



January 22, 2026

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## HOUSE BILL No. 1165

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DIGEST OF HB 1165 (Updated January 21, 2026 12:53 pm - DI 106)

**Citations Affected:** IC 34-30; IC 35-31.5; IC 35-38; IC 35-43; IC 35-46.

**Synopsis:** Various animal related matters. Removes partial liability for damages when a person removes a domestic animal from a motor vehicle. Increases certain penalties for offenses involving animals. Sets forth new definitions and amends various definitions for offenses relating to animals. Specifies that animal cruelty statutes apply to a rodent that is not a nuisance rodent. Makes certain acts an aggravating circumstance for purposes of sentencing.

**Effective:** July 1, 2026.

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### McNamara, Baird, Bartels

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January 5, 2026, read first time and referred to Committee on Courts and Criminal Code.  
January 22, 2026, amended, reported — Do Pass.

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HB 1165—LS 6739/DI 150





January 22, 2026

Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

## HOUSE BILL No. 1165

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 34-30-30-3, AS ADDED BY P.L.186-2017,  
2       SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2026]: Sec. 3. (a) Except as provided in subsection (c), a  
4       person who forcibly enters a motor vehicle to remove a domestic  
5       animal from the motor vehicle

6               (1) is liable to the owner or lessee of the motor vehicle for  
7               one-half (1/2) of the cost of repairing the damage to the motor  
8               vehicle directly caused by the person's forcible entry; unless the  
9               owner or lessee of the motor vehicle waives the person's liability  
10              under this subdivision; and

11              (2) is immune from any other criminal or civil liability for other  
12              property damage resulting from the person's forcible entry of the  
13              motor vehicle  
14       if all the conditions set forth in subsection (b) are satisfied.

15              (b) For subsection (a)(1) and (a)(2) (a) to apply to a person who  
16              forcibly enters a motor vehicle to remove a domestic animal from the  
17              motor vehicle, all the following conditions must be satisfied:

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(1) A domestic animal must be present in the enclosed space of the motor vehicle, and the person must reasonably believe that the domestic animal is in imminent danger of suffering serious bodily harm if the domestic animal remains in the motor vehicle.

(2) The person must determine that:

(A) the motor vehicle is locked; and

(B) forcible entry of the motor vehicle is necessary to remove the domestic animal from the motor vehicle.

(3) The person must call telephone number 911 or otherwise attempt to contact:

(A) a law enforcement officer;

(B) a firefighter;

(C) an animal control officer; or

(D) another emergency responder;

before the person forcibly enters the motor vehicle.

(4) The person must use no more force than is reasonably necessary to enter the motor vehicle and remove the domestic animal from the motor vehicle.

(5) The person must remain with the domestic animal until a law enforcement officer, firefighter, animal control officer, or other emergency responder arrives at the scene.

(c) If any of the following persons, acting in the course and scope of the person's employment, forcibly enters a motor vehicle to remove a domestic animal from the motor vehicle, the person is not liable for the cost of repairing damage to the motor vehicle caused by the person's forcible entry:

(1) A law enforcement officer.

(2) A firefighter.

(3) A government officer or employee whose primary duty is to ensure public safety.

(4) An emergency responder other than those identified in subdivisions (1) through (3).

(5) An animal control officer.

(6) A veterinarian who is licensed or otherwise authorized to practice veterinary medicine in Indiana under IC 25-38.1-3.

(7) A veterinary assistant, as defined in IC 25-38.1-14.7.

For the purposes of this subsection, a law enforcement officer may be considered to be acting in the course and scope of the law enforcement officer's employment even if the law enforcement officer is off duty.

SECTION 2. IC 35-31.5-2-51.3, AS ADDED BY P.L.37-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 51.3. "Companion animal", for purposes of



1 IC 35-38-2-2.8 **and IC 35-46-3**, has the meaning set forth in  
 2 IC 35-38-2-2.8.

3 SECTION 3. IC 35-31.5-2-103, AS ADDED BY P.L.114-2012,  
 4 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2026]: Sec. 103. "Domestic animal", for purposes of  
 6 ~~IC 35-46-3-12(d)~~ **IC 35-43-4-2 and IC 35-46-3** has the meaning set  
 7 forth in ~~IC 35-46-3-12(d)~~: **IC 35-46-3-0.5**.

8 SECTION 4. IC 35-38-1-7.1, AS AMENDED BY P.L.218-2025,  
 9 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2026]: Sec. 7.1. (a) In determining what sentence to impose  
 11 for a crime, the court may consider the following aggravating  
 12 circumstances:

13 (1) The harm, injury, loss, or damage suffered by the victim of an  
 14 offense was:

15 (A) significant; and

16 (B) greater than the elements necessary to prove the  
 17 commission of the offense.

18 (2) The person has a history of criminal or delinquent behavior.

