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HOUSE BILL No. 1165

Proposed Changes to introduced printing by AM116501

DIGEST OF PROPOSED AMENDMENT

Humane euthanasia. Provides that the destruction of an animal by any means other than humane euthanasia is a Class B misdemeanor.

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 15-16-5-24, AS ADDED BY P.L.2-2008,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 24. As used in this chapter, "pest" means:

4 (1) any insect, ~~rodent~~, nematode, fungus, or weed; **or**
5 (2) any other form of terrestrial or aquatic plant or animal life or
6 virus, bacteria, or other microorganism (except viruses, bacteria,
7 or other microorganisms on or in living humans or other living
8 animals) that is declared to be a pest by the administrator of the
9 United States Environmental Protection Agency or by the board;
10 **or**
11 **(3) any nuisance rodent subject to commonly accepted
12 abatement methods used by pest control professionals.**

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

18 **(1) is liable to the owner or lessee of the motor vehicle for
19 one-half (1/2) of the cost of repairing the damage to the motor
20 vehicle directly caused by the person's forcible entry, unless the
21 owner or lessee of the motor vehicle waives the person's liability**

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under this subdivision; and

(2) is immune from any other criminal or civil liability for other property damage resulting from the person's forcible entry of the motor vehicle

if all the conditions set forth in subsection (b) are satisfied.

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

(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

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1 practice veterinary medicine in Indiana under IC 25-38.1-3.
 2

3 (7) A veterinary assistant, as defined in IC 25-38.1-14.7.
 4

5 For the purposes of this subsection, a law enforcement officer may be
 6 considered to be acting in the course and scope of the law enforcement
 7 officer's employment even if the law enforcement officer is off duty.
 8

9 SECTION 3. IC 35-31.5-2-51.3, AS ADDED BY P.L.37-2019,
 10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2026]: Sec. 51.3. "Companion animal", for purposes of
 12 IC 35-38-2-2.8 **and IC 35-46-3**, has the meaning set forth in
 13 IC 35-38-2-2.8.

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

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

25 (1) a Level 6 felony if:

26 (A) the value of the property is at least seven hundred fifty
 27 dollars (\$750) and less than fifty thousand dollars
 28 (\$50,000);
 29

30 (B) the property is a:

31 (i) motor vehicle (as defined in IC 9-13-2-105(a)); **or**
 32 (ii) component part (as defined in IC 9-13-2-34) of a
 33 motor vehicle; or
 34

35 (iii) **domestic animal; or**

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

37 (i) theft under this section;
 38 (ii) criminal conversion under section 3 of this chapter;
 39 (iii) robbery under IC 35-42-5-1; or
 40 (iv) burglary under IC 35-43-2-1;

41 (2) a Level 5 felony if:

42 (A) the value of the property is at least fifty thousand
 43 dollars (\$50,000);
 44 (B) the property that is the subject of the theft is a valuable
 45 metal (as defined in IC 25-37.5-1-1) and:

46 (i) relates to transportation safety;
 47 (ii) relates to public safety; or



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

7 (C) 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; and

11 the person has a prior unrelated conviction for theft of a
12 motor vehicle (as defined in IC 9-13-2-105(a)) or theft of a
13 component part (as defined in IC 9-13-2-34); **and or**

(D) the property is a domestic animal and the person has a prior unrelated conviction for theft of a domestic animal; and

17 (3) a Level 5 felony if the property is a firearm.

18 (b) For purposes of this section, "the value of property" means:

24 A price tag or price marking on property displayed or offered for sale
25 constitutes *prima facie* evidence of the value of the property.

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

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

37 (1) The amendments made to section 12 of this chapter by
38 P.L.7-2007 apply only to:

(A) offenses; and

(B) acts that would be a crime if committed by an adult;

41 that are committed after June 30, 2007.

42 (2) The amendments made to sections 8 and 12 of this chapter by

(2) The annotations made in Sections 3 and 12 of this chapter by

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1 P.L.171-2007 apply only to crimes committed after June 30,
 2 2007. However, the amendments made to section 12(d) of this
 3 chapter by P.L.171-2007 (**currently codified at section 12(f) of**
 4 **this chapter**) apply only to:

5 (A) crimes; and
 6 (B) delinquent acts that would be crimes if committed by an
 7 adult;

8 that are committed after June 30, 2007.
 9 SECTION 7. IC 35-46-3-0.5, AS AMENDED BY P.L.52-2023,
 10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2026]: Sec. 0.5. The following definitions apply throughout
 12 this chapter:

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

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

22 (A) a humane society;
 23 (B) an animal control agency; or
 24 (C) a governmental entity operating an animal shelter or
 25 other animal impounding facility.

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

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

30 (A) cattle, calves, horses, mules, swine, sheep, goats,
 31 dogs, cats, poultry, ostriches, rhea, and emus; and
 32 (B) an animal of the bovine, equine, ovine, caprine,
 33 porcine, canine, feline, camelid, cervidae, or bison
 34 species.

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

39 (A) prohibited by section 15 of this chapter; or
 40 (B) involving the use of carbon monoxide, carbon dioxide,
 41 or any nonanesthetic inhalant.

