indians because of
2 their special status as Indians;

3 (L) an order issued under IC 35-33-8-3.2; or

4 (M) an order issued under IC 35-38-1-30.

5 SECTION 6. IC 35-42-5-1, AS AMENDED BY P.L.158-2013,
6 SECTION 450, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** A person who knowingly or
8 intentionally takes property from another person or from the presence
9 of another person:

10 (1) by using or threatening the use of force on any person; or

11 (2) by putting any person in fear;

12 commits robbery, a Level 5 felony.

13 **(b) The offense described in subsection (a) is a:**

14 **(1) However, the offense is a Level 3 felony if it:**

15 **(A)** is committed while armed with a deadly weapon; or

16 **(B)** results in bodily injury to any person other than a
17 defendant; ~~and a~~

18 **(2)** Level 2 felony if it results in serious bodily injury to any
19 person other than a defendant; **and**

20 **(3) Level 1 felony if it:**

21 **(A) is committed while armed with a deadly weapon; and**

22 **(B) results in serious bodily injury to any person other**
23 **than a defendant.**

24 SECTION 7. IC 35-43-2-1, AS AMENDED BY P.L.158-2013,
25 SECTION 460, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who breaks and enters
27 the building or structure of another person, with intent to commit a
28 felony or theft in it, commits burglary, a Level 5 felony. However, the
29 offense is:

30 (1) a ~~Level 4~~ **Level 3** felony if the building or structure is a:

31 **(A) dwelling; or**

32 **(B) structure used for religious worship;**

33 ~~(2) a Level 3 felony if it results in bodily injury to any person~~
34 ~~other than a defendant;~~

35 ~~(3)~~ **(2)** a Level 2 felony if it:

36 **(A)** is committed while armed with a deadly weapon; or

37 **(B)** results in ~~serious~~ bodily injury to any person other than a
38 defendant; and

39 ~~(4)~~ **(3)** a Level 1 felony if:

40 **(A)** the building or structure is a dwelling; and

41 **(B)** it results in serious bodily injury to any person other than
42 a defendant.



1 SECTION 8. IC 35-43-4-2, AS AMENDED BY P.L.158-2013,
 2 SECTION 463, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who knowingly or
 4 intentionally exerts unauthorized control over property of another
 5 person, with intent to deprive the other person of any part of its value
 6 or use, commits theft, a ~~Class A misdemeanor~~. **Level 6 felony**.
 7 However, the offense is a **Level 5 felony if:**

8 ~~(1)~~ a ~~Level 6~~ felony if:

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

11 or

12 ~~(B)~~ the person has a prior unrelated conviction for:

13 ~~(i)~~ theft under this section; or

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

15 ~~(2)~~ a ~~Level 5~~ felony if:

16 ~~(A)~~ **(1)** the value of the property is at least fifty thousand dollars
 17 (\$50,000); or

18 ~~(B)~~ **(2)** the property that is the subject of the theft is a valuable
 19 metal (as defined in IC 25-37.5-1-1) and:

20 ~~(i)~~ **(A)** relates to transportation safety;

21 ~~(ii)~~ **(B)** relates to public safety; or

22 ~~(iii)~~ **(C)** is taken from a:

23 **(i)** hospital or other health care facility;

24 **(ii)** telecommunications provider;

25 **(iii)** public utility (as defined in IC 32-24-1-5.9(a)); or

26 **(iv)** key facility;

27 and the absence of the property creates a substantial risk of bodily
 28 injury to a person.

29 (b) In determining the value of property under this section, acts of
 30 theft committed in a single episode of criminal conduct (as defined in
 31 IC 35-50-1-2(b)) may be charged in a single count.

32 (c) For purposes of this section, "the value of property" means:

33 (1) the fair market value of the property at the time and place the
 34 offense was committed; or

35 (2) if the fair market value of the property cannot be satisfactorily
 36 determined, the cost to replace the property within a reasonable
 37 time after the offense was committed.

38 A price tag or price marking on property displayed or offered for sale
 39 constitutes prima facie evidence of the value of the property.

40 SECTION 9. IC 35-43-4-2.8 IS ADDED TO THE INDIANA CODE
 41 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 42 1, 2014]: **Sec. 2.8. (a) As used in this section, "retail merchant" has**



1 the meaning set forth in IC 6-2.5-1-8.

2 (b) As used in this section, "retail property" means:

3 (1) merchandise of a retail merchant; or

4 (2) any item offered for sale by a retail merchant.

5 (c) A person who knowingly or intentionally exerts
6 unauthorized control over retail property, with intent to deprive a
7 retail merchant of any part of its value or use, commits retail theft,
8 a Class A misdemeanor. However, the offense is a:

9 (1) Level 6 felony if:

10 (A) the value of the property (as defined in section 2 of this
11 chapter) is at least seven hundred fifty dollars (\$750); or

12 (B) the person has a prior unrelated conviction under this
13 section; and

14 (2) Level 5 felony if the value of the property is at least fifty
15 thousand dollars (\$50,000).