19 (3) The victim of the offense was less than twelve (12) years of  
 20 age or at least sixty-five (65) years of age at the time the person  
 21 committed the offense.

22 (4) The person:

23 (A) committed a crime of violence (IC 35-50-1-2); and

24 (B) knowingly committed the offense in the presence or within  
 25 hearing of an individual who:

26 (i) was less than eighteen (18) years of age at the time the  
 27 person committed the offense; and

28 (ii) is not the victim of the offense.

29 (5) The person violated a protective order issued against the  
 30 person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or  
 31 IC 34-4-5.1 before their repeal), a workplace violence restraining  
 32 order issued against the person under IC 34-26-6, or a no contact  
 33 order issued against the person.

34 (6) The person has recently violated the conditions of any  
 35 probation, parole, pardon, community corrections placement, or  
 36 pretrial release granted to the person.

37 (7) The victim of the offense was:

38 (A) a person with a disability (as defined in IC 27-7-6-12), and  
 39 the defendant knew or should have known that the victim was  
 40 a person with a disability; or

41 (B) mentally or physically infirm.

42 (8) The person was in a position having care, custody, or control



of the victim of the offense.

(9) The injury to or death of the victim of the offense was the result of shaken baby syndrome (as defined in IC 16-41-40-2) or abusive head trauma.

(10) The person threatened to harm the victim of the offense or a witness if the victim or witness told anyone about the offense.

(11) The person:

(A) committed trafficking with an inmate under IC 35-44.1-3-5; and

(B) is an employee of the penal facility.

(12) The person committed the offense with bias due to the victim's or the group's real or perceived characteristic, trait, belief, practice, association, or other attribute the court chooses to consider, including but not limited to an attribute described in IC 10-13-3-1.

(13) The person is or has been an alien (as defined by 8 U.S.C. 1101(a)) unlawfully present in the United States. A determination by the United States Department of Homeland Security that an alien has come to, entered, or remained in the United States in violation of law is evidence that the alien is or has been unlawfully present in the United States.

(14) The offense involved dealing in a controlled substance under IC 35-48-4 and the person distributed the controlled substance to at least three (3) different individuals in a one hundred eighty (180) day period.

**(15) The offense resulted in the:**

**(A) death; or**

**(B) permanent loss or impairment of the function of a bodily member or organ;  
of an animal.**

(b) The court may consider the following factors as mitigating circumstances or as favoring suspending the sentence and imposing probation:

(1) The crime neither caused nor threatened serious harm to persons or property, or the person did not contemplate that it would do so.

(2) The crime was the result of circumstances unlikely to recur.

(3) The victim of the crime induced or facilitated the offense.

(4) There are substantial grounds tending to excuse or justify the crime, though failing to establish a defense.

(5) The person acted under strong provocation.

(6) The person has no history of delinquency or criminal activity,



or the person has led a law-abiding life for a substantial period before commission of the crime.

(7) The person is likely to respond affirmatively to probation or short term imprisonment.

(8) The character and attitudes of the person indicate that the person is unlikely to commit another crime.

(9) The person has made or will make restitution to the victim of the crime for the injury, damage, or loss sustained.

(10) Imprisonment of the person will result in undue hardship to the person or the dependents of the person.

(11) The person was convicted of a crime involving the use of force against a person who had repeatedly inflicted physical or sexual abuse upon the convicted person and evidence shows that the convicted person suffered from the effects of battery as a result of the past course of conduct of the individual who is the victim of the crime for which the person was convicted.

(12) The person was convicted of a crime relating to a controlled substance and the person's arrest or prosecution was facilitated in part because the person:

(A) requested emergency medical assistance; or

(B) acted in concert with another person who requested emergency medical assistance;

for an individual who reasonably appeared to be in need of medical assistance due to the use of alcohol or a controlled substance.

(13) The person has posttraumatic stress disorder, traumatic brain injury, or a postconcussive brain injury.

(14) The person is a person described in IC 31-30-1-4(d) who committed the offense while the person was a child but is now at least twenty-one (21) years of age.

(15) The offense involved a controlled substance under IC 35-48-4 and the person:

(A) sought treatment:

(i) in the three hundred sixty-five (365) day period preceding the date of the commission of the offense; or

(ii) on or after the date on which the person committed the offense, but before sentencing; and

(B) successfully completed treatment:

(i) in the three hundred sixty-five (365) day period preceding the date of the commission of the offense; or

(ii) on or after the date on which the person committed the offense, but before sentencing.



(c) The criteria listed in subsections (a) and (b) do not limit the matters that the court may consider in determining the sentence.

(d) A court may impose any sentence that is:

(1) authorized by statute; and

(2) permissible under the Constitution of the State of Indiana; regardless of the presence or absence of aggravating circumstances or mitigating circumstances.

