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HOUSE BILL No. 1065

Proposed Changes to introduced printing by AM106501

DIGEST OF PROPOSED AMENDMENT

Commingleing. Provides that a person who knowingly or intentionally violates a specified provision by commingleing 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.

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 commingleing 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 commingleing 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] SECTION ~~146.5~~[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 ~~146.5~~[3]. IC 35-44.1-1-2.5 IS ADDED TO THE

2026

IN 1065—LS 6334/DI 107



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

(1) a good or service that is:

(A) subject to a reporting requirement; or

(B) otherwise authorized;

under a rule or code of ethics that applies to the donor or public servant;

(2) a good or service having a de minimis value of less than one hundred dollars (\$100);

(3) an item that is primarily ceremonial or commemorative, such as a plaque, trophy, certificate, framed photo, or similar item;

(4) a political contribution subject to IC 3-9-2 that is reported in accordance with applicable law; or

(5) salary, wages, a bonus, or any other form of work related compensation:

(A) from the governmental entity that employs the public servant; and

(B) that the public servant is legally authorized to receive.

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

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

(d) A public servant who:

(1) solicits or accepts a gratuity from another person; and

(2) either:

(A) solicits the gratuity as a reward for; or

(B) knows or reasonably should know that the gratuity is offered as a reward for;

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

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



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