16 SECTION 10. IC 35-43-5-2, AS AMENDED BY P.L.158-2013,
17 SECTION 469, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who knowingly or
19 intentionally:

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

22 (A) by another person;

23 (B) at another time;

24 (C) with different provisions; or

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

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

29 (A) by another person;

30 (B) at another time;

31 (C) with different provisions; or

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

33 commits counterfeiting, a Level 6 felony.

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

35 (1) makes or delivers to another person:

36 (A) a false sales receipt;

37 (B) a duplicate of a sales receipt; or

38 (C) a label or other item with a false universal product code
39 (UPC) or other product identification code; or

40 (2) places a false universal product code (UPC) or another
41 product identification code on property displayed or offered for
42 sale;



1 commits making or delivering a false sales document, a Level 6 felony.

2 (c) A person who, with intent to defraud, possesses:

3 (1) a retail sales receipt;

4 (2) a label or other item with a universal product code (UPC); or

5 (3) a label or other item that contains a product identification code
6 that applies to an item other than the item to which the label or
7 other item applies;

8 commits possession of a fraudulent sales document, a Class A
9 misdemeanor. However, the offense is a Level 6 felony if the person
10 possesses at least fifteen (15) retail sales receipts, at least fifteen (15)
11 labels containing a universal product code (UPC), at least fifteen (15)
12 labels containing another product identification code, or at least fifteen
13 (15) of any combination of the items described in subdivisions (1)
14 through (3).

15 (d) A person who, with intent to defraud, makes, utters, or possesses
16 a written instrument in such a manner that it purports to have been
17 made:

18 (1) by another person;

19 (2) at another time;

20 (3) with different provisions; or

21 (4) by authority of one who did not give authority;

22 commits forgery, a Level 6 felony. **However, the offense is a Level 5**
23 **felony if the person has a prior unrelated conviction for forgery.**

24 (e) This subsection applies to a person who applies for a driver's
25 license (as defined in IC 9-13-2-48) or a state identification card (as
26 described in IC 9-24-16). A person who:

27 (1) knowingly or intentionally uses a false or fictitious name or
28 gives a false or fictitious address in an application for a driver's
29 license or a state identification card or for a renewal or a duplicate
30 of a driver's license or a state identification card; or

31 (2) knowingly or intentionally makes a false statement or conceals
32 a material fact in an application for a driver's license or a state
33 identification card;

34 commits application fraud, a Level 6 felony.

35 SECTION 11. IC 35-43-5-3.5, AS AMENDED BY P.L.158-2013,
36 SECTION 471, IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2014]: Sec. 3.5. (a) Except as provided in
38 subsection (c), a person who knowingly or intentionally obtains,
39 possesses, transfers, or uses the identifying information of another
40 person, including the identifying information of a person who is
41 deceased:

42 (1) without the other person's consent; and



- 1 (2) with intent to:
 2 (A) harm or defraud another person;
 3 (B) assume another person's identity; or
 4 (C) profess to be another person;
 5 commits identity deception, a ~~Level 6~~ **Level 5** felony.
 6 (b) However, the offense defined in subsection (a) is a ~~Level 5~~
 7 **Level 4** felony if:
 8 (1) a person obtains, possesses, transfers, or uses the identifying
 9 information of more than one hundred (100) persons;
 10 (2) the fair market value of the fraud or harm caused by the
 11 offense is at least fifty thousand dollars (\$50,000); or
 12 (3) a person obtains, possesses, transfers, or uses the identifying
 13 information of a person who is less than eighteen (18) years of
 14 age and is:
 15 (A) the person's son or daughter;
 16 (B) a dependent of the person;
 17 (C) a ward of the person; or
 18 (D) an individual for whom the person is a guardian.
 19 (c) The conduct prohibited in subsections (a) and (b) does not apply
 20 to:
 21 (1) a person less than twenty-one (21) years of age who uses the
 22 identifying information of another person to acquire an alcoholic
 23 beverage (as defined in IC 7.1-1-3-5);
 24 (2) a minor (as defined in IC 35-49-1-4) who uses the identifying
 25 information of another person to acquire:
 26 (A) a cigarette, an electronic cigarette (as defined in
 27 IC 35-46-1-1.5), or a tobacco product (as defined in
 28 IC 6-7-2-5);
 29 (B) a periodical, a videotape, or other communication medium
 30 that contains or depicts nudity (as defined in IC 35-49-1-5);
 31 (C) admittance to a performance (live or film) that prohibits
 32 the attendance of the minor based on age; or
 33 (D) an item that is prohibited by law for use or consumption by
 34 a minor; or
 35 (3) any person who uses the identifying information for a lawful
 36 purpose.
 37 (d) It is not a defense in a prosecution under subsection (a) or (b)
 38 that no person was harmed or defrauded.
 39 SECTION 12. IC 35-47-4-5, AS AMENDED BY P.L.158-2013,
 40 SECTION 590, AND AS AMENDED BY P.L.214-2013, SECTION
 41 40, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As used in this section,



