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# HOUSE BILL No. 1065

Proposed Changes to introduced printing by AM106501

## DIGEST OF PROPOSED AMENDMENT

Commingling. Provides that a person who knowingly or intentionally violates a specified provision by commingling the funds of a committee with the personal funds of an officer, a member, or an associate of the committee commits a Class A misdemeanor. Enhances the penalty to a Level 6 felony if a person commingles at least \$50,000 of committee funds.

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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 3-14-1-14.5 IS AMENDED TO READ AS  
2     FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14.5. (a) A person who  
3     recklessly violates IC 3-9-2-9(c) by commingling the funds of a  
4     committee with the personal funds of an officer, a member, or an  
5     associate of the committee commits a Class B misdemeanor.  
6     (b) A person who knowingly or intentionally violates  
7     IC 3-9-2-9(c) by commingling the funds of a committee with the  
8     personal funds of an officer, a member, or an associate of the  
9     committee commits a Class A misdemeanor.  
10     (c) The offense described in subsection (b) is a Level 6 felony  
11     if a person commingles at least fifty thousand dollars (\$50,000) of  
12     committee funds with the personal funds of an officer, a member,  
13     or an associate of the committee.  
14     1     SECTION ~~2~~[2]. IC 35-31.5-2-146.5 IS ADDED TO THE  
15     INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS  
16     [EFFECTIVE JULY 1, 2026]: Sec. 146.5. "Gratuity", for purposes  
17     of IC 35-44.1-1-2.5, has the meaning set forth in IC 35-44.1-1-2.5.  
18         SECTION ~~3~~[3]. IC 35-44.1-1-2.5 IS ADDED TO THE

2026

IN 1065—LS 6334/DI 107



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1 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2026]: Sec. 2.5. (a) As used in this section,  
 3 "gratuity" means a payment made to a public servant after an  
 4 official act as a reward or token of appreciation. However, the  
 5 term does not include:

- 6 (1) a good or service that is:
  - 7 (A) subject to a reporting requirement; or
  - 8 (B) otherwise authorized;
- 9 under a rule or code of ethics that applies to the donor or  
 10 public servant;
- 11 (2) a good or service having a de minimis value of less than  
 12 one hundred dollars (\$100);
- 13 (3) an item that is primarily ceremonial or commemorative,  
 14 such as a plaque, trophy, certificate, framed photo, or similar  
 15 item;
- 16 (4) a political contribution subject to IC 3-9-2 that is  
 17 reported in accordance with applicable law; or
- 18 (5) salary, wages, a bonus, or any other form of work related  
 19 compensation:
  - 20 (A) from the governmental entity that employs the  
 21 public servant; and
  - 22 (B) that the public servant is legally authorized to  
 23 receive.

24 (b) As used in this section, "public servant" includes a former  
 25 public servant.

26 (c) A person who provides a gratuity to a public servant, with  
 27 the intent to reward the public servant for an official act  
 28 performed by the public servant in the public servant's official  
 29 capacity, commits providing an unlawful gratuity to a public  
 30 servant, a Class A misdemeanor. However, the offense is a Level 6  
 31 felony if the fair market value of the gratuity is at least seven  
 32 hundred fifty dollars (\$750).

33 (d) A public servant who:

- 34 (1) solicits or accepts a gratuity from another person; and
- 35 (2) either:
  - 36 (A) solicits the gratuity as a reward for; or
  - 37 (B) knows or reasonably should know that the gratuity  
 38 is offered as a reward for;

39 an official act performed by the public servant in the public  
 40 servant's official capacity;

41 commits soliciting or accepting an unlawful gratuity, a Class A  
 42 misdemeanor. However, the offense is a Level 6 felony if the fair

2026

IN 1065—LS 6334/DI 107



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1      **market value of the gratuity is at least seven hundred fifty dollars**  
2      **(\$750).1**  
3      **1**

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2026

IN 1065—LS 6334/DI 107



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