(e) If a court suspends a sentence and orders probation for a person described in subsection (b)(13), the court may require the person to receive treatment for the person's injuries.

SECTION 5. IC 35-43-4-2, AS AMENDED BY P.L.175-2022, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A person who knowingly or intentionally exerts unauthorized control over property of another person, with intent to deprive the other person of any part of its value or use, commits theft, a Class A misdemeanor. However, the offense is:

(1) a Level 6 felony if:

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

(B) the property is a:

(i) motor vehicle (as defined in IC 9-13-2-105(a)); ~~or~~

(ii) component part (as defined in IC 9-13-2-34) of a motor vehicle; or

**(iii) domestic animal; or**

(C) the person has a prior unrelated conviction for:

(i) theft under this section;

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

(iii) robbery under IC 35-42-5-1; or

(iv) burglary under IC 35-43-2-1;

(2) a Level 5 felony if:

(A) the value of the property is at least fifty thousand dollars (\$50,000);

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

(i) relates to transportation safety;

(ii) relates to public safety; or

(iii) is taken from a hospital or other health care facility, telecommunications provider, public utility (as defined in IC 32-24-1-5.9(a)), or critical infrastructure facility;

and the absence of the property creates a substantial risk of bodily injury to a person; or

(C) the property is a:





- 1 (i) motor vehicle (as defined in IC 9-13-2-105(a)); or
- 2 (ii) component part (as defined in IC 9-13-2-34) of a motor
- 3 vehicle; and
- 4 the person has a prior unrelated conviction for theft of a motor
- 5 vehicle (as defined in IC 9-13-2-105(a)) or theft of a
- 6 component part (as defined in IC 9-13-2-34); and
- 7 (3) a Level 5 felony if the property is a firearm.
- 8 (b) For purposes of this section, "the value of property" means:
- 9 (1) the fair market value of the property at the time and place the
- 10 offense was committed; or
- 11 (2) if the fair market value of the property cannot be satisfactorily
- 12 determined, the cost to replace the property within a reasonable
- 13 time after the offense was committed.

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

16 (c) If the offense described in subsection (a) is committed by a  
17 public servant who exerted unauthorized control over public funds (as  
18 defined by IC 5-22-2-23) from the public servant's employer, the  
19 employer may be reimbursed in accordance with IC 2-3.5-4-11,  
20 IC 2-3.5-5-9, IC 5-10-5.5-19, IC 5-10.3-8-9, IC 5-10.4-5-14,  
21 IC 10-12-2-10, IC 33-38-6-19.5, IC 33-39-7-10.5, IC 36-8-6-14,  
22 IC 36-8-7-22, IC 36-8-7.5-19, or IC 36-8-8-17.

23 SECTION 6. IC 35-46-3-0.1, AS AMENDED BY P.L.63-2012,  
24 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2026]: Sec. 0.1. The following amendments to this chapter  
26 apply as follows:

- 27 (1) The amendments made to section 12 of this chapter by
- 28 P.L.7-2007 apply only to:
- 29 (A) offenses; and
- 30 (B) acts that would be a crime if committed by an adult;
- 31 that are committed after June 30, 2007.
- 32 (2) The amendments made to sections 8 and 12 of this chapter by
- 33 P.L.171-2007 apply only to crimes committed after June 30, 2007.
- 34 However, the amendments made to section 12(d) of this chapter
- 35 by P.L.171-2007 (**currently codified at section 12(f) of this**
- 36 **chapter**) apply only to:
- 37 (A) crimes; and
- 38 (B) delinquent acts that would be crimes if committed by an
- 39 adult;
- 40 that are committed after June 30, 2007.

41 SECTION 7. IC 35-46-3-0.5, AS AMENDED BY P.L.52-2023,  
42 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2026]: Sec. 0.5. The following definitions apply throughout this chapter:

(1) "Abandon" means to desert an animal or to leave the animal without making provision for adequate long term care of the animal. The term does not include leaving an animal in a place that is temporarily vacated for the protection of human life during a disaster.

(2) "Abuse" means to ~~knowingly or intentionally~~ beat, torment, injure, or otherwise harm an animal. ~~The term includes destruction of an animal by any means other than humane euthanasia if the person who destroys the animal is:~~

~~(A) a humane society;~~

~~(B) an animal control agency; or~~

~~(C) a governmental entity operating an animal shelter or other animal impounding facility.~~

**(3) "Companion animal" has the meaning set forth in IC 35-38-2-2.8.**

**(4) "Domestic animal" means an animal that is not wild. The term is limited to:**

**(A) cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry, ostriches, rhea, and emus; or**

**(B) an animal of the bovine, equine, ovine, caprine, porcine, canine, feline, camelid, cervidae, or bison species.**

~~(5)~~ **(5) "Humane euthanasia" means the humane destruction of an animal using sodium pentobarbital or a derivative, administered in a manner that causes painless loss of consciousness and death. The term does not include a method:**

