



Adopted	Rejected
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COMMITTEE REPORT

YES:	13
NO:	0

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:

- 1 Page 1, delete lines 1 through 12.
- 2 Page 3, between lines 19 and 20, begin a new paragraph and insert:
- 3 "SECTION 5. IC 35-38-1-7.1, AS AMENDED BY P.L.218-2025,
- 4 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2026]: Sec. 7.1. (a) In determining what sentence to impose
- 6 for a crime, the court may consider the following aggravating
- 7 circumstances:
- 8 (1) The harm, injury, loss, or damage suffered by the victim of an
- 9 offense was:
- 10 (A) significant; and
- 11 (B) greater than the elements necessary to prove the
- 12 commission of the offense.
- 13 (2) The person has a history of criminal or delinquent behavior.
- 14 (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

1 force against a person who had repeatedly inflicted physical or
2 sexual abuse upon the convicted person and evidence shows that
3 the convicted person suffered from the effects of battery as a
4 result of the past course of conduct of the individual who is the
5 victim of the crime for which the person was convicted.

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

9 (A) requested emergency medical assistance; or

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

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

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

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

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

22 (A) sought treatment:

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

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

27 (B) successfully completed treatment:

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

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

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

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

35 (1) authorized by statute; and

36 (2) permissible under the Constitution of the State of Indiana;
37 regardless of the presence or absence of aggravating circumstances or
38 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;

- 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 Page 9, line 40, delete "However, the offense is a Level 5 felony if
- 26 the act".
- 27 Page 9, delete lines 41 through 42.
- 28 Page 10, delete lines 1 through 3.
- 29 Page 10, line 37, after "knowingly" delete ",".
- 30 Page 10, line 37, reset in roman "or".
- 31 Page 10, delete line 38 and insert "intentionally:".
- 32 Page 11, after line 3, begin a new paragraph and insert:
- 33 "SECTION 12. IC 35-46-3-15, AS AMENDED BY P.L.141-2019,
- 34 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2026]: Sec. 15. (a) This section does not apply to the
- 36 following:
- 37 (1) A state or federally inspected livestock slaughtering facility
- 38 (for conduct authorized by IC 15-17-5 and rules adopted under

- 1 that chapter).
- 2 (2) An animal disease diagnostic laboratory established under
- 3 IC 21-46-3-1.
- 4 (3) A postsecondary educational institution.
- 5 (4) A research facility licensed by the United States Department
- 6 of Agriculture.
- 7 (b) As used in this section, "animal" has the meaning set forth in
- 8 ~~IC 35-46-3-3~~. **section 3 of this chapter.**
- 9 (c) A person, **including a humane society, an animal control**
- 10 **agency, or a governmental entity operating an animal shelter or**
- 11 **other animal impounding facility**, who knowingly or intentionally
- 12 destroys or authorizes the destruction of an animal by:
- 13 (1) placing the animal in a decompression chamber and lowering
- 14 the pressure of or the oxygen content in the air surrounding the
- 15 animal; **or**
- 16 (2) **any means other than humane euthanasia;**
- 17 commits a Class B misdemeanor."
- 18 Renumber all SECTIONS consecutively.
(Reference is to HB 1165 as introduced.)

and when so amended that said bill do pass.

Representative McNamara