



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

1 age or at least sixty-five (65) years of age at the time the person  
2 committed the offense.

3 (4) The person:

4 (A) committed a crime of violence (IC 35-50-1-2); and  
5 (B) knowingly committed the offense in the presence or within  
6 hearing of an individual who:

7 (i) was less than eighteen (18) years of age at the time the  
8 person committed the offense; and  
9 (ii) is not the victim of the offense.

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

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

18 (7) The victim of the offense was:

19 (A) a person with a disability (as defined in IC 27-7-6-12), and  
20 the defendant knew or should have known that the victim was  
21 a person with a disability; or  
22 (B) mentally or physically infirm.

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

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

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

30 (11) The person:

31 (A) committed trafficking with an inmate under  
32 IC 35-44.1-3-5; and  
33 (B) is an employee of the penal facility.

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

1 (13) The person is or has been an alien (as defined by 8 U.S.C.  
2 1101(a)) unlawfully present in the United States. A determination  
3 by the United States Department of Homeland Security that an  
4 alien has come to, entered, or remained in the United States in  
5 violation of law is evidence that the alien is or has been  
6 unlawfully present in the United States.

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

11 (15) The offense resulted in the:

12 (A) death; (B) a

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

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

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

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

26 (5) The person acted under strong provocation.

27 (6) The person has no history of delinquency or criminal activity,  
28 or the person has led a law-abiding life for a substantial period  
29 before commission of the crime.

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

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

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

38 (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.

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

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

6 Page 4, line 15, delete "or".

7 Page 4, delete lines 16 through 18.

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

9 Page 7, between lines 25 and 26, begin a new paragraph and insert:

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

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

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

17 (3) Generally accepted veterinary standards and practices.

18 (4) Conduct authorized by a local ordinance.

19 (5) Acceptable farm management practices.

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

22 (A) state or federally inspected livestock slaughtering  
23 facilities;  
24 (B) emergency events; or  
25 (C) state or federal animal disease control programs.

26 (7) A research facility registered with the United States  
27 Department of Agriculture under the federal Animal Welfare Act  
28 (7 U.S.C. 2131 et seq.).

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

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

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

34 (A) endangering, harassing, or threatening livestock or a  
35 domestic animal; or

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

### 37 (11) Humane euthanasia

- (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

1 that chapter).

(2) An animal disease diagnostic laboratory established under  
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.**

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**

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