**(A) prohibited by section 15 of this chapter; or**

**(B) involving the use of carbon monoxide, carbon dioxide, or any nonanesthetic inhalant.**

~~(6)~~ **(6) "Impound agency" means a state, county, municipal, or township agency with the authority to impound animals for violation of this chapter or IC 15-20-1-4. The term includes the following:**

**(A) A law enforcement agency.**

**(B) An animal control agency.**

~~(7)~~ **(7) "Mutilate" means to wound, injure, maim, or disfigure an animal by damaging the animal's body parts or to render any part of the animal's body useless. The term includes bodily injury involving:**

**(A) serious permanent disfigurement;**

**(B) serious temporary disfigurement;**



(C) permanent or protracted loss or impairment of the function of a bodily part or organ; or  
 (D) a fracture.

~~(6)~~ (8) "Neglect" means:

(A) endangering an animal's health by failing to provide or arrange to provide the animal with **a sufficient quantity and quality of food or drink, and unfrozen potable drinking water that allows for the normal growth or maintenance of an animal's age and species appropriate body weight**, if the animal is dependent upon the person for the provision of food or drink;

(B) restraining an animal for more than a brief period in a manner that endangers the animal's life or health by the use of a rope, chain, or tether that:

- (i) is less than three (3) times the length of the animal;
- (ii) is too heavy to permit the animal to move freely; or
- (iii) causes the animal to choke;

(C) restraining an animal in a manner that seriously endangers the animal's life or health;

(D) failing to:

- (i) provide reasonable care for; or
- (ii) seek veterinary care for;

an injury or illness to a dog or cat that seriously endangers the life or health of the dog or cat; or

(E) ~~leaving a dog or cat outside and exposed to:~~

- ~~(i) excessive heat without providing the animal with a means of shade from the heat; or~~
- ~~(ii) excessive cold if the animal is not provided with straw or another means of protection from the cold;~~

~~regardless of whether the animal is restrained or kept in a kennel. failing to provide an animal with adequate bedding and adequate shelter.~~

~~(7)~~ (9) "Reasonable expenses" includes the cost of:

- (A) medical care;
- (B) quarantine; and
- (C) shelter and board.

~~(8)~~ (10) "Torture" means:

(A) to inflict extreme physical pain or injury on an animal with the intent of increasing or prolonging the animal's pain;

(B) to administer poison to a domestic animal ~~(as defined in section 12(d) of this chapter)~~ or expose a domestic animal to a poisonous substance with the intent that the domestic animal



1 ingest the substance;

2 (C) to destroy an animal by electrocution in a manner  
3 inconsistent with section 5 of this chapter; ~~or~~

4 (D) to intentionally ~~freeze or heat an animal to death~~; **expose**  
5 **an animal to heat or cold beyond an animal's tolerance**  
6 **based on the animal's:**

7 (i) age;

8 (ii) health;

9 (iii) medical conditions; or

10 (iv) physical characteristics;

11 **which results in pain, suffering, or death; or**

12 **(E) to knowingly, intentionally, or recklessly starve,**  
13 **dehydrate, or suffocate an animal.**

14 SECTION 8. IC 35-46-3-5, AS AMENDED BY P.L.41-2021,  
15 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2026]: Sec. 5. (a) Except as provided in subsections (b)  
17 through (c), this chapter does not apply to the following:

18 (1) Fishing, hunting, trapping, or other conduct authorized under  
19 IC 14-22.

20 (2) Conduct authorized under IC 15-20-2.

21 (3) Generally accepted veterinary standards and practices.

22 (4) Conduct authorized by a local ordinance.

23 (5) Acceptable farm management practices.

24 (6) Conduct authorized by IC 15-17, and rules adopted under  
25 IC 15-17 for:

26 (A) state or federally inspected livestock slaughtering  
27 facilities;

28 (B) emergency events; or

29 (C) state or federal animal disease control programs.

30 (7) A research facility registered with the United States  
31 Department of Agriculture under the federal Animal Welfare Act  
32 (7 U.S.C. 2131 et seq.).

33 (8) Destruction of a vertebrate **animal** defined as a pest under  
34 IC 15-16-5-24, **except for a rodent that is not a nuisance**  
35 **rodent.**

36 (9) Destruction of or injury to a fish.

37 (10) Destruction of a vertebrate animal that is:

38 (A) endangering, harassing, or threatening livestock or a  
39 domestic animal; or

40 (B) destroying or damaging a person's property.