42 (6) "Impound agency" means a state, county, municipal, or



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 ingest the substance;
- (C) to destroy an animal by electrocution in a manner inconsistent with section 5 of this chapter; or
- (D) to intentionally ~~freeze or heat an animal to death~~ expose an animal to heat or cold beyond an animal's tolerance based on the animal's:

- (i) age;
- (ii) health;
- (iii) medical conditions; or
- (iv) physical characteristics;

which results in pain, suffering, or death; or

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

SECTION 8. IC 35-46-3-7, AS AMENDED BY P.L.158-2013,

SECTION 558, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2026]: Sec. 7. (a) A person who:

- (1) has a vertebrate animal in the person's custody; and
- (2) recklessly, knowingly, or intentionally abandons or neglects the animal;

commits cruelty to an animal, a Class A misdemeanor.

(b) However, except for a conviction under section 1 of this chapter, the ~~an~~ offense under subsection (a) is a Level 6 felony if the:

- (1) the person has a prior unrelated conviction under this chapter;
- (2) person commits the offense in the presence of a minor; or
- (3) abandonment or neglect results in:
 - (A) serious permanent disfigurement;
 - (B) unconsciousness;
 - (C) permanent or protracted loss or impairment of the function of a bodily member or organ; or

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(D) death;
of the animal; or
(4) person has ten (10) or more vertebrate animals in the person's custody which results in the person:
(A) failing to provide adequate food, potable water, and adequate shelter to at least one (1) vertebrate animal;
(B) keeping at least one (1) vertebrate animal in an overcrowded environment; or
(C) disregarding the conditions under which at least one (1) vertebrate animal is living in and the harmful impact the conditions have on the health and well-being of the vertebrate animals.

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

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

SECTION 9. IC 35-46-3-11, AS AMENDED BY P.L.168-2014, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) A person who knowingly or intentionally:
(1) strikes, torments, injures, or otherwise mistreats a law enforcement animal; or
(2) interferes with the actions of a law enforcement animal while the animal is engaged in assisting a law enforcement officer in the performance of the officer's duties;
commits a Class A misdemeanor.

(b) An offense under subsection (a)(1) is a Level 6 felony if the act results in:
(1) serious permanent disfigurement;
(2) unconsciousness; or
(3) permanent or protracted loss or impairment of the function of a bodily member or organ; or
(4) death;

of the law enforcement animal.

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

(d) It is a defense that the accused person:
(1) engaged in a reasonable act of training, handling, or discipline; and
(2) acted as an employee or agent of a law enforcement agency.

(e) In addition to any sentence or fine imposed for a conviction

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1 of an offense under this section, the court:

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

10 SECTION 10. IC 35-46-3-12, AS AMENDED BY P.L.141-2019,

11 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2026]: Sec. 12. (a) This section does not apply to a person
 13 who euthanizes an injured, a sick, a homeless, or an unwanted domestic
 14 animal if:

15 (1) the person is employed by a humane society, an animal
 16 control agency, or a governmental entity operating an animal
 17 shelter or other animal impounding facility; and
 18 (2) the person euthanizes the domestic animal in accordance
 19 with guidelines adopted by the humane society, animal control
 20 agency, or governmental entity operating the animal shelter or
 21 other animal impounding facility.

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

25 (1) the person has a previous, unrelated conviction under this
 26 section; or

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

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

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

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

34 (B) **unconsciousness;**

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

37 (D) **the death;**

38 **of the animal.**

39 (c) A person who knowingly or intentionally tortures or mutilates
 40 a vertebrate animal commits torturing or mutilating a vertebrate animal,
 41 a Level 6 felony. **However, the offense is a Level 5 felony if the act
 42 results in:**

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(1) permanent or protracted loss or impairment of the function of a bodily member or organ; or
(2) the death; of the animal.

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

(+) cattle, calves, horses, mules, swine, sheep, goats, dogs, eats, poultry, ostriches, rhea, and emus; and

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

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

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

(1) reasonably believes the conduct was necessary to:

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

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

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

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

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

(1) shall consider requiring:

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

(A) a person convicted of an offense under this section, or
(B) a child adjudicated a delinquent child for committing an act that would be a crime under this section if committed by

act that would be a crime under this section if committed by an adult;

to receive psychological, behavioral, or other consequences as part of the sentence or dispositional decree; and

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

SECTION 11. IC 35-46-3-12.5, AS AMENDED BY P.L.158-2013, SECTION 567, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12.5. A person who knowingly ~~or~~ intentionally ~~or~~ recklessly:

(1) abuses:

(1) abuses,
(2) abandons:

(2) **abandon**
(3) kills· or



1 **(4) neglects;**2 a vertebrate animal with the intent to threaten, intimidate, coerce,
3 harass, or terrorize a family or household member commits domestic
4 violence animal cruelty, a Level 6 felony.L5 SECTION 12. IC 35-46-3-15, AS AMENDED BY P.L.141-2019,6 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE7 JULY 1, 2026]: Sec. 15. (a) This section does not apply to the
8 following:9 (1) A state or federally inspected livestock slaughtering facility
10 (for conduct authorized by IC 15-17-5 and rules adopted under
11 that chapter).12 (2) An animal disease diagnostic laboratory established under
13 IC 21-46-3-1.14 (3) A postsecondary educational institution.15 (4) A research facility licensed by the United States Department
16 of Agriculture.17 (b) As used in this section, "animal" has the meaning set forth in
18 IC 35-46-3-3, section 3 of this chapter.19 (c) A person, including a humane society, an animal control
20 agency, or a governmental entity operating an animal shelter or
21 other animal impounding facility, who knowingly or intentionally
22 destroys or authorizes the destruction of an animal by:23 (1) placing the animal in a decompression chamber and lowering
24 the pressure of or the oxygen content in the air surrounding the
25 animal; or26 (2) any means other than humane euthanasia;
27 commits a Class B misdemeanor.28 1

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