- 1 "serious violent felon" means a person who has been convicted of:
 2 (1) committing a serious violent felony in:
 3 (A) Indiana; or
 4 (B) any other jurisdiction in which the elements of the crime
 5 for which the conviction was entered are substantially similar
 6 to the elements of a serious violent felony; or
 7 (2) attempting to commit or conspiring to commit a serious
 8 violent felony in:
 9 (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2;
 10 or
 11 (B) any other jurisdiction in which the elements of the crime
 12 for which the conviction was entered are substantially similar
 13 to the elements of attempting to commit or conspiring to
 14 commit a serious violent felony.
 15 (b) As used in this section, "serious violent felony" means:
 16 (1) murder (IC 35-42-1-1);
 17 (2) voluntary manslaughter (IC 35-42-1-3);
 18 (3) reckless homicide not committed by means of a vehicle
 19 (IC 35-42-1-5);
 20 (4) battery (*IC 35-42-2-1*) as a:
 21 (A) Class A felony, ~~(IC 35-42-2-1(a)(5))~~; *Class B felony, or*
 22 *Class C felony, for a crime committed before July 1, 2014; or*
 23 *(B) Class B felony (IC 35-42-2-1(a)(4)); or Level 2 felony,*
 24 *Level 3 felony, Level 4 felony, or Level 5 felony, for a crime*
 25 *committed after June 30, 2014;*
 26 ~~(C) Class C felony (IC 35-42-2-1(a)(3));~~
 27 (5) aggravated battery (IC 35-42-2-1.5);
 28 (6) kidnapping (IC 35-42-3-2);
 29 (7) criminal confinement (IC 35-42-3-3);
 30 (8) rape (IC 35-42-4-1);
 31 (9) criminal deviate conduct (IC 35-42-4-2) ~~(repealed)~~; **(before**
 32 **its repeal)**;
 33 (10) child molesting (IC 35-42-4-3);
 34 (11) sexual battery (*IC 35-42-4-8*) as a:
 35 (A) Class C felony, ~~(IC 35-42-4-8)~~ *for a crime committed*
 36 *before July 1, 2014; or*
 37 (B) *Level 5 felony, for a crime committed after June 30, 2014;*
 38 (12) robbery (IC 35-42-5-1);
 39 (13) carjacking (IC 35-42-5-2) ~~(repealed)~~; **(before its repeal)**;
 40 (14) arson (*IC 35-43-1-1(a)*) as a:
 41 (A) Class A felony or Class B felony, ~~(IC 35-43-1-1(a))~~; *for a*
 42 *crime committed before July 1, 2014; or*



- 1 (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a
2 crime committed after June 30, 2014;
- 3 (15) burglary (IC 35-43-2-1) as a:
- 4 (A) Class A felony or Class B felony, ~~(IC 35-43-2-1)~~, for a
5 crime committed before July 1, 2014; or
6 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4
7 felony, for a crime committed after June 30, 2014;
- 8 (16) assisting a criminal (IC 35-44.1-2-5) as a:
- 9 (A) Class C felony, ~~(IC 35-44.1-2-5)~~, for a crime committed
10 before July 1, 2014; or
11 (B) Level 5 felony, for a crime committed after June 30, 2014;
- 12 (17) resisting law enforcement (IC 35-44.1-3-1) as a:
- 13 (A) Class B felony or Class C felony, ~~(IC 35-44.1-3-1)~~, for a
14 crime committed before July 1, 2014; or
15 (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a
16 crime committed after June 30, 2014;
- 17 (18) escape (IC 35-44.1-3-4) as a:
- 18 (A) Class B felony or Class C felony, ~~(IC 35-44.1-3-4)~~, for a
19 crime committed before July 1, 2014; or
20 (B) Level 4 felony or Level 5 felony, for a crime committed
21 after June 30, 2014;
- 22 (19) trafficking with an inmate (IC 35-44.1-3-5) as a:
- 23 (A) Class C felony, ~~(IC 35-44.1-3-5)~~, for a crime committed
24 before July 1, 2014; or
25 (B) Level 5 felony, for a crime committed after June 30, 2014;
- 26 (20) criminal gang intimidation (IC 35-45-9-4);
- 27 (21) stalking (IC 35-45-10-5) as a:
- 28 (A) Class B felony or Class C felony, ~~(IC 35-45-10-5)~~, for a
29 crime committed before July 1, 2014; or
30 (B) Level 4 felony or Level 5 felony, for a crime committed
31 after June 30, 2014;
- 32 (22) incest (IC 35-46-1-3);
- 33 (23) dealing in or manufacturing cocaine or a narcotic drug
34 (IC 35-48-4-1);
- 35 (24) dealing in methamphetamine (IC 35-48-4-1.1);
- 36 (25) dealing in a schedule I, II, or III controlled substance
37 (IC 35-48-4-2);
- 38 (26) dealing in a schedule IV controlled substance (IC 35-48-4-3);
- 39 or
- 40 (27) dealing in a schedule V controlled substance (IC 35-48-4-4).
- 41 (c) A serious violent felon who knowingly or intentionally possesses
42 a firearm commits unlawful possession of a firearm by a serious violent



1 felon, a ~~Class B Level 4~~ **Level 3** felony.