41 (11) Humane euthanasia of an animal by:

42 (A) a humane society;



- 1 (B) an animal control agency; or
- 2 (C) a governmental entity operating an animal shelter or other
- 3 animal impounding facility.
- 4 (12) Destruction of an injured or ill animal by an individual to
- 5 prevent the animal from prolonged suffering.
- 6 (13) Conduct not resulting in serious injury or illness to the
- 7 animal that is incidental to exhibiting an animal for show,
- 8 competition, or display, or that is incidental to transporting the
- 9 animal for show, competition, or display.
- 10 (14) Parking an animal.
- 11 (15) Humane destruction of an animal that the person owns.
- 12 (b) Section 1 of this chapter applies to conduct described in
- 13 subsection (a).
- 14 (c) Destruction of an animal by electrocution is authorized under
- 15 this section only if it is conducted by a person who:
- 16 (1) uses generally accepted veterinary standards and practices for
- 17 euthanasia, depopulation, or slaughter of animals;
- 18 (2) is engaged in an acceptable farm management practice; or
- 19 (3) is engaged in activities by a research facility registered with
- 20 the United States Department of Agriculture under the Animal
- 21 Welfare Act, or for the animal disease diagnostic laboratory
- 22 established under IC 21-46-3-1 or a research facility licensed by
- 23 the United States Department of Agriculture, a college, or a
- 24 university.
- 25 SECTION 9. IC 35-46-3-7, AS AMENDED BY P.L.158-2013,
- 26 SECTION 558, IS AMENDED TO READ AS FOLLOWS
- 27 [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) A person who:
- 28 (1) has a vertebrate animal in the person's custody; and
- 29 (2) recklessly, knowingly, or intentionally abandons or neglects
- 30 the animal;
- 31 commits cruelty to an animal, a Class A misdemeanor.
- 32 (b) However, except for a conviction under section 1 of this chapter,
- 33 ~~the an offense under subsection (a)~~ is a Level 6 felony if ~~the~~:
- 34 (1) ~~the~~ person has a prior unrelated conviction under this chapter;
- 35 (2) ~~person commits the offense in the presence of a minor; or~~
- 36 (3) ~~abandonment or neglect results in:~~
- 37 (A) ~~serious permanent disfigurement;~~
- 38 (B) ~~unconsciousness;~~
- 39 (C) ~~permanent or protracted loss or impairment of the~~
- 40 ~~function of a bodily member or organ; or~~
- 41 (D) ~~death;~~
- 42 ~~of the animal; or~~



1           **(4) person has ten (10) or more vertebrate animals in the**  
 2           **person's custody which results in the person:**

3               **(A) failing to provide adequate food, potable water, and**  
 4               **adequate shelter to at least one (1) vertebrate animal;**

5               **(B) keeping at least one (1) vertebrate animal in an**  
 6               **overcrowded environment; or**

7               **(C) disregarding the conditions under which at least one**  
 8               **(1) vertebrate animal is living in and the harmful impact**  
 9               **the conditions have on the health and well-being of the**  
 10              **vertebrate animals.**

11           **(b) It is a defense to a prosecution for abandoning a vertebrate**  
 12           **animal under this section that the person who had the animal in the**  
 13           **person's custody reasonably believed that the vertebrate animal was**  
 14           **capable of surviving on its own.**

15           **(c) For purposes of this section, an animal that is feral is not in a**  
 16           **person's custody.**

17           SECTION 10. IC 35-46-3-11, AS AMENDED BY P.L.168-2014,  
 18           SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19           JULY 1, 2026]: Sec. 11. (a) A person who knowingly or intentionally:

20               (1) strikes, torments, injures, or otherwise mistreats a law  
 21               enforcement animal; or

22               (2) interferes with the actions of a law enforcement animal while  
 23               the animal is engaged in assisting a law enforcement officer in the  
 24               performance of the officer's duties;

25           commits a Class A misdemeanor.

26           **(b) An offense under subsection (a)(1) is a Level 6 felony if the act**  
 27           **results in:**

28               (1) serious permanent disfigurement;

29               (2) unconsciousness; **or**

30               (3) permanent or protracted loss or impairment of the function of  
 31               a bodily member or organ; **or**

32               ~~(4) death;~~

33           of the law enforcement animal.

34           **(c) An offense under subsection (a)(1) is a level 5 felony if the act**  
 35           **results in the death of the law enforcement animal.**

36           ~~(e)~~ **(d)** It is a defense that the accused person:

37               (1) engaged in a reasonable act of training, handling, or  
 38               discipline; and

39               (2) acted as an employee or agent of a law enforcement agency.

40           ~~(d)~~ **(e)** In addition to any sentence or fine imposed for a conviction  
 41           of an offense under this section, the court:

42               (1) may order the person convicted to make restitution to the



1 person or law enforcement agency owning the animal for  
2 reimbursement of veterinary bills; and

3 (2) shall order the person convicted to make restitution to the  
4 person or law enforcement agency owning the animal for  
5 reimbursement of the cost of replacing the animal, which may  
6 include the cost of training the animal, if the animal is  
7 permanently disabled or killed.

8 SECTION 11. IC 35-46-3-12, AS AMENDED BY P.L.141-2019,  
9 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2026]: Sec. 12. (a) This section does not apply to a person  
11 who euthanizes an injured, a sick, a homeless, or an unwanted domestic  
12 animal if:

13 (1) the person is employed by a humane society, an animal control  
14 agency, or a governmental entity operating an animal shelter or  
15 other animal impounding facility; and

16 (2) the person euthanizes the domestic animal in accordance with  
17 guidelines adopted by the humane society, animal control agency,  
18 or governmental entity operating the animal shelter or other  
19 animal impounding facility.

20 (b) A person who knowingly or intentionally abuses a vertebrate  
21 animal commits cruelty to an animal, a Class A misdemeanor.  
22 However, the offense is a Level 6 felony if:

23 (1) the person has a previous, unrelated conviction under this  
24 section; ~~or~~

25 (2) the person committed the offense with the intent to threaten,  
26 intimidate, coerce, harass, or terrorize a family or household  
27 member;

28 **(3) the offense is committed in the immediate presence of a**  
29 **minor; or**

30 **(4) the act results in:**

31 **(A) serious permanent disfigurement;**

32 **(B) unconsciousness;**

33 **(C) permanent or protracted loss or impairment of the**  
34 **function of a bodily member or organ; or**

35 **(D) the death;**

36 **of the animal.**

37 (c) A person who knowingly or intentionally tortures or mutilates a  
38 vertebrate animal commits torturing or mutilating a vertebrate animal,  
39 a Level 6 felony.

40 (d) As used in this subsection, "domestic animal" means an animal  
41 that is not wild. The term is limited to:

42 **(+) cattle, calves, horses, mules, swine, sheep, goats, dogs, cats,**



1 poultry, ostriches, rhea, and emus; and

2 (2) an animal of the bovine, equine, ovine, caprine, porcine,  
3 canine, feline, camelid, cervidae, or bison species.

4 (d) A person who knowingly or intentionally kills a domestic animal  
5 without the consent of the owner of the domestic animal commits  
6 killing a domestic animal, a Level 6 felony.

7 (e) It is a defense to a prosecution under this section that the  
8 accused person:

9 (1) reasonably believes the conduct was necessary to:

10 (A) prevent injury to the accused person or another person;

11 (B) protect the property of the accused person from destruction  
12 or substantial damage; or

13 (C) prevent a seriously injured vertebrate animal from  
14 prolonged suffering; or

15 (2) engaged in a reasonable and recognized act of training,  
16 handling, or disciplining the vertebrate animal.

17 (f) When a court imposes a sentence or enters a dispositional decree  
18 under this section, the court:

19 (1) shall consider requiring:

20 (A) a person convicted of an offense under this section; or

21 (B) a child adjudicated a delinquent child for committing an  
22 act that would be a crime under this section if committed by an  
23 adult;

24 to receive psychological, behavioral, or other counseling as a part  
25 of the sentence or dispositional decree; and

26 (2) may order an individual described in subdivision (1) to receive  
27 psychological, behavioral, or other counseling as a part of the  
28 sentence or dispositional decree.

29 SECTION 12. IC 35-46-3-12.5, AS AMENDED BY P.L.158-2013,  
30 SECTION 567, IS AMENDED TO READ AS FOLLOWS  
31 [EFFECTIVE JULY 1, 2026]: Sec. 12.5. A person who knowingly or  
32 intentionally:

33 (1) abuses;

34 (2) abandons;

35 (3) kills; or

36 (4) neglects;

37 a vertebrate animal with the intent to threaten, intimidate, coerce,  
38 harass, or terrorize a family or household member commits domestic  
39 violence animal cruelty, a Level 6 felony.

40 SECTION 13. IC 35-46-3-15, AS AMENDED BY P.L.141-2019,  
41 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2026]: Sec. 15. (a) This section does not apply to the





- 1 following:
- 2 (1) A state or federally inspected livestock slaughtering facility
- 3 (for conduct authorized by IC 15-17-5 and rules adopted under
- 4 that chapter).
- 5 (2) An animal disease diagnostic laboratory established under
- 6 IC 21-46-3-1.
- 7 (3) A postsecondary educational institution.
- 8 (4) A research facility licensed by the United States Department
- 9 of Agriculture.
- 10 (b) As used in this section, "animal" has the meaning set forth in
- 11 ~~IC 35-46-3-3~~ **section 3 of this chapter.**
- 12 (c) A person, **including a humane society, an animal control**
- 13 **agency, or a governmental entity operating an animal shelter or**
- 14 **other animal impounding facility**, who knowingly or intentionally
- 15 destroys or authorizes the destruction of an animal by:
- 16 (1) placing the animal in a decompression chamber and lowering
- 17 the pressure of or the oxygen content in the air surrounding the
- 18 animal; **or**
- 19 (2) **any means other than humane euthanasia;**
- 20 commits a Class B misdemeanor.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1165, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 12.

Page 3, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 5. IC 35-38-1-7.1, AS AMENDED BY P.L.218-2025, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7.1. (a) In determining what sentence to impose for a crime, the court may consider the following aggravating circumstances:

(1) The harm, injury, loss, or damage suffered by the victim of an offense was:

(A) significant; and

(B) greater than the elements necessary to prove the commission of the offense.

(2) The person has a history of criminal or delinquent behavior.

(3) The victim of the offense was less than twelve (12) years of age or at least sixty-five (65) years of age at the time the person committed the offense.

(4) The person:

(A) committed a crime of violence (IC 35-50-1-2); and

(B) knowingly committed the offense in the presence or within hearing of an individual who:

(i) was less than eighteen (18) years of age at the time the person committed the offense; and

(ii) is not the victim of the offense.

(5) The person violated a protective order issued against the person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or IC 34-4-5.1 before their repeal), a workplace violence restraining order issued against the person under IC 34-26-6, or a no contact order issued against the person.

(6) The person has recently violated the conditions of any probation, parole, pardon, community corrections placement, or pretrial release granted to the person.

(7) The victim of the offense was:

(A) a person with a disability (as defined in IC 27-7-6-12), and the defendant knew or should have known that the victim was a person with a disability; or

(B) mentally or physically infirm.



(8) The person was in a position having care, custody, or control of the victim of the offense.

(9) The injury to or death of the victim of the offense was the result of shaken baby syndrome (as defined in IC 16-41-40-2) or abusive head trauma.

(10) The person threatened to harm the victim of the offense or a witness if the victim or witness told anyone about the offense.

(11) The person:

(A) committed trafficking with an inmate under IC 35-44.1-3-5; and

(B) is an employee of the penal facility.

(12) The person committed the offense with bias due to the victim's or the group's real or perceived characteristic, trait, belief, practice, association, or other attribute the court chooses to consider, including but not limited to an attribute described in IC 10-13-3-1.

(13) The person is or has been an alien (as defined by 8 U.S.C. 1101(a)) unlawfully present in the United States. A determination by the United States Department of Homeland Security that an alien has come to, entered, or remained in the United States in violation of law is evidence that the alien is or has been unlawfully present in the United States.

(14) The offense involved dealing in a controlled substance under IC 35-48-4 and the person distributed the controlled substance to at least three (3) different individuals in a one hundred eighty (180) day period.

**(15) The offense resulted in the:**

**(A) death; or**

**(B) permanent loss or impairment of the function of a bodily member or organ;**

**of an animal.**

(b) The court may consider the following factors as mitigating circumstances or as favoring suspending the sentence and imposing probation:

(1) The crime neither caused nor threatened serious harm to persons or property, or the person did not contemplate that it would do so.

(2) The crime was the result of circumstances unlikely to recur.

(3) The victim of the crime induced or facilitated the offense.

(4) There are substantial grounds tending to excuse or justify the crime, though failing to establish a defense.

(5) The person acted under strong provocation.



- (6) The person has no history of delinquency or criminal activity, or the person has led a law-abiding life for a substantial period before commission of the crime.
- (7) The person is likely to respond affirmatively to probation or short term imprisonment.
- (8) The character and attitudes of the person indicate that the person is unlikely to commit another crime.
- (9) The person has made or will make restitution to the victim of the crime for the injury, damage, or loss sustained.
- (10) Imprisonment of the person will result in undue hardship to the person or the dependents of the person.
- (11) The person was convicted of a crime involving the use of force against a person who had repeatedly inflicted physical or sexual abuse upon the convicted person and evidence shows that the convicted person suffered from the effects of battery as a result of the past course of conduct of the individual who is the victim of the crime for which the person was convicted.
- (12) The person was convicted of a crime relating to a controlled substance and the person's arrest or prosecution was facilitated in part because the person:
  - (A) requested emergency medical assistance; or
  - (B) acted in concert with another person who requested emergency medical assistance;
 for an individual who reasonably appeared to be in need of medical assistance due to the use of alcohol or a controlled substance.
- (13) The person has posttraumatic stress disorder, traumatic brain injury, or a postconcussive brain injury.
- (14) The person is a person described in IC 31-30-1-4(d) who committed the offense while the person was a child but is now at least twenty-one (21) years of age.
- (15) The offense involved a controlled substance under IC 35-48-4 and the person:
  - (A) sought treatment:
    - (i) in the three hundred sixty-five (365) day period preceding the date of the commission of the offense; or
    - (ii) on or after the date on which the person committed the offense, but before sentencing; and
  - (B) successfully completed treatment:
    - (i) in the three hundred sixty-five (365) day period preceding the date of the commission of the offense; or
    - (ii) on or after the date on which the person committed the



offense, but before sentencing.

(c) The criteria listed in subsections (a) and (b) do not limit the matters that the court may consider in determining the sentence.

(d) A court may impose any sentence that is:

(1) authorized by statute; and

(2) permissible under the Constitution of the State of Indiana; regardless of the presence or absence of aggravating circumstances or mitigating circumstances.

(e) If a court suspends a sentence and orders probation for a person described in subsection (b)(13), the court may require the person to receive treatment for the person's injuries."

Page 4, line 8, reset in roman "or".

Page 4, line 15, reset in roman "and".

Page 4, line 15, delete "or".

Page 4, delete lines 16 through 18.

Page 5, line 33, after "emus;" delete "and" and insert "**or**".

Page 7, between lines 25 and 26, begin a new paragraph and insert: "SECTION 8. IC 35-46-3-5, AS AMENDED BY P.L.41-2021, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) Except as provided in subsections (b) through (c), this chapter does not apply to the following:

(1) Fishing, hunting, trapping, or other conduct authorized under IC 14-22.

(2) Conduct authorized under IC 15-20-2.

(3) Generally accepted veterinary standards and practices.

(4) Conduct authorized by a local ordinance.

(5) Acceptable farm management practices.

(6) Conduct authorized by IC 15-17, and rules adopted under IC 15-17 for:

(A) state or federally inspected livestock slaughtering facilities;

(B) emergency events; or

(C) state or federal animal disease control programs.

(7) A research facility registered with the United States Department of Agriculture under the federal Animal Welfare Act (7 U.S.C. 2131 et seq.).

(8) Destruction of a vertebrate **animal** defined as a pest under IC 15-16-5-24, **except for a rodent that is not a nuisance rodent.**

(9) Destruction of or injury to a fish.

(10) Destruction of a vertebrate animal that is:

(A) endangering, harassing, or threatening livestock or a



- domestic animal; or
  - (B) destroying or damaging a person's property.
  - (11) Humane euthanasia of an animal by:
    - (A) a humane society;
    - (B) an animal control agency; or
    - (C) a governmental entity operating an animal shelter or other animal impounding facility.
  - (12) Destruction of an injured or ill animal by an individual to prevent the animal from prolonged suffering.
  - (13) Conduct not resulting in serious injury or illness to the animal that is incidental to exhibiting an animal for show, competition, or display, or that is incidental to transporting the animal for show, competition, or display.
  - (14) Parking an animal.
  - (15) Humane destruction of an animal that the person owns.
  - (b) Section 1 of this chapter applies to conduct described in subsection (a).
  - (c) Destruction of an animal by electrocution is authorized under this section only if it is conducted by a person who:
    - (1) uses generally accepted veterinary standards and practices for euthanasia, depopulation, or slaughter of animals;
    - (2) is engaged in an acceptable farm management practice; or
    - (3) is engaged in activities by a research facility registered with the United States Department of Agriculture under the Animal Welfare Act, or for the animal disease diagnostic laboratory established under IC 21-46-3-1 or a research facility licensed by the United States Department of Agriculture, a college, or a university."
- Page 9, line 40, delete "However, the offense is a Level 5 felony if the act".
- Page 9, delete lines 41 through 42.
- Page 10, delete lines 1 through 3.
- Page 10, line 37, after "knowingly" delete ",".
- Page 10, line 37, reset in roman "or".
- Page 10, delete line 38 and insert "intentionally:".
- Page 11, after line 3, begin a new paragraph and insert:
- "SECTION 12. IC 35-46-3-15, AS AMENDED BY P.L.141-2019, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) This section does not apply to the following:
- (1) A state or federally inspected livestock slaughtering facility (for conduct authorized by IC 15-17-5 and rules adopted under



that chapter).

(2) An animal disease diagnostic laboratory established under IC 21-46-3-1.

(3) A postsecondary educational institution.

(4) A research facility licensed by the United States Department of Agriculture.

(b) As used in this section, "animal" has the meaning set forth in ~~IC 35-46-3-3~~ **section 3 of this chapter**.

(c) A person, **including a humane society, an animal control agency, or a governmental entity operating an animal shelter or other animal impounding facility**, who knowingly or intentionally destroys or authorizes the destruction of an animal by:

**(1)** placing the animal in a decompression chamber and lowering the pressure of or the oxygen content in the air surrounding the animal; **or**

**(2) any means other than humane euthanasia;**  
commits a Class B misdemeanor."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1165 as introduced.)

MCNAMARA

Committee Vote: yeas 13, nays 0.

